

*Title 2*

**ADMINISTRATION**

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**DIVISION I. GENERAL ADMINISTRATION**

*Chapter 2.04*

***PUBLIC RECORDS INSPECTION AND  
COPYING PROCEDURES***

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- 2.04.020 Agency Description – Contact Information – Public Records Officer.**
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**2.04.010 Authority and Purpose.**

- A. Chapter 42.56 RCW, the Public Records Act ("act"), requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public records" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency.
- B. The purpose of these rules is to establish the procedures Pierce County will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of Pierce County and establish processes for both requesters and Pierce County staff that are designed to best assist members of the public in obtaining such access. These rules have been written to incorporate best practices for compliance with the act and are based upon and organized according to Model Rules promulgated by the Attorney General of the State of Washington. They completely replace the former Chapter 2.04 PCC.
- C. The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights, to protect public records from damage or disorganization and to prevent excessive interference with other essential functions of the agency. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, Pierce County will be guided by the provisions of the act describing its purposes and interpretation.
- D. All County departments, divisions, bureaus, boards, committees, commissions and officers are required to follow these procedures.

(Ord. 2007-76s2 § 1 (part), 2007; Ord. 82-58 § 1 (part), 1982; prior Code § 2.76.010)

**2.04.020 Agency Description – Contact Information – Public Records Officer.**

- A. Pierce County is a political subdivision of the State of Washington and an agency subject to the act. The officers, departments, bureaus, boards, committees, commissions, elected officials, and other agencies of the County are also agencies subject to the act, and any person wishing to request access to public records of Pierce County, any agency of

Pierce County, or seeking assistance in making such a request shall contact the public records officer of the applicable agency. Records at the judiciary and court files may not be subject to the Public Records Act or to this Ordinance, at least to the extent set forth in Nast v. Michels, 107 Wn.2d 300 (1986) and Spokane & Eastern Lawyer v. Tompkins, 136 Wn.App. 616 (2007), and disclosure of such records may be subject to the common law and to applicable court rules and orders. These rules, therefore, do not address access to court records.

- B. Requests for access to public records shall be addressed to the Public Records Officer of the applicable County agency as set forth below:

<b>Agency</b>	<b>Address</b>
Assessor-Treasurer	Rm 142, 2401 S 35 <sup>th</sup> St, Tacoma, WA 98409
Assigned Counsel Dept	949 Market St, Tacoma, WA 98402
Auditor	Rm 200, 2401 S 35 <sup>th</sup> St, Tacoma, WA 98409
Board of Equalization	Rm 176, 2401 S 35 <sup>th</sup> St, Tacoma, WA 98409
Budget and Finance Dept	Ste 100, 615 S 9 <sup>th</sup> St, Tacoma, WA 98405
Civil Service Commission	Ste 200, 615 S 9 <sup>th</sup> St, Tacoma, WA 98405
Clerk of Superior Court	Rm 110, 930 Tacoma Ave S, Tacoma, WA 98402
Community Services Dept	Ste 200, 3602 Pacific Ave S, Tacoma, WA 98418
Corrections Bureau	910 Tacoma Ave S, Tacoma, WA 98402
County Boards	Rm 737, 930 Tacoma Ave S, Tacoma, WA 98402
County Commissions	Rm 737, 930 Tacoma Ave S, Tacoma, WA 98402
County Council	Rm 1046, 930 Tacoma Ave S, Tacoma, WA 98402
County Executive	Rm 737, 930 Tacoma Ave S, Tacoma, WA 98402
Dept of Communications	Rm 737, 930 Tacoma Ave S, Tacoma, WA 98402
Economic Development Dept	Rm 720, 950 Pacific Ave S, Tacoma, WA 98402
Emergency Management Dept	2501 S 35 <sup>th</sup> St, Tacoma, WA 98409
Ethics Commission	Ste 200, 615 S 9 <sup>th</sup> St, Tacoma, WA 98405
Facilities Mgmt Dept	Ste 212, 955 Tacoma Avenue S, Tacoma, WA 98402
Government Relations	Rm 302B, 955 Tacoma Ave S, Tacoma, WA 98402
Human Resources Dept	Ste 200, 615 S 9 <sup>th</sup> St, Tacoma, WA 98402
Human Services Dept	3580 Pacific Ave S, Tacoma, WA 98418
Information Technology Dept	Ste 300, 615 S 9 <sup>th</sup> St, Tacoma, WA 98405
Medical Examiner	3619 Pacific Ave S, Tacoma, WA 98418
Other County Boards	Rm 737, 930 Tacoma Ave S, Tacoma, WA 98402
Other County Bureaus	Rm 737, 930 Tacoma Ave S, Tacoma, WA 98402
Other County Commissions	Rm 737, 930 Tacoma Ave S, Tacoma, WA 98402
Parks & Recreation Services Dept	Ste 121, 9112 Lakewood Dr SW, Lakewood, WA 98499
Personnel Board	Ste 200, 615 S 9 <sup>th</sup> St, Tacoma, WA 98402
Pierce County	Ste 302B, 955 Tacoma Avenue S, Tacoma, WA 98402
Planning & Land Services Dept	Rm 175, 2401 S 35 <sup>th</sup> St, Tacoma, WA 98409
Pierce County Prosecuting Attorney	Ste 301, 955 Tacoma Avenue S, Tacoma, WA 98402
Public Works & Utilities Dept	Ste 201, 2702 S 42 <sup>nd</sup> St, Tacoma, WA 98409
Risk Management Dept	Ste 303, 955 Tacoma Ave S, Tacoma, WA 98402
Sheriff	930 Tacoma Ave S, Tacoma, WA 98402
Veterans Bureau	Ste 102, 901 Tacoma Ave S, Tacoma, WA 98402

- C. A list of name, address, telephone, and fax number of current public records officers for agencies of Pierce County will be posted on the County's website at <http://www.co.pierce.wa.us>, and copies of that list will be provided upon request by the public records officer for the County designated by the Pierce County Executive to be known as the Pierce County Public Records Ombudsperson, 955 Tacoma Ave S, Ste 302B, Tacoma, WA 98402.
  - D. The applicable public records officer will oversee compliance with the act but another agency staff member may process the request. Therefore, these rules will refer to the public records officer "or designee." The public records officer or designee will provide the "fullest assistance" to requesters; ensure that public records are protected from damage or disorganization; and prevent fulfillment of public records requests from causing excessive interference with essential functions of Pierce County or its agencies.
- (Ord. 2007-76s2 § 1 (part), 2007; Ord. 82-58 § 1 (part), 1982; prior Code § 2.76.020)

#### **2.04.030 Availability of Public Records.**

- A. **Hours for Inspection of Records.** Public records are available for inspection and copying during normal business hours of Pierce County and any of its applicable agencies, Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays. Records must be inspected at the offices of the public records officer or designee for Pierce County or its applicable agency set forth in Section 2.04.020 or such other County office designed by the public records officer or designee.
- B. **Records Index.** The Pierce County Council finds that maintaining an index is unduly burdensome and would interfere with agency operations for Pierce County and its applicable agencies. The requirement would unduly burden or interfere with Pierce County operations and with that of its applicable agencies because Pierce County employs approximately 3,500 employees who generate hundreds of records on a daily basis that include final opinions and orders made in the adjudication of cases, statements of policy, interpretations of policy, administrative manuals, instructions to staff that affect members of the public, planning policies and goals, interim and final planning decisions, factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, factual information derived from tests, studies, reports, or surveys, and correspondence and materials referred to therein relating to regulatory, supervisory, or enforcement responsibilities. Virtually every County department would be required to devote several full-time employees exclusively to the task of collecting, reading, categorizing, indexing, and maintaining a current index of such records. In addition, the time required by other employees to ensure that the records were forwarded to the designated employees for indexing and communicating with the designated employee regarding the purposes of the records would be substantial. Because of the size of Pierce County, the volume and variety of such records and lack of available resources to devote to such an endeavor, creating an index would be unduly burdensome and would unduly interfere with agency operations.
- C. **Organization of Records.** Pierce County maintains its records in a reasonably organized manner. Pierce County and each of its agencies will take reasonable actions to protect records from damage and disorganization. A requester shall not take original records from Pierce County offices or that of its agencies. A variety of records is available on the Pierce County web site at <http://www.co.pierce.wa.us>. Requesters are encouraged to view the documents available on the web site prior to submitting a records request.

**D. Making a Request for Public Records.**

1. Any person wishing to inspect or obtain copies of public records of any Pierce County agency shall make the request in writing on Pierce County's standards request form, by delivery, U.S. mail, or fax, or addressed to the public records officer of the Pierce County agency to which the request is directed. The form shall include the following information:
  - a. legal name of requester;
  - b. mailing address of requester;
  - c. other contact information, including telephone number, fax number, and any e-mail address;
  - d. reasonable identification of the public records requested adequate for the public records officer or designee to identify and locate the records;
  - e. the date and time of day of the request; and
  - f. the signature of the requester.
2. Persons seeking public records or information available for inspection and copying from Pierce County may seek assistance from the Pierce County Public Records Ombudsperson. The Public Records Ombudsperson may facilitate identification of records which are available for disclosure and minimize unnecessary effort and cost to the County and to persons seeking available records. The applicable public records officer should provide an information copy of complex public records requests to the Public Records Ombudsperson.
3. If the requester wishes to have copies of the records made, instead of simply inspecting them, he or she shall so indicate and make arrangements to pay for copies of the records or at least make a deposit of 10 percent of the cost of copying estimated by the public records officer or designee before copying will commence. Pursuant to Section 2.04.070, standard black and white 8½" x 11" photocopies will be provided at 15 cents per page, or if the public records officer to whom the request is made has available for inspection and copying a schedule setting forth the actual cost of copying the requested records and the factors and manner by which that actual cost has been determined, that actual cost of copying shall be collected instead.
4. Requests shall be made to the selected public records officer upon a standard form promulgated by the Public Records Officer for the County designated by the Pierce County Executive, which shall be made available at the office of each agency's public records officer and on-line at <http://www.co.pierce.wa.us/PC/>.
5. Persons requesting public records that include a list of individuals will be required to provide a declaration under penalty of perjury certifying sufficient facts from which the public records officer or designee can reasonably determine that the records will not be used for any commercial purpose (profit-expecting activity) prohibited by RCW 42.56.070(9) unless specifically authorized by other law.
6. Persons requesting public records for which other laws limit or prohibit disclosure to a particular class of persons or for limited purposes will be required to provide a declaration under penalty of perjury certifying sufficient facts from which the public records officer or designee can reasonably determine that the legal requirements for disclosure of such records to the requester have been met.

