

**MINUTES
PIERCE COUNTY COUNCIL MEETING
DECEMBER 10, 2002**

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(Note: These minutes are not verbatim. Recorded tapes are available upon request.)

I. CALL TO ORDER

The regular meeting of the Pierce County Council was called to order at 3:10 p.m. by Chair Moss.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by Moss.

III. ROLL CALL

Councilmembers Present: Karen S. Biskey, Wendell Brown, Calvin Goings, Harold Moss, Pat O'Malley, Jan Shabro, and Kevin Wimsett.

Council Staff Present: Gerri Johnson, Administrator/Clerks & Operations; Susan Long, Legal Counsel; and Tom Weber, Administrator/Research & Policy.

There were approximately 48 visitors present.

IV. APPROVAL OF AGENDA

O'Malley moved approval of the Agenda; motion seconded and passed on a voice vote.

V. CONSENT AGENDA

a. Approval of Minutes

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

1. ORDINANCE NO. 2002-133, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 1.22.080 OF THE PIERCE COUNTY CODE, "EXAMINER - POWERS AND DUTIES," TO GRANT THE PIERCE COUNTY HEARING EXAMINER THE AUTHORITY TO ISSUE SUBPOENAS.

Sponsored by: Councilmember Harold Moss

Contact person: Susan Long, 798-6068

For referral to the Rules and Operations Committee

Suggested date of Council hearing: January 14, 2003

- c. Action on Resolutions (refer, set date of hearing)
- d. Other Items
 - 1. Motion to certify the following Budget Certification, and instruct the Clerk of the Council to forward the Certification to the Pierce County Assessor-Treasurer's Office, pursuant to Revised Code of Washington 84.52.020:
 - City of Puyallup (Cities & Towns and Emergency Medical Services)
 - Steilacoom Historical School District

O'Malley moved approval of the Consent Agenda; motion seconded and passed on a roll call vote of seven to zero.

MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY

- 1. A message from the Executive transmitting the following Ordinances, which were approved and signed on November 19, 2002, was read into the record:

ORDINANCE NO. 2002-102s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING YEAR 2002 AMENDMENTS TO THE CAPITAL FACILITIES ELEMENT OF THE PIERCE COUNTY COMPREHENSIVE PLAN; AMENDING TITLE 19E OF THE PIERCE COUNTY CODE, CAPITAL FACILITIES - SIX YEAR FINANCING PLAN; AMENDING CHAPTER 19A.100 OF THE PIERCE COUNTY CODE, CAPITAL FACILITIES ELEMENT; SETTING FORTH AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

ORDINANCE NO. 2002-116s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE 2003-2008 TRANSPORTATION IMPROVEMENT PROGRAM AND 2003-2016 FOURTEEN-YEAR FERRY PROGRAM, PURSUANT TO REVISED CODE OF WASHINGTON SECTIONS 36.81.121, 36.81.122, 36.81.130, AND 36.54.015, AND WASHINGTON ADMINISTRATIVE CODE 136, CHAPTERS 15 AND 16; FINDING THAT EACH PROJECT CONTAINED IN THE PLAN IS A PUBLIC NECESSITY; AUTHORIZING THE PROSECUTING ATTORNEY TO COMMENCE CONDEMNATION PROCEEDINGS TO ACQUIRE REAL PROPERTY FOR ONLY THOSE CAPITAL IMPROVEMENT PROJECTS CONTAINED IN THE DOCUMENT FOR EXPENDITURE OF FUNDS IN 2003; AND ADOPTING FINDINGS OF FACT. (ANNUAL ROAD PROGRAM, SIX-YEAR ROAD PROGRAM, AND THE FOURTEEN-YEAR FERRY PROGRAM)

ORDINANCE NO. 2002-119s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING PIERCE COUNTY CODE SECTIONS 4A.20.030 AND 4A.30.030, REGIONAL PARK AND SCHOOL IMPACT FEE SCHEDULES; INCREASING THE MAXIMUM FEE OBLIGATIONS FOR REGIONAL PARK AND SCHOOL IMPACT FEES BY THE ANNUAL COST-OF-LIVING ADJUSTMENT, AS PROVIDED IN TITLE 4A; UPDATING

THE SCHOOL DISTRICT FEE CALCULATIONS CONSISTENT WITH 2002
AMENDMENTS TO THE PIERCE COUNTY CAPITAL FACILITIES PLAN;
AND SETTING AN EFFECTIVE DATE.

