

**MINUTES**  
**CHARTER REVIEW COMMISSION**  
**March 2, 2016**

Pierce County Annex – Public Meeting Room  
2401 S. 35th Street  
Tacoma, WA 98409

**(Note: These minutes are not verbatim. Audio recordings are available upon request.)**

**1. Convene**

The Charter Review Commission meeting was called to order at 7:03 p.m. by Chair Hanek.

**2. Pledge of Allegiance to the Flag**

The pledge was led by Ladenburg.

**3. Roll Call**

Commission Members Present: Katie Baird, Janis Clark, Amy Cruver, Carolyn Edmonds; Linda Farmer, Timothy Farrell, Sharon Hanek, John Ladenburg, Martha Lantz, David Olson, Cathy Pearsall-Stipek, Grant Pelesky, Joshua Penner, David Perry, April Sanders, Jan Shabro, and Paul Wagemann.

Commission Members Excused: Don Anderson, Greg Hartman, Carolyn Merrival and Richard Thurston. Commissioners Clark, Edmonds and Farrell arrived after roll call.

Staff Present: Denise Greer, Senior Civil Deputy Prosecuting Attorney; Susan Long, Administrator for Legal and Research, Pierce County Council; Linda Medley, Meeting Clerk; and Jenifer Schultz, Meeting Clerk.

Also Present: Susan Odom, Public Works Department; Ai Rose, Executive's Office; and Brian Stacy, County Engineer, Public Works Department.

There were 7 visitors present.

**4. Approval of the Agenda**

Ladenburg moved approval of the agenda as presented; motion seconded and passed on a voice vote.

**5. Approval of Minutes – February 24, 2016**

Baird moved approval of the minutes as presented; motion seconded and passed on a voice vote.

**6. Public Comment (3 minute time limit per speaker):**

Larry Faulk, original freeholder of the Pierce County Charter, shared the thoughts of the original freeholders when drafting Section 5.60 of the Charter and responded to questions of Commissioners.

Jerry Gibbs thanked the Commissioners for posting the audio recordings of the meetings online. He spoke to his proposed amendment no P-1 and responded to questions of Commissioners.

Robert Hill addressed prior testimony.

Ken Paulson testified to the lack of consequences if one does not follow the Charter. He responded to questions of Commissioners.

Discussion followed on contempt of Charter provisions and whether they exist in other Charters.

Rick Sorreis spoke to lack of enforcement in the Charter, his proposed amendment no. P-15, illegality of marijuana, and the potential ramifications if Section 5.40 is changed.

## **7. Presentations from Elected Officials**

- Brian Stacy, County Engineer

Stacy offered an amendment to Section 9.15, requesting the Charter be brought in line with state law, and he explained the advantages of doing so (a copy is contained in the meeting file as Attachment No. 1). He then responded to questions of Commissioners.

## **8. Presentations from County Department Heads/Employees**

There was none.

The Charter Review Commission recessed at 8:35 p.m.  
The Charter Review Commission reconvened at 8:46 p.m.

## **9. Administrative Items:**

- Communication and Social Media Update

Farmer provided an updated status on the Facebook page, the status of the postcards for the District 7 meeting, and online posting of proposed amendments.

- Protocol for Processing Amendments

Vice Chair Lantz noted the flow chart and Guidelines for Consideration of Proposed Amendments have been updated to reflect the amendment that was added last week. (A copy is contained in the meeting file as Handout No. 2).

- Policy for Requests to Staff for Research/Analysis

Chair Hanek noted a request for research of Councilmember attendance and salary history was received from a Commissioner, and in response a written process has been drafted for requesting research/analysis from staff (contained in the meeting file as Attachment No. 3) She requested agreement from the body to adopt the process.

Pelesky moved to approve the written process; motion seconded and passed on a voice vote.

Pelesky addressed his request for Councilmember meeting attendance records.

Farrell moved Pelesky's request for Councilmember meeting attendance records be forwarded to staff for research; motion seconded.

Discussion followed.

Edmonds requested clarification of Pelesky's request. Pelesky clarified.

Discussion followed.

The motion failed on a voice vote.

