

MINUTES
PIERCE COUNTY COUNCIL MEETING
July 17, 2018

930 Tacoma Avenue South, Room 1045
Tacoma, WA 98402
Voice: (253) 798-7777 – FAX: (253) 798-7509 – Toll-Free: (800) 992-2456 – TTY: 711
www.piercecountywa.org/council

(Note: These minutes are not verbatim. Video recordings are available at <http://wa-piercecountytv.civicplus.com/index.aspx?NID=100>. Audio recordings are available upon request.)

I. Call to Order

The regular meeting of the Pierce County Council was called to order at 3:05 p.m. by Acting Chair D. Roach.

II. Roll Call

Councilmembers Present: Connie Ladenburg, Jim McCune, Douglas G. Richardson, Dan Roach, Rick Talbert, and Derek Young. Pam Roach entered after roll call.

Councilmember Excused: Douglas G. Richardson.

Council Staff Present: Jeff Cox, Deputy Legal Counsel; Denise Johnson, Clerk of the Council; Tammi Lewis, Councilmember Assistant; LJ Rohrer, Councilmember Assistant; and Hugh Taylor, Senior Legislative Analyst.

There were approximately nine visitors present.

III. Pledge of Allegiance to the Flag

The pledge was led by D. Roach, followed by a Moment of Silence in tribute to our men and women in the Military.

IV. Approval of Agenda

Without objection, the agenda was approved by the Council.

V. Consent Agenda

No final action on any Proposal was taken under this Section.

a. Approval of Minutes

b. Action on Ordinances (refer, set date of hearing)

c. Action on Resolutions

1. [Proposal No. R2018-89](#), Graham Advisory Commission - Reappointment
Resolution of the Pierce County Council Confirming the Reappointment of One Existing Member (Timothy Kirkpatrick) to the Graham Advisory Commission.

Sponsored by: Councilmember Jim McCune
Council contact person: Jeff Cox, (253) 798-7579
Department contact persons: Planning and Public Works – Dan Cardwell, (253) 798-7039 and Cindy Anderson, (253) 798-2630
For final consideration

2. [Proposal No. R2018-90](#), Frederickson Advisory Commission - Reappointment

A Resolution of the Pierce County Council Confirming the Reappointment of One Existing Member (Dean Absher) to the Frederickson Advisory Commission.

Sponsored by: Councilmember Jim McCune
Council contact person: Jeff Cox, (253) 798-7579
Department contact persons: Planning and Public Works – Dan Cardwell, (253) 798-7039 and Cindy Anderson, (253) 798-2630
For final consideration

d. Action on Grant Applications/Awards

1. Federal Transit Administration Transit-Oriented Development (TOD) Planning Grant – Pacific Avenue Bus Rapid Transit (BRT)

e. Other Items

Ladenburg moved approval of the Consent Agenda; motion seconded and passed on a roll call vote of six to zero.

VI. Messages from Executive/Judges/Prosecuting Attorney - None

VII. Proclamations, Awards, and/or Appointments to Boards and Commissions

[Proposal No. R2018-87](#), Proclamation - "Korean War Veterans Armistice Day"

A Resolution of the Pierce County Council and Executive Proclaiming July 27, 2018, as "Korean War Veterans Armistice Day" in Pierce County, Washington.

P. Roach read the Proclamation into the record in its entirety. D. Roach called for public testimony; there was no response. D. Roach closed public testimony. D. Roach called for Councilmember comments; P. Roach spoke to the Proclamation.

Ladenburg moved adoption of the Proposal; motion seconded.

The question was called; the Proposal was adopted on a roll call vote of six to zero.

VIII. Ordinances

Proposal No. 2018-51s, Family Wage Jobs Credit Program

An Ordinance of the Pierce County Council Adopting a New Chapter 2.132 to the Pierce County Code, "Pierce County Family Wage Jobs Credit Program"; Setting an Effective Date; and Establishing a Sunset Date.

