

MINUTES
CHARTER REVIEW COMMISSION
March 9, 2016

Peninsula High School Auditorium
14105 Purdy Drive N.W.
Gig Harbor, WA 98332

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

1. Convene

The Charter Review Commission meeting was called to order at 7:05 p.m. by Chair Hanek.

2. Pledge of Allegiance to the Flag

The pledge was led by Cruver.

3. Roll Call

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

Commission Members Excused: Greg Hartman, Joshua Penner and April Sanders.
Commissioners Edmonds, Farmer and Ladenburg 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: Julie Anderson, Auditor; and Al Rose, Executive's Office.

There were approximately 21 visitors present.

4. Approval of the Agenda

Vice Chair Lantz moved to amend Item 11 of the agenda by removing Amendment C-5 (proposed change to Section 4.50, Districting Committee) from potential discussion today and placing it on a future agenda; motion seconded and passed on a voice vote.

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

5. Approval of Minutes – March 2, 2016

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

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

Gary Lester expressed concern with the referendum and initiative process outlined in Article 5 of the Charter and he responded to questions of Commissioners.

Jerry Gibbs spoke to the referendum process and responded to questions of Commissioners.

Jim Gough addressed Section 5.60.

Jim Merritt addressed Amendment P-1.

Diana Landahl addressed litigation against citizens and responded to questions of Commissioners.

Jean Munday addressed the referendum process.

Rick Sorrels offered suggested language to address the initiative process after the appropriate signatures have been gathered and responded to questions of Commissioners.

Garth Jackson addressed the initiative process and responded to questions of Commissioners.

Walker Allen addressed Section 4.50 and offered a written amendment thereto (a copy is contained in the meeting file as Attachment No. 1). Vice Chair Lantz noted a similar amendment has already been proposed by a Commissioner. He also responded to questions of Commissioners.

Chair Hanek noted Randy Boss will be given additional time so he can address all his proposed amendments and Commissioners can ask questions.

Randy Boss individually addressed amendment nos. P-6, P-5, P-7, P-8, P-9, P-10, P-11, P-13, P-14, and P12 and responded to questions of Commissioners.

7. Presentations from Elected Officials

- Honorable Julie Anderson, Pierce County Auditor

Vice Chair Lantz noted Julie Anderson has recommended substitute language for amendment no. O-5, which sponsor Merrival has agreed to, pointing out that is what is before the body today and what the Auditor was asked to speak to (a copy is contained in the meeting file as Attachment No. 2).

Anderson noted the replacement language is in response to Commissioner requests for clarity on how a nonpartisan vacancy would be filled. She explained the proposed revisions and outlined two proposed minor amendments suggested by Assessor-Treasurer Lonergan (noted on Attachment No. 2). She then responded to questions of Commissioners.

8. Presentations from County Department Heads/Employees

There was none.

The Charter Review Commission recessed at 9:07 p.m.
The Charter Review Commission reconvened at 9:35 p.m.

9. Commissioner Requests for Research

- Research of possible options for defining expectations of Councilmember attendance in the Charter, including examples from other jurisdictions.
- Legal research of possible options for inclusion in the Charter of enforcement processes and mechanisms for alleged violations of Charter, including examples from other jurisdictions.

No discussion occurred. No action was taken.

10. Discussion of Charter

- Article 9 – General Provisions

Chair Hanek noted discussion will begin with Article 9.

Farrell addressed Section 9.20. Discussion followed.

Pelesky addressed Section 9.35 and questioned the content of the Veteran's Affairs Policy. Ladenburg explained.

Rose spoke to both Sections 9.20 and 9.35. Discussion followed.

Clark requested a copy of the Veteran's Affairs Policy.

Merrival suggested modeling a similar Charter Section to address mental health. Discussion followed.

Greer noted the Veteran's Affairs Policy is embedded within Ordinance No. 82-74, and Chair Hanek requested a copy be provided to the Commissioners, noting the issue might be revisited at a later date.

Vice Chair Lantz addressed a housekeeping matter. She noted Item 11 of the agenda provides an update on the proposed amendments received to date and she questioned whether the Commission would like to continue with discussion this evening.

Edmonds moved to defer Item 11, Discussion of Amendments, to the next meeting due to the lateness of the hour; motion seconded.

Olson, Merrival and Farrell spoke against the motion.

Edmonds clarified why she made her motion. Discussion followed.

The voice vote was inconclusive and the motion passed by a show of hands (9 ayes, 7 nays and 2 abstentions).

11. Discussion of Proposed Amendments

Discussion deferred to next meeting.

12. Good of the Order

- **Communication and Social Media Update**

Farmer provided an update on the postcard mailings and the Facebook account.

- **Update on District Meetings**
 - March 16, District 5 – Tacoma Firefighters Hall
 - March 30, District 3 – Graham Fire Station
 - April 20, District 1 – North Lake Tapps Middle School

Chair Hanek provided an updated on the district meetings, noting the meeting at the Graham Fire Station must conclude by 9 p.m.