(Ord. 2007-76s2 § 1 (part), 2007; Ord. 82-58 § 1 (part), 1982; prior Code § 2.76.030)



#### **2.04.040 Processing of Public Records Requests – General.**

- A. **Providing "fullest assistance."** Pierce County and each of its agencies is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requesters, and provide the "most timely possible action" on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.
- B. **Acknowledging Receipt of Request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:
  - 1. Make the records available for inspection or copying;
  - 2. Provide in writing, mailed or delivered to the requester, a reasonable estimate of time when records will be available;
  - 3. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requester. Such clarification may be requested and provided by telephone, but it is desirable to confirm such clarifications in writing. The public records officer or designee may revise the estimate of when records will be available; or
  - 4. Deny the request, in whole or in part.
- C. **Consequences of Failure to Respond.** If the County or its applicable agency does not respond in writing within five business days of receipt of the request for disclosure, the requester should contact the public records officer to determine the reason for the failure to respond.
- D. **Protecting Rights of Others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer or designee may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requester and ask him or her to revise the request or, if necessary, to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.
- E. **Records Exempt or Prohibited from Disclosure.** Some records are exempt from or are prohibited from disclosure by law, in whole or in part. If Pierce County or its applicable agency believes that a record is exempt from or prohibited from disclosure and should be withheld, the public records officer or designee will state the specific exemption or prohibition under which the record or a portion of the record is being withheld. If only a portion of a record is exempt or prohibited from disclosure but the remainder is not exempt or prohibited, the public records officer will redact the exempt or prohibited portions, provide the nonexempt portions, and indicate to the requester why portions of the record are being redacted.
- F. **Inspection of Records.**
  - 1. Consistent with other demands, Pierce County or its applicable agency shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requester shall indicate which documents he or she wishes the agency to copy.
  - 2. The requester must claim or review the assembled records within 30 days of the County's or its applicable agency's notification to him or her that the records are available for inspection or copying. The agency will notify the requester in writing of this requirement and inform the requester that he or she should contact the agency

to make arrangements to claim or review the records. If the requester or a representative of the requester fails to claim or review the records within the 30-day period or make other arrangements satisfactory to the County or its applicable agency, the County or its applicable agency may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or similar records, which can be processed as a new request.

- G. **Providing Copies of Records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying upon a deposit of at least 10 percent of the estimated cost of copying.
- H. **Providing Records in Installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within 30 days, the requester fails to inspect the entire set of records or one or more of the installments after being made available, or to pay the balance of the cost of copying of records copied or those copied in an installment, the public records officer or designee may stop searching for the remaining records and close the request.
- I. **Completion of Inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that Pierce County or its applicable agency has completed a diligent search for the requested records and made any located non-exempt records available for inspection.
- J. **Closing Withdrawn or Abandoned Request.** When the requester either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requester that Pierce County or its applicable agency has closed the request. Subsequent copies requested may not be made until the requester has paid any unpaid bill for copying services requested by the requester, whether or not the copies previously made have been retained for the requester or destroyed when the previous bill remained unpaid for more than 30 days after notice mailed to the requester.
- K. **Later Discovered Documents.** If, after Pierce County or its applicable agency has informed the requester that it has provided all available records, Pierce County or its applicable agency becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requester of the additional documents and provide them on an expedited basis.
- L. **Protection of Records and Functions.**
  - 1. Public records shall be made available without disrupting essential functions of the offices. Any County employee who believes that response to public records requests will excessively interfere with other essential agency functions shall consult with his or her supervisor.
  - 2. An agency may follow a reasonable schedule regarding retrieval of a record from an off-premises storage site so that no more than one trip per week to the remote site is required.
  - 3. With regard to copying, prearrangement is recommended so that it can be accommodated within the work schedule. Copies shall be made only by a staff member. The precise time must remain flexible and will depend upon the work schedule for that day.

4. With regard to video or audio recordings, prior arrangements must be made for review. A staff member will be assigned to operate the County recording equipment necessary to either listen to or rerecord the original recording tape to protect originals. The public records officer may limit the maximum time allowed during any working day for supervised review to avoid excessive interference with the agency's other essential functions. If the agency is able to provide access which excludes the requester from access to original records which might be damaged or disorganized and from access to originals or copies prohibited or exempt from disclosure, additional time may be made available.
5. Review of other original records shall be done only in the immediate presence of and under the supervision of a County employee responsible for protecting the originals against damage, alteration, or disorganization by the requester. The public records officer may limit the maximum time allowed during any working day for supervised review to avoid excessive interference with the agency's other essential functions. When the time needed for this purpose exceeds two hours, time periods on a future day or days may be assigned. If the agency is able to provide access which excludes the requester from access to original records which might be damaged or disorganized and from access to originals or copies or exempt from disclosure, additional time may be made available.

(Ord. 2007-76s2 § 1 (part), 2007; Ord. 82-58 § 1 (part), 1982; prior Code § 2.76.040)

#### **2.04.050 [Reserved]**

(Ord. 2007-76s2 § 1 (part), 2007; Ord. 82-58 § 1 (part), 1982; prior Code § 2.76.050)

#### **2.04.060 Exemptions.**

The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Exemptions outside the Public Records Act that restrict the availability of some documents held by Pierce County or its applicable agencies for inspection and copying include, but are not limited to, those set forth for counties and municipalities in the most recent list of other such statutes posted on the web site of the Municipal Research Service Center, which is present [www.mrsc.org/Publications/pr06.pdf](http://www.mrsc.org/Publications/pr06.pdf), Appendix C, and which is incorporated herein by reference. The list is available for inspection and copying from the applicable public records officer.

Pierce County and its agencies are prohibited by statute from disclosing lists of individuals for commercial purposes.

(Ord. 2007-76s2 § 1 (part), 2007; Ord. 82-58 § 1 (part), 1982; prior Code § 2.76.060)

#### **2.04.070 Costs of Providing Copies of Public Records.**

- A. **Costs Required for Inspection.** There is no fee for inspecting public records. There is no fee for the staff time necessary to prepare the records for inspection, for the copying required to redact records before they are inspected, or an archive fee for getting the records from off-site. The costs of making the records available for inspection or copying are not charged to the requester.
- B. **Costs for Copies.** A requester may obtain standard 8½" x 11" black and white photocopies for 15 cents per page. If the actual cost of copying is determined by the County or by the applicable agency to be other than 15 cents per page, that charge may be collected if a statement of the factors and the manner used to determine this charge is

available from the public records officer or designee. Before beginning to make these copies, the public records officer or designee may require a deposit of 10 percent of the estimated costs of copying all the records selected by the requester. The public records officer or designee shall require the payment of the remainder of the copying costs for those copies before providing them to the requester, whether they include all of the records or an installment. Pierce County and its agencies do not charge sales tax when they make copies of public records. The Department of Budget and Finance shall assist agencies in determining the factors and manner of calculating the actual cost of copying.

- C. **Costs for Electronic Records.** The cost of electronic copies of records shall be the amount per hour for copying information on a CD-ROM or other media, plus the listed cost for each CD-ROM or other media as set forth in the statement of the factors and manner used to determine this charge available from the applicable public records officer. The Department of Budget and Finance shall assist agencies in determining the factors and manner of calculating the actual cost of copying.
- D. **Costs of Mailing.** Pierce County or its applicable agency may also charge actual costs of mailing, including the cost of the shipping container or envelope if the requester requests mailing or shipping.
- E. **Payment.** Payment may be made by cash, check or money order to Pierce County.
- F. **Waiver of Payment.** Pierce County or its applicable agency may waive the cost of copying if the cost is less than the cost of processing payment as determined by the Director of Budget and Finance.
- G. **Charges Required by Other Statutes.** If a different charge for copies or certification is required to be collected by a statute other than the Public Records Act, such as RCW 36.18, RCW 46.52.085 or RCW 10.97.100, the provisions of that statute shall govern.
- H. **Outside Contracts for Copying.** The applicable agency may arrange for copying by County contractors charged with preserving and protecting public records, instead of copying requested records using County services. In such event, the cost of copying charged shall be the contract charges, and such charges shall be paid by the requester directly to the County contractor who performed the copying. If the requester made a deposit in advance of copying, any unapplied portion of the deposit will be refunded to the requester, provided that the contract charges are paid and the copies are picked up by the requester within 30 days after written notice of the unpaid contract charges is mailed to the requester's address.
- I. **Repetitive Contracts.** The County Executive may enter into contractual agreements with persons who intend to request access to public records available for disclosure to them on a continuous or regularly recurring basis. The terms of any contract executed in accordance with this Section will supersede and control over any otherwise applicable provisions of this Chapter.

(Ord. 2007-76s2 § 1 (part), 2007; Ord. 94-24 § 1, 1994; Ord. 82-58 § 1 (part), 1982; prior Code § 2.76.070)

#### **2.04.075 Disposition of Funds.**

Money received for copies shall be receipted and deposited as set forth in Cashiering Procedures promulgated by the Department of Budget and Finance. (Ord. 2007-76s2 § 1 (part), 2007)

#### **2.04.080 Review of Denials of Public Records.**

- A. **Petition for Internal Administrative Review of Denial of Access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing to the public records officer or designee for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.
- B. **Consideration of Petition for Review.** The public records officer or designee shall promptly provide the petition and any other relevant information to the public records officer's supervisor or other officials designated by the agency to conduct the review, who shall immediately consult with the Prosecuting Attorney before action on the petition. That person will immediately consider the petition and either affirm or reverse the denial within two business days following the agency's receipt of the petition, or within such other time as is mutually agreeable to Pierce County and the requester.
- C. **Judicial Review.** Any person may obtain judicial review of a public records request denial pursuant to RCW 42.56.550 at the conclusion of two business days following the initial denial regardless of any internal administrative appeal.

