

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION

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1.01.010 Adoption – Codification of Laws.

There is adopted the "Pierce County Code," containing all Laws of Pierce County which are of a general and permanent nature or which impose any fine, penalty or forfeiture. The Code shall be kept current to reflect newly adopted, amended or repealed Ordinances. (Ord. 91-92 § 1 (part), 1991; Ord. 86-5 § 1 (part), 1986)

1.01.020 Title – Citation – Reference.

This Code shall be known as the "Pierce County Code" and it may be referred to as the "Pierce County Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. Prosecutions for violations of Pierce County ordinances and/or resolutions and actions based thereon may refer to the "Pierce County Code" sections or to the underlying ordinance and/or resolution upon which the prosecution or action is based. Amendments to any ordinances or resolutions or portions thereof of Pierce County shall also refer to the "Pierce County Code" sections under which such ordinances or resolutions are codified. (Ord. 86-5 § 1 (part), 1986)

1.01.030 Supplements.

Pierce County Code supplements will be published at least biannually. (Ord. 91-92 § 1 (part), 1991; Ord. 86-5 § 1 (part), 1986)

1.01.040 Reference Applies to All Amendments.

Whenever a reference is made to this Code as the "Pierce County Code" or to any portion thereof, or to any ordinance of the County of Pierce County, the reference shall apply to all amendments, corrections, and additions heretofore, now or hereafter made. (Ord. 91-92 § 1 (part), 1991; Ord. 86-5 § 1 (part), 1986)

1.01.050 Title, Chapter and Section Headings.

Title, Chapter and Section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any Title, Chapter, or Section hereof. (Ord. 91-92 § 1 (part), 1991; Ord. 86-5 § 1 (part), 1986)

1.01.060 Reference to Specific Ordinances.

The provisions of this Code shall not in any manner affect matters of record which refer to, or are otherwise connected with, numbers, titles or other designations of ordinances which are included in the Code, and any such reference shall be construed to apply to the corresponding provisions contained within this Code. (Ord. 91-92 § 1 (part), 1991; Ord. 86-5 § 1 (part), 1986)

1.01.070 Effect of Code on Past Actions and Obligations.

Neither the adoption of this Code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the County of Pierce shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 91-92 § 1 (part), 1991; Ord. 86-5 § 1 (part), 1986)

1.01.080 Effective Date.

This Code shall become effective on the date the ordinance adopting this Code as the "Pierce County Code" shall become effective. (Ord. 91-92 § 1 (part), 1991; Ord. 86-5 § 1 (part), 1986)

1.01.090 Constitutionality.

If any Section, subsection, sentence, clause, or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The County declares that it would have passed this Code, and each Section, subsection, sentence, clause, and phrase thereof, irrespective that any one or more Sections, subsections, sentences, clauses, or phrases has been declared invalid or unconstitutional, and if for any reason this Code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. In the event that any previously repealed Code provisions have been inadvertently included in the Code adoption set forth in this Chapter, those prior repealers should be controlling and this Code should not be construed as a reenactment of those provisions. (Ord. 91-92 § 1 (part), 1991; Ord. 86-5 § 1 (part), 1986)

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.**
- 1.04.020 Title of Office.**
- 1.04.030 Interpretation of Language.**
- 1.04.040 Grammatical Interpretation.**
- 1.04.050 Acts by Agents.**
- 1.04.060 Prohibited Acts Include Causing and Permitting.**
- 1.04.070 Computation of Time.**
- 1.04.080 Construction.**
- 1.04.090 Repeal Shall Not Revive Any Ordinances.**

1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances of the County of Pierce, Washington, shall be construed as defined in this Section unless a different meaning is specifically set forth in the ordinance in question:

- A. "Council" means the County Council of the County of Pierce. "All its members" or "all Councilmen" means the total number of Councilmen holding office.
- B. "County" means the County of Pierce.
- C. "Law" denotes applicable federal law, the Constitution and statutes of the State of Washington, the ordinances of the County of Pierce, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- D. "May" is permissive.
- E. "Month" means a calendar month.
- F. "Must" and "shall" are each mandatory.
- G. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- H. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.
- I. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- J. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- K. "Preceding" and "following" mean next before and next after, respectively.
- L. "Property" includes real and personal property.
- M. "Real property" includes lands, tenements and hereditaments.
- N. "Road" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, roads or other public ways in the County which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the State.

- O. "Sidewalk" means that portion of a street between the curblineline and the adjacent property line intended for the use of pedestrians.
- P. "State" means the State of Washington.
- Q. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.
- R. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.
- S. "Year" means a calendar year.

(Ord. 85-66 § 1 (part), 1985; prior Code § 1.04.010)

1.04.020 Title of Office.

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the County. (Ord. 85-66 § 1 (part), 1985; prior Code § 1.04.020)

1.04.030 Interpretation of Language.

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 85-66 § 1 (part), 1985; prior Code § 1.04.030)

1.04.040 Grammatical Interpretation.

The following grammatical rules shall apply in the ordinances of the County, unless it is apparent from the context that a different construction is intended:

- A. Gender. Each gender includes the masculine, feminine and neuter genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

(Ord. 85-66 § 1 (part), 1985; prior Code § 1.04.040)

1.04.050 Acts by Agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 85-66 § 1 (part), 1985; prior Code § 1.04.050)

1.04.060 Prohibited Acts Include Causing and Permitting.

Whenever in the ordinances of the County any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 85-66 § 1 (part), 1985; prior Code § 1.04.060)

1.04.070 Computation of Time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 85-66 § 1 (part), 1985; prior Code § 1.04.070)

1.04.080 Construction.

The provisions of the ordinances of the County, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 85-66 § 1 (part), 1985; prior Code § 1.04.080)

1.04.090 Repeal Shall Not Revive Any Ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 85-66 § 1 (part), 1985; prior Code § 1.04.090)

Chapter 1.06

OFFICIAL COUNTY FLAG

Section:

1.06.010 County Flag Adopted.

1.06.010 County Flag Adopted.

The official flag for Pierce County is hereby adopted. The flag shall be of white background and shall contain Pierce County's logo with the words "Pierce County" written below. The logo and text shall be in Pierce County blue and displayed in accordance with the Pierce County Identity-Graphics Standards Manual. (Ord. 2011-61 § 1, 2011)

Chapter 1.08

OFFICIAL SEAL

Section:

1.08.010 Designated.

1.08.010 Designated.

The official seal for Pierce County shall be a circular representation of Mount Rainier with foothills and trees surrounded by the words, "Pierce County, Washington." (Res. 25 § 1, 1981)

Chapter 1.10

OATH OF OFFICE

Section:

1.10.010 Official Oath of Office Adopted.

1.10.010 Official Oath of Office Adopted.

Pursuant to Pierce County Charter Section 9.55 – Oath of Office and Bonds – the official Oath of Office for Elected and Appointed Officers is adopted, and shall be written as set forth herein:

*STATE OF WASHINGTON)
COUNTY OF PIERCE)*

OATH OF OFFICE

I, (state name), do solemnly swear that I am a Citizen of the United States and a resident and registered voter of Pierce County; that I will support the Constitutions of the United States and the State of Washington, and the Charter and Ordinances of Pierce County; and will faithfully, impartially, and honestly perform the duties of the office of (insert title of office), as such duties are prescribed by law, so help me God.

(Signature of Elected or Appointed Officer)

Subscribed and Sworn to before me this (insert date).

(Signature of Person Administering Oath)

The Official Seal of Pierce County (see Section 1.08.010 Pierce County Code) shall be imprinted upon each Oath of Office.

Pursuant to Article IV § 28 of the Constitution of the State of Washington, Judges of the Superior Court of Pierce County may take and subscribe an oath containing alternative language to that set forth above.

(Ord. 97-10 § 1, 1997)

Chapter 1.12

GENERAL PENALTY

Section:

1.12.010 Designated.

1.12.010 Designated.

- A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of any ordinance of the Pierce County Code is guilty of a misdemeanor, except where designated as a civil action penalty or other noncriminal violation.
- B. Except in cases where a different punishment is prescribed by any ordinance of the Pierce County Code, any person convicted of a misdemeanor under the ordinances of Pierce County shall be punished by a fine not to exceed \$1,000.00 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment.
- C. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Pierce County is committed, continued or permitted by any such person, and he is punishable accordingly.

(Ord. 85-25 § 1, 1985; prior Code § 1.16.100)

Chapter 1.16

CIVIL INFRACTIONS

Sections:

- 1.16.010 Purpose.**
- 1.16.020 Definitions.**
- 1.16.030 Authorization – RCW Chapter 7.80.**
- 1.16.040 Issuance of Process.**
- 1.16.050 Notice of Infraction – Issuance, Service, Filing.**
- 1.16.060 Person Receiving Notice – Identification.**
- 1.16.070 Notice – Determination Final Unless Contested – Form.**
- 1.16.080 Response to Notice – Contesting Determination – Mitigating Circumstances - Hearing – Failure to Respond or Appear.**
- 1.16.090 Hearings – Rules of Procedure – Counsel.**
- 1.16.100 Hearings – Contesting Determination that Infraction Committed – Appeal.**
- 1.16.110 Hearings – Explanation of Mitigating Circumstances.**
- 1.16.120 Monetary Penalties – Restitution.**
- 1.16.130 Order of Court – Civil Nature – Modification of Penalty – Community Service.**
- 1.16.140 Costs and Attorney Fees.**
- 1.16.150 Notices – Record of – Cancellation Prohibited, Penalty – Audit.**
- 1.16.160 Notice, Failure to Sign, Nonappearance – Failure to Satisfy Penalty.**
- 1.16.170 Headings Not Part of Law.**
- 1.16.180 Severability.**

1.16.010 Purpose.

It is imperative that certain Pierce County Code provisions, permits and permit conditions, and Hearing Examiner decisions are properly enforced. To better accomplish this goal, Pierce County has designated certain violations of the Pierce County Code, permits and permit conditions, and Hearing Examiner decisions to be civil infractions pursuant to Chapter 7.80 RCW. The purpose of this Chapter is remedial. Use of the civil infraction procedure, as set forth in this Chapter, will better protect the public from the harmful effects of certain violations of the Pierce County Code, permits and permit conditions, and Hearing Examiner decisions, will aid and streamline enforcement, and will partially reimburse the County for the expenses of enforcement and the related judicial process. (Ord. 91-187 § 1 (part), 1992)

1.16.020 Definitions.

The definitions set forth in this Section shall apply throughout this Chapter:

- A. "Civil Infraction" shall mean a violation of the Pierce County Code, permit or permit conditions, or Hearing Examiner decision for which a monetary penalty may be imposed under this Chapter. Each day or portion thereof during which a violation occurs or exists shall be deemed a separate civil infraction. Traffic and vehicle violations pursuant to Title 10 of the Pierce County Code are specifically excluded from the application of this Chapter.
- B. "Code" shall mean any provision of the Pierce County Code.

- C. "County" shall mean Pierce County.
 - D. "Court" shall mean the Pierce County District Court.
 - E. "Department" shall mean all Pierce County departments created pursuant § 2.20(1)(c) of the Pierce County Charter PROVIDED; "Department" shall mean departments, agencies, or societies created pursuant to an interlocal agreement only if such interlocal agreement provides the department, agency, or society with the authority to issue civil infractions pursuant to this Chapter.
 - F. "Enforcement Officer" shall mean any person authorized by the director of any department to enforce the provisions of the Code, permit and permit conditions, Hearing Examiner decisions or ordinance in which the civil infraction is established, but shall not include private citizens.
 - G. "Hearing Examiner Decision" shall mean any report and decision, interim order or decision, or decision on reconsideration issued by the Pierce County Hearing Examiner pursuant to the Pierce County Code.
 - H. "May" shall mean optional and permissive and does not impose a requirement.
 - I. "Permit or Permit Conditions" shall mean an official authorization, license, document, certificate, or other written permission or conditions attached thereto given to a person by any Pierce County Department or by the Pierce County Hearing Examiner authorizing any person to perform a specified activity.
 - J. "Person" shall mean an individual, partnership, corporation, or other legal entity.
 - K. "Prosecuting Attorney" shall mean the Pierce County Prosecuting Attorney or Deputy Prosecuting Attorney.
 - L. "Shall" means mandatory and imposes a requirement.
- (Ord. 91-187 § 1 (part), 1992)

1.16.030 Authorization – RCW Chapter 7.80.

This Chapter is adopted pursuant to the provisions of Chapter 7.80 RCW as now enacted or hereafter amended. Nothing contained herein is in any way intended to diminish or limit the powers granted to County public officials through application of Chapter 7.80 RCW. (Ord. 91-187 § 1 (part), 1992)

1.16.040 Issuance of Process.

Notwithstanding any other provision of law governing service of process in civil cases, a court of limited jurisdiction having jurisdiction over an alleged civil infraction may issue process anywhere within Washington State. (Ord. 91-187 § 1 (part), 1992)

1.16.050 Notice of Infraction – Issuance, Service, Filing.

- A. A civil infraction proceeding is initiated by the issuance, service, and filing of a notice of civil infraction.
- B. A notice of civil infraction may be served and issued by an Enforcement Officer when the civil infraction occurs in the Enforcement Officer's presence.
- C. A court may issue a notice of civil infraction if an Enforcement Officer files a notice of civil infraction with the court stating that the civil infraction was committed in the Enforcement Officer's presence or that the Enforcement Officer has reasonable cause to believe that a civil infraction was committed.

