

FILED
MAY 20 2011
Kim Morrison
Chelan County Clerk

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CHELAN

CITY OF WENATCHEE, a Washington
municipal corporation,

Plaintiff,

AMERICAN TRAFFIC SOLUTIONS,
INC., a Kansas corporation,

Intervenor-Plaintiff,

v.

WE THE PEOPLE WENATCHEE, a
Washington Non-profit corporation; WA
CAMPAIGN FOR LIBERTY, a
Washington non-profit corporation;
VOTERSWANTMORECHOICES.COM,
an unknown entity; BANCAMS.COM, a an
unknown entity; CHELAN COUNTY, a
political subdivision of the State of
Washington; SKIP MOORE, in his official
capacity as Chelan County Auditor,

Defendants,

MATT ERICKSON, an individual,

Intervenor-Defendant.

No. 11-2-00221-1

**ORDER GRANTING CITY OF
WENATCHEE'S MOTION FOR
DECLARATORY JUDGMENT AND
INJUNCTIVE RELIEF**

ORDER GRANTING CITY OF WENATCHEE'S MOTION FOR
DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF - 1

1 THIS MATTER came before the Court on the City of Wenatchee's Motion for
2 Declaratory Judgment and Injunctive Relief. The Court heard the arguments of counsel and
3 considered the following:

- 4 1. City's Motion for Declaratory Judgment and Injunctive Relief ("Motion");
- 5 2. Declaration of Allison Williams;
- 6 3. Intervenor-Plaintiff American Traffic Solutions, Inc.'s ("ATS") Joinder in the
7 City's Motion;
- 8 4. Brief of Amicus Curiae, Washington State Association of Municipal Attorneys;
- 9 5. Intervenor-Defendant Matt Erickson's Opposition to City's Motion;
- 10 6. Fifth Declaration of Matt Erickson ("Erickson") in Opposition to City's Motion;
- 11 7. Erickson's Opposition to ATS's Joinder in City's Motion;
- 12 8. City's Reply in Support of Motion;
- 13 9. Declaration of Gary Owen;
- 14 10. Declaration of Jennene Ring; and
- 15 11. Records and Files herein.

16 Being fully advised, the Court hereby **ORDERS** that the City's Motion is **GRANTED**;

17 **AND**, the Court **FURTHER DECLARES** that:

- 18 1. Under RCW 46.63.170, the Washington State Legislature expressly delegated
19 power to local legislative authorities to determine a city's use and operation of automated traffic
20 safety cameras;
- 21 2. That legislative grant of authority precludes local initiatives and referenda on the
22 subject; and
- 23 3. Proposed Wenatchee Initiative No. 1 is invalid because it exceeds the scope of the
24 local initiative and referendum power.

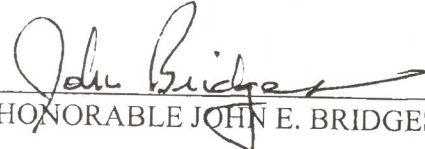
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ORDER GRANTING CITY OF WENATCHEE'S MOTION FOR
DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF - 2

1 AND the Court FURTHER **ORDERS** that:

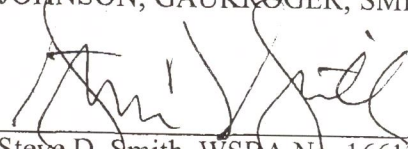
2 1. Defendants We The People Wenatchee, WA Campaign For Liberty,
3 VotersWantMoreChoices.Com, Bancams.Com, and Intervenor-Defendant Matt Erickson are
4 enjoined from ^{submitting} taking any action to include proposed Wenatchee Initiative No. 1 ~~on the ballot;~~
5 ~~and~~ *to the city of Wenatchee and/or Chelan county for inclusion on the ballot,*

6 2. Defendants Chelan County and Skip Moore (in his official capacity as Chelan
7 County Auditor) are enjoined from taking any action to process proposed Wenatchee Initiative
8 No. 1 or to include proposed Wenatchee Initiative No. 1 on the ballot.


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10 DONE IN OPEN COURT this 20th day of May, 2011.

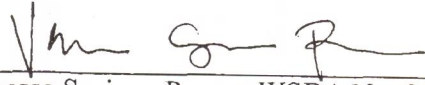
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12 _____
13 HONORABLE JOHN E. BRIDGES

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15 Presented by:
16 JOHNSON, GAUKROGER, SMITH & MARCHANT, P.S.

17 
18 _____
19 Steve D. Smith, WSBA No. 16613
20 Attorneys for City of Wenatchee.

Approved as to form:

21 
22 _____
23 Matt Erickson

24 STOEL RIVES LLP
25 
26 _____
Vanessa Soriano Power, WSBA No. 30777
Gloria S. Hong, WSBA No. 36723
Attorneys for American Traffic Solutions, Inc.