(Ord. 2007-76s2 § 1 (part), 2007; Ord. 82-58 § 1 (part), 1982; prior Code § 2.76.080)

#### **2.04.090 Access to Public Records.**

The providing of public records shall be governed by the following procedures:

- A. Each administrative department shall adopt and enforce reasonable rules regarding retrieval and public inspection of records. Public records shall be made available without disrupting essential functions of the offices. Any County employee who believes that essential functions will be interrupted shall consult with his or her supervisor.
- B. An agency may adopt reasonable rules regarding retrieval of a record from an off-premises storage site so that no more than one trip per week to the remote site is required.
- C. Any request made to the Microfilm Department for a public record shall be made by the department whose records are requested. Requests for microfilm records by persons other than those authorized by the originating department shall not be honored.
- D. Duplicate, carbon copy or other secondary records are to be dealt with in the same manner as the original or primary copy.
- E. With regard to photocopying, prearrangement for copies of records is recommended so that they can be accommodated within the work schedule. Copies shall be made only by a staff member once each day. The precise time must remain flexible and will depend upon the work schedule for that day. However, copying will be done between 2 p.m. and 3 p.m. whenever possible. Copies may be picked up later in the afternoon or the next day. When a special machine warm-up, set-up, or trip outside the immediate area is required, the requested copies shall be run along with regular department work. If such measures are necessary, copies will be provided by the end of the following business day, unless the record requested must be retrieved from a site off-premises.
- F. With regard to other printing, Ozalid, Sepia, blueprints, or photostatic copies of maps, graphs, charts, etc., which cannot be produced within the office will be forwarded to the appropriate County department or outside business. The requestor will be billed directly by the printer. This will be performed once each day in a manner similar to photocopying.

- G. With regard to tape recordings, prior arrangements must be made to listen to or copy a tape recording. A staff member will be assigned to operate the County recording equipment necessary to either listen to or rerecord the original tape. To maintain the department's and individual's work schedule, two hours shall be the maximum time allowed during any working day for this purpose. When the time needed for this purpose exceeds two hours, time periods on future day or days will be assigned.
- H. With regard to the production of transcripts, not more than two hours each working day shall be expended by the transcriber. Time periods shall be adjusted daily to fit the normal work schedule.

(Ord. 2007-76s2 § 1 (part), 2007; Ord. 82-58 § 1 (part), 1982; prior Code § 2.76.090)

## Chapter 2.05

### **PLANNING AND LAND SERVICES AND ASSESSOR-TREASURER DEVELOPMENT REVIEW, INSPECTION AND APPLICATION/PROCESSING FEES**

#### **Sections:**

- 2.05.010 Applicability.**
- 2.05.020 Fee Refunds and Fee Exemptions.**
- 2.05.030 Planning and Land Services Department Reproduction and Archive Retrieval Fees.**
- 2.05.040 Planning and Land Services Fee Tables.**
- 2.05.045 Sign Permit Fees.**
- 2.05.050 Non-Performance by Consultant.**
- 2.05.060 Violation of Hearing Examiner Conditions.**
- 2.05.070 Land Use Violation Penalty Fee.**
- 2.05.080 Work Without an Issued Site Development Permit.**
- 2.05.090 Assessor-Treasurer Fees.**

#### **2.05.010 Applicability.**

Fees in accordance with this Chapter will be assessed for all development that requires review, inspection, and application/permit processing. (Ord. 2011-80s § 2 (part), 2011)

#### **2.05.020 Fee Refunds and Fee Exemptions.**

- A. Fee Refunds.** Application and permit review and inspection fees cannot be refunded unless one of the following three conditions exists:
  1. The application/permit was required by the County in error. These fees will be refunded at 100 percent; or
  2. The County review and inspection activities that the fee was created to cover have not begun and it has been 180 days or less from the date of application. When this is the case, these fees will be refunded at 90 percent. The remaining 10 percent of the fee will be utilized to cover the costs associated with application intake, initial administrative activities, and refund processing; or
  3. Appeal application fees shall be fully refundable to any appellant who successfully appeals a decision of an Administrative Official or the Environmental Official to the Hearing Examiner.
- B. Fee Exemptions.**
  1. Fees identified within this Chapter shall not be required when a matter has been initiated by the Council.
  2. The Executive may waive fees for a department or agency of Pierce County or an application filed in accordance with Chapter 11.05 PCC.
  3. Determinations of nonsignificance or final environmental impact statements which are required to be prepared and submitted by other local, State or federal quasi-public agencies are exempt from payment of fees required pursuant to this Chapter. However, the costs of preparing, noticing, and distributing an environmental impact statement shall be borne by said other entity.

(Ord. 2011-80s § 2 (part), 2011)

**2.05.030 Planning and Land Services Department Reproduction and Archive Retrieval Fees.**

- A. Zoning Atlas .....in accordance with current printing cost
- B. Copies of reports, regulations, studies and miscellaneous documents shall be equal to the department's cost of reproduction.

(Ord. 2011-80s § 2 (part), 2011)

**2.05.040 Planning and Land Services Fee Tables.**

- A. The following Fee Tables include the fees that the Planning and Land Services Department will charge for project review, inspection, and application/permit processing. Review fees must be paid at the time of application. Inspection fees shall be paid prior to permit issuance or prior to performance of the inspection. Certain applications/permits (as noted in the Fee Tables below) are paid by the hour. Any hourly fees shall be billed to the applicant and payment must be received prior to issuance of any development permits. The Planning and Land Services Department will not begin processing an application, begin review, or begin inspections until the applicable fees are paid.



<b>Table 2.05.040-1. Use Permits</b>								
<b>Review Type</b>	<b>Admin Use Permits</b>	<b>Conditional Use Permits</b>	<b>Planned Development District</b>	<b>Planned Unit Development</b>	<b>Non-Conforming Use</b>	<b>Public Facilities Use Permit</b>	<b>Rezone</b>	<b>Shoreline Management</b>
SEPA Agricultural/SF-Duplex	\$750.00	\$750.00	\$750.00	\$750.00	\$750.00	\$750.00	\$750.00	\$750.00
SEPA Commercial/Industrial	\$2,100.00	\$2,100.00	\$2,100.00	\$2,100.00	\$2,100.00	\$2,100.00	\$2,100.00	\$2,100.00
Administrative Design Review Duplex/Single Residence	\$740.00	\$740.00	\$740.00	\$740.00	\$740.00	\$740.00	\$740.00	\$740.00
Administrative Design Review all other	\$1,250.00	\$1,250.00	\$1,250.00	\$1,250.00	\$1,250.00	\$1,250.00	\$1,250.00	\$1,250.00
Hearing Examiner Annual Review		\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00			
Site Plan Review Duplex/Single Residence	\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00
Site Plan Review all other	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00
Staff Review	\$2,300.00							
One-/Two-Family Dwelling		\$2,400.00	\$2,300.00	\$2,900.00	\$2,580.00			
Plan – Commercial/Industrial 0-5 acres		\$4,400.00	\$4,100.00	\$4,200.00	\$4,190.00	\$3,720.00	\$3,000.00	
Plan – Commercial/Industrial 5.1-10 acres		\$4,800.00	\$4,500.00	\$4,570.00	\$4,540.00	\$3,800.00	\$3,080.00	
Plan – Commercial/Industrial 10.1-20 acres		\$5,100.00	\$4,810.00	\$4,875.00	\$4,810.00	\$3,800.00	\$3,620.00	
Plan – Commercial/Industrial 20.1-100 acres		\$5,600.00	\$5,240.00	\$5,480.00	\$5,245.00	\$3,950.00	\$3,620.00	
Plan – Commercial/Industrial 100.1 and greater acres		\$6,700.00	\$5,925.00	\$6,480.00	\$6,250.00	\$4,100.00	\$4,050.00	
Major Amendment to Approved Use		\$3,000.00	\$2,000.00	\$2,000.00	\$1,850.00	\$2,000.00	\$2,835.00	\$3,180.00
Minor Amendment to Approved Use	\$560.00	\$1,400.00	\$1,000.00	\$1,000.00	\$1,150.00	\$1,000.00	\$1,200.00	\$1,175.00
Shoreline Substantial Development 0-\$10,000								\$4,600.00

**Table 2.05.040-1. Use Permits**

<b>Review Type</b>	<b>Admin Use Permits</b>	<b>Conditional Use Permits</b>	<b>Planned Development District</b>	<b>Planned Unit Development</b>	<b>Non-Conforming Use</b>	<b>Public Facilities Use Permit</b>	<b>Rezone</b>	<b>Shoreline Management</b>
Shoreline Substantial Development \$10,001-100,000								\$4,800.00
Shoreline Substantial Development \$100,001-500,000								\$5,300.00
Shoreline Substantial Development \$500,001-1,000,000								\$5,900.00
Shoreline Substantial Development Greater than 1,000,000								\$6,500.00
Shoreline Revision to Permit								\$2,760.00
Shoreline Conditional Use Permit								\$5,100.00
Shoreline Exemption								\$800.00
Shoreline Variance								\$4,350.00
Shoreline Expansion of Nonconforming Use								\$3,540.00
Amendment to Shoreline Master Program								\$1,890.00
Adoption of/or Amendment to the Official Controls								\$1,890.00
Land Use Time Extension	\$855.00	\$855.00	\$855.00	\$855.00	\$855.00	\$855.00	\$855.00	\$855.00

<b>Table 2.05.040-2. Platting</b>					
	<b>SEPA – Land Division</b>	<b>Formal Plat</b>	<b>Large Lot</b>	<b>Short Plat</b>	<b>Binding Site Plan</b>
<b>Type</b>	<b>Review Fee</b>	<b>Review Fee</b>	<b>Review Fee</b>	<b>Review Fee</b>	<b>Review Fee</b>
Short Plat/Large lot 0-3 lots	\$690.00		\$3,055.00	\$3,010.00	\$3,315.00
Short Plat/Large lot greater than 3 lots	\$690.00		\$3,605.00	\$3,170.00	
Short Plat/Large lots greater than 3 (per lot)			\$69.00/Lot	\$69.00/Lot	
Preliminary Plat 0 to 5 lots	\$690.00	\$4,110.00			
Preliminary Plat 6 to 10 lots	\$1,000.00	\$4,550.00			
Preliminary Plat 11 to 20 lots	\$1,040.00	\$4,920.00			
Preliminary Plat 21 to 50 lots	\$1,400.00	\$5,490.00			
Preliminary Plat 51 to 100 lots	\$1,800.00	\$5,720.00			
Preliminary Plat 101 to 200 lots	\$1,860.00	\$7,890.00			
Preliminary Plat 201 to 350 lots	\$2,500.00	\$9,090.00			
Preliminary Plat greater than 350 lots	\$3,250.00	\$10,295.00			
Phased Development		\$1,115.00	\$1,115.00		
Final Plat Base		\$3,195.00	\$1,175.00	\$1,210.00	\$1,000.00
Final Plat (per lot and tracts)		\$11.00.00			
Hearing Examiner Annual Reviews		\$1,200.00			
Administrative Design Review		\$1,250.00	\$1,250.00	\$1,250.00	\$1,250.00
Site Plan Review		\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00
Major Amendment		\$3,000.00			\$3,315.00
Minor Amendment		\$1,400.00	\$750.00	\$750.00	\$1,680.00
Alteration		\$1,050.00	\$1,493.00	\$1,680.00	\$2,500.00
Alteration with Hearing		\$2,255.00			