- D. Service of a notice of civil infraction issued under subsection B. or C. of this Section shall be as provided by court rule. Until such a rule is adopted, service shall be provided as in Justice Court Traffic Infraction Rules (JTIR) 2.2(c)(1) and (3), as applicable.
- E. A notice of civil infraction, if issued under subsection B. of this Section, shall be filed with the court within forty-eight hours of issuance, excluding Saturdays, Sundays, and holidays. A notice of civil infraction not filed within the time limits prescribed in this Section may be dismissed without prejudice.

(Ord. 91-187 § 1 (part), 1992)

1.16.060 Person Receiving Notice – Identification.

A person who is issued a notice of civil infraction under Section 1.16.050 is required to identify himself or herself to the Enforcement Officer by giving his or her name, address, and date of birth. Upon request of the Enforcement Officer, the person shall produce reasonable identification, such as a driver's license or identocard. (Ord. 91-187 § 1 (part), 1992)

1.16.070 Notice – Determination Final Unless Contested – Form.

- A. The filing of a notice of civil infraction with the court represents a determination that a civil infraction has been committed. The determination is final unless contested as provided for in this Chapter.
- B. The form for the notice of civil infraction may be as prescribed by rule of the Washington Supreme Court and, in addition, shall include the following:
 - 1. A statement that the notice of civil infraction represents a determination that a civil infraction has been committed by the person named in the notice and that the determination is final unless contested as provided for in this Chapter;
 - 2. A statement that a civil infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;
 - 3. A statement or description of the specific civil infraction for which the notice was issued and a reference to the Code provision(s), permit or permit conditions, or Hearing Examiner decision that has been violated;
 - 4. A statement of the monetary penalty established for the civil infraction committed;
 - 5. A statement of the options provided for in this Chapter for responding to the notice of civil infraction and the procedures necessary to exercise these options;
 - 6. A statement that at any hearing to contest the determination of the County, the County has the burden of proving, by a preponderance of the evidence, that the civil infraction was committed and that the person may subpoena witnesses including the Enforcement Officer who issued the notice of civil infraction;
 - 7. A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the civil infraction, the person shall be deemed to have committed the civil infraction and may not subpoena witnesses;
 - 8. A statement that the person must respond to the notice as provided for in this Chapter within 15 days;
 - 9. A statement that failure to respond to the notice of civil infraction or failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the person in the amount of the penalty, with statutory assessment, and that this failure may be referred to the Prosecuting Attorney for criminal prosecution for failure to respond or appear;

10. A statement that failure to respond to the notice of civil infraction or failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in the imposition of a penalty in the amount of \$25.00 plus statutory assessments;
11. A statement, which the person shall sign, that the person promises to respond to the notice of civil infraction in one of the ways provided for in this Chapter;
12. A statement that failure to respond to a notice of civil infraction as promised or to appear at a requested hearing is a misdemeanor and may be punished by a fine or imprisonment in jail or both;
13. A statement that all information upon which the notice of civil infraction is based shall be provided upon written request to the Enforcement Officer who issued the notice of civil infraction.

C. The District Court No. One Administrator shall assist in developing the notice of civil infraction citation format.

(Ord. 99-34 § 1 (part), 1999; Ord. 91-187 § 1 (part), 1992)

1.16.080 Response to Notice – Contesting Determination – Mitigating Circumstances – Hearing – Failure to Respond or Appear.

- A. Any person who receives a notice of civil infraction shall respond to such notice as provided for in this Section within 15 days of the date of the notice.
- B. If the person determined to have committed the civil infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of civil infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the civil penalty prescribed for the civil infraction must be submitted with the response. The clerk of a court may accept cash as payment for a civil infraction. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records.
- C. If the person determined to have committed the civil infraction does contest the determination, the person shall respond by completing that portion of the notice of civil infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than 14 days nor more than 90 days from the date of the notice of hearing.
- D. If the person determined to have committed the civil infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing that portion of the notice of civil infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than 14 days nor more than 90 days from the date of the notice of hearing.
- E. The court may notify the Prosecuting Attorney of the failure to respond to the notice of civil infraction, or to appear at a requested hearing, or to comply with a court order and shall enter a default judgment as provided for in this Section assessing the monetary penalty prescribed for the civil infraction, with statutory assessment, if any person issued a notice of civil infraction fails to:

1. Respond to the notice of civil infraction as provided in subsection B. of this Section;
or
 2. Appear at a hearing requested pursuant to subsection C. or D. of this Section; or
 3. Comply with a court order.
- F. If any person issued a notice of civil infraction fails to respond to the notice of civil infraction as provided in subsection B. above or fails to appear at a hearing requested under subsection C. or D. above, a monetary penalty in the amount of \$25.00 plus statutory assessments shall be imposed.

(Ord. 99-34 § 1 (part), 1999; Ord. 91-187 § 1 (part), 1992)

1.16.090 Hearings – Rules of Procedure – Counsel.

- A. Procedures for the conduct of all hearings provided in this Chapter may be as established by rule of the Washington Supreme Court.
- B. Any person subject to proceedings under this Chapter may be represented by legal counsel.
- C. The attorney representing the County may appear in any proceedings under this Chapter but need not appear, notwithstanding any statute or rule of court to the contrary.

(Ord. 91-187 § 1 (part), 1992)

1.16.100 Hearings – Contesting Determination that Infraction Committed – Appeal.

- A. A hearing held for the purpose of contesting the determination that a civil infraction has been committed shall be without a jury and shall be recorded in the manner provided for in courts of limited jurisdiction.
- B. In lieu of the Enforcement Officer's personal appearance at the hearing, the court may consider the notice of civil infraction and any other written report as long as the report is made under oath, submitted by the Enforcement Officer who issued the notice or who filed the notice of civil infraction was the basis for the issuance of the notice. The person named in the notice of civil infraction may request the court for issuance of subpoena of witnesses, including the Enforcement Officer who issued the notice, and has the right to present evidence and examine witnesses present in court.
- C. The burden of proof is upon the County to establish the commission of the civil infraction by a preponderance of the evidence.
- D. After consideration of the evidence and argument, the court shall determine whether the civil infraction was committed. Where it has not been established by a preponderance of the evidence that the civil infraction was committed, an order dismissing the notice of civil infraction shall be entered in the court's records. Where it has been established by a preponderance of the evidence that the civil infraction was committed, an appropriate order shall be entered in the court's records.
- E. An appeal from the court's determination or order shall be to the Superior Court in the manner provided by the Rules for Appeal of Decisions of Courts of Limited Jurisdiction. The decision of the Superior Court is subject only to discretionary review pursuant to the Rules of Appellate Procedure.

(Ord. 91-187 § 1 (part), 1992)

1.16.110 Hearings – Explanation of Mitigating Circumstances.

- A. A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of a civil infraction shall be an informal proceeding. The person shall not be allowed to subpoena witnesses. At a hearing held for the purpose of explaining mitigating circumstances, the court shall not allow the determination that a civil infraction has been committed to be contested.
- B. After the court has heard the explanation of the circumstances surrounding the commission of the civil infraction, an appropriate order shall be entered in the court's records.
- C. There is no appeal from the court's determination or order under this Section.

(Ord. 91-187 § 1 (part), 1992)

1.16.120 Monetary Penalties – Restitution.

Each day or portion thereof during which a violation occurs or exists shall be deemed a separate civil infraction.

- A. A person found to have committed a civil infraction shall be assessed a monetary penalty.
 - 1. The maximum penalty and the default amount for a Class 1 civil infraction shall be \$600.00, not including statutory assessments;
 - 2. The maximum penalty and the default amount for a Class 2 civil infraction shall be \$300.00, not including statutory assessments;
 - 3. The maximum penalty and the default amount for a Class 3 civil infraction shall be \$120.00, not including statutory assessments; and
 - 4. The maximum penalty and the default amount for a Class 4 civil infraction shall be \$60.00, not including statutory assessments.
- B. The court may consider dismissing with costs only upon a showing that the violation was corrected within 30 days.
- C. Whenever a monetary penalty is imposed by a court under this Chapter it is immediately payable. If the person is unable to pay at that time, the court may grant an extension. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the Prosecuting Attorney of the failure to pay.
- D. Payment of a monetary penalty or performance of the required community service shall not relieve a person of the duty to correct the violation.
- E. The court may also order a person found to have committed a civil infraction to make restitution.

(Ord. 2007-33 § 1, 2007; Ord. 91-187 § 1 (part), 1992)

1.16.130 Order of Court – Civil Nature – Modification of Penalty – Community Service.

- A. An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the civil infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.
- B. The court may waive, reduce, or suspend the monetary penalty prescribed for the civil infraction. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the current Washington State minimum wage per hour.

(Ord. 91-187 § 1 (part), 1992)

1.16.140 Costs and Attorney Fees.

Each party to a civil infraction case is responsible for costs incurred by that party, but the court may assess witness fees, including expert witness fees, against a nonprevailing respondent. (Ord. 91-187 § 1 (part), 1992)

1.16.150 Notices – Record of – Cancellation Prohibited, Penalty.

- A. Every department authorized to issue notices of civil infractions shall provide, in appropriate form, notices of civil infractions which shall be issued in books with notices in quadruplicate.
- B. The director of each department shall be responsible for the issuance of such books and shall maintain a record of every such book and each notice contained therein issued to Enforcement Officers of the department and shall require and retain a receipt for every book so issued. Every Enforcement Officer, upon issuing a notice of civil infraction to an alleged perpetrator of a civil infraction, shall deposit the original notice of civil infraction with the court as provided in Section 1.16.050.
- C. Upon the deposit of the original notice of civil infraction with the court, the original or copy may be disposed of only as provided in this Chapter.
- D. It is official misconduct for any Enforcement Officer or Pierce County employee to dispose of a notice of civil infraction or copies thereof or of the record of the issuance thereof in a manner other than as required in this Section.
- E. The director of every department authorized to issue notices of civil infraction shall require the return to him or her of a copy of every notice issued by an Enforcement Officer under his or her supervision to an alleged perpetrator of a civil infraction and of all copies of every notice which has been issued to an alleged perpetrator.
- F. Such director shall also maintain or cause to be maintained in connection with every notice issued by an Enforcement Officer under his or her supervision, a record of the disposition of the charge by the court in which the original notice of civil infraction was deposited.
- G. Any person who cancels or solicits the cancellation of any notice of civil infraction, in any manner other than as provided for in this Section, is guilty of a misdemeanor.

(Ord. 91-187 § 1 (part), 1992)

1.16.160 Notice, Failure to Sign, Nonappearance – Failure to Satisfy Penalty.

- A. A person who fails to sign a notice of civil infraction is guilty of a misdemeanor.
- B. Any person willfully violating his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor, regardless of the disposition of the notice of civil infraction; PROVIDED, that a written promise to appear in court or a written promise to respond to a notice of civil infraction may be complied with by an appearance by counsel.
- C. A person who willfully fails to pay a monetary penalty, restitution, or perform community service as required by a court under this Chapter may be found in contempt of court as provided in Chapter 7.21 RCW.

(Ord. 91-187 § 1 (part), 1992)

1.16.170 Headings Not Part of Law.

Headings and captions used in this Chapter are not any part of the law. (Ord. 91-187 § 1 (part), 1992)

1.16.180 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 91-187 § 1 (part), 1992)

Chapter 1.20

LOCAL VOTERS' PAMPHLET

Sections:

1.20.010 Local Voters' Pamphlet Authorized.

1.20.020 Notification by Auditor.

1.20.030 Contents of Pamphlet.

1.20.040 Cost.

1.20.010 Local Voters' Pamphlet Authorized.

Publication and distribution of a local voters' pamphlet in conformity with the provisions of Chapter 29.81A RCW is hereby authorized. Said pamphlet shall first be published for the September 1994 primary election, and thereafter for each primary, general, or special election for which the County, any City or Town, or any special taxing district located wholly within Pierce County has indicated by motion or resolution that it intends to be a participating jurisdiction. (Ord. 93-76 § 1 (part), 1993)

1.20.020 Notification by Auditor.

At least 35 days before any primary, general, or special election, the Pierce County Auditor shall notify the office of the Pierce County Council, Pierce County Executive and each City, Town, or special taxing district located wholly within Pierce County that a local voters' pamphlet may be published. Each jurisdiction intending to participate in such pamphlet shall then notify the Auditor of its intent within such time as is required, pursuant to administrative rules adopted by the Auditor in accordance with the provisions of RCW 29.81A.030. (Ord. 96-7 § 1, 1996; Ord. 93-76 § 1 (part), 1993)

1.20.030 Contents of Pamphlet.

The voters' pamphlet shall provide information on all candidates and issues designated by each participating jurisdiction, and shall otherwise conform to the contents requirements set forth in RCW 29.81A.040 and 29.81A.050. (Ord. 93-76 § 1 (part), 1993)

1.20.040 Cost.

The cost of a local voters' pamphlet shall be considered an election cost to those local jurisdictions included in the pamphlet, and shall be pro-rated in the manner provided in RCW 29.13.045. (Ord. 93-76 § 1 (part), 1993)

Chapter 1.22

PIERCE COUNTY HEARING EXAMINER CODE

Sections:

- 1.22.010 Purpose.**
- 1.22.020 Application of Hearing Examiner Code.**
- 1.22.030 Definitions.**
- 1.22.040 Hearing Examiner – Creation.**
- 1.22.050 Examiner – Qualifications.**
- 1.22.060 Selection of Examiner.**
- 1.22.070 Examiner – Conflict of Interest and Freedom from Improper Influence.**
- 1.22.080 Examiner – Powers and Duties.**
- 1.22.090 Appeals of Administrative Decisions to the Examiner.**
- 1.22.100 Departmental Report to the Examiner.**
- 1.22.110 Public Hearing.**
- 1.22.120 Examiner's Decision.**
- 1.22.130 Reconsideration.**
- 1.22.140 Appeal of Examiner's Decision.**
- 1.22.150 Examiner's Report to Council.**
- 1.22.160 Multiple Applications – Consolidation.**
- 1.22.170 Severability.**

1.22.010 Purpose.

The Council recognizes the need to provide efficient and effective hearing procedures which integrate land use and non land use matters. The purpose of this Chapter is:

- A. To provide orderly procedures for those matters considered within the Pierce County Hearing Examiner system; and
 - B. To create a single appeal system for license, land use, and administrative appeals.
- (Ord. 94-112S § 1 (part), 1994)

1.22.020 Application of Hearing Examiner Code.

The provisions of the Pierce County Hearing Examiner Code, as set forth in this Chapter, shall supersede any conflicting references to Hearing Examiner procedures in the Pierce County Code. (Ord. 94-112S § 1 (part), 1994)

1.22.030 Definitions.

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

- A. "Aggrieved" means adversely affected by proceedings before or decisions of the Examiner, Council, or any Pierce County department.
- B. "Council" means the Pierce County Council.
- C. "County" means Pierce County, together with any of its subdivisions, departments, or agencies.
- D. "Examiner" means the Office of the Pierce County Hearing Examiner or Deputy Examiner.