- Update on District Meetings
  - March 9, District 7 – Peninsula High School, Gig Harbor
  - *March 16, District 5 – Tacoma Firefighters Hall (Tentative)*
  - March 30, District 3 – Graham Fire Station

Vice Chair Lantz noted District Nos. 1, 2 and 4 remain to be scheduled.

Farmer encouraged scheduling of the remaining district meetings for communication purposes.

- Budget Update

Chair Hanek provided a budget update.

- Clerk Hiring Update

Chair Hanek provided an update on the status of recruitment for a Clerk, noting the position closes on Monday, March 7.

## **10. Discussion of Charter**

- Article 2 – The Legislative Branch

Chair Hanek noted discussion from last week will resume with Article 2.

Farrell addressed Section 2.25, questioning whether the Section has ever been used. Discussion followed.

- Article 4 – Elections

Sanders addressed Section 4.30. Discussion followed.

Farrell addressed Section 4.50. Discussion followed.

Cruver addressed Section 4.40. Discussion followed.

Sanders addressed Section 4.50 and her proposed amendment no. C-5. Discussion followed.

Shabro addressed Section 4.70.

Discussion followed on enforceability of the Charter.

Ladenburg moved to advance to Item 11. on the agenda and reserve discussion of Article 9 of the Charter for next week; motion seconded and passed on a voice vote.

**11. Summary of Proposed Amendments Received to Date**

- Advance Any Selected Proposals to Next Phase

Vice Chair Lantz moved to advance proposed amendment no. C-1 to next week's agenda for discussion; motion seconded.

Discussion followed.

Olson recommended voting against the motion. Ladenburg concurred.

Perry spoke in favor of the motion. Clark concurred.

Baird explained the reason for her proposed amendment.

Farrell disagreed and explained why.

Pelesky called for the question; motion seconded and passed on a voice vote.

The motion passed by meeting the 4-vote threshold by a show of hands (8 ayes).

Perry offered to sponsor Stacy's proposed amendment to Section 9.15 for discussion.

Baird moved to advance Stacy's proposed amendment to Section 9.15 to next week's agenda for discussion; motion seconded and passed by meeting the 4-vote threshold by a show of hands (16 ayes).

Olson moved to advance proposed amendment no. P-12 to next week's agenda for discussion; motion seconded.

Edmonds spoke against the motion.

The motion failed on a voice vote.

Vice Chair Lantz moved to advance amendment no. O-5 to next week's agenda for discussion; motion seconded and passed by meeting the 4-vote threshold by a show of hands (12 ayes).

Perry suggesting advising the Auditor this will be on the agenda; the Commission concurred.

Vice Chair Lantz moved to advance amendment no. C-2 to next week's agenda for discussion; motion seconded.

Ladenburg spoke against the motion.

The motion failed by not meeting the 4-vote threshold by a show of hands (3 ayes).

Clark moved amendment no. C-5 to next week's agenda for discussion; motion seconded.

Sanders encouraged support of the motion to facilitate discussion.

The motion passed by meeting the 4-vote threshold by a show of hands (6 ayes).

**12. Good of the Order**

Farmer moved to place Administrative Items after Good of the Order on future agendas.  
Chair Hanek noted she would honor the request.

**13. Adjournment**

The Charter Review Commission adjourned at 10:35 p.m.

Attest:

  
\_\_\_\_\_  
Linda Medley, Meeting Clerk

Approved:

  
\_\_\_\_\_  
Sharon Hanek, Chair

  
\_\_\_\_\_  
Date Approved



# Pierce County

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## Public Works

### COUNTY CHARTER SECTION 9.15 – PURCHASING, CONTRACTS, CLAIMS AND BONDS

CHARTER AMENDMENT PROPOSAL

MARCH 2, 2016

Brian D. Stacy, P.E.  
County Engineer

This document presented at the  
Charter Review Commission  
Meeting of: 3/2/2016  
Attachment No. 1

## Subject

Amending the Pierce County Charter Section 9.15 -- Purchasing, Contracts, Claims and Bonds

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### Objectives

1. Bring County Charter in line with state law, specifically RCW 36.77.065 effective in 2009.
  2. Allow the use of county employees and equipment for small-scale road improvements and repairs if the work proves cost effective, is within current capabilities, and within the capacity of our existing plans and programs.
  3. Provide more cost effective use of our county funds by providing savings in cost and time.
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### Present Situation

