



PROTECT THE PENINSULA'S FUTURE
P.O. Box 1677, Sequim, Washington, 98382

A non-profit corporation dedicated to the wise land use of the North Olympic Peninsula.

January 3, 2011
Meeting with WA State Legislators, Sequim

We request that the legislature amend statutes so that the courts may not rule on the substance of a local initiative or referendum unless and until the voters approve it so that the concerns of those voters become known. Pre-election judicial review should be limited to procedural challenges such as inadequate signatures, illegal format, et cet.

Our Most pressing hot-button issues:

#1, The Local power of Initiative and Referendum died on December 27, 2010.

The problem is pre-election judicial review of contents of local initiatives. A secondary problem is lack of clarity in the RCWs as evidenced by a 5 to 4 decision by Supreme Court justices following months of deliberation.

Initiative and Referendum is guaranteed in the State Constitution, which guarantee is applied only to state wide initiatives. The power of citizens to enact a local initiative is held to be a creation of the legislature, and must be earned by specific petition of local citizens. Pre-election review of language and provisions of local initiatives is not currently prohibited by the legislature.

Citizens of Port Angeles, angered by the decision of their City Council to add fluoride to their municipal water, on Feb 6, 2006 filed a petition signed by more than half the registered voters of the town to obtain the right of initiative and referendum. Citizens wrote two initiatives qualifying them for the ballot Sept 8 and 11th, of 2006 with 2300 signatures-- only 1600 were required.

The City, instead of putting the citizen initiatives on the ballot, referred the initiatives to Superior Court for pre-election review. The Superior Court found seven problems with the substance of the initiatives. On appeal, the Court of Appeals found just two problems, and finally now we have the 5 to 4 decision of the Supreme Court with four justices declaring "they must go to the ballot" and five finding just one problem with the substance of the initiative.

The biggest disaster is the blow to grass roots democracy. Now every little citizen group contemplating use of the initiative power in a city or county must be prepared to expend many tens of thousands of dollars for legal defense in pre-election review. Any reluctant city or county government can dominate its citizens by finding something to question in almost any initiative. We request that the legislature amend statutes so that the courts in pre-election review may not rule on the substance of a local initiative. The local initiative statutes should be amended so review of the language of a

local initiative may only occur if and when the voters approve the local initiative so that the concerns of those voters become known. Only procedural matters such as timing, sufficiency of signatures, or format for petitions would be subject to pre-election challenge. Whether the initiative is within the scope of the local initiative power and whether the initiative conflicts with general law should only be reviewable if the initiative is adopted. We would like to discuss this further at a later time.

#2. Public dollars are no longer a justified expenditure for municipal water fluoridation.

Dental fluorosis, almost universally conceded to be evidence of excessive fluoride deposition, is now epidemic. It is associated with both brittle teeth and in older persons, brittle, more easily fractured, bones.

Nationally by 2004, 41% of teenagers age 12 to 15 had dental fluorosis with the primary cause being fluoridation. The good news is none of our scarce public dollars are needed for fluoridation; more than enough fluoride is currently obtained from dentifrices (such as toothpaste, foods and beverages.) Please save public funding for services such as basic health care, education, and food and utilities for the most needy and ban use of public funds for municipal water fluoridation.

In mid year 2010, 427 of your constituents signed a petition protesting being medicated with fluoride against their will. I am offering a copy for your interest.

PPF has other environmental issues.

All of the following thankfully involve NOT spending public funds.

3. Remediation of the toxic contaminated site in and around the Rayonier mill should be covered by Rayonier company.

#4. HarborWorks was a bold attempt to shift liability from Rayonier to the public and should not be subsidized by the state.

#5. The Sadie Creek shooting range is environmentally damaging and we oppose its development.

#6. The Biomass energy project has inadequate disclosure regarding its effect on long-term productivity of forests at risk from removal of nutrients to allow successive re-growth cycles, and regarding risks to human health.

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