- E. "Land Use Advisory Commission" means an advisory commission established by the County Council and adopted in Title 2 of the Pierce County Code for the purpose of making recommendations to the Hearing Examiner on applications for proposed development as set forth in PCC 2.45.110 C.
 - F. "Land use matters" includes the items enumerated in subsection 1.22.070 B.1.
 - G. "May" means optional and permissive, and does not impose a requirement.
 - H. "New evidence" means any and all evidence that is submitted or received after the date the Examiner closes the official record. The official record is closed at the end of the public hearing, unless the Examiner specifically allows the official record to remain open for a time certain.
 - I. "Newspaper of general circulation" means a newspaper which is regularly distributed in (i) one of the four geographic areas identified by the Planning Department and (ii) the area where the subject of the application has been proposed.
 - J. "Non land use matters" includes those items enumerated in subsection 1.22.070 B.2.
 - K. "Official record" means the written and oral information, exhibits, reports, testimony and other evidence submitted in a timely manner and accepted by the Examiner.
 - L. "Parties of record" means those persons or entities who:
 - 1. Indicate on a sign-up sheet, which shall be available during the Examiner's hearings, that they wish to become a party of record; or
 - 2. Specifically advised the Planning Department or Examiner by individual written letter or electronic mail of their desire to become a party of record; or
 - 3. The applicant or appellant.
 - M. "Person" means any individual, partnership, corporation, association, Pierce County department, or public or private organization.
 - N. "Planning Department" means the Pierce County Planning and Land Services Department, the Director thereof, or his or her designee.
 - O. "Shall" means mandatory and imposes a requirement.
- (Ord. 2009-69s § 1 (part), 2009; Ord. 2004-78 § 1 (part), 2004; Ord. 94-112S § 1 (part), 1994)

1.22.040 Hearing Examiner – Creation.

The office of Pierce County Hearing Examiner is hereby created. (Ord. 94-112S § 1 (part), 1994; Ord. 90-154 § 1 (part), 1990; Res. 20489 § 1, 1978)

1.22.050 Examiner – Qualifications.

The Examiner shall have such training or experience as will qualify the Examiner to conduct administrative or quasi-judicial hearings utilizing land use and other regulatory codes and must have expertise and experience in planning, and should have knowledge or experience in at least one of the following areas: environmental sciences, law, architecture, economics or engineering. (Ord. 94-112S § 1 (part), 1994; Ord. 90-154 § 1 (part), 1990; Res. 20489 § 1, 1978)

1.22.060 Selection of Examiner.

The Examiner shall be selected by the Council. (Ord. 94-112S § 1 (part), 1994; Ord. 90-154 § 1 (part), 1990; Res. 20489 § 1, 1978)

1.22.070 Examiner – Conflict of Interest and Freedom from Improper Influence.

- A. The Appearance of Fairness Doctrine, as set forth in Chapter 42.36 RCW, shall apply to the Examiner and Deputy Examiners.

- B. No Councilmember, County official, or any other person shall interfere or attempt to interfere with the Examiner or Deputy Examiners in the performance of their designated duties.

(Ord. 96-19S § 4 (part), 1996; Ord. 95-112 § 1 (part), 1995; Ord. 95-1 § 1, 1995; Ord. 94-112S § 1 (part), 1994)

1.22.080 Examiner – Powers and Duties.

- A. The Examiner shall have the power to appoint Deputy Hearing Examiners subject to confirmation by the Council. The Deputy Hearing Examiners shall assist the Examiner in the performance of the duties conferred upon the Examiner and shall have all the powers and duties of the Examiner.
- B. The Examiner shall receive and examine available relevant information, including environmental documents, conduct public hearings, cause preparation of the official record thereof, prepare and enter findings of fact and conclusions of law, and issue final decisions for:
 - 1. Land Use Matters.
 - a. Applications for zone changes or amendments to the classification of specific parcels of land; provided that area-wide amendments to the Zoning Atlas, amendments to the text of the Zoning Code, community plans, Countywide Comprehensive Plan initiated in whole or part by the County Council, County Departments or Planning Commission are not within the Examiner's jurisdiction.
 - b. Appeals of decisions or orders of a County Administrative Official under the Site Development Regulations.
 - c. Applications for preliminary and final plats.
 - d. Applications for, and major amendments to, Planned Development Districts – PDDs.
 - e. Application for Transfer of Development Rights.
 - f. Applications for Shoreline Management Substantial Development Permits, Variances, Conditional Use Permits and Nonconforming Use Permits pursuant to the Shoreline Management Use Regulations.
 - g. Appeals from any final administrative order or decision related to the administration, interpretation or enforcement of the Pierce County Code.
 - h. Appeals contesting the approval or denial of short plats and large lot divisions.
 - i. Applications for, and major amendments to, variances, conditional use permits, public facility permits, permits for the alteration, or expansion or replacement of a nonconforming use.
 - j. Amendments to plats.
 - k. Appeals from the following environmental determinations: Appeals of final and revised threshold determinations; determinations of adequacy of final and supplemental environmental impact statements; and the exercise of SEPA substantive authority to condition or deny actions; PROVIDED, SEPA appeals of legislative actions taken by the Council pursuant to the requirements of the Growth Management Act or Shoreline Management Act shall be appealed to the Central Puget Sound Growth Management Hearings Board and are not within the Examiner's jurisdiction.
 - 1. Petitions for Plat Vacations, Alterations, Time Extensions, Revocations, Modifications, Reclassifications.

- m. Appeals of Cease and Desist Orders.
 - n. Applications for Youth Cabaret licenses.
 - o. Wetland variances and appeals of any order or decision of the Planning Department under the Pierce County Wetland Management Regulations.
 - p. Reasonable use exceptions and any order or decision of the Planning Department under the Critical Areas and Natural Resource Lands Regulations.
 - q. Applications for a request for removal of development moratorium pursuant to Title 18H, Development Regulations – Forest Practices.
 - r. Appeals of decisions or orders of the Planning Department under Title 18H, Development Regulations – Forest Practices.
 - s. Any other land use matters assigned by the Council to the Examiner.
2. Non Land Use Matters.
- a. Appeals of issuance, denials, revocations, or suspensions of business licenses. (Title 5)
 - b. Appeals of potentially dangerous dog declarations. (6.07)
 - c. Appeals of Notice of Violation and Abatement (Public Nuisances) (8.08)
 - d. Appeals of Notice of Violation and Abatement (Public Nuisance Vehicles). (8.10)
 - e. Appeals of denials of Solid Waste Handling Facility designations. (8.30)
 - f. Referrals from City of Tacoma's Human Rights and Human Services Department regarding complaints alleging violations of Fair Housing Regulations. (8.68)
 - g. Appeals from decisions of County in the administration or enforcement of the Road and Storm Drainage Design and Construction Standards. (Title 17A)
 - h. Appeals from decisions of Public Works Director regarding underground utility installations. (11.22)
 - i. Sewer Assessment Protests. (13.20)
 - j. Appeals from administrative decisions or orders of the Building Official or Fire Marshal regarding the Uniform Construction Codes. (Title 17C)
 - k. Appeals from decisions of the Building and Fire Codes Board of Appeals regarding water mains, fire hydrants, and fire flow standards. (Title 17C)
 - l. Appeals from any final administrative order or decision of the Planning Department in administration, interpretation or enforcement of the Pierce County Code.
 - m. Any other non land use matter assigned by the Council to the Examiner by ordinance.
 - n. Latecomers Agreement appeals (13.10.080)
 - o. Appeals concerning impact fees for parks, schools and roads. (4A)
 - p. Appeals of denials of permits for parades, motorcades, runs and assemblies. (12.44)
- C. Subpoena Authority. The Examiner shall have the authority to issue subpoenas compelling the appearance of witnesses and the production of documents.
- 1. A subpoena issued by the Hearing Examiner may be served by any person 18 years of age or over, competent to be a witness, but who is not a party to the matter in which the subpoena is issued.
 - 2. Each witness subpoenaed by the Hearing Examiner as a witness shall be allowed the same fees and mileage as provided by law to be paid witnesses in courts of record in Washington State.

3. If a person fails to obey a subpoena issued by the Hearing Examiner in an adjudicative proceeding, or obeys the subpoena but refuses to testify or produce documents when requested concerning a matter under examination, the Hearing Examiner or attorney issuing a subpoena may petition the Pierce County District Court for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, shall set forth in what specific manner the subpoena has not been complied with, and shall request an order of the court to compel compliance. Upon such petition, the court shall enter an order directing the person to appear before the court at a time and place fixed in the order to show cause why the person has not obeyed the subpoena or has refused to testify or produce documents. A copy of the court's show cause order shall be served upon the person. If it appears to the court that the subpoena was properly issued, and that the particular questions the person refused to answer or the requests for production of documents were reasonable and relevant, the court shall enter an order that the person appear before the Hearing Examiner at the time and place fixed in the order and testify or produce the required documents, and on failing to obey this order the person shall be dealt with as for contempt of court.
- D. Decision of Hearing Examiner. When acting upon any of the above specific applications or appeals, the Examiner shall have the power to attach any reasonable conditions found necessary to make a project compatible with its environment and to carry out the goals and policies of the applicable comprehensive plan, community plan, Shoreline Master Program, or other relevant plan, regulations, Federal or State law, case law or Shorelines Hearing Board decisions. In his/her decision, the Hearing Examiner shall consider the recommendations of the applicable Land Use Advisory Commission, the applicant, Planning and Land Services staff, and all other comments and recommendations, and the reason such recommendations are included or not included in the decision.
- E. The Examiner shall prescribe rules and regulations for the conduct of public hearings before the Examiner and shall provide a copy of the rules and regulations to the Council and to each County Department. The Examiner's rules may also include, but are not limited to: provisions for the issuance of preliminary decisions in complex cases; authorization for parties to propose draft findings of fact; and criteria for determining "expert witnesses" establishment of prehearing conference procedures and mediation sessions.

(Ord. 2010-70s § 1, 2010; Ord. 2009-69s § 1 (part), 2009; Ord. 2008-61 § 4, 2008; Ord. 2008-88 § 2, 2008; Ord. 2006-60s § 5, 2006; Ord. 2005-95 § 4, 2005; Ord. 2004-78 § 1 (part), 2004; Ord. 2003-32s2 § 3 (part), 2003; Ord. 2002-133 § 1, 2003; Ord. 98-87 § 2, 1998; Ord. 96-19S § 4 (part), 1996; Ord. 94-112S § 1 (part), 1994; Ord. 90-154 § 1 (part), 1990; Res. 22571 § 2, 1980; Res. 21132 § 2, 1978; Res. 20489 § 1 (part), 1978)

1.22.090 Appeals of Administrative Decisions to the Examiner.

- A. **Right to Appeal.** Any person aggrieved, or any officer, department, board, agency, district or bureau of the County or State affected by any decision of an administrative official, as set forth in Section 1.22.080 B., may file a notice of appeal.

B. Time Limits.

1. Land Use Matters.

- a. A notice of appeal, together with the appropriate appeal fee, shall be filed at the Planning and Land Services Department within 14 days of the date of an Administrative Official's decision. In the case of an appeal of a Determination of Nonsignificance requiring a comment period which is issued concurrently with a final decision, the appeal period shall be extended to 21 days.
- b. The Administrative Official shall prepare a written report with findings of fact and conclusions of law regarding the administrative decision.
- c. Staff reports shall be filed with the Examiner, mailed to the applicant and appellant and made available to the public at least 10 working days prior to the public hearing scheduled to review the administrative appeal. Copies shall be provided to the public upon request at the cost of reproduction.
- d. The public hearing, if applicable, shall be scheduled no later than 70 days from the date a notice of appeal is filed.
- e. Any supplemental briefs or materials supporting an appeal and/or responding to a staff report shall be filed with the Examiner and the Administrative Official at least five working days prior to the public hearing, unless a different schedule is set by the Examiner. Any costs incurred as a result of noncompliance with this subsection may be charged to the applicant at the discretion of the Examiner.
- f. If the Examiner has been requested to render a decision on an appeal in writing without conducting a public hearing, as set forth in Section 1.22.090 F.2., then the written briefs shall be submitted to the Examiner within 30 days of the Department's receipt of a filed notice of appeal.

