

Exhibit 5

Declaration of John A. Safarli in Support of City's Motion for Entry of Proposed
Remedial Plan and Final Injunction

Glatt v. City of Pasco, et al.

No. 4:16-CV-05108-LRS

ORDINANCE NO. 4218

AN ORDINANCE of the City of Pasco, Washington Amending PMC 1.10.070 "Election of Councilmen Councilman-at-Large" and PMC 1.10.080 "Councilmen – Residential Requirement Removal."

WHEREAS, substantial changes in State law have occurred since the adoption of PMC 1.10.070 requiring changes in this section to come into compliance with presently mandated election laws; and

WHEREAS, City Council has recently gone through a significant effort to redraw its voting districts to provide for proportionate representation as well as equal representation in City elections; and

WHEREAS, the City Council has determined that as an additional step to provide for both proportionate and equal representation in the City elections, that PMC Section 1.10.070 be amended to provide for district-based voting at the general election for council district positions one through five to afford the greatest opportunities for all citizens of the City of Pasco to elect representation, including minority members of our community; and

WHEREAS, the City Council has actively supported the Washington Voting Rights Bill considered by the 2015 Washington State legislature which would provide cities authority to adopt district-based elections; and

WHEREAS, the Washington Voting Rights Bill of 2015 has failed to secure passage by the 2015 legislature; and

WHEREAS, RCW 35A.12.180 mandates at-large voting providing "voters of the entire City may vote at the general election to elect a councilmember of a ward"; and

WHEREAS, the Franklin County Auditor has indicated that he cannot conduct City elections that are "contrary to Washington State Law," thus effectively preventing the City from amending its current at-large voting procedure to a district-based voting procedure; and

WHEREAS, the City Council is unable at this present time to provide district-based elections of Councilmembers and, therefore, is reluctantly unable to amend those portions of PMC Section 1.10.070 to provide for district-based general elections, and must leave that portion unchanged at this time. **NOW, THEREFORE,**

THE CITY COUNCIL OF THE CITY OF PASCO, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. That Section 1.10.070 of the Pasco Municipal Code entitled "Election of Councilmen Councilman-at-Large" shall be and hereby is amended and shall read as follows:

1.10.070 ELECTION OF ~~COUNCILMEN~~ COUNCILMEMBERS AND COUNCILMAN COUNCILMEMBERS-AT-LARGE. The qualified electors of each voting district, and they only, shall nominate from among their number candidates for the office of ~~councilman~~ councilmember of such voting district to be voted for at the following general election. Such candidates shall be nominated in the same manner as other candidates at the primary election held ~~on the third Tuesday~~

~~of September preceding a general election on the date specified in RCW 29A.04.311.~~ In addition, two ~~councilmen~~ councilmembers, designated ~~councilmen~~ councilmembers-at-large, shall be nominated ~~in a similar manner from among all districts within the City.~~ One of the councilman-at-large positions shall be designated as council position number one. The City Clerk, not fewer than ten days prior to the time for filing declarations of candidacy in the next councilman election, shall designate, by consecutive numbers, commencing with number two and ending with number seven, all other positions on the council to be nominated by district or to be elected at large. Each council position shall be numbered one through five corresponding to the district number with the at-large candidates being designated as positions six and seven. The two candidates having the highest vote totals for each council position shall be certified as having been nominated and shall run for that position in the general election. ~~Councilmen~~ Councilmembers shall be elected by all of the qualified voters of the City and the person receiving the highest number of votes for the office of ~~councilman~~ councilmember for the position for which he or she is a candidate, shall be declared duly elected.

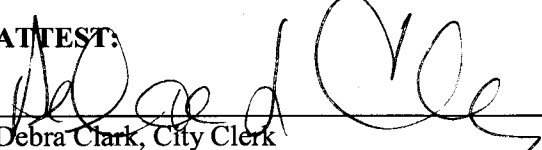
Section 2. That Section 1.10.080 of the Pasco Municipal Code entitled "Councilmen – Residential Requirement Removal" shall be and hereby is amended and shall read as follows:

1.10.080 ~~COUNCILMEN~~ COUNCILMEMBERS - RESIDENTIAL REQUIREMENT AND/OR REMOVAL. ~~Councilmen~~ Councilmembers elected from districts shall be residents of the district from which they are elected. Removal of a ~~councilman~~ councilmember from the district from which he or she was elected shall create a vacancy in that office; provided, that no change in the boundaries of districts shall affect the term of any ~~councilman~~ councilmember, but he or she shall serve out his or her term in the district of ~~his~~ their residence at the time of ~~his~~ their election.

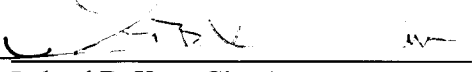
Section 3. This Ordinance shall take full force and effect five days after its approval, passage and publication as required by law.

PASSED by the City Council of the City of Pasco, Washington, and approved as provided by law this 4 day of may, 2015.


Matt Watkins Mayor

ATTEST:

Debra Clark, City Clerk

APPROVED AS TO FORM:


Leland B. Kerr, City Attorney