



Pierce County

Office of the County Council

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www.piercecountywa.org/council

RECEIVED
Pierce County Auditor
JUN 18 2018

June 18, 2018

TO: Mike Rooney, Program Manager
FROM: Linda Medley, Acting Clerk of the Council
SUBJECT: **Official Transmittal of Ordinance No. 2018-31s**

At the June 12, 2018, Council meeting, the Pierce County Council passed the following Ordinance:

An Ordinance of the Pierce County Council Proposing Amendments to Sections 5.10, 5.40, 5.50, 5.60, 5.70 and 8.65 of the Pierce County Charter to Streamline and Clarify Direct Legislation Procedures; 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.

A certified copy of the Ordinance is attached for your records.

The Ordinance calls for the proposed amendments to be submitted to the voters at the November 2018 General Election. A certified copy of the Ordinance has been routed to Dave Prather, Deputy Prosecuting Attorney, to draft an appropriate ballot title for said election.

If you have question regarding the Ordinance, please contact Susan Long at 253.798.6068 or susan.long@co.pierce.wa.us.

Attachment

c: Julie Anderson, Pierce County Auditor
Mark Lindquist, Prosecuting Attorney
Susan Long, Council Administrator
Dave Prather, Deputy Prosecuting Attorney
Damon Townsend, Elections Supervisor





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STATE OF WASHINGTON)
)
COUNTY OF PIERCE)

I, Linda Medley, Acting Clerk of the Council, do hereby certify that the attached is a full, true, and correct copy of the following document:

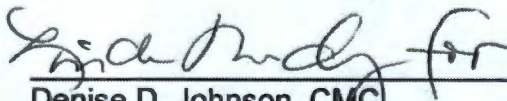
ORDINANCE NO. 2018-31s

The original of this document is currently located in the Office of the Pierce County Council, 930 Tacoma Avenue South, Room 1046, Tacoma, Washington 98402.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Pierce County, Washington, this 18th day of June, 2018.

PIERCE COUNTY COUNCIL
PIERCE COUNTY, WASHINGTON




Denise D. Johnson, CMC
Clerk of the Council

1 Sponsored by: Councilmember Douglas G. Richardson
2 Requested by: Pierce County Council
3
4

5 **ORDINANCE NO. 2018-31s**

6
7
8 **An Ordinance of the Pierce County Council Proposing Amendments to**
9 **Sections 5.10, 5.40, 5.50, 5.60, 5.70 and 8.65 of the Pierce**
10 **County Charter to Streamline and Clarify Direct Legislation**
11 **Procedures; Adopting New Sections 5.15 and 8.15 to Provide**
12 **Definitions; Requesting the Auditor to Submit these**
13 **Amendments to the Voters at the November 2018 General**
14 **Election; and Requesting the Prosecuting Attorney to Draft**
15 **an Appropriate Ballot Title.**
16

17 **Whereas**, Section 8.50 of the Pierce County Charter (Charter) grants authority to
18 the County Council (Council) to propose Charter amendments to be submitted to the
19 voters at the next November general election occurring at least 90 days after filing; and
20

21 **Whereas**, Section 8.60 of the Charter requires a minimum of two-thirds
22 affirmative vote of the Council to enact an ordinance proposing Charter amendments;
23 and
24

25 **Whereas**, an Ordinance proposing Charter amendments is not subject to the
26 veto power of the Executive; and
27

28 **Whereas**, pursuant to Section 8.50(1) of the Charter, "...an amendment which
29 embraces a single or interrelated subject may be submitted as a single proposition even
30 though it is composed of changes to one or more articles."; and
31

32 **Whereas**, the Charter Review Commission (Commission) met in 2016 to review
33 the Charter's adequacy and suitability to the needs of the County; and
34

35 **Whereas**, the Commission concluded its work in June 2016, sending four
36 proposed Charter amendments to the Auditor for placement on the November 2016
37 ballot and forwarding four proposed amendments to the Council for consideration,
38 including those contained in Exhibit A hereto; and
39

40 **Whereas**, in its transmittal letter to the Council dated July 8, 2016, the
41 Commission described the proposed amendments which are the subject of this
42 Ordinance as largely "'housekeeping' measures to correct inconsistencies and policies
43 within the Charter." The Commission noted that while it was firmly in favor of the
44 amendments, it felt that they could wait to be placed on a ballot that was less crowded
45 than the General Election ballot in 2016 and it recommended that the Council place
46 these measures on the ballot in one of the next two general elections following the 2016
47 election; and



1
2 **Whereas**, the proposed Charter amendments set forth in Exhibit A hereto affect
3 Sections 5.10, 5.40, 5.50, 5.60, 5.70 and 8.65, and include two new definitional
4 Sections. These proposed amendments are intended to streamline and clarify existing
5 direct legislation procedures; **Now Therefore**,

6
7 **BE IT ORDAINED by the Council of Pierce County:**

8
9 Section 1. The Pierce County Council hereby proposes amendments to Sections
10 5.10, 5.40, 5.50, 5.60, 5.70 and 8.65 of the Charter, and the adoption of new Sections
11 5.15 and 8.15, as set forth in Exhibit A, which is attached hereto and incorporated
12 herein by reference, for submittal to the voters at the November 2018 General Election.

