

How a Special Interest Tried to Change Our Form of Governance

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Special interests are nothing new to local governments. We deal with them all the time and often find ways to balance their interests with those of the wider community. Not all special interests, however, are willing to compromise their narrow agendas for the sake of the community's broader values. This article is about one such case, a case in which a special interest not only decided not to compromise but also pursued a strategy for gaining a decisive role in reshaping the foundation of a newly incorporated city government.

Whenever special interests possess sufficient funding to pursue their causes, they can pose special challenges for city and county management. When they do, they seldom have the power, ingenuity, and desire to attempt to overturn the basic form of a city government. One such group, however, tried to do exactly this in the newly incorporated city of Shoreline, Washington, before the city's third anniversary.

Charter Election

This particular special interest was a powerful arm of the region's adult entertainment industry, masking itself as a "good government" cause. When the Shoreline City Council, basing its actions on documented concerns about prostitution and other illegal activities, began a process to regulate

so-called “lap dancing” at adult cabarets, this particular business decided to challenge the very foundation of the city. The strategic weapon employed against the city was a charter election.

It was an attempt to gain voter support for a ballot measure that would have eventually imposed a charter on the city, forced the entire current council out of office, and appointed a charter commission charged with designing a brand-new city government and then staging new elections for its leadership.

Fortunately, this charter effort not only went down to defeat but failed by a margin of 80 percent. While to some degree the winning margin was a vindication for the accomplishments of the first two-and-a-half years in this city, the real story is why and how the vote even occurred. The story exemplifies how a wealthy special-interest group can cost a local government money by staging unwanted elections, and also how the narrow interests of one business can potentially unravel several years of community self-determination efforts.

This case history shows how special interests can attempt to use the democratic process itself to forward their specific agendas in their efforts to avoid local government regulation and control. Finally, it also demonstrates how a community, when threatened from outside, can coalesce to defend itself and thus can succeed after all.

Incorporation

Shoreline is a largely residential community contiguous to Seattle’s northern border, with a population of 52,000. Incorporated in August 1995, this suburban city was pretty much built out in the 1940s through the 1960s, with roughly half of the city developed in older but relatively affluent neighborhoods. The balance of the city consists mainly of relatively modest neighborhoods built right after World War II.

These neighborhoods will require

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careful attention in the near future to maintain their stability. The major business district in the city is Aurora Avenue (state Highway 99), which was built primarily for automobile use with no pedestrian amenities (no median strips, sidewalks or trees, few protected crosswalks, and so forth).

Aurora Avenue is made up of older buildings, some of which are vacant, with many small to medium-sized retail businesses struggling to stay open. As a result, some of the major goals of the new city have included economic development, reconstruction of the inherited deficient infrastructure, and improvement in overall governmental services.

Incorporation for Shoreline was prompted by several factors: a long-held dissatisfaction with the level of some county services; the sense that local community concerns were not necessarily high priorities for the county government; and the implementation of the state’s Growth Management Act, which encouraged all urbanized places within unincorporated areas to incorporate or become annexed by adjacent cities. The leaders in Shoreline who mounted the incorporation campaign, after carefully studying the options under state law, chose the council-manager form of gov-

ernment because they believed it would best suit their goal of a professionally administered local government directed by an elected, part-time council.

Before incorporation, along Aurora Avenue, the city had become a venue for prostitutes offering their services within close proximity to schools. After incorporation, the city’s new police department was quick in eliminating this activity. The city also has various adult entertainment establishments, including adult video parlors and one adult cabaret (strip club).

Like other localities in the state of Washington, we in Shoreline have documented various illegal activities and ancillary effects on neighboring businesses. As a result, and again like other local governments in the state, Shoreline has adopted some additional regulations to provide more surety that behavior in these businesses would comport with the law. The relatively new council has been careful to recognize that these businesses were protected under the First Amendment; councilmembers simply wanted them to comply with the law.

Lawsuit

In response to the new regulations, an adult entertainment establishment promptly sued the city. The strip club hired a professional firm to gather signatures to place a measure on the ballot that would create a new form of government. Once sufficient signatures had been gathered to place the item on the ballot, citizens began to call city hall.