2. Non Land Use Matters. Refer to the applicable code.

C. Content of Notice of Appeal. A Notice of Appeal on an administrative decision shall, at a minimum, contain the following information:

1. Name and mailing address of the appellant and his/her agent or representative, if any;
2. A copy of any decision, license, order or environmental determination which is being appealed;
3. A concise statement of the factual and legal basis for the appeal citing specifically the alleged errors in the administrative official's decision; and
4. The specific relief sought.

D. Consolidation.

1. If more than one person files an appeal of an administrative decision on a proposal, the Examiner shall consolidate such appeals for review at one public hearing. However, the appeal of a Determination of Significance, as set forth in Title 18D, Development Regulations – Environmental, may occur separately and prior to the public hearing on the underlying permit as determined by the Hearing Examiner.
2. Appeals of the adequacy of an FEIS or SEIS or threshold determination of a DNS/MDNS, as set forth in Title 18D, Development Regulations – Environmental, shall be consolidated with the public hearing on the merits of the proposal. If no public hearing process exists for a proposal, review of the FEIS, SEIS or DNS/MDNS shall be heard as determined by the Hearing Examiner.

E. Notice Provisions. Notice for an appeal of an administrative decision to be reviewed at a public hearing shall be in conformance with Section 1.22.110, Public Hearing.

F. **Review Procedure.**

1. The Hearing Examiner shall conduct a public hearing to review appeals including:
 - a. the Administrative Official's findings, conclusions, and determination;
 - b. all evidence admitted into the record; and
 - c. by taking sworn testimony.
2. The Hearing Examiner may render a decision on an appeal, in writing, without holding a public hearing when the parties agree that no issues of fact are to be decided. When issues of law are to be determined and opposing parties agree, they may request the Hearing Examiner to render a decision based upon written briefs. The Hearing Examiner shall render a written decision within 10 working days of receipt of the briefs.

G. **Burden of Proof.** A decision of the Administrative Official shall be entitled to substantial weight. Parties appealing a decision of the Administrative Official shall have the burden of presenting the evidence necessary to prove to the Hearing Examiner that the Administrative Official's decision was clearly erroneous.

H. **Scope of Authority.** The Examiner may reverse or affirm, wholly or in part, or may modify the Administrative Official's order, requirement, decision or determination. If the Hearing Examiner reverses the Administrative Official's decision, the entire action shall be remanded to the Administrative Official for an action consistent with the Hearing Examiner's decision.

I. **Dismissal of Appeal.** The Hearing Examiner has the authority to summarily dismiss an appeal of an Administrative Official's decision without hearing when such appeal is determined by the Examiner to be without merit on its face, frivolous, or brought merely to secure a delay.

(Ord. 2009-69s § 1 (part), 2009; Ord. 96-19S § 4 (part), 1996)

1.22.100 Departmental Report to the Examiner.

A. **Land Use Matters.** When a land use matter has been set for public hearing, the Planning Department shall coordinate and assemble the comments and recommendations of other County departments, Land Use Advisory Commissions, and governmental agencies having an interest in the subject application and shall prepare a report to include a summary of the facts involved and the Planning Department's findings and recommendations. The Planning Department shall include, as an exhibit in its staff report, the recommendations of the Land Use Advisory Commissions and the minutes of the applicable Land Use Advisory Commission meeting which documents the basis for the Advisory Commission's recommendation. The Planning Department shall also make a specific recommendation to approve, deny, modify, or conditionally approve the subject application based upon the contents of the application, the Planning Department's findings, the applicable comprehensive plan, and all other applicable plans or regulations adopted by the Council or Federal or State law.

B. **Non Land Use Matters.** When a non land use matter has been set for public hearing, the applicable department shall coordinate and assemble the comments and recommendations of other County departments and governmental agencies having an interest in the subject application and shall prepare a report to include a summary of the facts involved and the Department's findings and recommendations. The Department shall also make a specific recommendation to approve, deny, modify, or conditionally approve the subject application based upon the contents of the application, the Department's findings and all other application plans or regulations adopted by the Council.

- C. Staff reports shall be filed with the Examiner, mailed to the applicant and appellant, and made available to the public at least five working days prior to the scheduled hearing. Copies shall be provided to the public upon request at the cost of reproduction.
- D. If any person demonstrates to the Examiner that the staff report was not made available or mailed in a timely manner pursuant to subsection C. above, and requests a continuance, the Hearing Examiner may continue the hearing or leave the official record open to a date certain. If no request is made, the right to raise the issue of untimeliness shall be waived.

(Ord. 2004-78 § 1 (part), 2004; Ord. 96-19S § 4 (part), 1996; Ord. 94-112S § 1 (part), 1994; Ord. 90-154 § 1 (part), 1990; Res. 20489, 1978)

1.22.110 Public Hearing.

- A. **Public Hearing Required.** Unless otherwise provided, the Hearing Examiner shall hold one public hearing before rendering a decision on any application or approval.
- B. **Notice Methods.** Notice of the time and place of the public hearing shall be given as provided in the ordinance governing the application or appeal. If the ordinance governing the application or appeal does not contain notice provisions, notice of the time and place of the hearing before the Examiner shall be published in a newspaper of general circulation at least 14 days prior to the hearing and mailed to the applicant, appellant, project sponsor and any individuals requesting notice.
- C. All public hearings conducted by the Hearing Examiner shall be tape-recorded. Any testimony provided shall be under oath.
- D. The Examiner may require County staff to appear at the public hearing.
- E. The opportunity to cross-examine expert witnesses, including County staff, shall be afforded all parties or their counsel during the public hearing process.
- F. The hearing by the Examiner shall constitute the hearing by the Council; however, except as otherwise provided by Pierce County Code, an aggrieved party of record may appeal certain decisions of the Examiner to the Council pursuant to Section 1.22.140 and Chapter 1.24 PCC, "Procedures for Quasi-Judicial Hearings."
- G. If for any reason the hearing on the matter set for public hearing cannot be completed on the date set for such hearing, the Examiner may direct that the hearing on the matter be continued. If the date, time, and place at which the continued hearing will be held is publicly announced at the hearing from which the continuance is made, then no further notice of the continued hearing is required.

(Ord. 97-84 § 5 (part), 1997; Ord. 96-19S § 4 (part), 1996; Ord. 94-112S § 1 (part), 1994; Ord. 90-154 § 1 (part), 1990; Res. 20489, 1978)

1.22.120 Examiner's Decision.

- A. When the Examiner renders a decision he or she shall make and enter findings of fact from the record and conclusions of law thereof which support such decision. The findings of fact shall be supported by substantial evidence in the record and the conclusions of law shall be based upon the policies of the applicable Comprehensive Plan, Community Plan, Shoreline Master Program, Subdivision Regulations, Environmental Regulations; the standards set forth in the various land use regulatory codes of the County or any other relevant plan, regulation, Federal or State law, case law, case specific Shorelines Hearing or Growth Management Hearing Board decisions, or any other applicable law.

- B. All decisions of the Examiner shall be rendered within ten working days following the conclusion of all testimony and hearings and closing of the record, unless a longer period is mutually agreed to by the applicant or appellant and the Examiner. Upon issuance of the Examiner's decision, the Examiner shall transmit a copy of the decision by certified mail to the applicant or appellant and by regular mail to other parties of record and the applicable Land Use Advisory Commission members provided that LUAC members shall not be considered administrative parties of record.

(Ord. 2004-78 § 1 (part), 2004; Ord. 96-19S § 4 (part), 1996; Ord. 94-112S § 1 (part), 1994; Ord. 90-154 § 1 (part), 1990; Res. 20489, 1978)

1.22.130 Reconsideration.

Any aggrieved party or person affected by the decision of the Examiner may, within seven working days of the date of the Examiner's written decision, file with the department a written request for reconsideration based on any one of the following grounds materially affecting the substantial rights of said party or person:

- A. Errors of procedure or misinterpretation of fact, material to the party seeking the request for reconsideration.
- B. Irregularity in the proceedings before the Examiner by which such party was prevented from having a fair hearing.
- C. Clerical mistakes in the official file or record transmitted to the Examiner, including errors arising from inadvertence, oversight, or omission, which may have materially affected the Examiner's decision on the matter.

Upon receipt of a request for reconsideration, the Examiner shall review said request in light of the record and take such further action as is deemed proper; including, but not limited to, denying the request, granting the request, with or without oral argument, and may render a revised decision. The decision of the Examiner shall be subject to reconsideration only one time, even if the Examiner reverses or modifies the original decision.

(Ord. 2004-78 § 1 (part), 2004; Ord. 96-19S § 4 (part), 1996; Ord. 95-112 § 1 (part), 1995; Ord. 94-112S § 1 (part), 1994; Ord. 90-154 § 1 (part), 1990; Res. 22487 § 1 (part), 1980; Res. 20489 § 1 (part), 1978)

1.22.140 Appeal of Examiner's Decision.

The Examiner's decision on all matters is final and conclusive unless appealed.

- A. **Environmental.** The decision of the Examiner on matters under Title 18D, Development Regulations – Environmental and Section 1.22.080 B.1.k. of this Chapter shall be appealable only to a court of competent jurisdiction.
- B. **Shoreline.** The decision of the Examiner on matters under Title 20 PCC and Section 1.22.080 B.1.f. of this Chapter shall be appealable to the State Shorelines Hearings Board in accordance with the provisions of Chapter RCW 90.58.
- C. **Land Use.** All land use decisions of the Examiner issued pursuant to Section 1.22.080 B.1., except rezones, shall constitute the final decision of the Council and shall be appealable to a court of competent jurisdiction.
- D. **Non-Land Use.** All non-land use decisions of the Examiner issued pursuant to Section 1.22.080 B.2. shall constitute the final decision of the Council and shall be appealable to a court of competent jurisdiction. This subsection shall supersede any and all provision of the Pierce County Code that contain appeal provisions for non-land use decisions of the Examiner.

E. **Rezones.** For rezones, the Examiner's decision is final unless an aggrieved party of record files a written notice of appeal and pays an appeal fee of \$350.00 to the Planning Department within ten working days from the date of mailing of the Examiner's final written decision; PROVIDED, if the Examiner was requested to reconsider a decision, then the appeal must be filed within ten working days from the mailing of the Examiner's decision on reconsideration. The notice of appeal shall concisely specify each error and/or issue the Council is asked to consider. Upon the timely filing of an appeal, the Planning Department shall forward the original tape(s) containing a verbatim record of the proceedings before the Examiner and ten copies of the Examiner's official record to the Legal Clerk of the Council. The procedures contained in Chapter 1.24 of the Pierce County Code shall govern appeals to the Council filed under this subsection. (Ord. 97-84 § 5 (part), 1997; Ord. 96-19S § 4 (part), 1996; Ord. 94-112S § 1 (part), 1994; Ord. 90-154 § 1 (part), 1990; Res. 22487 § 1 (part), 1980; Res. 20489 § 1 (part), 1978)

1.22.150 Examiner's Report to Council.

The Hearing Examiner shall submit to the Council a quarterly report summarizing the type and nature of the hearings held during the previous quarter. (Ord. 96-19S § 4 (part), 1996; Ord. 94-112S § 1 (part), 1994; Ord. 90-154 § 1 (part), 1990; res. 20489, 1978)

1.22.160 Multiple Applications – Consolidation.

The Examiner may consider two or more applications relating to a single project concurrently, and the findings of fact, conclusions and decision on each application may be covered in one written decision. Additionally, the Examiner may consolidate appeals of environmental determinations and the underlying land use determinations. (Ord. 96-19S § 4 (part), 1996; Ord. 94-112S § 1 (part), 1994; Ord. 90-154 § 1 (part), 1990; Res. 20489, 1978)

1.22.170 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 96-19S § 4 (part), 1996; 94-112S § 1 (part), 1994)

Chapter 1.24

PROCEDURES FOR QUASI-JUDICIAL HEARINGS

Sections:

- 1.24.010 Application of Provisions.**
- 1.24.020 Definitions.**
- 1.24.030 Standing – Notice – Continuance.**
- 1.24.040 Grounds for Appeal.**
- 1.24.050 Quorum – Decision.**
- 1.24.060 Submission of Documents.**
- 1.24.070 Requests to Testify.**
- 1.24.080 Presentations at Hearing.**
- 1.24.090 Decision on Appeal.**
- 1.24.100 Remand to Examiner.**
- 1.24.110 Reconsideration.**

1.24.010 Application of Provisions.

The procedures for quasi-judicial hearings, as set forth in this Chapter, shall supersede any conflicting references to procedures for quasi-judicial hearings in the Pierce County Code. (Ord. 94-111S § 1 (part), 1994)

1.24.020 Definitions.

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

- A. "Aggrieved" means adversely affected by proceedings before or decisions of the Examiner, Council, or any Pierce County department.
- B. "Council" means the Pierce County Council.
- C. "County" means Pierce County, together with any of its subdivisions, departments, or agencies.
- D. "Examiner" means the Office of the Pierce County Hearing Examiner or Deputy Examiner.
- E. "May" means optional and permissive, and does not impose a requirement.
- F. "New evidence" means any and all evidence that is submitted or received after the date the Examiner closes the official record.
- G. "Newspaper of general circulation" means a newspaper which is regularly distributed in (i) one of the four geographic areas identified by the Planning Department and (ii) the area where the subject of the application has been proposed.
- H. "Official record" means the written and oral information, exhibits, reports, testimony and other evidence submitted in a timely manner and accepted by the Examiner.
- I. "Parties of record" means those persons or entities who:
 - 1. Testified before the Examiner; or
 - 2. Listed their names on a sign-up sheet, which shall be available during the Examiner's hearings; or
 - 3. Specifically, advised the Planning Department or Examiner by individual written letter of their desire to become a party of record; or
 - 4. The applicant or appellant and any of applicant's or appellant's agents.