<b>Table 2.05.040-3. Platting -- Miscellaneous</b>	
<b>Type</b>	<b>Review Fee</b>
Lot Combo	\$595.00
Boundary Line Adjustment	\$1,255.00
Model Home Permit Planning Review	\$270.00
Preliminary Plat Extension Request	\$685.00

<b>Table 2.05.040-4. Miscellaneous Inspection Fees</b>	
<b>Type</b>	<b>Review Fee</b>
Accessory Element Inspection/Bond Release Inspect	\$710.00
Additional Site Visit for Non Routine Circumstances	\$370.00

<b>Table 2.05.040-5. Site Development Permit Road, Alley, Shared Access and Associated Storm Drainage Construction</b>				
<b>Type</b>	<b>Review Fee</b>	<b>Resubmittal Fee</b>	<b>Inspection Fee (Annual)</b>	<b>Monitoring Fee (Annual)</b>
Public Road, Shared Access and Alley Construction	\$1,100.00 +\$2.55/LF	\$0.70/LF	\$2.17/LF	\$225.00 +\$0.045/LF
Private Road, Shared Access and Alley Construction	\$1,100 +\$2.55/LF	\$0.70/LF	\$2.17/LF	\$225.00 +\$0.045/LF
Offsite Public Road Improvement	\$1,100.00 +\$2.55/LF	\$0.70/LF	\$2.17/LF	\$225.00 +\$0.045/LF
Minor Improvement in existing County right-of-way	\$480.00	--	\$320.00	--
Traffic Signal	\$2,010.00	--	\$1,340.00	--
Revision to Approved Plan	\$850.00	--	--	--
Legal Document Resubmittal	\$130.00	--	--	--
Change Order	\$150.00	--	--	--
Permit Extension	25%	--	--	--

<b>Table 2.05.040-6. Site Development Permit Commercial, Industrial, Parking, Access, and Associated Storm Drainage Construction</b>				
<b>Type</b>	<b>Review Fee</b>	<b>Resubmittal Fee</b>	<b>Inspection Fee (Annual)</b>	<b>Monitoring Fee (Annual)</b>
Commercial/Industrial	\$390.00 +\$0.06/sq.ft.	\$0.01/sq.ft	\$280.00 +\$0.04/sq.ft	\$150.00 +\$0.003/sq.ft
Revision to Approved Plan	\$850.00	--	--	--
Legal Document Resubmittal	\$130.00	--	--	--
Change Order	\$150.00	--	--	--
Permit Extension	25%	--	--	--

<b>Table 2.05.040-7. Site Development Permit Filling, Grading, Clearing, Mining, New and Replaced Hard Surface and Associated Storm Drainage</b>				
<b>Type</b>	<b>Review Fee</b>	<b>Resubmittal Fee</b>	<b>Inspection Fee (Annual)</b>	<b>Monitoring Fee (Annual)</b>
Abbreviated Plan	\$690.00	\$80.00	\$460.00	\$150.00 +\$65.00/AC
Engineered Abbreviated Plan	\$1,015.00	\$125.00	\$925.00	\$150.00 +\$65.00/AC
Drainage Control Plan 0-999 cubic yards	\$1,370.00	\$220.00	\$890.00	\$150.00 +\$65.00/AC
Drainage Control Plan 1000-4,999 cubic yards	\$1,850.00	\$300.00	\$1,230.00	\$150.00 +\$65.00/AC
Drainage Control Plan 5,000-49,999 cubic yards	\$1,970.00	\$320.00	\$1,390.00	\$150.00 +\$65.00/AC
Drainage Control Plan 50,000-99,999 cubic yards	\$2,120.00	\$320.00	\$1,560.00	\$150.00 +\$65.00/AC
Drainage Control Plan 100,000-499,999 cubic yards	\$2,270.00	\$320.00	\$1,730.00	\$150.00 +\$65.00/AC
Drainage Control Plan 500,000 or greater cubic yards	\$2,440.00	\$435.00	\$1,860.00	\$150.00 +\$65.00/AC
Revision to Approved Plan	\$850.00	--	--	--
Legal Document Resubmittal	\$130.00	--	--	--
Change Order	\$150.00	--	--	--
Permit Extension	25%	--	--	--

<b>Table 2.05.040-8. Engineering – Other</b>	
<b>Type</b>	<b>Review and/or Inspection Fee</b>
Gate Construction Permit – Non-Residential	\$625.00
Driveway Approach Permit – Non-Residential	\$250.00
Miscellaneous Inspections and Re-inspections – Non-Residential	\$220.00
Technical Equivalency Board	\$900.00
Engineering Review of Commercial/Industrial Building Permit	\$400.00
Engineering Variance – Administrative and Public Hearing – single request	\$690.00
Engineering Variance – Administrative and Public Hearing – multiple on same project	\$1,720.00

<b>Table 2.05.040-9. Single Family, Duplex, Agricultural</b>	
<b>Type</b>	<b>Review and/or Inspection Fee</b>
Building Permit (Planning Review)	\$160.00
Demolition Permit (Planning Review)	\$40.00
Home Occupation Review	\$400.00
Accessory Dwelling Unit	\$340.00
Variance Land Use	\$1,500.00
Renewal of Temporary Dwelling Unit Residential	\$110.00
Administrative Design Review	\$740.00
Site Plan Review by the Planning Director	\$1,200.00
Temporary Use Permit	\$300.00
Verification of Nonconforming Use	\$1,770.00
Conditional Use Permit	\$2,400.00
Accessory Element Inspection/Bond Release Inspect	\$710.00
Driveway Approach Permit	\$180.00
Site Development Evaluation	\$145.00
Abbreviated Plan – Plat Lot in Subdivision	\$600.00
Abbreviated Plan – Lot of Record	\$700.00
Engineered Abbreviated Plan	\$1,100.00
Drainage Control Plan	\$1,750.00
Infiltration System Design Review	\$145.00
Gate Construction Permit	\$450.00
Site Development Inspection excluding Storm Drainage	\$300.00
Storm Drainage Inspection	\$175.00
Miscellaneous Inspections	\$220.00
Re-Inspections	\$220.00
Flood Study	\$1,130.00
Flood Boundary Delineation Survey	\$350.00
Deep/Fast Flowing Water Analysis	\$785.00
Floodplain Determination	\$120.00
Zero Rise Analysis	\$585.00
FEMA Floodplain Elevation Certificate	\$540.00
Geological Assessment Letter	\$310.00
Geological Evaluation Review	\$490.00
Geological Report Review	\$1,115.00

<b>Table 2.05.040-10. Critical Areas – Environmental Constraints Flood, Landslide, Seismic, Mine, and Erosion Hazards</b>	
<b>Type</b>	<b>Review Fee</b>
Flood Study	\$1,325.00
Deep/Fast Flowing Water Analysis	\$1,000.00
Zero Rise Analysis	\$900.00
Flood Boundary Delineation Survey	\$400.00
Floodplain Determination	\$120.00
FEMA Floodplain Elevation Certificate Non Residential	\$625.00
Geological Assessment –Letter	\$310.00
Geological Assessment – Evaluation	\$490.00
Geological Assessment – Report	\$1,115.00
Reasonable Use Exception	\$2,400.00
Critical Area Variance	\$2,340.00

<b>Table 2.05.040-11. Critical Areas – Environmental Constraints Wetlands, Fish and Wildlife Species, and Habitat Conservation Areas</b>				
<b>SF-Single Family, AG-Agricultural, General-Plats and Commercial</b>	<b>SF/AG</b>	<b>SF/AG</b>	<b>General</b>	<b>General</b>
	<b>County Biologist</b>	<b>Private Consultant</b>	<b>County Biologist</b>	<b>Private Consultant</b>
<b>Type</b>	<b>Review Fee</b>	<b>Review Fee</b>	<b>Review Fee</b>	<b>Review Fee</b>
Analysis Report				\$1,475.00
Categorization/Delineation/Non- Compensatory Mitigation Plan	\$1,250.00	\$1,215.00		
Wetland Delineation Report Review	\$1,150.00	\$1,245.00		
Compensatory Mitigation Plan Review		\$1,100.00		\$1,880.00
Non-Compensatory Mitigation Plan Review	\$1,350.00	\$1,040.00		\$1,065.00
Verification of the Absence of Wetland	\$640.00	\$510.00	\$735.00	\$645.00
Wetland Variance	\$1,915.00		\$2,060.00	
Reasonable Use Exception – Wetlands	\$1,500.00		\$2,065.00	
Single-Family Wetland Certification		\$360.00		
Monitoring Report Review		\$325.00		\$325.00
Water Type Verification	\$420.00			\$420.00
Habitat Assessment Field Review	\$900.00			
Habitat Assessment Letter Review		\$825.00		\$825.00
Habitat Assessment Study Review		\$845.00		\$900.00
Habitat Assessment Report Review		\$1,030.00		\$1,170.00
Hazard Tree Report Review in Critical Area		\$485.00		\$485.00
Danger/Hazard Tree Removal in Open Space/NBA		\$480.00		\$480.00
Fish and Wildlife Variance	\$2,340.00		\$2,340.00	
Reasonable Use Exception – Fish and Wildlife	\$2,400.00		\$2,400.00	
Critical Area Time Extension	\$178.00	\$178.00	\$178.00	\$178.00