**VII. PROCLAMATIONS, AWARDS, AND/OR APPOINTMENTS TO BOARDS AND
COMMISSIONS**

**PROPOSAL NO. R2002-126, A RESOLUTION OF THE PIERCE COUNTY COUNCIL
AND EXECUTIVE THANKING AND COMMENDING PUBLIC WORKS AND UTILITIES
DIRECTOR JOHN TRENT FOR HIS NEARLY 30 YEARS OF PUBLIC SERVICE AND
SERVICE TO PIERCE COUNTY, WASHINGTON.**

O'Malley moved adoption; motion seconded. The Clerk read the
Proclamation into the record.

County Executive John Ladenburg presented the Proclamation to
John Trent, thanking him for his years of dedicated service.
Trent thanked the Executive and the Council for their
recognition.

Following Councilmembers' remarks, the Proposal was adopted
on a roll call vote of seven to zero.

**PROPOSAL NO. R2002-137, A RESOLUTION OF THE PIERCE COUNTY COUNCIL
CONFIRMING THE APPOINTMENT OF KEVIN STOCK AS THE CLERK OF THE
SUPERIOR COURT.**

O'Malley moved that the Proposal be continued to January 7,
2003; motion seconded and passed on a voice vote.

**PROPOSAL NO. R2002-138, A RESOLUTION OF THE PIERCE COUNTY COUNCIL
CONFIRMING THE APPOINTMENT OF TOM HILYARD AS THE DIRECTOR OF THE
DEPARTMENT OF COMMUNITY SERVICES.**

O'Malley moved adoption; motion seconded. The Clerk read the
title into the record.

Staff Testimony

Ladenburg spoke in support of the confirmation of Tom Hilyard
as the Director of the Department of Community Services,
siting his background and experience with Pierce County and
the State of Washington.

Following Ladenburg's remarks, Hilyard thanked the Council
for their support.

The Chair called for public testimony there was no response.
Following Councilmembers' remarks, the Proposal passed on a
roll call vote of seven to zero.

PROPOSAL NO. R2002-128, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE COMMENDING KRESTON BRAND AS AN EMPLOYEE SUGGESTION AWARD WINNER.

O'Malley moved adoption; motion seconded. The Clerk read the Proclamation into the record.

Ladenburg presented the Proclamation to Brand, who described his suggestion and thanked the Council and Executive for their recognition.

The Proposal passed on a roll call vote of six to zero (Brown was excused).

PROPOSAL NO. R2002-129, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE COMMENDING SHERI LOCKBAUM AS AN EMPLOYEE SUGGESTION AWARD WINNER.

O'Malley moved adoption; motion seconded. The Clerk read the Proclamation into the record.

Ladenburg presented the Proclamation to Lockbaum, who described her suggestion and thanked the Council and Executive for their recognition.

The Proposal passed on a roll call vote of six to zero (Brown was excused).

PROPOSAL NO. R2002-130, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE COMMENDING BRUCE MINKER AS AN EMPLOYEE SUGGESTION AWARD WINNER.

O'Malley moved adoption; motion seconded. The Clerk read the Proclamation into the record.

Ladenburg presented the Proclamation to Minker, who described his suggestion and thanked the Council and Executive for their recognition.

The Proposal passed on a roll call vote of seven to zero.