J. "Person" means any individual, partnership, corporation, association, Pierce County department, or public or private organization.

K. "Planning Department" means the Pierce County Planning and Land Services Department, the Director thereof, or his or her designee.

L. "Shall" means mandatory and imposes a requirement.

(Ord. 94-111S § 1 (part), 1994)

1.24.030 Standing – Notice – Continuance.

Quasi-Judicial hearings shall be held at the request of an aggrieved person who is a party of record to a decision by the Examiner. The hearing date shall not be scheduled until after the Legal Clerk of the Council receives the notice of appeal and official record. The Legal Clerk shall cause notice of the hearing date to be mailed to the parties of record listed in the Examiner's decision at least 24 days prior to the initially scheduled hearing date. A request for continuance of the hearing by a party of record may be granted by the Council upon a showing of good cause. (Ord. 94-111S § 1 (part), 1994)

1.24.040 Grounds for Appeal.

An aggrieved party of record may appeal a final decision of the Examiner to the Council based upon the following grounds:

A. The Examiner's findings of fact are not supported by substantial evidence in the record;
or

B. The Examiner failed to apply the law correctly.

(Ord. 94-111S § 1 (part), 1994)

1.24.050 Quorum – Decision.

The presence of five Councilmembers and a concurrence of at least a majority thereof shall be required to dispose of any matter. The decision of the Examiner shall be sustained if a majority of the Council is unable to concur. (Ord. 94-111S § 1 (part), 1994)

1.24.060 Submission of Documents.

Parties of record may submit documents to the Council in support of their position on appeal. Parties submitting documents must provide the Legal Clerk with the original and eight copies of such documents at least ten days prior to the scheduled date for Council action. Documents that contain information not contained in the record of the prior proceeding shall not be admitted. (Ord. 94-111S § 1 (part), 1994)

1.24.070 Requests to Testify.

The party filing a notice of appeal is deemed the appellant for the purposes of these Rules. Other parties of record who wish to provide testimony in opposition to or in support of the appellant must submit a written request to the Legal Clerk at least ten days prior to the scheduled hearing date. (Ord. 94-111S § 1 (part), 1994)

1.24.080 Presentations at Hearing.

The presiding officer shall determine the proper order of presentation for the hearing. The procedure may be as follows:

- A. The Council's Legal Counsel shall present an opening statement briefly stating the established facts, disputes and issues on appeal.
- B. The appellant may then present oral argument and may reserve a portion of her/his time for rebuttal. The appellant is entitled to open and close oral argument.
- C. Following appellant, the opposing parties of record may present oral argument.
- D. Following argument by the parties, the Council may request such further clarification from the Examiner, Planning Department Staff, or the parties as it deems necessary to fully consider the case, provided however, that if the answer to such questions requires knowledge of factual evidence which is not contained in the record, such questions shall be stricken.
- E. Appellants are allowed 15 minutes for oral argument. This time may be increased up to thirty minutes if the Chair and/or Council deems additional time is warranted. Requests for additional time must be submitted in writing to the Legal Clerk at least ten days prior to the hearing and will be considered as the first issue of the hearing. Parties of record in opposition to the appellant are allowed an amount of time equal to the amount of time granted to the appellant. In the event there is more than one appellant or opposing party of record, the parties on each side will share the time granted equally, unless the parties agree to some other allocation. The Legal Clerk will act as timekeeper.
- F. The Council will hear argument on behalf of appellant or parties who properly request to speak and who appear at the time of oral argument. If none of the parties appear for oral argument, the Council may order argument at a later time or may decide the matter on the record and written memoranda submitted.

(Ord. 94-111S § 1 (part), 1994)

1.24.090 Decision on Appeal.

- A. Following the presentation of argument and questions by the Council, a Councilmember may state in motion form, a proposed decision on the appeal. A second to the motion is not necessary.
- B. If the Council determines that the Examiner's findings are supported by substantial evidence in the record and if the Examiner applied the law correctly, then the Council shall uphold the Examiner's decision.
- C. If the Council determines that the Examiner's findings are not supported by substantial evidence in the record, then the Council shall reverse the Examiner's decision.
- D. If the Council determines that the Examiner failed to apply the law correctly, then the Council shall reverse or remand the Examiner's decision. The decision of the Examiner on remand shall be final and subject to appeal according to the procedures set forth in this Chapter.

(Ord. 94-111S § 1 (part), 1994)

1.24.100 Hearing on Remand.

If a matter is remanded to the Examiner, a new hearing may be scheduled. (Ord. 94-111S § 1 (part), 1994)

1.24.110 Reconsideration.

Any aggrieved party or person affected by the action may, within seven working days of the Council's oral decision, file with the Legal Clerk a written request for reconsideration based on any one of the following grounds materially affecting the substantial rights of said party or person:

- A. Errors of procedure or misinterpretation of fact, material to the party seeking the request for reconsideration.
- B. Irregularity in the proceedings before the Council by which such party was prevented from having a fair hearing.
- C. Clerical mistakes in the official file or record transmitted to the Council, including errors arising from inadvertence, oversight, or omission, which may have materially affected the Council's decision on the matter.

Upon receipt of a request for reconsideration, the Council shall review said request and take such further action as the Council deems proper, including, but not limited to, the right to deny said request for reconsideration without oral argument, or the right to rehear and render a revised decision on the matter if deemed appropriate by the Council. Only one request for reconsideration may be filed by any one person or party, even if the Council reverses or modifies its original decision or changes the language in the decision originally rendered.

(Ord. 94-111S § 1 (part), 1994)

Chapter 1.26

PERFORMANCE AUDITING

Sections:

- 1.26.010 Intent and Purpose.**
- 1.26.020 Performance Audit Defined.**
- 1.26.030 Performance Audit Committee.**
- 1.26.040 Performance Audit Staff.**
- 1.26.050 Performance Audit Contractors.**

1.26.010 Intent and Purpose.

It is the intent of this Chapter to carry out the provisions of Pierce County Charter Section 2.20(1)(f). The Council shall employ independent and outside competent professional personnel and conduct an ongoing performance audit program designed to improve the economy, efficiency, and effectiveness of county government, including performance audits of any department, program, office, or other entity funded in the Pierce County budget unless prohibited by general state law. (Ord. 2007-9 § 1 (part), 2007; Ord. 97-12S § 2 (part), 1997)

1.26.020 Performance Audit Defined.

- A. Performance audit means an independent, objective, and systematic assessment of a County program or department or agency or any of its services, functions, or activities, to help public officials improve efficiency, effectiveness, and accountability.

Performance audits, for example, may:

1. Determine the extent to which desired outcomes or results are being achieved, the causes for either achieving or not achieving intended outcomes or results, and whether County policy, laws, and rules are being complied with in an efficient and economical manner;
2. Analyze whether resources, such as personnel, property, and space, are being used economically and efficiently, and report the causes of any inefficiencies or uneconomical practices;
3. Examine the costs and benefits of County programs, departments, functions, and activities;
4. Identify viable and objective alternatives and recommendations for reducing costs, improving service delivery, and monitoring corrective action;
5. Determine the existence and utility of a department, agency, or program's strategic plan, which includes comparing the department's or program's mission, measurable goals, and clear strategies with the timeliness to achieve those goals; and
6. Develop a workable, affordable plan for a department, program, activity, or function to improve performance and/or efficiency, where appropriate.

The term performance audit may be used generically to include program evaluations, program effectiveness and results audits, economy and efficiency audits, operational audits, value-for-money audits, and special studies.

(Ord. 2007-9 § 1 (part), 2007; Ord. 97-12S § 2 (part), 1997)

1.26.030 Performance Audit Committee.

- A. There is established a Performance Audit Committee (Committee) comprised of six members. Membership shall be three Councilmembers, the County Executive or designee, and two at-large members selected by these four and confirmed by Resolution of the Council. The Council shall appoint a fourth Councilmember to serve as an alternate. In the interest of consistency in membership and participation, in January of each year, the Executive may provide to the Council the name of the designee who shall serve on the Committee in the Executive's place during that year.
- B. The terms of the two at-large members shall be four years. At-large members shall serve at the will of the Committee during their terms.
- C. The Committee shall meet at least once every quarter.
- D. The Council designates the Performance Audit Committee to serve as the focal point of performance audit activities. The Committee is to be the Council's principal agent in assuring the independence and professionalism of the performance audit staff and contractors, the integrity of performance audits, and the adequacy of disclosures to the public.
- E. The Committee shall oversee and set the direction of the performance audit program. At a minimum, this includes:
 - 1. Review and approve an annual performance audit work program;
 - 2. Review and approve the scope and objectives of each audit;
 - 3. Ensure that the process for acquiring performance audit contractors follows Pierce County purchasing requirements as well as best practices in competitive solicitation;
 - 4. Review and approve performance audit contracts;
 - 5. Accept or approve performance audit reports;
 - 6. Report annually to the public on the highlights of performance audits conducted that year, provided that the report shall be made available to the news media and be accessible on-line without charge by interested citizens;
 - 7. Evaluate the cooperation received by audit staff and contractors in planning and conducting performance audits, including the ability to access all requested records, data, and information;
 - 8. Elicit comments from management regarding the responsiveness of audit staff and contractors to management's needs; and
 - 9. Review and make recommendations to the Council and the Executive on performance audit findings, recommendations, and reports, including recommendations for budget action or other changes to Pierce County's laws.

(Ord. 2011-87 § 1 (part), 2011; Ord. 2010-78s § 2 (part), 2010; Ord. 2007-9 § 1 (part), 2007; Ord. 2005-83 § 1, 2005; Ord. 2001-79 § 1, 2001; Ord. 97-12S § 2 (part), 1997)

1.26.040 Performance Audit Staff.

- A. To ensure adequate planning and coordination of the many activities involved in performance audits, the Council shall employ Performance Audit staff.
- B. The Performance Audit staff, under the direction of the Committee, shall:
 - 1. Plan and initiate the performance audit and review functions as described in this Chapter;
 - 2. Submit annual performance audit plans or work programs to the Committee for review, comment, and approval;
 - 3. Negotiate agreements with independent outside contractors to plan or conduct performance audits;

4. Conduct performance audit planning studies and prepare requests for proposals;
5. Conduct performance audit follow-up studies that determine whether agencies have implemented audit recommendations, identify the impact of the recommendations, and update the analysis;
6. Ensure that performance audits are planned, conducted, and reported in accordance with *Government Auditing Standards* published by the U.S. Government Accountability Office;
7. Submit audit reports to the Committee;
8. Prepare an annual report to the public on the highlights of performance audits conducted that year, for review, approval, and issuance by the Committee;
9. Coordinate a performance audit schedule, prioritize the elements of the performance audits, and evaluate contractor performance;
10. Review with County managers policies and procedures and make recommendations to reasonably ensure the adequacy of internal controls to enhance performance measure tracking and reporting;
11. Consistent with this Chapter, coordinate with the State Auditor and other audit agencies while avoiding duplication of effort;
12. Transmit completed audit reports to the Council;
13. Consistent with Charter requirements, coordinate with the Council so that an evening public hearing can be scheduled within 90 days of the completion of a performance audit to present, review, and allow discussion of action plans developed to respond to audit findings and recommendations;
14. Meet with the Committee and/or Council as needed;
15. Have access to all books, electronic records, records, and data of all County departments and other governmental entities funded in the Pierce County budget in whatever media they may be kept; provided that in examining the records, electronic records, books, and data, the Performance Audit staff shall preserve the confidentiality of all information as required, and provided that access to the information is allowed by state and federal law; and
16. Perform such other activities as may be assigned by the Committee or ordinance from time to time.