1. The Pierce County Charter limits us to \$25,000 per project for “public works construction”. Under RCW 36.77.065 -- County forces construction project or program, our current limit could increase to approximately \$3.4 million annually.
  2. Out of 6 charter counties, only Pierce & Whatcom are limited by their County Code. King County amended their Charter in 1997 to adopt state law.
  3. Of the 21 non-charter counties only Jefferson and Mason County are limited by their code. The remaining 19 are only limited by the RCW.
  4. How Counties differentiate between “Maintenance and Operations” vs “Capital Improvement Projects” using County Forces (MOPIA).
  5. Pierce County is among the minority of counties limiting themselves to less than the limits provided in the RCW.
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### Proposal

Amend the Charter as Follows:

Section 9.15 – Purchasing, Contracts, Claims and Bonds

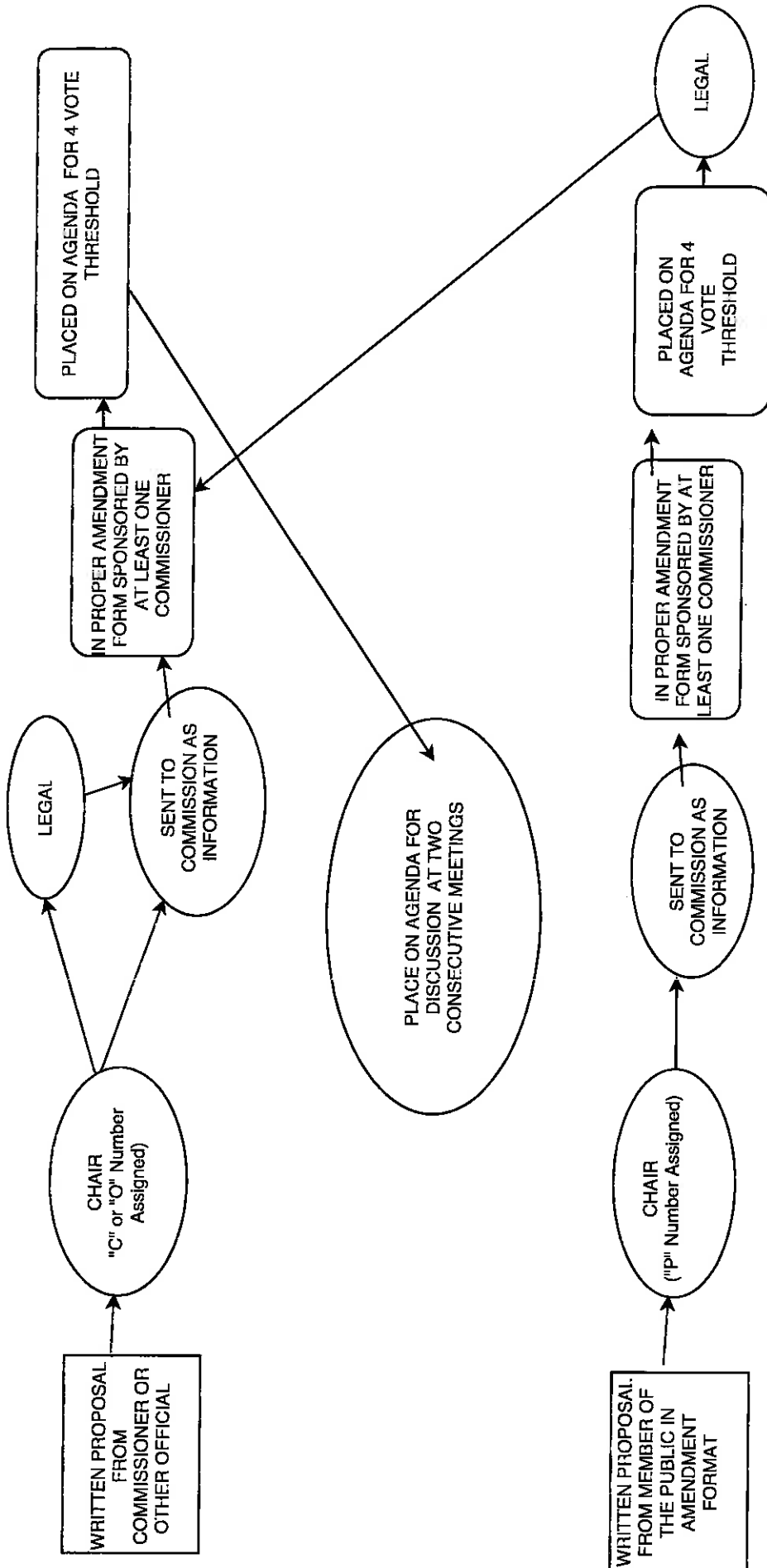
- (1) The Council shall, by ordinance, establish procedures for supplies, services, materials, and equipment, the awarding of claims, and the sale of refunding of bonds.