PROPOSAL NO. R2002-134, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER TO THE PIERCE COUNTY GOLF COURSE CITIZENS' ADVISORY BOARD. (MEINDERT "MIKE" DE VRIES)

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

The Chair called for public testimony; Mr. De Vries thanked the Council for their support. The Proposal passed on a roll call vote of seven to zero.

VIII. ORDINANCES

PROPOSAL NO. 2002-58, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING ORDINANCE NO. 2001-9 WHICH GRANTED A TELECOMMUNICATIONS FRANCHISE TO ELECTRIC LIGHTWAVE, INCORPORATED.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Skip Stansbury, Counsel to the Executive, stated this Proposal is being requested to repeal a previous franchise for Electric Lightwave to clear the way to adopt a new Ordinance that will be compatible with the Telecommunications Act of 1996, as interpreted by the Ninth Circuit U. S. Court of Appeals.

The Chair called for public testimony; there was no response. The Proposal passed on a roll call vote of six to zero (Goings was excused).

PROPOSAL NO. 2002-59, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 12.32 OF THE PIERCE COUNTY CODE, TO COMPLY WITH THE TELECOMMUNICATIONS ACT OF 1996, AS INTERPRETED BY THE NINTH CIRCUIT U. S. COURT OF APPEALS.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Stansbury stated this Ordinance contains technical housekeeping corrections to the right-of-way section of the Code, and stated this Ordinance is also in response to the recent interpretation of the Telecommunications Act.

The Chair called for public testimony; there was no response. The Proposal passed on a roll call vote of six to zero (Goings was excused).

PROPOSAL NO. 2002-60, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 12.34 OF THE PIERCE COUNTY CODE, TO COMPLY WITH THE TELECOMMUNICATIONS ACT OF 1996, AS INTERPRETED BY THE NINTH CIRCUIT U. S. COURT OF APPEALS.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Stansbury explained passage of this Ordinance would bring Chapter 12.34 of the County Code into compliance with the Telecommunications Act of 1996, as set forth in the title of the Ordinance. He outlined how the Court case had changed and preempted local authority and control, stating our previous Ordinance had been too controlling. Stansbury responded to questions of Councilmembers regarding the changes.

The Chair called for public testimony; there was no response. The Proposal passed on a roll call vote of seven to zero.

PROPOSAL NO. 2002-62, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE FOR ELECTRIC LIGHTWAVE, INC., FOR A TELECOMMUNICATIONS NETWORK IN PIERCE COUNTY IS IN THE PUBLIC INTEREST; SETTING FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANTING OF THE TELECOMMUNICATIONS FRANCHISE; PROVIDING FOR THE REGULATION OF CONSTRUCTION, OPERATION, MAINTENANCE, AND USE OF THE NETWORK; PRESCRIBING REMEDIES FOR VIOLATIONS OF THE PROVISIONS OF THE FRANCHISE; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE AGREEMENT.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Stansbury stated passage of this Ordinance would grant the revised franchise to Electric Lightwave, Inc., and its passage would have no effect on the current provision of cable television in the service area. This franchise is being approved in accordance with the new Code language.

The Chair called for public testimony; there was no response. The Proposal passed on a roll call vote of seven to zero.

PROPOSAL NO. 2002-103, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 2.24 OF THE PIERCE COUNTY CODE, "PROBATION SERVICES", TO UPDATE THE LANGUAGE AND MAKE IT CONSISTENT WITH THE RECENT AMENDMENTS TO CHAPTER 2.54 OF THE PIERCE COUNTY CODE, "DISTRICT COURT DISTRICTING PLAN" AND THE CONSOLIDATED PIERCE COUNTY DISTRICT COURT SYSTEM; AND SETTING AN EFFECTIVE DATE.

O'Malley moved adoption; motion seconded. The Clerk read the

title into the record.

Staff Testimony

Long stated passage of this Ordinance would update the County Code to make it consistent with the recent consolidated Pierce County District Court system. She pointed out the Ordinance also sets an effective date.