Ladenburg moved adoption of the Proposal; motion seconded. The Clerk read the title summary into the record. Taylor explained the Proposal and spoke to the Proposal's effective and sunset dates. Taylor reported the Proposal received a do pass recommendation at the July 16, 2018, Rules and Operations Committee meeting and summarized the committee hearing on the Proposal. Taylor responded to Councilmember questions. D. Roach called for Councilmember comments; P. Roach and Ladenburg provided comments in support of the Proposal. D. Roach called for public testimony. Public Testimony: Bill Riley, Red Tape Reduction Oversight Committee; Dan Trimble, Economic Development Board for Tacoma-Pierce County; Meredith Neal, Manufacturing Industrial Council for the South Sound, testified. D. Roach closed public testimony. D. Roach called for final Councilmember comments; Young spoke in support of the Proposal.

The question was called; the Proposal was passed on a roll call vote of six to zero.

Proposal No. 2018-52, Charter Amendment - Technical Correction to Direct Legislation Procedures

An Ordinance of the Pierce County Council Amending Ordinance 2018-31s to Make Technical Corrections to Sections 5.70 and 8.65 of the Pierce County Charter Relating to Direct Legislation Procedures; Requesting the Auditor to Submit these Amendments to the Voters at the November 2018 General Election; and Requesting the Prosecuting Attorney to Draft an Appropriate Ballot Title.

Ladenburg moved adoption of the Proposal; motion seconded. The Clerk read the title summary into the record. Cox explained the Proposal. Ladenburg moved Council Amendment No. 1 on lavender; motion seconded. Cox explained the amendment. A copy of the amendment is identified as Attachment 1 to these minutes. D. Roach called for public testimony on the amendment; there was no response. D. Roach closed public testimony. D. Roach called for Councilmember comments on the amendment; there was no response.

The question was called; Council Amendment No. 1 on lavender was passed on a voice vote.

D. Roach called for public testimony on the Proposal as amended; there was no response. D. Roach closed public testimony. D. Roach called for Councilmember comments on the Proposal as amended; there was no response.

The question was called; the Proposal was passed as amended on a roll call vote of six to zero.

IX. Resolutions

Proposal No. R2018-84, For and Against Committees - Charter Amendment No. 50

A Resolution of the Pierce County Council Creating a Committee to Prepare Arguments Advocating Voter Approval of Charter Amendment No. 50, Said Arguments to Be Included in the 2018 General Election Voters' Pamphlet; Creating a Committee to Prepare Arguments Advocating Voter Rejection of Charter Amendment No. 50, Said Arguments to Be Included in the 2018 General Election Voters' Pamphlet; and Appointing Members to the Newly Created Committees.

Ladenburg moved adoption of the Proposal; motion seconded. The Clerk read the title summary into the record. Cox explained the Proposal.

Ladenburg moved Council Amendment No. 1 on yellow; motion seconded. Cox explained the amendment. A copy of the amendment is identified as Attachment 2 to these minutes. D. Roach called for public testimony on the amendment; there was no response. D. Roach called for Councilmember comments; P. Roach provided comments and discussion ensued on the term "filing officer" contained in Council Amendment No. 1 to Proposal No. 2018-52, passed earlier in today's meeting. D. Roach explained that the amendment to Proposal No. R2018-84 was to be dispensed with.

The question was called; Council Amendment No. 1 on yellow was passed on a voice vote.

D. Roach called for public testimony on the amended Proposal; there was no response. D. Roach closed public testimony. D. Roach called for Councilmember comments on the Proposal as amended; there was no response.

The question was called; the Proposal was passed as amended on a roll call vote of six to zero.

D. Roach called for Councilmember comments regarding Proposal No. 2018-52 being reconsidered to clarify the term "filing officer" or leave the adopted Proposal as is; discussion ensued. Proposal No. 2018-52 was not reconsidered.