<b>Table 2.05.040-12. Forest Practices</b>	
<b>Type</b>	<b>Review Fee</b>
Class IV General Permit	\$685.00
SEPA Review Class IV General Forest Practice Permit	\$870.00
Conversion Option Harvest Plan (COHP)	\$1,340.00
Reforestation Inspection/Bond Release	\$300.00
Request for Removal of Moratorium	\$3,150.00
Verification of Development Moratorium (Office)	\$125.00
Verification of Development Moratorium (Field)	\$330.00
Request for SF Dwelling Exception	\$1,050.00

<b>Table 2.05.040-13. SEPA</b>	
<b>Type</b>	<b>Review Fee</b>
SEPA Agricultural/SF-Duplex	\$750.00
SEPA Commercial/Industrial	\$2,100.00
Environmental Impact Statement	\$5,900.00
Environmental Impact Statement hourly rate after 85 hours	\$80.00
SEPA Exemption	\$260.00
SEPA Addendum	\$380.00
Expanded Environmental Checklist	\$690.00

<b>Table 2.05.040-14. Engineering Studies</b>	
<b>Type</b>	<b>Review Fee</b>
Conceptual Drainage Plan Review	\$400.00
Traffic Impact Analysis 25-44 peak hour trips	\$750.00
Traffic Impact Analysis greater than 44 peak hour trips \$/Peak Hour Trip	\$15.00
Traffic Impact Analysis greater than 44 peak hour trips Base Fee	\$750.00
Traffic Impact Analysis – Access Only	\$750.00



<b>Table 2.05.040-15. Miscellaneous Decisions, Determinations and Fees</b>	
<b>Type</b>	<b>Review Fee</b>
Comprehensive Plan Amendment for Map Amendments	\$3,000.00
Director Decision Classification – Unlisted Use	\$520.00
Director Decision Code Interpretation/Other Determination	\$1,295.00
Request for Hearing Examiner Reconsideration	\$730.00
Amendment/Revision to a Development Agreement	\$1,000.00
5-Year Update to Master Plan	\$2,500.00
Application Modification	\$1,000.00
Revocation of Land Use/Plat	\$4,500.00
Relinquishment of Land Use/Plat	\$140.00
Site Plan Review Minor Amendment	\$850.00
Variance Commercial/Industrial	\$2,815.00
Unclassified Use Permit – Minor Amendment	\$935.00
Appeal of Administrative Official Decision	\$3,000.00
Appeal of an Environmental Official Decision	\$2,600.00
Administrative Appeal of Short Plat/Large Lot	\$2,250.00
Confirmation of Non-Conforming Use	\$1,770.00
Enforcement of Non-Conforming Use (violations only)	\$690.00
Annual Monitoring of Confirmed Non-Conforming Use Sites	\$310.00
Qualification of Sending Site for TDR	\$500.00
Reassessment of Sending Site for TDR	\$252.00
Exempt Division from Subdivision Code	\$65.00
Innocent Purchaser	\$740.00
Zoning Certificate Letter	\$450.00
Site Specific Information Letter	\$450.00
Zoning Review for Liquor or General Business License	\$126.00
Review for Hulk Hauler	\$126.00
Records Research on Closed Study	\$415.00
Model Home Permit (Planning Review)	\$270.00
Commercial Building Permit (Planning Review)	\$350.00
Commercial Demolition Permit (Planning Review)	\$55.00
Temporary Use Permit	\$300.00
Qualification Review for Fish and Wildlife and Wetland Specialists	\$75.00

<b>Table 2.05.040-16. Meetings and Profiles</b>	
<b>Type</b>	<b>Review – Meeting Fees</b>
Project Meetings (exceeding more than 4 per project)	\$220.00
Minor Predevelopment Meeting	\$750.00
Major Predevelopment Meeting	\$1,840.00
Customer Information Meeting (with up to 2 Technical Support Staff)	\$150.00
Site Plan Assistance and Preparation Help Meeting	\$100.00/hour
Customer Information Packet (CARLS)	\$50.00
Profile Conference	\$945.00

- B. The following are rules for application of the fees contained in the above Tables:
1. When an application requires both Critical Fish and Wildlife Review and Wetland Review, just one combined review fee equal to the full amount of the larger fee plus one-half the amount of the smaller fee shall be charged.
  2. When an application is made for the department to "Verify the Absence of a Wetland" on their property and wetlands are found, the applicant must re-apply for a categorization and delineation.
  3. If the Department requires an environmental assessment and a wetland application for a proposal solely because the proposal is located on land covered by water and is not, therefore, categorically exempt from SEPA pursuant to WAC 197-11-800, the department will not charge an environmental assessment fee.
  4. When multiple geological assessments (reports or evaluations) are required for a project, the total review fees may be adjusted as follows: Total fee = geological assessment with the highest fee + 50 percent of the fee for each subsequent geological assessment. For example: (Landslide Hazard Geological Assessment = Report \$1,115) + Shoreline Hazard Geological Assessment-Evaluation \$490 x 50%) = \$1,360 = Total Fee.
  5. The fees for any combination of Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, Shoreline Variance, or Shoreline Expansion of Nonconforming Use Permit shall be determined by the itemized project cost estimate of fair market value consistent with the calculations for Shoreline Substantial Development Permit.
  6. Re-inspection fees will be charged when an applicant has not made a reasonable attempt to prepare for inspection, or for the third and each subsequent failing inspection of the same type at a given request.
  7. A miscellaneous inspection fee will be charged when the County agrees to perform a site investigation that is not currently covered by another application or permit.
  8. The fee for "Minor Work in Existing County Right-of-way" is for minor work such as shoulder widening/improvement, addition of sidewalks/pathways, culvert relocation/installation, bus turnout construction, ditch relocation/modification, etc.
  9. The Monitoring Fee identified in Tables 2.05.040-5, 2.05.040-6, and 2.05.040-7 is an annual fee that covers the cost of monitoring and enforcement actions for site development projects between the time of final inspection approval and the release of any and all financial guarantees associated with the project. This fee must be paid prior to final inspection approval. This fee will be charged each year until the performance monitoring phase is completed.
  10. The first two reviews of a legal document are included in the review portion of the cost of a site development permit. The "Legal Document Resubmittal Fee" fee will be charged on the third and again on every subsequent review.
  11. Three field change order requests are included in the inspection portion of the cost of the site development permit. The "Change Order Fee" will be charged on the fourth change order request and again on every change order request thereafter.
  12. If the application(s) identified during a major or minor pre-development conference are filed within six months of the conference date, the conference fees paid shall be credited on the application(s).

13. Site Development Permit review and inspection fees for road, shared access, and alley construction are measured along the centerline of the road, shared access, and alleys. The measurement is from center of intersection to center of intersection, or from center of intersection to end of cul-de-sac, or from center of intersection to end of road, shared access, or alley.
14. Staff review and determination of water-type verification, wetland delineation, categorization, or mitigation plans is based on five hours of staff time. Staff time beyond five hours shall be charged at a rate of \$80.00 per hour.
15. For a commercial or industrial site development permit, the per square foot charge is based on the total square footage of buildings, parking, access ways, concrete, asphalt and other impervious surfaces, as well as the total square footage of man-made "hard" pervious surfaces ( pervious asphalt, pervious concrete, etc).
16. The Review Fee identified in Tables 2.05.040-5, 2.05.040-6, and 2.05.040-7 must be paid at the time of application. The Review Fee covers two reviews (initial submittal and one resubmittal).
17. The Resubmittal Fee identified in Tables 2.05.040-5, 2.05.040-6, and 2.05.040-7 must be paid prior to the third review (second resubmittal), and for each review (resubmittal) thereafter.
18. The Inspection Fee identified in Tables 2.05.040-5, 2.05.040-6, and 2.05.040-7 is an annual fee that covers the cost of inspections for site development projects between the time of permit issuance and final inspection approval. This fee must be paid prior to issuance of the permit. This fee will be charged each year until the final inspection approval is obtained.

(Ord. 2011-80s § 2 (part), 2011)

#### **2.05.045 Sign Permit Fees.**

Fees for street graphics permits shall be based upon the total valuation of the sign in accordance with Table No. 3-A of the Uniform Building Code. (Ord. 2011-80s § 2 (part), 2011)

#### **2.05.050 Non-Performance by Consultant.**

If, in the opinion of the Director, numerous errors are found to exist in the proposed land division, land use application, site development application, critical area application, or other application type, and these errors result solely from the poor or low quality work of the professional consultant (engineer, land surveyor, geologist, biologist, etc.), a 25 percent increase in the review fee imposed by this Chapter may be imposed. This fee may be charged for each resubmittal if the poor or low quality work continues. (Ord. 2011-80s § 2 (part), 2011)

#### **2.05.060 Violation of Hearing Examiner Conditions.**

Any violation of the Hearing Examiner conditions that exceeds the provisions for a minor amendment, Title 18A.85.040 C.1., shall require one-half the costs of the original Land Use Application Fee. These fees may not be applied toward any application fees required as a result of the violation. (Ord. 2011-80s § 2 (part), 2011)

#### **2.05.070 Land Use Violation Penalty Fee.**

A 25 percent increase in the development fee imposed by this Chapter shall be charged when violations are discovered by staff associated with the normal processing of a land use application. (Ord. 2011-80s § 2 (part), 2011)

**2.05.080 Work Without an Issued Site Development Permit.**

An applicant will be charged a double site development permit review fee if a permit has been applied for but not issued and the applicant has begun work on the project. (Ord. 2011-80s § 2 (part), 2011)

**2.05.090 Assessor-Treasurer Fees.**

- A. Review of Short Plats, Large Lots and Boundary Line Revisions (includes original review and one resubmittal to correct errors) .....\$ 90.00
- B. Resubmittal for Review of Short Plats, Large Lots, and Boundary Line Revisions (fee is charged for second resubmittal and each resubmittal thereafter required to correct errors) .....\$ 90.00
- C. Review of Formal Plats, Binding Site Plans, and Condominiums (includes original review and one resubmittal to correct errors).....\$ 185.00
- D. Resubmittal for the Review of Formal Plats, Binding Site Plans and Condominiums (fee is charged for second resubmittal and each resubmittal thereafter required to correct errors) .....\$ 185.00

(Ord. 2011-80s § 2 (part), 2011)

**DIVISION II. DEPARTMENTS AND ORGANIZATION**

*Chapter 2.06*

**DEPARTMENTS AND ORGANIZATION**

**Sections:**

**2.06.010 Executive Departments – Appointive Directors.**

**2.06.020 Executive Department – Elective Directors.**

**2.06.030 Other Departments and Offices.**

**2.06.010 Executive Departments – Appointive Directors.**

**A. The following executive branch appointive director departments are established:**

1. Parks and Recreation Services;
2. Public Works and Utilities;
3. Community Connections;
4. Sheriff;
5. Budget and Finance;
6. Human Resources;
7. Medical Examiner;
8. Clerk of the Superior Court;
9. Information Technology;
10. Assigned Counsel;
11. Planning and Land Services;
12. Emergency Management;
13. Risk Management and Insurance;
14. Facilities Management;
15. Economic Development;

NOTE: The following departmental descriptions are intended to designate the powers and responsibilities of those departments and are not intended to limit the Pierce County Executive or department directors with regard to the departments' internal organizational structure.