The Chair called for public testimony; there was no response. The Proposal passed on a roll call vote of seven to zero.

PROPOSAL NO. 2002-114, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL APPROVING THE PURCHASE OF CERTAIN PROPERTIES ADJACENT TO THE THUN FIELD AIRPORT; INCREASING THE 2002 BUDGET FOR THE AIRPORT FUND TO REFLECT THE PURCHASE; AND AUTHORIZING NECESSARY LOANS FROM THE EQUIPMENT RENTAL AND REVOLVING FUND TO THE AIRPORT FUND TO PROVIDE CASH FINANCING FOR THESE PURCHASES.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Goings moved adoption of Committee Amendment No. 1 that was adopted on October 28, 2002. A copy is contained in the Ordinance file. Weber stated passage of this amendment would correct the name of the fund. The motion was seconded and passed on a voice vote.

Staff Testimony

Patrick Kenney, Budget and Finance Department, stated passage of this Ordinance would approve the purchase of land adjacent to the Pierce County Airport. He stated the purchase has been accomplished through a 90/10 split with the Federal Aviation Administration. He stated the property needs to be purchased in 2002 to comply with the requirements of the grant.

Tom Ballard, County Engineer, described the property being purchased and the proposed use.

Public Testimony

Max Friebel stated he has a plane housed at Thun Field, and supports this Ordinance.

Dennis Wilson thanked the County for pursuing this proposed purchase, and encouraged Council's adoption as a good step for additional safety measures.

Following Councilmembers' remarks, the proposal passed as

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amended on a roll call vote of seven to zero.

PROPOSAL NO. 2002-117s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO AUSTIN L. WOLFF, FOR LOCATION OF WATER LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Ballard, presenting for Les Olsen, Public Works and Utilities Department, stated this is a franchise for one individual who has no source of water, stating the well is on the opposite side of the road, and because of this needs a franchise from the County to cross the road.

The Chair called for public testimony; there was no response. The Proposal passed on a roll call vote of seven to zero.

PROPOSAL NO. 2002-118s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2001-86s3, AS AMENDED, INCREASING THE 2002 BUDGET FOR THE TACOMA-PIERCE COUNTY HEALTH DEPARTMENT.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Michael Transue, Budget Consultant, presented to Council copies of Proposal No. 2002-118s2, recommending that it be considered.

O'Malley moved adoption of 2002-118s2; motion seconded. The Clerk stated the title remains the same.

A copy of Transue's testimony and memorandum is contained in the meeting file, which explains the justification for the second substitute.

Vic Harris, Tacoma-Pierce County Health Department, responded to questions of Councilmembers regarding the question of why this original amount was not anticipated in the formulation of the budget.

The Chair called for public testimony; there was no response. The Proposal passed as a second substitute on a roll call vote of six to zero (Brown was excused).

PROPOSAL NO. 2002-124s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 8.88.460 B. OF THE PIERCE COUNTY CODE, REGARDING WATERCRAFT REGULATIONS FOR LAKE TAPPS.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Shabro stated she had sponsored this Ordinance to address public nuisance and public safety issues that had been occurring at this particular part of Lake Tapps. She stated it is an area where many boaters and rafters congregate, making it difficult for emergency vehicles to respond to incidents.

Public Testimony

John Caldrow stated he lives across the lake from the area in question, and the types of activities that are occurring at this part of the lake have become disruptive, and he also has concerns about safety. He asked for the Council's support of this Ordinance.

Deputy Jerry Lawrence, Sheriff's Department, spoke in support of the Ordinance, stating the problems are increasingly worse and a safety hazard definitely exists.

Dan Packer, Fire Chief of East Pierce County Rescue, spoke in support of the Ordinance. He stated the congestion that occurs in this area is impeding emergency responses.

Victor Lind encouraged passage of this Proposal to give the officers a good tool for enforcing regulations.

The Proposal passed as substituted on a roll call vote of seven to zero.