X. Other Business/Announcements - None

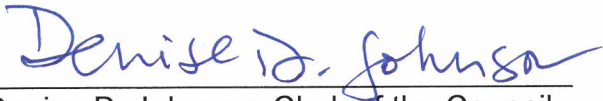
XI. Citizens' Forum

D. Roach called for public comments; there was no response. D. Roach closed Citizens' Forum.

XII. Adjournment

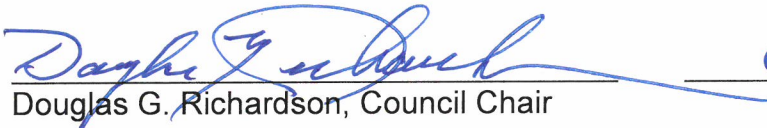
There being no further business, the meeting was adjourned at 3:50 p.m.

Attest:



Denise D. Johnson, Clerk of the Council

Approved:



Douglas G. Richardson, Council Chair

09/25/2018

Date Approved



Pierce County Council

930 Tacoma Ave S, Rm 1046
Tacoma, WA 98402-2176
(253) 798-7777
FAX (253) 798-7509
Toll-Free (800) 992-2456
www.piersecountywa.org/council

ATTACHMENT 1

**Council Amendment No. 1
Proposed Ordinance No. 2018-52
Lavender**

September 28, 2018

To: Councilmembers
From: Jeff Cox, Senior Legal Analyst
Hearing Date: July 17, 2018
Attachments: New Exhibit A
Subject: **Proposed Amendments to Ordinance No. 2018-52 – Proposed Charter Amendment No. 49 (Technical Corrections to Direct Legislation Procedures)**

I recommend the following amendments to Proposed Ordinance No. 2018-52:

1. On page 1, beginning on line 14, amend the Title to read as follows:

"An Ordinance of the Pierce County Council Amending Repealing Ordinance No. 2018-31s; Proposing Amendments to Sections 5.10, 5.40, 5.50, 5.60, 5.70, 8.50 and 8.65 of the Pierce County Charter to Streamline and Clarify Direct Legislation Procedures and Create Consistency in Direct Legislation Charter Protocols; Adopting New Sections 5.15 and 8.15 to Provide Definitions; Requesting the Auditor to Submit these Amendments to the Voters at the November 2018 General Election; and Requesting the Prosecuting Attorney to Draft an Appropriate Ballot Title to Make Technical Corrections to Sections 5.70 and 8.65 of the Pierce County Charter Relating to Direct Legislation Procedures; Requesting the Auditor to Submit these Amendments to the Voters at the November 2018 General Election; and Requesting the Prosecuting Attorney to Draft an Appropriate Ballot Title."

2. On page 2, lines 14-16, amend the Whereas recital to read as follows:

"Whereas, certain additional technical corrections to Sections 5.70 and 8.65 are necessary to clarify whether time periods are counted in business days or calendar

days and corrections to other Sections are advisable to correct inconsistencies between Charter Sections; and"

3. On page 2, lines 18-21, amend the Whereas recital to read as follows:

"Whereas, it is the intent of the Council that Charter amendments set forth in Ordinance No. 2018-31s are to be replaced in their entirety on the November 2018 General Election ballot with the amendments to Sections 5.70 and 8.65 as set forth in Exhibit A herein ~~be included in the same ballot measure as all Charter amendments originally passed by the Council in Ordinance No. 2018-31s on June 12, 2018;~~ **Now Therefore,**"

4. On page 2, lines 25-29, amend Section 1 to read as follows:

"Section 1. The Pierce County Council hereby amends ~~repeals~~ Ordinance No. 2018-31s in its entirety ~~as shown on Exhibit A, which is attached hereto and incorporated herein by reference. The technical amendments to Sections 5.70 and 8.65 of the Charter as set forth in Exhibit A are identified by shading and double underlining to distinguish from those originally proposed in Ordinance No. 2018-31s.~~"

