

JUL 20 2018

1 Sponsored by: Councilmember Douglas G. Richardson
2 Requested by: Council
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7 **ORDINANCE NO. 2018-52**
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10 **An Ordinance of the Pierce County Council Repealing Ordinance No.**
11 **2018-31s; Proposing Amendments to Sections 5.10, 5.40,**
12 **5.50, 5.60, 5.70, 8.50, and 8.65 of the Pierce County Charter to**
13 **Streamline and Clarify Direct Legislation Procedures and**
14 **Create Consistency in Direct Legislation Charter Protocols;**
15 **Adopting New Sections 5.15 and 8.15 to Provide Definitions;**
16 **Requesting the Auditor to Submit these Amendments to the**
17 **Voters at the November 2018 General Election; and**
18 **Requesting the Prosecuting Attorney to Draft an Appropriate**
19 **Ballot Title.**
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25 **Whereas**, Section 8.50 of the Pierce County Charter (Charter) grants authority to
26 the County Council (Council) to propose Charter amendments to be submitted to the
27 voters at the next November general election occurring at least 90 days after filing; and
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29 **Whereas**, Section 8.60 of the Charter requires a minimum of two-thirds
30 affirmative vote of the Council to enact an ordinance proposing Charter amendments;
31 and
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33 **Whereas**, an Ordinance proposing Charter amendments is not subject to the
34 veto power of the Executive; and
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36 **Whereas**, pursuant to Section 8.50(1) of the Charter, "...an amendment which
37 embraces a single or interrelated subject may be submitted as a single proposition even
38 though it is composed of changes to one or more articles."; and
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40 **Whereas**, the Charter Review Commission (Commission) met in 2016 to review
41 the Charter's adequacy and suitability to the needs of the County; and
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43 **Whereas**, the Commission concluded its work in June 2016, sending four
44 proposed Charter amendments to the Auditor for placement on the November 2016
45 ballot and forwarding four proposed amendments to the Council for consideration,
46 including those contained in Exhibit A hereto; and
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1 **Whereas**, in its transmittal letter to the Council dated July 8, 2016, the
2 Commission described the proposed amendments which are the subject of this
3 Ordinance as largely "'housekeeping' measures to correct inconsistencies and policies
4 within the Charter." The Commission noted that while it was firmly in favor of the
5 amendments, it felt that they could wait to be placed on a ballot that was less crowded
6 than the General Election ballot in 2016 and it recommended that the Council place
7 these measures on the ballot in one of the next two general elections following the 2016
8 election; and

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10 **Whereas**, on June 12, 2018, the Council passed Ordinance No. 2018-31s
11 proposing Charter amendments to streamline and clarify direct legislation procedures as
12 recommended by the Charter Review Commission; and

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14 **Whereas**, certain additional technical corrections to Sections 5.70 and 8.65 are
15 necessary to clarify whether time periods are counted in business days or calendar
16 days and corrections to other Sections are advisable to correct inconsistencies between
17 Charter Sections; and

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19 **Whereas**, it is the intent of the Council that Charter amendments set forth in
20 Ordinance No. 2018-31s are to be replaced in their entirety on the November 2018
21 General Election ballot with the amendments set forth in Exhibit A herein; **Now**
22 **Therefore**,

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24 **BE IT ORDAINED by the Council of Pierce County:**

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26 Section 1. The Pierce County Council hereby repeals Ordinance No. 2018-31s
27 in its entirety.

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29 Section 2. The Pierce County Council hereby proposes amendments to Sections
30 5.10, 5.40, 5.50, 5.60, 5.70, 8.50, and 8.65 of the Charter, and the adoption of new
31 Sections 5.15 and 8.15, as set forth in Exhibit A, which is attached hereto and
32 incorporated herein by reference, for submittal to the voters at the November 2018
33 General Election. Charter amendments set forth in Ordinance No. 2018-31s are to be
34 *replaced in their entirety on the November General Election ballot with the amendments*
35 *set forth in Exhibit A herein.*

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37 Section 3. The Pierce County Prosecuting Attorney is hereby requested to draft
38 an appropriate ballot title for the proposed Charter amendments set forth in Exhibit A.
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1 Section 4. This Ordinance shall be filed with the Auditor immediately upon
2 adoption for submittal to the voters at the November 2018 General Election.

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4 PASSED this 17th day of July, 2018.

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7 ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

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10 Denise D. Johnson
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12 **Denise D. Johnson**
13 Clerk of the Council

Douglas G. Richardson
Douglas G. Richardson
Council Chair

Signature not required, per
Section 8.60 Pierce County Charter
Bruce F. Dammeier
Pierce County Executive
Approved _____ Vetoed _____, this
_____ day of _____,
2018.

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23 Date of Publication of
24 Notice of Public Hearing: July 4, 2018

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26 Effective Date of Ordinance: July 27, 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 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 ~~validationthe registering of the petition,~~ unless the Council enacts the proposal without change or amendment.



1 (5) If the Council does not adopt the proposed measure and adopts a substitute
2 measure concerning the same subject matter, the substitute proposal shall be placed on
3 the same ballot with the initiative proposal; and the voters shall be given the choice of
4 accepting either or rejecting both and then be given the choice of accepting one and
5 rejecting the other. If a majority of the voters voting on the first issue is for accepting
6 either, then the measure receiving the majority of the votes cast on the second issue
7 shall be deemed approved. If a majority of those voting on the first issue is for rejecting
8 both, then neither measure shall be approved regardless of the vote on the second
9 issue.

10 (Originally Adopted November 4, 1980)

12 Section 5.50 – Agenda Petition

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

21 (Originally Adopted November 4, 1980)

23 Section 5.60 – The Referendum

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

32 (Originally Adopted November 4, 1980)

34 Section 5.70 – Referendum Procedures

35 (1) Any legal voter, or organization of legal voters of Pierce County may file a
36 referendum proposal against any enacted ordinance, or portion thereof, with the filing
37 officer within 15 calendar days after the ordinance is passed by the Council. The filing
38 voter or organization shall submit the referendum proposal in substantially the same
39 form and style as prescribed for state referenda by Chapter 29A.72 RCW and Chapter
40 434-379 WAC, as now enacted or hereinafter amended.

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



1 statement of the measure being referred. Such concise statement will be the ballot title.
2 Also within the same 15-business day period, the Prosecuting Attorney or designee
3 shall notify the petitioner if, in the Prosecutor's opinion, the referendum is not legal.

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

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

19 (5) The County Council may establish, by Ordinance, a referendum filing fee not
20 to exceed the amount imposed by the State for each referendum filed.
21 (Amendment No. 43, Approved November 8, 2016; Amendment No. 35 proposed by
22 Ordinance No. 2007-66, Approved November 6, 2007; Originally Adopted November 4,
23 1980)

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

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

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

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

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