Additionally, these descriptions shall have no impact on Pierce County's fiscal responsibility for the various powers, duties, responsibilities, and authority of Pierce County Executive Departments which may be funded by or which are a fiscal responsibility of other municipalities, state, or federal agencies, or other funding sources. No fiscal responsibility is allocated by this description.

**B. Parks and Recreation Services.** This department includes the following functions and/or divisions:

1. Maintenance and operation of Pierce County parks.
2. Maintenance and operation of recreational facilities, including golf courses, marinas, and ball fields.
3. Development and operation of County recreation programs.
4. Grounds maintenance.
5. Parks and Recreation Facility Planning.

- C. **Public Works and Utilities.** This department includes the following functions:
1. Develops assessment rolls for ULID formation; acquires utility lands and easements; processes customer billings; responds to customer service requests; collects plan review, inspection and connection charges for wastewater service through the department's representative at the Development Center.
  2. Plan review of developer extensions, ULIDs, community systems, complex building sewers, pumping stations, wastewater treatment plants and designed small facility additions to wastewater facilities. It also creates "as built" plans for all the department's facilities such as pump stations, treatment plants, community systems, and it maps the County sewer system mains and side sewers.
  3. Assesses capacity availability and future needs to plan the building or expansion of facilities to ensure orderly growth of the systems. It also plans future ULIDs, facilities and service areas and incorporates requests for sewer service into the growth plans of the system.
  4. Inspects County ULIDs, pump stations, treatment plants, on-site community systems and connections to ensure compliance with approved plans and specifications. It also inspects to discover illegal connections to the system and find areas requiring remedial repair action and generates flow data for the system and information for planning.
  5. Maintains all the department's mains, pump stations, treatment plants, community systems, and domestic water supply systems including electrical, mechanical, and instrumentation maintenance; provides minor construction and repair to the mains and interceptors; provides laboratory testing and plant operations to ensure compliance with all state and federal wastewater regulation; pretreatment of wastes; and sludge disposal.
  6. Planning, designing, engineering, constructing and maintaining County roads, bridges, traffic control systems, surface water and storm drainage systems, river flood control projects, and domestic water supply systems;
  7. Ferry operations;
  8. Transportation planning and transportation program development and implementation;
  9. Acquisition of right-of-way and management of property for Public Works improvements;
  10. Acquisition and maintenance of surveying and mapping data;
  11. Issuing permits to perform work within County road rights-of-way and controlling activities;
  12. Administration and management of the equipment revolving fund;
  13. Provide administration, management, fiscal control, support services and capital acquisition necessary to support the activities of the Public Works and Utilities Department. The Public Works and Utilities Director shall assure that requirements contained in Chapter 36.80 RCW (County Road Engineer) are fulfilled.
  14. Operation of Pierce County airports (Thun Field and Tacoma Narrows).
  15. Plan and manage the County's water supplies and/or water rights.
  16. Provide administration, management, and operation of a water supply utility, including the negotiation and administration of contracts for the sale of water.
  17. Removal and disposal of illegally placed commercial signage from County road rights-of-way.

- D. **Community Connections.** This department includes the following functions and/or divisions:
1. Serves as the focal point for long-term care systems planning and development, service implementation and coordination.
  2. Advocates and exercises public leadership on behalf of Pierce County residents who are aging, have physical or developmental disabilities, or are in need of chemical dependency or mental health services.
  3. Researches, plans and coordinates service delivery and allocation of state and federal dollars, and selects and monitors related subcontracts and vendors in the areas of aging and long term care, chemical dependency, and developmental disabilities.
  4. Researches, plans and coordinates mental health functions and may deliver direct public mental health services under contract with the Pierce County Regional Support Network.
  5. Community planning; marketing; business, financial, and technical assistance; and commercial revitalization services.
  6. Planning, contracting, and project management of public service, construction, housing, and neighborhood revitalization projects.
  7. Development and administration of WSU-Pierce County Cooperative Extension services:
    - a. Farming Assistance, Revitalization, and Marketing (FARM) Program, including the Farmbudsman and related agriculture-related programs, such as home horticulture and 4-H;
    - b. educational programs in rural/community development;
    - c. children/youth/family life skills development;
    - d. environmental stewardship/water quality and forestry;
    - e. home economics, human nutrition, and food safety; and
    - f. home-based businesses, and clothing and textiles programs.
  8. Development and administration of programs designed to reduce the impact of poverty and to assist in creating opportunities for the economically disadvantaged, with emphasis on children and families' services, employment services, housing services, energy/weatherization, and emergency services, as a designated Community Action Agency in accordance with Washington State Law, RCW 43.63A.115.
- E. **Sheriff.** The director of this department shall be the Pierce County Sheriff. It includes the following functions and/or bureaus.
1. The Operations Bureau is responsible for the majority of what is defined as the traditional law enforcement functions of the Sheriff's Department. The activities include uniformed patrol response to calls for service, traffic accident investigation and traffic enforcement, apprehension of criminals, vice and narcotic enforcement, drug prevention education, crime prevention education, criminal investigations, and service of warrants. In addition, operations has a number of support functions which assist the Sheriff's Department in accomplishing its community goals: special weapons and tactics, marine services, scuba, search and rescue, hazardous device response, reserve officers, bike patrol, off-road-vehicle patrol, and air operations.

2. The Administrative Services Bureau provides departmental service and support including the training and the judicial services which satisfy the civil law requirements of the sheriff. This bureau also includes property and evidence management as well as personnel functions for the department. The Services Bureau manages the overall budget for the department including the generation of the formal budget presentation each year. Claims and lawsuits involving the Sheriff's Department are coordinated through this bureau as well.
  3. The Corrections Bureau is responsible for the security, care, and custody of pretrial and committed offenders in accordance with state facility and operations standards. This bureau has a custody section and a program services section which provides social services, food services, and medical services to the prisoners.
- F. **Budget and Finance.** This department includes the following functions and/or divisions:
1. Accounting which includes maintaining the official accounting records for all County funds, processing all payroll and nonpayroll expenses, maintaining accounts receivable and billing system(s), preparing necessary financial reports, and maintaining appropriate cost accounting and management information systems.
  2. Budget and Grant Management which includes preparation and monitoring of the County's budget, coordinating all grant related budgeting and accounting functions, and performing management analyses.
  3. Treasury Management which is responsible for investment of County and outside district cash, accounting for all receipts, maintaining appropriate bank account records, maintaining appropriate debt service management records, processing tax assessment payments, collecting delinquent property tax and other overdue accounts, and preparing financial reports for outside districts and underwriters.
  4. Purchasing which arranges for the procurement of all goods and services for all County departments, with the exception of public works projects and personal service contracts, assigns vendor numbers, coordinates the County fixed asset inventory, disposes of County personal property inventory, processes the titles and licensing of all County vehicles, disposes of County personal property, and manages the County fleet rental pool.
  5. Internal Auditing which is responsible for internal review of County financial systems, reports, and procedures.
  6. County Vehicle Maintenance Garage which dispatches County fleet pool vehicles and performs repair and preventative maintenance on them.
  7. General Services which includes the print shop, quick copy and convenience copy, central supply receiving and distribution, mail processing, records management, and interoffice routing and mail delivery.
- G. **Human Resources.** This department includes the following functions and/or divisions:
1. Recruitment, employment and transfers of all County personnel other than those positions exempted by the Pierce County Charter and for all other departments upon request.
  2. Coordinates general training of all County employees.
  3. Labor relations and negotiations.
  4. Administration of Employee Benefits.
  5. Administration of Equal Employment Opportunity and Affirmative Action programs.
  6. Classification and compensation of employees and monitoring of unemployment compensation.



7. Provides staff assistance to the Personnel Review Board, the Board Equalization and the Sheriff's Civil Service Commission.
  8. Special programs including the employee suggestion, employee assistance, and deferred compensation programs.
  9. Maintenance of County personnel files.
  10. Administration of the Sheriff's Civil Service System.
- H. **Medical Examiner.** This department shall be headed by the Pierce County Medical Examiner. The department is responsible for the following functions and/or divisions:
1. Protecting the public health, safety, and welfare by determining the cause and manner of sudden, unexpected, violent, suspicious, or unnatural deaths with the use of trained medical evaluation and investigatory procedures.
  2. Providing documented, impartial medical evidence for civil and criminal proceedings.
  3. Exposing unrecognized and industrial hazards to public health.
- I. **Clerk of the Superior Court.** This department shall be headed by the Pierce County Clerk. The department is responsible for the following functions and/or divisions:
1. Receiving and recording all Superior Court filings including domestic violence proceedings.
  2. Certifying records.
  3. Preparing dockets.
  4. Filing and approving criminal, probate and notary bonds.
  5. Processing all Superior Court ordered fees, fines, forfeitures, restitution, and investments including child support payments.
  6. Issuance of writs and warrants.
  7. Administration of the Superior Court mandatory arbitration program.
- J. **Information Technology.** This department includes the following functions and/or divisions:
1. Plans and acquires all informational, management, and operational automated systems; voice, data and image communications networks; computer hardware; and computer software.
  2. Develops, maintains and operates all computerized application systems and programs including, but not limited to: departmental applications software, office automations systems, geographic information systems, telephone systems, image processing systems, and computer aided design.
  3. Instructs departments in the use and implementation of computerized applications, hardware and software.
  4. Maintains an inventory of all computer hardware and software within the County.
- K. **Assigned Counsel.** This department includes the following functions and/or divisions:
1. Felony which represents indigent defendants charged with felonies in Superior Court and processes felony appeals.
  2. Pierce County District Court which represents indigent defendants charged with criminal traffic and misdemeanor charges in district courts in Tacoma, Eatonville, Buckley, and Gig Harbor; and Fircrest and Gig Harbor municipal courts and processes appeals from those courts.
  3. Tacoma Municipal Court which represents indigent defendants charged with criminal traffic and misdemeanor charges in Tacoma Municipal Courts and processes appeals from those courts.