5. On page 2, lines 31-34, amend Section 2 to read as follows:

"Section 2. The Pierce County Council hereby proposes amendments to Sections 5.10, 5.40, 5.50, 5.60, 5.70, 8.50 and 8.65 of the Charter, and the adoption of new Sections 5.15 and 8.15, as set forth in Exhibit A, which is attached hereto and incorporated herein by reference, for submittal to the voters at the November 2018 General Election. Charter amendments set forth in Ordinance No. 2018-31s are to be replaced in their entirety on the November general election ballot with the amendments set forth in Exhibit A herein. ~~It is the intent of the Council that the amendments to Sections 5.70 and 8.65 as set forth in Exhibit A herein be included in the same ballot measure as all Charter amendments originally passed by the Council in Ordinance No. 2018-31s on June 12, 2018.~~"

6. On page 2, lines 36-38, amend Section 3 to read as follows:

"Section 3. The Pierce County Prosecuting Attorney is hereby requested to draft an appropriate ballot title for the proposed Charter amendments ~~set forth in Exhibit A contained in Ordinance No. 2018-31s as amended by this Ordinance.~~"

7. Replace the current Exhibit A with the attached, revised Exhibit A.

Contact: Jeff Cox, Senior Legal Analyst, (253) 798-7579
Prepared by: Linda Medley, Council Staff, (253) 798-3647

Article 5 – THE PUBLIC INTEREST

Section 5.10 -- Direct Government

The people of Pierce County reserve to themselves the power to make certain proposals at their option, and to enact or reject them at an election~~the polls~~, independent of the Council. The veto power of the Executive shall not extend to measures initiated by or referred to the people.

(Originally Adopted November 4, 1980)

Section 5.15 -- Definitions

As used in this Article, the following terms shall have the following meanings:

(1) "Business day" means all days except Saturdays, Sundays, and holidays officially recognized by Pierce County.

(2) "Overvote" and "undervote" mean what they are defined to mean in the current edition of the Washington State Secretary of State Voter Intent Manual or any successor publication.

Section 5.40 -- Initiative Procedures

(1) Any legal voter, or organization of legal voters of Pierce County may file an initiative proposal with the filing officer, who, within five business days after receipt thereof, ~~excluding Saturday, Sunday, and holidays shall confer with the petitioner to review the proposal as to form and style.~~ The filing officer shall give the proposed initiative a number, which shall thereafter be the identifying number for the measure. The filing voter or organization shall submit the petition in substantially the same form and style as prescribed for state initiatives by Chapter 29A.72 RCW and Chapter 434-379 WAC, as now enacted or hereinafter amended.

(2) The filing officer shall then transmit a copy of the proposal to the Prosecuting Attorney, who, ~~shall confer with the petitioner to review the legal aspects of the proposal, and who within 15~~ ten business days after receipt thereof, shall formulate a concise statement, posed as a positive question, not to exceed 20 words, which shall express and give a true and impartial statement of the purpose of the measure. Such concise statement will be the ballot title.

(3) The petitioner shall then ~~have~~ has 120 calendar days to collect the signatures of the registered voters of the County equal in number to not less than 10 percent of the number of votes cast ~~(to include votes cast for candidates and write-ins, not to include overvotes or undervotes)~~ in the County in the last ~~executive~~ election for the office of Executive. Each petition shall contain the full text of the proposed measure, ordinance, or amendment to an ordinance and the ballot title.

(4) The filing officer shall verify the sufficiency of the signatures on the petition, and if it is validated, submit the proposal to the people at the next general election that is not less than 120 calendar days after submittal of signatures to the filing officer for validation~~the registering of the petition~~, unless the Council enacts the proposal without change or amendment.

(5) If the Council does not adopt the proposed measure and adopts a substitute measure concerning the same subject matter, the substitute proposal shall be placed on the same ballot with the initiative proposal; and the voters shall be given the choice of accepting either or rejecting both and then be given the choice of accepting one and rejecting the other. If a majority of the voters voting on the first issue is for accepting either, then the measure receiving the majority of the votes cast on the second

issue shall be deemed approved. If a majority of those voting on the first issue is for rejecting both, then neither measure shall be approved regardless of the vote on the second issue.