PROPOSAL NO. 2002-126, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2001-86s3, AS AMENDED, INCREASING THE 2002 BUDGET FOR THE DEPARTMENT OF ASSIGNED COUNSEL, THE FERRY SERVICES FUND, AND THE WORKERS' COMPENSATION FUND; ESTABLISHING THE LOW INCOME HOUSING FUND, AND PROVIDING A 2002 APPROPRIATION FOR THAT FUND.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

O'Malley moved adoption of an amendment proposed by Transue as set forth in Attachment I to these minutes; motion seconded. A copy of the amendment is also contained in the Ordinance file.

Staff Testimony

Transue provided an explanation that the amendment would add an additional \$600,000 to the Workers' Compensation Fund to be funded through the fund balance.

The amendment passed on a voice vote.

In response to Goings' question regarding the low-income housing fund, stating he does not think the Cities and Towns agree with how the funds are being disbursed. Transue stated he would provide information to Goings in response to the question.

Kenney stated money has not been spent in this fund to date.

Brown cautioned that the Council should stay involved in the process of how these funds are disbursed.

Goings asked that there be a study session on this issue.

The Chair called for public testimony; there was no response. The Proposal passed as amended on a roll call vote of seven to zero.

PROPOSAL NO. 2002-130s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 4.48.010 OF THE PIERCE COUNTY CODE, "GENERAL FUND", PROHIBITING THE USE OF THE COUNTY GENERAL FUND FOR PUGET SOUND BEHAVIORAL HEALTH.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Weber stated currently the Puget Sound Behavioral Health Center is funded through state, federal, and other funding mechanisms, and no County General Funds have been used because of the potential reduction of funds available to the County. This Ordinance is being requested to ensure that General Funds are not used in the future budget processes.

The Chair called for public testimony; there was no response.
The Proposal passed on a roll call vote of seven to zero.

IX. RESOLUTIONS - None

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Moss presented going away gifts to Councilmembers Biskey, Brown, and Shabro who spoke of their years of service, and thanked the Council for their recognition.

O'Malley presented a plaque to Moss for his year as Chair of the County Council.

XI. GENERAL PUBLIC COMMENTS - None

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:40 p.m.

Attest:

Gerri Johnson, Clerk of the Council

Approved:

Councilmember Harold Moss, Council Chair

Date Approved

Pierce County

Office of the County Council

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ATTACHMENT I

December 21, 2006

TO: Councilmembers

FROM: Michael Transue, Budget Consultant

SUBJECT: **PROPOSED AMENDMENT TO ORDINANCE NO. 2002-126
(WORKERS' COMPENSATION FUND)**

At one of our recent Committee of the Whole meetings, Patrick Kenney testified that, in his judgment, the 2002 budget for the Workers' Compensation Fund would likely have a higher than anticipated deficit and that an additional \$600,000 appropriation would be necessary. This is largely due to the number of costly workers' compensation claims from this and prior years. The original recommendation from the Executive was that the Workers' Compensation Fund be increased by \$900,000. This amendment would add an additional \$600,000 to that amount and bring the total supplemental appropriation for the 2002 Workers' Compensation Fund to \$1.5 million. This total amount would be funded with fund balance from the Workers' Compensation Fund.

1. On page 2 of 9, line 11, delete "\$900,000" and replace with "\$1,500,000".
2. On page 9 of 9, line 5, increase the Workers' Compensation Fund line item by \$600,000 from \$2,997,300 to \$3,595,300, and adjust the appropriate revenue/ expenditure totals accordingly.
3. On page 1 of 2 of Exhibit "A", line 17, delete "\$900,000" and replace with "\$1,500,000".

CJMT/lm

c: Gerri Johnson, Chief Clerk of the Council
Patrick Kenney, Director of Budget and Finance
John Ladenburg, Executive
Lyle Quasim, Executive Chief of Staff
Mary Schmidtke, Budget and Finance

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