13
14 Section 2. The Pierce County Prosecuting Attorney is hereby requested to draft
15 an appropriate ballot title for the proposed Charter amendments set forth in Exhibit A.

16
17 Section 3. This Ordinance shall be filed with the Auditor immediately upon
18 adoption for submittal to the voters at the November 2018 General Election.

19
20
21 PASSED this 12th day of June, 2018.

22
23 ATTEST:

24 **PIERCE COUNTY COUNCIL**
25 Pierce County, Washington

26
27 Denise D. Johnson
28 Clerk of the Council

29 Douglas G. Richardson
30 Council Chair

31
32 Signature not required, per
33 Section 8.60 Pierce County Charter

34 **Bruce F. Dammeier**
35 Pierce County Executive
36 Approved _____ Vetoed _____, this
37 _____ day of _____,
38 2018.

39 Date of Publication of
40 Notice of Public Hearing: May 30, 2018

41
42 Effective Date of Ordinance: June 22, 2018



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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 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 ~~the registering of the petition is validated,~~ 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

1 the same ballot with the initiative proposal; and the voters shall be given the choice of
2 accepting either or rejecting both and then be given the choice of accepting one and
3 rejecting the other. If a majority of the voters voting on the first issue is for accepting
4 either, then the measure receiving the majority of the votes cast on the second issue
5 shall be deemed approved. If a majority of those voting on the first issue is for rejecting
6 both, then neither measure shall be approved regardless of the vote on the second
7 issue.

8 (Originally Adopted November 4, 1980)

10 **Section 5.50 -- Agenda Petition**

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

19 (Originally Adopted November 4, 1980)

21 **Section 5.60 -- The Referendum**

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

30 (Originally Adopted November 4, 1980)

32 **Section 5.70 -- Referendum Procedures**

33 (1) Any legal voter, or organization of legal voters of Pierce County may file a
34 referendum proposal against any enacted ordinance, or portion thereof, with the filing
35 officer within 15 calendar days after the ordinance is passed by the Council. The filing
36 voter or organization shall submit the referendum proposal in substantially the same
37 form and style as prescribed for state referenda by Chapter 29A.72 RCW and Chapter
38 434-379 WAC, as now enacted or hereinafter amended.

39 (2) Within five business days after receipt thereof, ~~excluding Saturday, Sunday,~~
40 ~~and holidays the filing officer shall confer with the petitioner to review the proposal as to~~
41 ~~form and style.~~ The filing officer shall give the referendum proposal a number, which
42 shall thereafter be the identifying number for the measure. The filing officer shall then
43 transmit a copy of the proposal to the Prosecuting Attorney, who within 15 business
44 days after receipt thereof shall formulate a concise statement, posed as a positive
45 question, not to exceed 20 words, which shall express and give a true and impartial
46 statement of the measure being referred. Such concise statement will be the ballot title.



1 Also within the same 15-day period, the Prosecuting Attorney or designee shall notify
2 the petitioner if, in the Prosecutor's opinion, the referendum is not legal.

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

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

16 (5) The County Council may establish, by Ordinance, a referendum filing fee not
17 to exceed the amount imposed by the State for each referendum filed.
18 (Amendment No. 43, Approved November 8, 2016; Amendment No. 35 proposed by
19 Ordinance No. 2007-66, Approved November 6, 2007; Originally Adopted November 4,
20 1980)



1 **Article 8 – CHARTER REVIEW AND AMENDMENT**

2
3 **Section 8.15 – Definitions**

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

- 5 (1) "Business day" means all days except Saturdays, Sundays, and holidays
6 officially recognized by Pierce County.
7 (2) "Overvote" and "undervote" mean what they are defined to mean in the
8 current edition of the Washington State Secretary of State Voter Intent
9 manual or any successor publication.
10

11 **Section 8.65 -- Amendments by the Public**

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

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

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

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

34 (5) The filing officer shall verify the sufficiency of the signatures on the petition,
35 and if it is validated, submit the proposal to the people at the next general election that
36 is not less than 120 days after the registering of the petition.

37 (Originally Adopted November 5, 1996, Amendment No. 16)
38
39