(Originally Adopted November 4, 1980)

Section 5.50 -- Agenda Petition

Any ordinance or amendment to an existing ordinance or the Charter may be proposed to the Council by ~~filing~~~~registering~~ with the filing officer agenda petitions bearing the signatures of registered voters equal in number to not less than 3 percent of the number of votes cast ~~(to include votes cast for candidates and write-ins, not to include overvotes or undervotes)~~ in the County in the last ~~Executive~~ election for the office of Executive. Upon verifying the sufficiency of the signatures, the filing officer shall transmit the agenda petition to the Council which shall hold a public hearing on the proposed ordinance and enact or reject the ordinance within 60 ~~calendar~~ days.

(Originally Adopted November 4, 1980)

Section 5.60 -- The Referendum

The people reserve the power of referendum. A referendum may be ordered on any ordinance, or any section thereof, passed by the Council, except such ordinances as may be necessary for the immediate preservation of the public peace, health, safety, or support of the County government and its existing public institutions. Upon ~~registration and validation of the signatures on a referendum petition by the filing officer,~~ the measure will be ineffective pending the outcome of the referendum procedure. The ~~validation~~~~registering~~ of a referendum petition against one or more sections of any ordinance shall delay only those sections from taking effect.

(Originally Adopted November 4, 1980)

Section 5.70 -- Referendum Procedures

(1) Any legal voter, or organization of legal voters of Pierce County may file a referendum proposal against any enacted ordinance, or portion thereof, with the filing officer within 15 ~~calendar~~ days after the ordinance is passed by the Council. ~~The filing voter or organization shall submit the referendum proposal in substantially the same form and style as prescribed for state referenda by Chapter 29A.72 RCW and Chapter 434-379 WAC, as now enacted or hereinafter amended.~~

(2) Within five ~~business~~ days after receipt thereof, ~~excluding Saturday, Sunday, and holidays the filing officer shall confer with the petitioner to review the proposal as to form and style.~~ The filing officer shall give the referendum proposal a number, which shall thereafter be the identifying number for the measure. The filing officer shall then transmit a copy of the proposal to the Prosecuting Attorney, who within 15 business days after receipt thereof shall formulate a concise statement, posed as a positive question, not to exceed 20 words, which shall express and give a true and impartial statement of the measure being referred. Such concise statement will be the ballot title. Also within the same 15-~~business~~ day period, the Prosecuting Attorney or designee shall notify the petitioner if, in the Prosecutor's opinion, the referendum is not legal.

(3) The petitioner shall then ~~have~~~~has~~ 120 ~~calendar~~ days to collect the signatures of registered voters of the County equal in number to not less than 8 percent of the number of votes cast ~~(to include votes cast for candidates and write-ins, not to include overvotes or undervotes)~~ in the County in the last ~~Executive~~ election for the office of Executive. Each petition shall contain the full text of the measure being referred and the ballot title. The filing officer shall verify the sufficiency of the signatures on the petition; and if it is validated, submit the measure to the people at the next general election ~~occurring that is not less than 120 calendar days after submittal of signatures to the filing officer for validation the registering of the petition.~~

(4) Should the County file a legal challenge to any referendum and the court determine that the referendum filer is the prevailing party, the referendum filer may, in the discretion of the court, be entitled to reasonable attorney's fees incurred in defending the challenge. The 120 calendar-day signature gathering period is tolled (suspended) for up to 45 calendar days while awaiting the outcome of the legal challenge.

(5) The County Council may establish, by Ordinance, a referendum filing fee not to exceed the amount imposed by the State for each referendum filed.
(Amendment No. 43, Approved November 8, 2016; Amendment No. 35 proposed by Ordinance No. 2007-66, Approved November 6, 2007; Originally Adopted November 4, 1980)

Article 8 – CHARTER REVIEW AND AMENDMENT

Section 8.15 -- Definitions

As used in this Article, the following terms shall have the following meanings:

(1) "Business day" means all days except Saturdays, Sundays, and holidays officially recognized by Pierce County.

(2) "Overvote" and "undervote" mean what they are defined to mean in the current edition of the Washington State Secretary of State Voter Intent Manual or any successor publication.