All “public works construction” shall be performed following competitive bidding by independent contractors, ~~when the projected value of a project exceeds \$25,000.00~~ as required by state law. The ordinance shall provide how invitations for bids shall be advertised.

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### Advantages

1. Brings the County Charter in line with state law.
2. Increases the number of construction projects that county employees could work on.
3. Allows use of county employees more often for small-scale projects and road work.
4. Provides significant savings in cost and time.
5. The change would allow other Pierce County departments to be more cost effective with the use of their county funds e.g. Parks & Recreation and Facilities Management.



FINAL MARCH 2, 2016



### Guidelines for Consideration of Proposed Amendments:

1. All Charter amendment proposals, including from the public, must be submitted in writing by April 15, 2016.
2. If amendments are received by individual Commissioners or submitted through the Commission's communication channels or by means other than direct submission to the Chair by a Commissioner, they will be promptly transmitted to the Chair.
3. Charter amendments proposed by Commissioners will be submitted to the Chair.
4. Amendments will be assigned identifying numbers when received by the Chair.
5. The Chair will promptly transmit submitted amendments to Commission members and Legal if from a Commissioner or other Elected Official and to the Commission if from a member of the public. Whenever possible amendments will be grouped by article to facilitate discussion and to avoid duplication of effort. Amendments from members of the public must be sponsored by at least one Commissioner to be placed on the agenda for a threshold vote to submit for legal review. At least four Commissioners must vote to submit amendments from members of the public to Legal Counsel.
6. Legal Counsel will report to the Commission on legal issues of amendments within ten days of submission of the amendment to Legal Counsel or at the next Commission meeting, whichever is later.
7. Following legal review at least one Commissioner must sponsor an amendment to place on the agenda for a threshold vote of at least four Commissioners to place the amendment on the agenda for continued discussion.
8. Whenever possible proposed amendments will be communicated to the public prior to a Commission vote to advance the amendment for further discussion, including by posting the proposed amendments on Commission website.
9. Discussion on each proposed amendment will span at least two meetings and public comment will be taken.
10. After a proposed amendment has been discussed during at least two consecutive meetings, the body may vote it up or down to advance it for final consideration. The vote to advance for final consideration is a simple majority of the quorum.
11. The amendments advanced for final consideration will be communicated to the public, including by posting on the Commission website.
12. Two consecutive meetings will be scheduled to take public comment on and continue discussion of amendments advanced to final consideration.
13. Any revisions to amendments advanced for final consideration will be presented to Commission at the next meeting following completion of discussion and public comment, but no later than June 22, 2016.
14. No later than June 29, 2016 proposed amendments will be voted up or down and transmitted to the auditor. To go forward to the ballot, the amendment must have a majority of the full body.

#### PROCESS FOR COMMISSIONER REQUESTS FOR STAFF RESEARCH

Individual Commissioners requesting staff to conduct research or analysis will:

- Put the specific request in writing to the Chair
- Chair will place on next meeting Agenda
- 4 Commissioners must vote to assign the request to staff

#### PROCESS FOR COMMISSIONER REQUESTS LEGAL RESEARCH ANALYSIS OR OPINION

Individual Commissioners requesting legal staff to conduct legal research or provide legal analysis or opinion will:

- Put the specific request in writing to the Chair
- Chair will place on next meeting Agenda
- 4 Commissioners must vote to assign the request to legal staff