(Ord. 2011-87 § 1 (part), 2011; Ord. 2010-78s § 2 (part), 2010; Ord. 2007-9 § 1 (part), 2007; Ord. 97-12S § 2 (part), 1997)

1.26.050 Performance Audit Contractors.

- A. Performance Audit contractors selected to provide services pursuant to this Chapter shall:
 1. Provide assurances in writing that they are not aware of any impairments, actual or perceived, of their independence from the entity being reviewed or audited, and will plan and conduct the project in accordance with *Government Auditing Standards* as applicable to the scope of the audit;
 2. Have access to all books, electronic records, records, and data of all County departments and other governmental entities funded in the Pierce County budget in whatever media they may be kept; provided that in examining the records, electronic records, books, and data, the contractor shall preserve the confidentiality of all information as required, and provided that access to the information is allowed by state and federal law;
 3. Submit detailed work plans to the Performance Audit Coordinator for review and approval;

4. At the start and close of an audit, conduct entrance and exit conferences with the director of the entity under review;
 5. Upon request, provide the Performance Audit Coordinator with documentation of the evidence for findings, conclusions, recommendations, or other material in the audit report; and
 6. Perform such other activities as may be assigned by the terms of the contract.
- B. County departments shall:
1. Supply access to accounts and records in whatever media they may be kept and assist in finding and identifying them; and
 2. Cooperate in a timely manner with all aspects of performance audits.
- (Ord. 2007-9 § 1 (part), 2007; Ord. 97-12S § 2 (part), 1997)

Chapter 1.28

RULES OF PROCEDURE – PIERCE COUNTY COUNCIL

Sections:

- 1.28.010 Purpose.**
- 1.28.015 Definitions.**
- 1.28.020 Organization of the Council.**
- 1.28.030 Standing and Select Committees of the Council.**
- 1.28.035 Committee of the Whole.**
- 1.28.040 Meetings of the Council.**
- 1.28.050 Council Meetings and Agenda.**
- 1.28.060 Quorum and Voting.**
- 1.28.070 Legal Signatures.**
- 1.28.075 Fiscal Analysis Required.**
- 1.28.080 Procedure for Adoption/Termination of Resolutions.**
- 1.28.090 Procedure for Adoption/Termination of Ordinances.**
- 1.28.095 Withdrawal of Appointment Resolution.**
- 1.28.100 Procedure for Removal of Proposals from Standing or Select Committees.**
- 1.28.105 Consent Agenda.**
- 1.28.110 Publication of Ordinances.**
- 1.28.120 Format of Ordinances.**
- 1.28.130 Format of Resolutions.**
- 1.28.140 Public Records of Council, Standing, and Select Committee Meetings.**
- 1.28.150 Copies of Verbatim Records.**
- 1.28.160 Records Located in Council Office – Access Procedures.**
- 1.28.170 Procedure for Providing Copies of Public Records.**
- 1.28.175 Procedure for Confirmation of Chief Officers of Executive Departments.**
- 1.28.180 Procedure for Appointments to Vacant Council Positions, and Other Vacant Elected Positions.**
- 1.28.185 Amendments to Rules of Procedure.**
- 1.28.190 Severability.**
- 1.28.200 Rule of Construction.**

1.28.010 Purpose.

The purpose of this Chapter is to give effect to Section 2.35 of the Pierce County Charter, "Rules of Procedure." This Chapter sets forth the rules of procedure governing the time, place and conduct of the Council's meetings and hearings and the introduction, publication, consideration, and adoption of Ordinances and Resolutions. (Ord. 98-3S2 § 1 (part), 1998; Ord. 96-135 § 2 (part), 1996)

1.28.015 Definitions.

- A. "Time of introduction" or "introduction" means the date on which an ordinance or resolution first appears on the Council meeting agenda.
- B. "Publication" means dissemination to the public of the notice of public hearing or the notice of adoption of an ordinance.

(Ord. 2003-96s § 1 (part), 2003)

1.28.020 Organization of the Council.

- A. The Officers of the Council shall be the Chair, the Vice Chair, and the Executive Pro Tempore. These officers shall serve at the pleasure of the Council from the time of their election until the annual election of officers occurring in the following year. The Council shall hold its annual election of officers during its regularly scheduled Council meeting no later than the third Tuesday in January of each year. The annual election of officers shall be for the positions of Chair, Vice Chair, and Executive Pro Tempore, and shall occur under Section X of the Agenda, Other Business/Announcements.
- B. In the temporary absence of the Chair, the Vice Chair shall assume the duties and responsibilities of the Chair. In the event the Chair and Vice Chair are both absent, the Executive Pro Tempore shall assume the duties and responsibilities of the Chair. In the event the Chair, Vice Chair, and Executive Pro Tempore are absent, the most senior Councilmember in years of Council service shall assume the duties and responsibilities of the Chair. In the event that any officer is unable to serve the remainder of his or her term, an election will be held to fill the vacant position. The elected officers shall serve for a period of one year unless removed by a majority of the Council at a regularly scheduled Council meeting.

(Ord. 2007-57 § 1, 2007; Ord. 2001-16s § 1 (part), 2001; Ord. 99-126S § 1 (part), 1999; Ord. 98-3S2 § 1 (part), 1998; Ord. 96-135 § 2 (part), 1996)

1.28.030 Standing and Select Committees of the Council.

The newly elected officers of the Council shall serve on the Rules and Operations Committee. Membership, officers and committee meeting days and times for Standing Committees of the Council shall be established by Resolution no later than the fourth Tuesday of January of each year by approval of a majority of the Councilmembers.

Select Committees may be created as the need arises. Select Committees of the Council and their memberships shall be established by Resolution of the Council.

The officers of the Committees shall be the Chair and the Vice Chair. These officers shall serve at the pleasure of the Council from the time of their establishment by Resolution of the Council until amended or superseded by a new Resolution.

In the temporary absence of the Chair, the Vice Chair shall assume the duties and responsibilities of the Chair. In the event the Chair and Vice Chair are absent, the senior member in years of Council service shall assume the duties and responsibilities of the Chair.

- A. Standing Committees.
 - 1. **Rules and Operations Committee.** The Rules and Operations Committee shall consider and make recommendations on matters including, but not limited to:
 - a. Agenda of the Council and Committees;
 - b. Arts;
 - c. Assignment of Ordinances, Resolutions, and Other Issues to Committee;
 - d. Board of Equalization;
 - e. Bonds;
 - f. Budget, Supplemental Budgets, Budget Goals and Proviso Compliance;
 - g. Communications;
 - h. Confirmation of Appointments to Boards and Commissions;
 - i. Confirmation of Executive's Appointments of Department Directors;
 - j. Contracts;
 - k. Council Budget;
 - l. County Operations;

- m. Elections and Voting;
 - n. Fiscal Issues;
 - o. Ethics;
 - p. Information Technology;
 - q. Inter-Jurisdictional Issues and Intergovernmental Agreements;
 - r. Personnel and Bargaining Agreements;
 - s. Performance Audits;
 - t. Property Taxes and Personal Property Taxes.
 - u. Purchasing for Council; and
 - v. Rules and Procedures of the Council.
2. **Community Development Committee.** The Community Development Committee shall consider and make recommendations on matters including, but not limited to:
- a. Budget, Budget Goals and Proviso Compliance;
 - b. Building, Construction and Fire Codes;
 - c. Capital Facilities;
 - d. Current Use Assessment;
 - e. Development Regulations;
 - f. Environmental Issues;
 - g. Growth Management;
 - h. Land Division Policies and Regulations;
 - i. Natural Resource Lands and Forest Practices;
 - j. Park and School Impact Fees;
 - k. Parks;
 - l. Planning; and
 - m. Shorelines.
3. **Economic and Infrastructure Development Committee.** The Economic and Infrastructure Development Committee shall consider and make recommendations on matters including, but not limited to:
- a. Budget, Budget Goals and Proviso Compliance;
 - b. Economic Development;
 - c. Franchises;
 - d. Public Utilities;
 - e. Public Works;
 - f. Road Improvement Districts;
 - g. Roads;
 - h. Sewers;
 - i. Solid Waste;
 - j. Surface Water;
 - k. Telecommunications;
 - l. Traffic Impact Fees;
 - m. Transportation Improvement Plan;
 - n. Utility Local Improvement Districts;
 - o. Water Districts; and
 - p. Other Water Issues.
4. **Public Safety and Human Services Committee.** The Public Safety and Human Services Committee shall consider and make recommendations on matters including, but not limited to:
- a. Animals;
 - b. Assigned Counsel;

- c. Budget, Budget Goals and Proviso Compliance;
 - d. Children, Youth, and Their Families;
 - e. Community Services;
 - f. Corrections;
 - g. Courts;
 - h. Criminal Justice;
 - i. Emergency Preparedness;
 - j. Firearms Restricted Areas;
 - k. Health;
 - l. Human Services;
 - m. Juvenile Justice;
 - n. Juvenile Services;
 - o. LESA;
 - p. Medical Examiner;
 - q. Nuisance;
 - r. Probation;
 - s. Prosecuting Attorney;
 - t. Public Safety;
 - u. Senior Services;
 - v. Sheriff; and
 - w. Watercraft.
- B. Rules of Procedure for the County Council's Standing and Select Committees.
- 1. **Administration and Management of Committees.**
 - a. The Chair of the Committee shall be charged with coordinating all activities of the Committee. These activities include:
 - (1) Setting dates and agendas for all meetings of the Committee, subject to approval by the Council's Rules and Operations Committee;
 - (2) Coordinating the attendance of members to assure a quorum at all meetings (this duty may be delegated to the Committee Staff);
 - (3) Directing Committee Staff to prepare the agenda, proper notice to the members and interested parties, and meeting packets for each Committee meeting; and
 - (4) Conduct all meetings pursuant to these Rules, and where appropriate, Robert's Rules of Order Newly Revised.
 - b. The Committee Staff for each Committee includes a lead Research and Legal Staff person and a Committee Clerk, with other Council staff providing additional support, as needed for specific proposals and study session topics.
 - c. The lead Research and Legal Staff person works under the direction of the Committee Chair in accomplishing the tasks assigned to the Committee. These duties may include:
 - (1) preparation of suggested legislation;
 - (2) preparation of suggested amendments by Committee members;
 - (3) coordination with the appropriate departments, agencies, or individuals;
 - (4) private briefings for the Committee Chair or Co-Chairs and/or individual members of the Committee; and
 - (5) preparation of reports, public briefings and oral testimony when appropriate.

- d. The Committee Clerk shall, with the guidance of the lead Research and Legal Staff person:
 - (1) prepare the Committee packets with copies of all referred proposals and associated source documents;
 - (2) maintain a draft schedule for the Committee and distribute information about schedules to the Councilmembers and assistants;
 - (3) coordinate the attendance of Committee members to assure a quorum, and report any quorum problems to the Chair;
 - (4) prepare and distribute all amendment memos to Committee members, staff, and the public when appropriate; and include in meeting packets;
 - (5) prepare the meeting summaries and audio recordings of all Committee meetings;
 - (6) record the action taken on all votes taken in Committee;
 - (7) prepare any Substitutes recommended by the Committee;
 - (8) prepare a Committee Report for each public hearing on each proposal, with attachments containing any amendment memos, comment letters, handouts, and other source documents received during the Committee hearing process;
 - (9) transmit the final Committee Report with all attachments to the Clerk after the Committee has made its final recommendation;
 - (10) keep and maintain all Committee records as determined by law and/or procedure;
 - (11) provide meeting notices to interested persons and as directed by the Chair; and
 - (12) advise the Committee on procedural matters.
2. **Quorum and Voting.**
 - a. The Rules and Operations Committee shall consist of three members and one alternate; two members shall constitute a Quorum.
 - b. The Community Development Committee, the Economic and Infrastructure Development Committee, and the Public Safety and Human Services Committee shall consist of five members each; three members shall constitute a quorum.
 - c. The Committee of the Whole, by definition, shall consist of the entire Council; a quorum shall be four members, as defined in PCC 1.28.060.
 - d. No Committee shall transact any business without a quorum, except to take measures to obtain a quorum, recess, continue to a time certain, take public testimony, or adjourn.
3. **Meetings.**
 - a. Committee agendas and meeting schedules shall be set and approved by the Rules and Operations Committee on the Weekly Meeting Schedule.
 - b. The order of the agenda may be changed at any Committee meeting by a majority vote of the Committee.
 - c. All standing committee meetings shall be cablecast from gavel to gavel.
 - d. Each Committee meeting shall be duly noticed on the Weekly Meeting Schedule approved by the Rules and Operations Committee and by meeting notices provided in electronic form via email, posting on the Council's web page, or hard copy format through postal mail, as appropriate.
 - e. Committee meetings may be adjourned or continued to a date and time certain by the Chair, with the concurrence of a majority of the Committee. If a meeting of the Committee lacks a quorum, the Chair may adjourn or continue that meeting to a date certain.

- f. If for any reason a Committee meeting is canceled, all Agenda items shall be continued to the next scheduled Committee meeting.
 - g. Procedural matters not addressed by these Rules shall be governed by Robert's Rules of Order Newly Revised.
4. **Committee Actions.** Committee action on any proposed Ordinance or Resolution is strictly advisory to the Council. Recommendations to the Council shall be determined by a vote of at least a quorum of the Committee. The Committee Report shall be signed by the Chair and shall indicate one or more of the following motions and whether the motion passed or failed:
- a. Do pass (as amended, as substituted, as substituted and subsequently amended);
 - b. Do not pass (as amended, as substituted, as substituted and subsequently amended);
 - c. Forward without recommendation (as amended, as substituted, as substituted and subsequently amended);
 - d. Refer to _____ Committee (as amended, as substituted, as substituted and subsequently amended);
 - e. Postpone indefinitely (as amended, as substituted, as substituted and subsequently amended); or
 - f. Continue to a date certain (as amended, as substituted, as substituted and subsequently amended).

Minority reports, if any, shall be noted on the Committee Report and attached for transmittal to the Clerk for the final hearing.

5. **Amendments and Substitutions.** Ordinances and Resolutions which are moved out of Committee with amendments shall be submitted to the Clerk of the Council or the Clerk of another Committee, if appropriate, as follows:
- a. Do pass (or forward without recommendation, or do not pass), as amended. The Ordinance or Resolution shall be forwarded in its original form as introduced, with all Amendment Memos considered by the Committee attached with the final disposition of each Amendment Memo and any oral amendments noted on the memo itself. Separate oral amendments unrelated to Amendment memos shall be documented by a separate Oral Amendment Crib Sheet. The Council (or other Committee) may vote to accept, amend, or reject the proposed Committee amendments.
 - b. Do pass (or forward without recommendation, or do not pass), as substituted. The Committee may, upon the motion of any member of the Committee, vote to incorporate all adopted Committee amendments into a substitute proposal. This motion can be combined with the Do pass motion (e.g., "I move to incorporate all Committee amendments into a substitute Ordinance and forward the substitute to the full Council with a do pass recommendation.") or as a separate motion. If a motion to pass as substituted is approved, the Committee Clerk will incorporate the approved amendments into a Substitute Ordinance or Resolution, to be submitted to the Clerk of the Council (or other Committee) with the Committee Report for Council or Committee consideration. The adopted Committee amendments shall be attached to the Committee Report with all other documentation for the official record. The final disposition of each Amendment Memo and any oral amendments thereto shall be noted on the memo itself. Separate oral amendments unrelated to Amendment memos shall be documented

by a separate Oral Amendment Crib Sheet. The Ordinance or Resolution number shall have an "s" appended to it. If it is substituted a second time, the "s" shall be followed by a "2", or a "3" for the third time, etc.