Vice Chair Lantz moved to change the start time of the March 30 meeting to 6:30 p.m.; motion seconded and passed on a voice vote.

- **Budget Update**

Chair Hanek provided a budget update.

- **Clerk Hiring Update**

Chair Hanek provided an update on the hiring of a clerk.

- **Additional Topics**

Farrell moved to have agenda Item 11 follow Public Comments at the March 30 meeting at the Graham Fire Station; motion seconded.

Farrell explained the intent of his motion and discussion followed.

Merrival requested that due to the limited time at that meeting, no public officials be invited to attend.

The motion passed on a voice vote.

Vice Chair Lantz referred to Item 9 of the agenda, stating she would like to request staff do the research if there is no objection.

Perry objected to the research request and explained why.


Following discussion, Perry withdrew his objection.

No other Commissioners objected to the request. No action was taken.

13. Adjournment


The Charter Review Commission adjourned at 10:12 p.m.

Attest:



Linda Medley, Meeting Clerk

Approved:



Sharon Hanek, Chair



Date Approved

It is proposed at Section 4.50 be amended to follow the template of the "Washington State Redistricting Commission". The rationale for this is to allow both political parties to reach agreement without intervention of a tie-breaking vote.



About the Commission (Washington State Redistricting Commission)

Every 10 years, the bipartisan Washington State Redistricting Commission is established for the purpose of redrawing legislative and congressional district boundaries. Four commissioners are appointed by the Legislature. The Commissioners appoint a fifth, non-voting, non-partisan chairperson. During the Commission's tenure, members typically meet every second Tuesday of the month in Olympia.

<http://www.redistricting.wa.gov/commission.asp>



Pierce County Charter

Section 4.50 -- Districting Committee

Within 60 days after the 1980, and each succeeding Federal census is published, a 5 member districting committee shall be appointed. The Council shall appoint four persons to the Committee, two from each major political party, from a list of five submitted by the party's central committee, the four to appoint the a fifth, non-voting, non-partisan Chairperson ~~who shall serve as the Chair.~~ Members of the Districting Committee shall serve without salary, but shall be compensated for expenses. The Districting Committee shall, within 30 days of its appointment, meet and appoint a Districting Master who shall be qualified by education, training, and experience to draw a redistricting plan. If a Districting Committee is unable to agree upon the appointment of a Districting Master within 30 days, the Council shall appoint a Districting master within 30 days thereafter.

(Originally Adopted November 4, 1980)

<http://www.codepublishing.com/WA/PierceCounty/#!/html/PierceCountyCH.html>

This document presented at the
Charter Review Commission
Meeting of: 3/9/2016
Attachment No. 1

Substitute Amendment No. O-5

Submitted by Julie Anderson

Sponsored by Commissioner Merrival

Section 4.70 -- Vacancies

- (1) An elective office shall become vacant when one of the following occurs:
 - (a) death;
 - (b) total permanent incapacity as determined by a panel of three physicians;
 - (c) resignation;
 - (d) recall of the officer;
 - (e) a Councilmember's absence from three consecutive regular meetings of the Council, without being excused by the Council;
 - (f) absence from the County for 30 days without being excused by the Council; or
 - (g) failure to maintain residence within the district from which elected.

(2) The Council shall fill a partisan vacancy from a list of three people submitted by the County central committee of the party represented by the official in office immediately prior to the declaration of vacancy. In the event that this official was elected from a non major party or as an independent, the vacancy shall be filled by the Council ~~with an individual who certifies to be of the same affiliation.~~ The Council shall solicit potential nominees or may nominate individuals to fill the vacancy. *and*

If a vacancy occurs in the non-partisan office of Assessor-Treasurer, Auditor or Sheriff, a special appointment committee shall be formed to fill the vacancy. The committee shall consist of the Executive, Chair of the Council, the Executive Pro Tempore of the Council and the two remaining non-partisan elected officials of Assessor-Treasurer, Auditor and Sheriff. The committee shall solicit potential nominees or may nominate individuals to fill the vacancy. *and*

(3) Vacancies in an elective position shall be filled at the next November general election, unless the vacancy occurs after the last day for filing declarations of candidacy, in which case the vacancy shall be filled at the next succeeding November general election. The person elected shall take office upon certification of the results of the election, and shall serve the unexpired term of the vacated office. Until a successor has been elected and certified, a majority of the Council shall fill the vacancy by appointment. All persons appointed to fill vacancies shall meet the qualifications set in Section 4.30.

(4) An elective official shall be suspended with pay upon an information or indictment for a felony being filed against the official, such suspension continued until conviction, acquittal or dismissal of such charges, and shall be removed from office upon being convicted thereof. (Originally Adopted November 4, 1980)

This document presented at the
Charter Review Commission
Meeting of: 3/9/2016
Attachment No. 2