Section 8.50 -- Charter Amendment, General Provisions

(1) Charter amendments may be proposed by the Commission, the Council, or the people. Any ~~proposed~~ Charter amendment proposed by the Commission or the Council shall be filed and registered with the filing officer and submitted to the voters at the next November general election occurring at least 90 calendar days after registration of the proposed amendment with the filing officer. Any Charter amendment proposed by the people shall be filed with the filing officer and submitted to the voters at the next November general election occurring at least 120 days after submittal of signatures to the filing officer for validation. If more than one amendment is submitted on the same ballot, each shall be submitted in such a manner that the people may vote for or against the amendment separately, except that an amendment which embraces a single or interrelated subject may be submitted as a single proposition even though it is composed of changes to one or more articles.

(2) If the proposed amendment is approved by a majority of the voters voting on the issue, it shall be effective ten days after the results of the election are certified, unless a later date is specified in the petition or ordinance proposing the amendment. Any implementing ordinance required by any Charter amendment shall be enacted by the Council within 180 days after the amendment is effective unless the amendment provides otherwise.

(Amendment No. 16, Approved November 5, 1996; Originally Adopted November 4, 1980)

Section 8.65 -- Amendments by the Public

(1) The people may propose amendments to the Charter by filing a charter initiative petition with the filing officer.

(2) Any legal voter, or organization of legal voters of Pierce County may file a charter initiative proposal with the filing officer, who within five business days after receipt thereof, ~~excluding Saturday, Sunday, and holidays shall confer with the petitioner to review the proposal as to form and style.~~ The filing officer shall give the proposed charter initiative a number, which shall thereafter be the identifying number for the measure. The filing voter or organization shall submit the petition in substantially the same form and style as prescribed for state initiatives by Chapter 29A.72 RCW and Chapter 434-379 WAC, as now enacted or hereinafter amended.

(3) The filing officer shall then transmit a copy of the proposal to the Prosecuting Attorney, who, ~~shall confer with the petitioner to review the legal aspects of the proposal, and who within 15~~ **ten** business days after receipt thereof, shall formulate a concise statement, posed as a positive question, not to exceed 75 words, which shall express and give a true and impartial statement of the purpose of the measure. Such concise statement will be the ballot title.

(4) The petitioner then has 180 **calendar** days to collect the signatures of the registered voters of the County equal in number to not less than 20 percent of the number of votes cast **(to include votes cast for candidates and write-ins, not to include overvotes or undervotes)** in the County in the last ~~executive~~ election for the office of Executive. Each petition shall contain the full text of the proposed amendment to the Charter and the ballot title.

(5) The filing officer shall verify the sufficiency of the signatures on the petition, and if it is validated, submit the proposal to the people at the next general election **occurring that is not less than 120 calendar days after submittal of signatures to the filing officer for validation** ~~the registering of the petition.~~

(Originally Adopted November 5, 1996, Amendment No. 16)

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Pierce County Council

930 Tacoma Ave S, Rm 1046
Tacoma, WA 98402-2176
(253) 798-7777
FAX (253) 798-7509
Toll-Free (800) 992-2456
www.piercecountywa.org/council

ATTACHMENT 2

**Council Amendment No. 1
Proposed Resolution No. R2018-84
Yellow**

September 28, 2018

To: Councilmembers
From: Jeff Cox, Senior Legal Analyst
Hearing Date: July 17, 2018
Attachments: None
Subject: **Proposed Amendments to Proposal No. R2018-84 – For and Against Committees – Charter Amendment No. 50 (Process for Filling Vacancies in Certain Partisan Offices)**

I recommend the following amendments to Proposed Resolution No. R2018-84:

1. On page 1, line 39, after the word "on," insert the date "July 10" in the blank.
2. On page 2, line 5, after the words "shall be," insert the names "Paul Wagemann and Linda Farmer" in the blank.

Contact: Jeff Cox, Senior Legal Analyst, (253) 798-7579
Prepared by: Linda Medley, Council Staff, (253) 798-3647