4. Juvenile which represents indigent juveniles charged with misdemeanors and felonies in the juvenile court system, and processes appeals from those courts.
- L. **Planning and Land Services.** This department includes the following functions and/or divisions:
1. Planning which is responsible for preparation and or coordination of plans and regulations to guide future development and natural resource development in the unincorporated areas of the County.
  2. The department administers the following programs including, but not limited to, zoning regulations, long-range planning, historic preservation, State Environmental Policy Act, and Shoreline Management Act. The department works with the Planning Commission, Hearing Examiner, Landmarks and Historic Preservation Commission, Boundary Review Board and other advisory boards in review of planning and other associated matters.
  3. The department is responsible for the processing of all permits issued by Pierce County related to land development and construction within unincorporated areas of the County.
  4. The department administers and enforces various codes and regulations in accordance with adopted ordinances. These codes and regulations include, but are not limited to: the Uniform Building Code; Uniform Mechanical Code; Uniform Plumbing Code; Uniform Fire Code; Zoning and Sign Regulations; Energy Code; grading, filling, and clearing; flood damage prevention; road approach standards; and other construction and development-related regulations.
  5. Development Engineering which is responsible for technical review of permit applications for development including plats, subdivisions and commercial developments.
- M. **Emergency Management.** This department includes the following functions and/or divisions:
1. Prepare and coordinate plans for Emergency Management with the County in the event of a disaster.
  2. Develop mutual aid agreements to be executed by the County Executive or designee for the purposes of regional Emergency Management.
  3. Act as the hazardous materials incident coordinating agency for Pierce County.
  4. Manage and coordinate the County inter-departmental radio communications system.
  5. Manage, coordinate and maintain system data base for County-wide (including municipalities) computerized telephone emergency access Enhanced 9-1-1 system.
  6. Manage the Office of Fire Prevention and Arson Control (Fire Prevention Bureau).
- N. **Risk Management and Insurance.** This department shall be headed by the Risk Manager. The department has the following functions and/or divisions:
1. Processing claims against the County for damages and administering County insurance programs, including employee benefits insurance contracts.
  2. Identifying exposures to loss and quantifying risks involved.
  3. Controlling risk by implementing loss prevention and minimization measures.
  4. Financing risks consistent with Pierce County's financial resources.
  5. Administration of the Law Enforcement Officers and Fire Fighters Disability Board.
  6. Administration of the Self-Insured Workers Compensation Program.
  7. Administration of the Accident Review Board and the Deferred Compensation Committee.

- O. **Facilities Management.** This department is responsible for coordinating and administering the following functions:
1. Facilities Planning and Construction, Facilities Maintenance, Property Management, and Administrator of the Courthouse Security Standing Committee.
  2. The powers and responsibilities of each Section are as follows:
    - a. **Facilities, Planning and Construction:** This Section is responsible for planning for needed expansions to the Pierce County physical plant and coordinating the design, funding, siting, and construction or renovation of facilities. This will include periodic updates of the County Master Facilities Plan as well as Department Specific Plans and studies as needed. This Section also includes contract compliance staff who administer the County Contract and Procurement Assistance Program.
    - b. **Facilities Maintenance:** This Section is responsible for providing maintenance and repair, remodeling and custodial services to the County-City Building, the Health Department Building, the Public Services Building and other facilities as assigned by the Executive. This Section also provides consultation to departments regarding electrical, plumbing, HVAC, and carpentry problems as well as providing remodeling services.
    - c. **Property Management:** The property management Section is charged with disposing of or utilizing existing County owned and tax titled real properties to the best advantage of Pierce County. Property management will also be responsible for property acquisitions for development of needed County buildings and facilities. In addition, this Section will be responsible for negotiating and administering all County real property leases and reviewing all real estate related documents and transactions.
- P. **Economic Development.** This department is responsible for coordinating the county's economic development programs, plans and policies, including the following functions:
1. Manage the county's business development and loan programs.
  2. Provide oversight of the collaborative efforts between Pierce County and other jurisdictions to retain and attract business and economic development.
  3. Analyze, advise, recommend and implement solutions to complex business and economic development issues facing the region.
  4. Advise the County Executive, department directors, and other jurisdictions on regulatory matters as they impact business and industrial groups.
  5. Development and administration of cultural and arts education programs, community-based arts festivals, and arts-in-residence programs.
- (Ord. 2011-93s § 1, 2012; Ord. 2010-108 § 1, 2010; Ord. 2009-91s § 1 (part), 2009; Ord. 2009-72 § 1, 2009; Ord. 2009-25 § 1, 2009; Ord. 2007-103s § 1 (part), 2007; Ord. 2006-116s2 § 6, 2006; Ord. 2006-30s2 § 2, 2006; Ord. 2005-102 § 2 (part), 2006; Ord. 2004-7s § 2 (part), 2004; Ord. 2001-14 § 1 (part), 2001; Ord. 98-103 § 1, 1999; Ord. 96-6 § 1, 1996; Ord. 94-86 § 1, 1994; Ord. 93-131S § 1, 1994; Ord. 92-16 §§ 1, 2, 1992; Ord. 92-5S § 1, 1992; Ord. 91-12 § 1, 1991; Ord. 91-3 § 1, 1991; Ord. 90-59 §§ 1, 2, 1990; Ord. 90-19S § 2, 1990; Ord. 89-211 § 1 (part), 1990; Ord. 89-168 § 1, 1989; Ord. 89-145 § 1, 1989; Ord. 89-80 §§ 1, 2, 1989; Ord. 87-209 § 1, 1987; Ord. 87-197 § 1 (part), 1987; 87-143 § 3, 1987; Ord. 85-77S § 1 (part), 1985)

**2.06.020 Executive Department – Elective Directors.**

A. The following executive departments' elective directors are established:

1. Assessor-Treasurer.
2. Auditor.

*NOTE: The following departmental descriptions are intended to designate the powers and responsibilities of those departments and are not intended to limit the Pierce County Executive or department directors with regard to the departments' internal organizational structure.*

B. **Assessor-Treasurer.** This department shall be headed by the elected Pierce County Assessor-Treasurer. The department includes the following functions and/or divisions:

1. Operations includes departmental payroll and inventory; appraisal of personal and real property and assessment of new construction; defense of assessment values at the County Board of Equalization and the State Board of Tax Appeals; preferential assessment programs for current use/open space properties, timberlands, exemptions granted by the State Department of Revenue, public entities exemptions, and three-year assessment deferrals for improvements to single-family dwellings; and maintains adjustments for destroyed properties.
2. Administrative includes listing of property, maintaining ownership lists, and detailed maps reflecting all property developments, parcel numbers, and boundaries of taxing districts; processing of annexations, assigning tax levy codes, calculation of levy rates, mailing of tax and special assessment statements, and processing tax adjustments such as strike-offs, supplements and refunds of tax; management of foreclosure on real property for both delinquent tax and ULID assessments; operation of tax exemption programs for senior and disabled persons for taxes and special assessments; administering federal, state and County-funded extra hire programs to augment present staff; and providing public information and statistics on assessment and tax information.

C. **Auditor.** This department shall be headed by the elected Pierce County Auditor. The department is responsible for the following functions and/or divisions:

1. Recording which processes the recording of deeds and other written documents which are required by law to be filed in the County Auditor's Office.
2. Election which supervises all primary, general and special elections, registers voters, and appoints precinct election officers.
3. Vehicle and Boat Licensing which processes vehicle and boat licensing applications and transfer of titles.
4. Business Licensing which processes business and occupation license applications and monitors business and occupation compliance with the conditions of licensing as set by the County Code.
5. Excise Tax which collects excise taxes as directed by statute for distribution to the agencies entitled to them.
6. Marriage Licensing which processes all marriage license applications, issues marriage licenses and records marriage licenses.
7. Animal services which includes licenses for dogs and cats.

(Ord. 2005-97s § 1, 2005; Ord. 85-77S § 1 (part), 1985)

### 2.06.030 Other Departments and Offices.

A. The following departments and offices are established:

1. Tacoma-Pierce County Health Department;
2. Prosecutor;
3. Communications.

*NOTE: The following departmental descriptions are intended to designate the powers and responsibilities of those departments and are not intended to limit the Pierce County Executive or department directors with regard to the departments' internal organizational structure.*

B. **Tacoma-Pierce County Health Department.** The Tacoma-Pierce County Health Department is a joint city-county department defined by RCW Chapter 70.080 and by a written agreement between Pierce County and the City of Tacoma.

1. The Health Department has as its basic functions:
  - a. Epidemiologic surveillance, looking at the determinants and distribution of disease and disability in the human population.
  - b. Technical advisor on health matters to policy makers and the public.
  - c. Provider or guarantor of last resort.
2. The department is administered by the Director of Health and governed by a five-person Board: Mayor of Tacoma, Pierce County Executive, Pierce County Councilmember, Tacoma Councilmember, Community Member-At-Large, Nonvoting Member from Pierce County Cities and Towns Association.
3. The department includes the following functions and/or divisions:
  - a. Administrative Services which includes fiscal management of the department, personnel and volunteer services and support services including Vital Statistics, Laboratory and Central Supply Services.
  - b. Environmental Health which includes vector control services (rodents, etc.), environmental complaints (garbage, animal keeping practices, etc.), food service protection, water resource protection services (groundwater, marine water protection, etc.), public water supply services, on-site sewage disposal, solid and hazardous waste disposal, recreational sanitation (swimming pools, bathing beaches, camps, etc.), institutional sanitation (schools), and physical and chemical hazards.
  - c. Family and Community Health Services provides public health services to individuals of all age groups as well as to community groups. Services are organized in three Sections. The Parent Child Health services include family planning, prenatal, and well child. This Section also serves physically and emotionally disturbed children. The Community Health Section focuses primarily on adults in well adult clinics, and skilled home health care. In addition, the four primary care clinics, Eastside, Family, Sumner, and Lakewood, provide care. The Disease Control Section provides tuberculosis, sexually transmitted disease, general communicable diseases and substance abuse services.
  - d. Emergency Medical Services Division is charged with the coordination of prehospital care activities in Pierce County. In this capacity it is responsible for the certification of prehospital personnel, dissemination of public information and education, providing and/or coordinating CPR training, coordinating the designation process and development of the base station and trauma center system and establishment of a county-wide emergency communications system.