- c. Continue to a date certain or postpone indefinitely. The documents shall be prepared as indicated in a. or b., depending on whether a motion to substitute was passed. The proposal and all Committee-related documentation shall remain in Committee until rescheduled or otherwise removed from Committee.

(Ord. 2010-113 § 1 (part), 2011; Ord. 2001-16s § 1 (part), 2001; Ord. 99-126S § 1 (part), 1999; Ord. 98-3S2 § 1 (part), 1998; Ord. 96-135 § 2 (part), 1996)

1.28.035 Committee of the Whole.

The Committee of the Whole may be convened to review and make recommendations on the annual Budget of the County, or for any other purposes as determined by the Chair of the Council or the Rules and Operations Committee.

The Committee of the Whole shall follow the Rules of Procedure for Standing and Select Committees as set forth in PCC 1.28.030.

All actions of the Committee of the Whole are strictly advisory to the Council.

(Ord. 2010-113 § 1 (part), 2011; Ord. 2001-16s § 1 (part), 2001; Ord. 98-3S2 § 1 (part), 1998)

1.28.040 Meetings of the Council.

- A. The County Council shall conduct regularly scheduled meetings at 3 p.m. on Tuesday of every week in the County Council Chambers in the County-City Building, unless otherwise ordered by the Council. In addition to, or in place of, the above regularly scheduled meetings, the Council shall conduct at least one evening meeting per year in each Council District, with the specific time, place, and date to be set by adoption of a Resolution by the Council, and announced in compliance with normal meeting notice procedures.
- B. Special Meetings of the Council shall be called pursuant to RCW 42.30.080.
- C. Meetings of the Council may be adjourned or continued to a date and time certain by the Chair, with the concurrence of a majority of the Council.
- D. If a meeting of the Council lacks a quorum, the Chair may adjourn or continue that meeting to a date certain.
- E. The Council shall conduct its business according to Robert's Rules of Order, Newly Revised, except when said Rules conflict with law or Council Resolutions or Ordinances, then the law, Resolutions, or Ordinances shall prevail.
- F. If for any reason a meeting of the Council is canceled, all Agenda items shall be continued to the next regular meeting of the Council.

(Ord. 2001-16s § 1 (part), 2001; Ord. 99-126S § 1 (part), 1999; Ord. 98-3S2 § 1 (part), 1998; Ord. 96-135 § 2 (part), 1996)

1.28.050 Council Meetings and Agenda.

- A. The order and wording of the agenda for Council meetings shall be as follows:
 - I. CALL TO ORDER
 - II. ROLL CALL
 - III. PLEDGE OF ALLEGIANCE TO THE FLAG
 - IV. APPROVAL OF AGENDA

- V. CONSENT AGENDA (No final action on any Ordinance or Resolution will be taken under this Section)
 - a. Approval of Minutes
 - b. Action on Ordinances (refer, set date of hearing)
 - c. Action on Resolutions (refer, set date of hearing)
 - d. Other Items
 - VI. MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY
 - VII. PROCLAMATIONS, AWARDS, AND/OR APPOINTMENTS TO BOARDS AND COMMISSIONS
 - VIII. ORDINANCES
 - IX. RESOLUTIONS
 - X. OTHER BUSINESS/ANNOUNCEMENTS
 - XI. CITIZENS' FORUM
 - XII. ADJOURNMENT
- B. Cablecasting. All Council meetings and all standing and select committee meetings shall be cablecast from gavel to gavel.
- C. Public Participation in Council Meetings.
- 1. **Ordinances and Resolutions.** Anyone may address any ordinance or resolution on the agenda for final consideration. Public comment on any other items on the agenda shall be at the discretion of the Chair. To insure equal opportunity for the public to comment, the Chair may impose a time limit on each speaker. All comments must be directed to the Chair.
 - 2. **Citizens' Forum.**
 - a. Purpose. The purpose of Section XI., Citizen's Forum, is to afford members to the public an opportunity to address the Council on issues of significance to or affecting Pierce County government and that do not appear otherwise on that particular meeting agenda.
 - b. Rules for Public Participation.
 - (1) Three minute time limit, unless changed by the Chair.
 - (2) All comments must be directed to the Chair.
 - (3) No person shall disrupt the orderly conduct of any Council meeting.
 - (4) Speakers who fail to comply with the Council's rules governing public participation in Council meetings (PCC 1.28.050 C.) shall be subject to forfeiture of his or her opportunity to speak to the Council and/or removal from the Council Chambers or other meeting room at the discretion of the Chair.
 - 3. The Council adopts and incorporates herein by reference the provisions of Revised Code of Washington 42.17.130 regarding the use of its facilities for campaigns or ballot propositions.
 - 4. Audio Equipment is available for the Hearing Impaired. Please contact the Receptionist.
 - 5. The language of this subsection shall be shown at the bottom of the first page of each agenda of the County Council meetings.
- D. The Council agenda and meeting schedule shall be set and approved by the Rules Committee.
- E. The Council Meeting Agenda is to be delivered to the Executive by noon on the Friday prior to the meeting for which it is prepared.

- F. Items may be added to amend an agenda approved by the Rules Committee only to refer an Ordinance or Resolution to committee, to set a date of public hearing, to correct clerical errors, or to consider emergency Ordinances, emergency Resolutions, or Proclamations and/or Awards.
- G. The order of the agenda may be changed at any Council meeting by a majority vote of the Council.

(Ord. 2005-56 § 1, 2005; Ord. 2005-24 § 1, 2005; Ord. 2003-96s § 1 (part), 2003; Ord. 2001-16s § 1 (part), 2001; Ord. 99-126S § 1 (part), 1999; Ord. 98-3S2 § 1 (part), 1998; Ord. 96-135 § 2 (part), 1996)

1.28.060 Quorum and Voting.

- A. Four members of the County Council shall constitute a quorum at all Council meetings, and no proxy votes will be allowed. For Quasi-Judicial hearings, see Chapter 1.24 of the Pierce County Code.
- B. Final Council action on Ordinances and Resolutions shall require at least a majority vote of the entire Council except as otherwise provided by the Charter or Rules.
- C. Councilmembers may request to be excused from a meeting pursuant to Charter Section 4.70(1)(e), for bona fide reasons, by requesting the same of the Chair. The Chair may excuse the absence during roll call unless an opposing motion from the Council is passed.
- D. If a meeting of the Council lacks a quorum, the Chair may adjourn or continue that meeting to a date certain.
- E. All final votes of the Council on Ordinances or Resolutions shall be recorded by a roll call vote.

(Ord. 2010-113 § 1 (part), 2011; Ord. 2001-16s § 1 (part), 2001; Ord. 98-3S2 § 1 (part), 1998; Ord. 96-135 § 2 (part), 1996)

1.28.070 Legal Signatures.

All official documents of the Council shall be signed by the Chair, or in the absence of the Chair, the Acting Chair, and attested to by the Clerk of the Council or Acting Clerk of the Council. (Ord. 99-126S § 1 (part), 1999; Ord. 96-135 § 2 (part), 1996)

1.28.075 Fiscal Analysis Required.

Every proposed ordinance and resolution submitted to the Council for consideration shall include a "fiscal note". "Fiscal note" means a written statement of the projected fiscal impact on Pierce County of an ordinance or resolution. The fiscal note shall state whether the ordinance or resolution is projected to increase or decrease Pierce County government revenues or expenditures. Fiscal notes shall indicate by fiscal year the total impact on Pierce County for the first two years the legislation would be in effect and shall also include a cumulative six-year forecast of the fiscal impact. Fiscal notes shall separately identify the fiscal impacts on the operating and capital budgets. (Ord. 2001-16s § 1 (part), 2001)

1.28.080 Procedure for Adoption/Termination of Resolutions.

- A. Resolutions may be sponsored for introduction by a Councilmember(s), Council Standing or Select Committee, or the full Council.
- B. Typical matters which may be adopted by Resolution are set forth as follows:
 - 1. Confirmation or rejection of appointments to Boards and Commissions by the Executive. This action must occur within 30 days of the date the appointing Resolution is received by the Council. (See PCC 1.28.095)

2. Declarations of policy which do not have the force of law.
 3. Requests for information from other agencies or departments.
 4. Proclamations.
 5. The Council's decision on a quasi-judicial matter or hearing.
 6. Any other matter which may be accomplished by Resolution and which is not in conflict with the Charter.
- C. No amendment to any resolution shall be allowed which shall change the scope and object of the resolution.
- D. If the Council or Committee has not taken formal action on a proposed Resolution within two years from the date of referral to Committee, it shall be deemed "terminated" and removed from consideration by the Council or any Council Committee. The Clerk of the Council shall notify all appropriate individuals that the proposal has terminated. The terminated Resolution, along with any exhibits and supporting documentation thereto, shall be retained and filed in the Council Office for a period of two years following the termination. Proposed Resolutions that are terminated due to this two-year termination rule may be reintroduced under a new number.
- (Ord. 2010-113 § 1 (part), 2011; Ord. 2003-96s § 1 (part), 2003; Ord. 2001-16s § 1 (part), 2001; Ord. 99-126S § 1 (part), 1999; Ord. 98-3S2 § 1 (part), 1998; Ord. 96-135 § 2 (part), 1996)

1.28.090 Procedure for Adoption/Termination of Ordinances.

- A. Ordinances must be sponsored for introduction by a Councilmember(s), Council Standing or Select Committee, or the full Council.
- B. Ordinances brought before the Council are subject to a motion for one or more of the following procedures:
1. Referral to a Standing or Select Committee which may report back with a recommendation to the Council.
 2. Setting a date of hearing for final consideration.
 3. No referral to Standing or Select Committee.
 4. Re-referral of the proposed Ordinance to Standing or Select Committee for further consideration with:
 - a. A definite date set for the Standing or Select Committee Report to be submitted to the full Council, or
 - b. No date set for the Standing or Select Committee Report to be submitted to the full Council.
 5. Amendment or substitution of the Ordinance.
 6. Do Not Pass.
 7. Do Pass.
- C. Passage of emergency Ordinances shall occur pursuant to Charter Section 2.50.
- D. No amendment to any ordinance shall be allowed which shall change the scope and object of the ordinance.
- E. If the Council or Committee has not taken formal action on a proposed Ordinance within two years from the date of referral to Committee, it shall be deemed "terminated" and removed from consideration by the Council or any Council Committee. The Clerk of the Council shall notify all appropriate individuals that the proposal has terminated.

The terminated Ordinance, along with any exhibits and supporting documentation thereto, shall be retained and filed in the Council Office for a period of two years following termination. Proposed Ordinances that are terminated due to this two-year termination rule may be reintroduced under a new number.

(Ord. 2003-96s § 1 (part), 2003; Ord. 2001-16s § 1 (part), 2001; Ord. 99-126S § 1 (part), 1999; Ord. 98-3S2 § 1 (part), 1998; Ord. 96-135 § 2 (part), 1996)

1.28.095 Withdrawal of Appointment Resolution.

In the event that the Executive desires to withdraw an appointment to any Board or Commission prior to consideration by the Council, a written request from the Executive to withdraw the appointee's name shall be presented to the Council. The Council may vote to allow withdrawal of the appointment resolution, or the Council may proceed with a vote to confirm or reject the appointment pursuant to Section 3.30 of the Pierce County Charter.

A vote to allow withdrawal shall be dispositive of the appointment and no further action is necessary at that time.

(Ord. 2001-16s § 1 (part), 2001; Ord. 98-3S2 § 1 (part), 1998)

1.28.100 Procedure for Removal of Proposals from Standing or Select Committees.

Any Councilmember, during a regularly convened meeting of the Council, may make a motion under agenda Item X to remove a Proposal from a Standing or Select Committee. Said motion, if seconded, shall require a majority vote of the Council to set a date of public hearing with appropriate notice on a proposed Ordinance or for final passage of a proposed Resolution.

Any four Councilmembers may cause any Proposal to be removed from a Standing or Select Committee by signing an "Ordinance or Resolution Removal Form". When the four signatures are obtained, the Proposal shall be released from the Standing or Select Committee and shall be placed on the next Council agenda for appropriate action. (Ord. 2001-16s § 1 (part), 2001; Ord. 99-126S § 1 (part), 1999; Ord. 98-3S2 § 1 (part), 1998; Ord. 96-135 § 2 (part), 1996)

1.28.105 Consent Agenda.

The Rules Committee will establish the consent agenda as Item V of the Council's regular agenda. Measures appearing and remaining on a consent agenda shall be non-controversial in nature and have the unanimous consent of Councilmembers voting on the measure(s).

Prior to a roll call vote on the Consent agenda, Councilmembers shall be given an opportunity to request that an item be removed from the Consent agenda. If an item is removed from the Consent agenda, it shall be placed on the regular agenda for Council consideration. Immediately following the removal of an item from the Consent agenda, the Clerk shall announce the Section and Item number where the removed item will now appear on the regular agenda. The Council will act on the removed item as allowed by these Rules of Procedure.

The vote on a Consent Agenda shall be by roll call vote, and approval requires a unanimous vote of the Council.