They protested that they had been misled by the signature gatherers and that, if they had understood what they were signing, they simply would not have signed. Nevertheless, Shoreline was forced to schedule an election that cost it \$35,000 to hold.

Shoreline had originally been formed under the state of Washington’s Optional Municipal Code. As a result, the city had received its authority through state law (not a charter) that has some of the strongest language for a council-

manager model. On the other hand, the ballot measure, financed by a single strip club, was asking voters to found a charter commission that would be required to draft a charter for the city.

While there always was an option to keep the council-manager form under the new charter, it was fairly evident that the adult entertainment industry wanted to exert more political influence on regulations. It was not clear how this additional influence would have been sought through the new charter.

If the voters had approved the charter commission, another vote would have been required within the following six months to approve or disapprove the new charter written by the commission. In addition, the existing council would have been abolished, and all seven councilmembers would have had to run for office again. This second election would have cost another \$35,000.

Added to this cost would have been the impact of a huge distraction to the organization and the community. Note that the entire city council had just recently stood for reelection and had taken office only three months before this new initiative came up. So, within a year of running for and taking office, elected officials could have been forced to run again for the new city government.

City Strategy

As readers might know, the challenge of creating a new city organization is a formidable task difficult to overstate. Because of growing pains in the first year, the city had hired its third manager by the close of its first anniversary. Needless to say, a huge amount of organizational development was needed to deal with administration turnover.

Barely more than a year after Shoreline's incorporation and before it had begun operating a public works department, the city suffered a devastating washout downstream of 50,000 cubic yards of soil and an arterial-street intersection during a 1997 New Year's Eve

storm. Local utilities lost millions of dollars of infrastructure. The damage was so severe that it was featured in *Time* magazine and numerous newspapers throughout the world. Elected officials, including Vice President Al Gore, came to visit Shoreline.

Then, as the storm damage was repaired in record time while the organization also was being rebuilt, the election and its new challenge confronted the city. As key opinion leaders organized to fight this attempt to buy a new form of governance, the council officially opposed the charter measure. While the ballot measure was an additional challenge to an already burdened city, this event had the side benefit of galvanizing a group of citizen supporters who covered the political spectrum. Even against the backdrop of staunch partisan politics that is involved in many Seattle-area local government elections, we saw conservatives and liberals alike meeting weekly to fight this challenge together, as the Vote No Charter Committee.

As the election neared, proponents of the ballot measure hired a polling firm from Denver to solicit community opinions about individuals in the community affiliated with the Vote No Charter Committee. They even went so far as to include survey questions regarding councilmembers' spouses and the city manager. The results of the survey were never divulged, but many of us surmised that the results confirmed that the strip club-financed ballot measure had no chance of passing.

Community Support

Yes, there was a rainbow behind the gray cloud! The results of the election were overwhelming, with 90 percent of the voters axing the idea of a charter commission. It is important to note that the vote was not entirely a vote of confidence for the city's first two-and-a-half years; it also was a strong statement against the local adult entertainment industry.

We made sure that the press and the community knew who was behind the

ballot measure. Yet our city council, like any council, was bombarded by the usual small group of critics and wanted to know how the larger community really felt about its work. Ultimately, the pain of this additional challenge (beyond those of the natural disaster and the administrative turnover) had the unintended benefit of blowing a fresh breeze of confidence into the new council: a 90 percent affirmative vote is rare by anyone's standard.

The irony of this series of events cannot be overlooked. The community had overwhelmingly voted to incorporate, with a specific form of governance. Within only three years of this vote, one business alone had financed and spearheaded a campaign to change the governance form, to require a new slate of city council elections, and incidentally to cost the citizens an additional \$35,000. But this campaign had gone down to defeat.

A progress report: one of the adult entertainment lawsuits has been dismissed through summary judgment, and we fully expect the other to experience the same demise.

Lessons

Lessons learned from this experience include the need to expect that some special interests, if they feel they have nothing further to lose, will take extreme measures to gain a powerful advantage in dealing with local government. As a result, no local government can be complacent about how well it understands and reflects its community's values while honoring the constitutional rights of minority interests.

Understanding the community's core values can provide a local government with a reserve of support when special interests rise to assert their power. In other words, when challenged by a bully, it's good to know that your friends are behind you. **END**

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