(Ord. 2001-16s § 1 (part), 2001; Ord. 99-126S § 1 (part), 1999; Ord. 98-3S2 § 1 (part), 1998)

1.28.110 Publication of Ordinances.

- A. Publication of the notice of public hearing of an Ordinance shall be in the County official newspaper and may be published in additional newspapers if required by state law or at the request of a majority of the Council, or the Chair. The publication may, at the discretion of the Clerk of the Council, include a summary of the Ordinance, unless the Council or law specifically designates that the full text of the Ordinance will be

published. The notice shall specify the places where copies of the Ordinances are available for inspection, and the date, time, and location of the meeting at which the Ordinance will be considered for final consideration.

- B. Whenever the County is required by law to publish legal notices containing the full text of any proposed or adopted Ordinance in a newspaper, the County may, pursuant to RCW 65.16.160, publish a summary of the Ordinance, which summary shall be approved by the Clerk.
- C. A summary of an Ordinance for publication shall include the following:
 - 1. The name of the County.
 - 2. Formal identification or citation number of the Ordinance.
 - 3. Title of the Ordinance.
 - 4. Any other information which the Clerk determines is necessary to provide a complete summary.
 - 5. A statement that copies of the Ordinance are available upon request for a charge as set by Ordinance, the place where the copies are filed, the times they are available for inspection, the date and location of the hearing on the proposed Ordinance, or when the Ordinance becomes effective.
- D. Publication as set forth above shall occur both after the time of introduction and after final adoption by the Council. Final adoption by the Council shall occur no sooner than six calendar days after the first publication following introduction, except as provided in the Charter for emergency ordinances.
- E. Notwithstanding subsection B. above, whenever any publication is made under this Section and the proposed or adopted Ordinance contains provisions regarding taxation or penalties or contains legal descriptions of real property, the sections containing these provisions shall be published in full. (See RCW 65.16.160(2))
- F. An inadvertent mistake or omission in publishing the text or a summary of the content of a proposed ordinance or resolution shall not render the ordinance or resolution invalid if it is adopted.

(Ord. 2003-96s § 1 (part), 2003; Ord. 2001-16s § 1 (part), 2001; Ord. 99-126S § 1 (part), 1999; Ord. 98-3S2 § 1 (part), 1998; Ord. 96-135 § 2 (part), 1996)

1.28.120 Format of Ordinances.

Ordinances shall be in a format determined by the Clerk of the Council and so numbered as to include the year of introduction and the order received by the Clerk of the Council in any year (i.e., 2002-1). No Ordinance shall contain more than one subject, which shall be clearly expressed in the title. The name of the Councilmember or Members sponsoring the Ordinance and the requesting department, agency, or person shall be shown on the face of the Ordinance. No Ordinance shall be amended unless the amending Ordinance sets forth each amended Section or subsection in full, and a listing of each Section contained in the Ordinance. The format shall be for language being deleted to be shown in a strike-through format (~~delete~~); new language shall be shaded (new); and previous language which is not being amended shall be shown as is, without strike-through or shading. The signature page shall contain at least the last Section of the Ordinance. (Ord. 2010-113 § 1 (part), 2011; Ord. 2003-96s § 1 (part), 2003; Ord. 2001-16s § 1 (part), 2001; Ord. 99-126S § 1 (part), 1999; Ord. 96-135 § 2 (part), 1996)

1.28.130 Format of Resolutions.

Resolutions shall be in a format determined by the Clerk of the Council, and shall be numbered with an "R" preceding the year of introduction and the order received by the Clerk of the Council in each year (i.e., R2002-1). The name of the Councilmember(s) or Committee sponsoring the Resolution and the requesting department, agency, or person shall be shown on the face of the Resolution. The signature page shall contain at least the last Section of the Resolution.

Quasi-Judicial Resolutions shall be in a format determined by the Legal Clerk of the Council, and shall be numbered with an "RQJ" preceding the year of introduction and the order prepared by the Legal Clerk of the Council in each year (i.e., RQJ2002-1).

(Ord. 2003-96s § 1 (part), 2003; Ord. 2001-16S § 1 (part), 2001; Ord. 99-126S § 1 (part), 1999; Ord. 98-3S2 § 1 (part), 1998; Ord. 96-135 § 2 (part), 1996)

1.28.140 Public Records of Council, Standing, and Select Committee Meetings.

A verbatim record shall be kept of each public meeting of the Council, Standing Committees, and Select Committees, by either electronic or mechanical means, for the period of time as provided by State law. Copies of the agenda and the minutes of regular and special Council meetings, Standing Committee meetings, and Select Committee meetings, shall also be kept for the same period of time. The Chair shall have the authority to determine whether it is appropriate to record certain hearings by mechanical means (court reporter). (Ord. 96-135 § 2 (part), 1996)

1.28.150 Copies of Verbatim Records.

Any person may purchase a copy of a digital, video or audio tape recording of any proceeding of the County Council by paying the appropriate fee. No fee will be charged for listening to recordings of meetings. (Ord. 2010-113 § 1 (part), 2011; Ord. 2003-96s § 1 (part), 2003; Ord. 96-135 § 2 (part), 1996)

1.28.160 Records Located in Council Office – Access Procedures.

In accordance with State Law, County Code, and the County Charter, public records which are located in the Council Offices may be inspected and/or obtained by the public, upon compliance with the following procedures:

- A. A verbal request shall be made to the Clerk of the Council, or designee.
- B. If the request for records is deemed to be out of the ordinary by the Clerk or designee, the requestor must submit the request in writing, which request must be approved by the Chair or designee. The written request will include:
 - 1. Name of requestor.
 - 2. Date and time of request.
 - 3. Identification of the document(s) being requested. (If the document is not easily identifiable, an accurate description must be provided by the requestor.)
 - 4. Signature of the requestor.
 - 5. Signature/approval of the Clerk or designee, with date of approval.
 - 6. Signature of the requestor agreeing not to release or use the information for commercial purposes.

(Ord. 2001-16s § 1 (part), 2001; Ord. 96-135 § 2 (part), 1996)

1.28.170 Procedure for Providing Copies of Public Records.

- A. In response to an oral or written request for access to public records as outlined in 1.28.160, such requests, when granted, shall be processed by Council Staff in a timely manner. At all times, individuals will insure that records are not damaged or disorganized.
- B. In no instance shall requests for access to public records interfere with the essential function of the Council Offices.
- C. There will be no fee charged for inspection of public records, except as provided in Pierce County Code Chapter 2.04.
- D. Fees to be charged for providing copies and certified copies shall be regulated by existing statutes.

(Ord. 2001-16s § 1 (part), 2001; Ord. 96-135 § 2 (part), 1996)

1.28.175 Procedure for Confirmation of Chief Officers of Executive Departments.

Every appointment by the Executive of a chief officer of an executive department pursuant to Section 3.30 of the Charter shall be in the form of a resolution and shall be reviewed by the appropriate Council Standing Committee.

The Standing Committee shall require each appointee referred to it for consideration to complete a standard questionnaire, the same or substantially the same as that attached as Appendix A to this Chapter, to be used to ascertain the appointee's general background and qualifications. The committee may also require the appointee to complete a supplemental questionnaire related specifically to the qualifications for the position to which he or she has been appointed.

Any hearing on such Executive appointment shall be in a meeting open to the public. The appointee may be required to appear before the committee on request. When appearing, the appointee may be required to testify under oath or affirmation. (See Section 2.25 of the Charter.) (Ord. 2007-89s § 1, 2007)

1.28.180 Procedure for Appointments to Vacant Council Positions, and Other Vacant Elected Positions.

- A. When a vacancy occurs on the Pierce County Council, as defined in Section 4.70(1) of the Pierce County Charter, and the County Central Committee of the appropriate party as designated in Section 4.70(2) of the Pierce County Charter has submitted a list of three names to the Council, the Council shall interview each of the three people on the list in a Regular or Special Meeting open to the public. Discussion of the qualifications of the three candidates may be held by the Council in Executive Session. Following the Executive Session, the Chair of the Council shall reconvene the Special Meeting and a Resolution shall be introduced for adoption by a majority of the Council appointing the new Councilmember.
- B. When a vacancy for other elected positions which the Council is charged to fill by appointment occurs, the Council may interview the candidates in a regular or special Meeting open to the public. Discussion of the qualifications of the candidates may be held by the Council in Executive Session. The appointment shall be made by Resolution in a meeting open to the public.

(Ord. 2003-96s § 1 (part), 2003; Ord. 2001-16s § 1 (part), 2001; Ord. 98-3S2 § 1 (part), 1998; Ord. 96-135 § 2 (part), 1996)

1.28.185 Amendments to Rules of Procedure.

An ordinance amending these Rules of Procedure must be passed by an affirmative vote of at least five Councilmembers. (Ord. 2001-16s § 1 (part), 2001)

1.28.190 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of these Rules or the application of the provisions to other persons or circumstances is not affected. (Ord. 2001-16s § 1 (part), 2001; Ord. 96-135 § 2 (part), 1996)

1.28.200 Rule of Construction.

Every effort will be made to construe all Resolutions and Ordinances of the Council to be consistent and not in conflict; however, if Resolutions or Ordinances are in conflict with prior actions of the Council or Commissioner form of government, the most recent Resolution or Ordinance shall control. (Ord. 96-135 § 2 (part), 1996)

Appendix A to Chapter 1.28 Pierce County Code

QUESTIONNAIRE FOR EXECUTIVE'S CHIEF OFFICER APPOINTMENTS

Office Appointed To:
Date of Appointment:

The information you provide on this questionnaire will be used by the Pierce County Council in considering action on your confirmation. Please complete each blank, if applicable.

Please type or use black ink only and attach additional sheets if necessary.

PERSONAL INFORMATION – SECTION 1					
Name					
Business Name			Business Address		
City	State	Zip	Phone ()		
Residence Address				City	
County	State	Zip	Phone ()	Years at current residence	
If less than two years at current address, please list previous address				City	
County	State	Zip	Phone ()	Years at previous residence	
List all your current residences outside of Washington.					
City	State	Percentage of time spent outside of Washington			
Have you ever used or been known by any other name (aside from maiden name)?					
<input type="checkbox"/> Yes If "yes", please explain. <input type="checkbox"/> No					
Do you have a legal right to work in the United States?			How long have you been a continuous resident of Washington?		
<input type="checkbox"/> Yes <input type="checkbox"/> No					
Are you registered to vote in Washington State?			County of registration:		
<input type="checkbox"/> Yes <input type="checkbox"/> No					
			When did you last vote:		

Within the last 10 years, have you been arrested, convicted, or released from prison/jail for a crime? If arrested, include whether charges are still pending, have been dismissed, or led to conviction. (Do not include traffic offenses for which the fine was less than \$200.00.)

- Yes
 No

Date	Place	Nature	Disposition

EDUCATION – SECTION 2

High School	Graduated/GED conferred. <input type="checkbox"/> Yes <input type="checkbox"/> No
-------------	---

List all post secondary educational institutions attended.

Name/Location	Years/Semesters Attended	Certificates, Degrees conferred, etc.

MILITARY HISTORY – SECTION 3

Are you or have you ever been a member of the Armed Forces of the United States?
 Yes If "yes", please describe the education/training you received.
 No

Dates of Service	Branch of Service	Date of Discharge

EMPLOYMENT – SECTION 4

Current Employment:

Name/Location	Nature of Business	Position	From/To

Previous employment:

Name/Location	Nature of Business	Position	From/To

Have you ever been employed by or held a position or office with any federal, Washington or other state, or local governmental entity or agency?

- Yes If "yes", please list.
 No

Position	Name of Entity/Agency	From/To

To your knowledge, have you, any member of your immediate family or any business entity in which you have held a substantial interest or of which you were an officer or director, ever had a contract with any Pierce County department or agency for the provision of services or commodities?
 Yes If "yes", please explain.
 No

Have you ever been refused a fidelity, surety, or other bond?
 Yes If "yes", please explain.
 No

Have you been a registered lobbyist at any time during the past five years? <input type="checkbox"/> Yes <input type="checkbox"/> No	If so, did you receive any compensation? <input type="checkbox"/> Yes <input type="checkbox"/> No	Have you employed a registered lobbyist at any time during the past five years? <input type="checkbox"/> Yes <input type="checkbox"/> No
--	---	--

Group(s) represented:

If currently a registered lobbyist, attach Public Disclosure Commission L-1 reports for the past two years.

ORGANIZATIONS AND CIVIC EXPERIENCE – SECTION 5			
List any community, civic, trade, or professional organizations in which you have been active that are relevant to the position to which you have been appointed.			
Organization/Project	Position Held	City/State	From/To
Have you ever been elected or appointed to any public office, board or commission in Pierce County? <input type="checkbox"/> Yes If "yes", please list. <input type="checkbox"/> No			
Title/Position	Office/Board/Commission	Date of Election/Appointment	Length of Term/Service

QUALIFICATIONS AND APPOINTMENT DUTIES – SECTION 6
State your experience or interests that qualify you for the office to which you have been appointed.
If you are confirmed, will you be able to attend fully to the duties of the office or position to which you have been appointed, with or without accommodation? <input type="checkbox"/> Yes <input type="checkbox"/> No

REFERENCES – SECTION 7			
Please list three persons (excluding relatives) who have known you well within the past five years.			
Name	Relationship	Address	Phone Number
			()
			()
			()

I certify under penalty of perjury under the laws of the State of Washington, that the above information is true, complete, and correct to the best of my knowledge.	
Signature	Date

PLEASE RETURN A HARD COPY OF THIS FORM, ALONG WITH (IF REQUIRED) ALL CURRENT PUBLIC DISCLOSURE REPORTS FILED PURSUANT TO RCW 42.17.

RETURN TO:

***CLERK OF THE COUNCIL
930 TACOMA AVENUE SO., ROOM 1046
TACOMA, WA 98402***

(Ord. 2007-89s § 1, 2007)