- C. **Prosecutor.** This department shall be headed by the elected Pierce County Prosecutor whose duties and responsibilities are regulated by RCW 36.27.020. The department includes the following functions and/or divisions:
1. Civil which performs the function of an "in-house" law firm for the County and represents the County as plaintiff or respondent in civil actions which the County brings against others or which are brought against the County and advises all County agencies, department heads and elected officials in civil law matters.
  2. Criminal which determines whether criminal charges should be filed against persons accused of having committed crimes within Pierce County and prosecutes criminal charges which are filed as a result of such a determination. It includes the following units:
    - a. Traffic and Misdemeanor which charges and prosecutes persons accused of criminal traffic and misdemeanor violations.
    - b. Family Support which charges and prosecutes Pierce County residents accused of failing to comply with court-ordered support payments in this state or another.
    - c. Special assault unit which charges and prosecutes domestic violence, sexual assault and custodial interference cases.
    - d. Victim-Witness which assists the other departmental divisions, the probation office and the courts in determining the value of court-ordered restitution, collecting the restitution and disbursing it to the victims of the crimes in question, keeps victims informed of the progress of their cases and provides other victim assistance as needed.
    - e. Juvenile which charges and prosecutes juvenile criminal cases.
- D. **Communications.** The powers and duties of this office include the following:
1. Manage and enhance Pierce County government communications programs, including close coordination with the Rainier Communications Center (RCC) including media and community relations, internet and electronic communications.
  2. Build internal organizational communications structure between and among all employees, departments and branches.
  3. Promote Pierce County as a vital and desirable community for business, residence, recreation and tourism. Assist and collaborate with the Visitor and Convention Bureau, the Economic Development Board, the Chambers of Commerce, Pierce County's Business and Economic Development Program, and other governments and organizations which engage in promotional efforts on behalf of the greater Pierce County Community.
  4. Create new avenues and improve existing methods to build communications between county government and other jurisdictions within the borders of Pierce County, including the cities, the Port of Tacoma, the Puyallup Tribe, the school districts, and the state and federal governments.
  5. Work with the County Executive, Council, departments, divisions and work in collaboration with the RCC as well as the other branches of county government to develop a message for advancing Pierce County's positions and interests on issues of significance.

(Ord. 2009-91s § 1 (part), 2009; Ord. 85-77S § 1 (part), 1985)

*Chapter 2.07*

**DEPARTMENTAL DIRECTOR  
QUALIFICATIONS – PIERCE COUNTY APPOINTED OFFICIALS**

**Sections:**

- 2.07.010 Basic Qualifications/Skills.**
- 2.07.020 Parks and Recreation Services.**
- 2.07.030 Public Works and Utilities.**
- 2.07.040 Community Connections.**
- 2.07.050 Sheriff.**
- 2.07.060 Budget and Finance.**
- 2.07.070 Human Resources.**
- 2.07.080 Medical Examiner.**
- 2.07.090 Clerk of the Superior Court.**
- 2.07.100 Information Technology.**
- 2.07.120 Assigned Counsel.**
- 2.07.130 Planning and Land Services.**
- 2.07.140 Emergency Management.**
- 2.07.150 Risk Management and Insurance.**
- 2.07.160 Facilities Management.**
- 2.07.170 Communications.**
- 2.07.180 Economic Development.**

*Note: Department directors employed by Pierce County at the time at which this Chapter is enacted into law shall not be affected by the requirements of this Chapter.*

**2.07.010 Basic Qualifications/Skills.**

- A. Minimum of a bachelor's degree in public administration or in a field related directly to the department. (See department description below for preferred related field).
- B. Six years of supervisory experience directly related to the department.
- C. Or any combination of experience/education which would clearly indicate the ability to perform the duties of the position.
- D. Knowledge of and experience in preparing departmental budget requests, justifying the requests, monitoring and controlling departmental expenditures, and assuming responsibility for the appropriateness of expenditures. Ability to develop, present and gain acceptance for long-range and extensive programs which require monetary allocations.
- E. Ability to communicate effectively orally and in writing. Proven ability to address groups of people and speak effectively on departmental issues.
- F. Ability to establish and maintain effective working relationships with elected officials, department heads, public agencies, private organizations and citizens at large.
- G. Demonstrated ability to lead others. Ability to plan, direct and coordinate. Must possess considerable knowledge of the principles and practices of personnel administration. Knowledge of affirmative action requirements.
- H. Extensive knowledge of local government and County operations.
- I. Familiarity with current literature, trends and developments in management and major departmental issues.

- J. Should possess knowledge of computer applications.
- K. Ability to establish rapport with and gain cooperation of departmental employees.
- L. Ability to seek reform in the public interest.
- M. Ability to use creative and innovative methods in order to increase efficiency and effectiveness of departmental operations.

(Ord. 85-165 § 1 (part), 1985)

#### **2.07.020 Parks and Recreation Services.**

Education. Minimum of bachelor's degree in recreation and/or park administration or related field. Master's degree or equivalent expertise in one of these fields preferred.

(Ord. 94-86 § 2 (part), 1994; Ord. 85-165 § 1 (part), 1985)

#### **2.07.030 Public Works and Utilities.**

- A. Education: Minimum of a bachelor's degree in civil engineering or related technical field. Master's degree in civil engineering and/or public administration, or closely related discipline desirable.
- B. Professional Registration: Shall be a registered and licensed professional civil engineer in Washington State.
- C. Experience: Shall have a minimum of ten years experience in public works management demonstrating progressive responsibility in the technical, fiscal, administrative, and legal aspects of County public works operations and/or equivalent experience in the wastewater or water utilities field.
- D. Job Knowledge: Must have demonstrated management abilities in the public sector. Must be familiar with federal, state, and local laws, regulations, and administrative guidelines that affect public works or utilities operations. Must be able to communicate effectively both orally and in writing with the public, staff, other County departments, and elected officials.

(Ord. 93-131S § 2 (part), 1994; Ord. 91-13 § 1 (part), 1991; Ord. 90-58 §§ 1, 2, 1990; Ord. 85-165 § 1 (part), 1985)

#### **2.07.040 Community Connections.**

- A. Education. Minimum of bachelor's degree in business or public administration, or in a field directly related to community services and human services. Master's degree or equivalent expertise in business, public administration, community services or human services preferred.
- B. Experience.
  - 1. Considerable knowledge of and experience with community services and human services programs, delivery of direct client services, and management of grants and contracts including the request for proposal process.
  - 2. Solid knowledge of contract compliance regulations and working knowledge of current federal, state, and local laws, regulations, and guidelines which have application to service programs administered by the Department.
  - 3. Six or more years of progressively responsible work experience directly related to the duties of the position, including management of a division or department in the public sector.

(Ord. 2010-108 § 2, 2010; Ord. 96-6 § 2 (part), 1996; Ord. 93-131S § 2 (part), 1994; Ord. 91-13 § 1 (part), 1991; Ord. 90-68 § 2, 1990)



**2.07.050 Sheriff.**

- A. Education. Minimum of bachelor's degree in criminal justice, forensic science or a related field. Master's degree or equivalent expertise in one of these fields preferred.
- B. Experience.
  - 1. Graduate of a law enforcement academy.
  - 2. Experience in the confinement of prisoners. Experience in serving court orders and executing writs.
  - 3. Ability to coordinate search and rescue operations.
  - 4. Sufficient knowledge of and experience in enforcement of water safety laws.
  - 5. Ability to plan for and organize a response to natural disasters such as floods, earthquakes, fires and storms.
  - 6. Ability to work with other public officials and citizens in the development and the implementation of comprehensive community safety programs.
  - 7. The County Sheriff must meet the requirements imposed by RCW Chapter 36.28, County Sheriff.

(Ord. 93-131S § 2 (part), 1994; Ord. 91-13 § 1 (part), 1991; Ord. 85-165 § 1 (part), 1985)

**2.07.060 Budget and Finance.**

- A. Education.
  - 1. Minimum of bachelor's degree in accounting, business administration, or financial management. Master's degree in one of these disciplines preferred.
- B. Experience.
  - 1. Certified Public Accountant preferred but not required.
  - 2. Extensive supervisory experience in all phases of public sector financial management, accounting, budgeting, and investment.

(Ord. 2011-10 § 1, 2011; Ord. 93-131S § 2 (part), 1994; Ord. 91-13 § 1 (part), 1991; Ord. 85-165 § 1 (part), 1985)

**2.07.070 Human Resources.**

- A. Education. Minimum of bachelor's degree in human resource management, public administration or a related field. Master's degree or equivalent expertise in one of these fields preferred.
- B. Experience. Extensive experience in the following areas:
  - 1. Recruiting and placement;
  - 2. Affirmative action;
  - 3. Job analysis, description and classification;
  - 4. Salary and pay classification;
  - 5. Manpower planning;
  - 6. Labor and employee relations, including grievance procedures;
  - 7. Promotion and disciplinary review; and
  - 8. Benefit planning and administration. This experience may come from the public sector or from a combination of the public and private sectors.

(Ord. 2004-7s § 2 (part), 2004; Ord. 93-131S § 2 (part), 1994; Ord. 91-13 § 1 (part), 1991; Ord. 85-165 § 1 (part), 1985)

**2.07.080 Medical Examiner.**

- A. Education. Doctor of medicine from an approved American Medical Association School of Medicine.

B. Experience.

1. The Medical Examiner must be a Board Certified Pathologist.
2. Board certification of forensic pathology preferred.

(Ord. 93-131S § 2 (part), 1994; Ord. 91-13 § 1 (part), 1991; Ord. 85-165 § 1 (part), 1985)

**2.07.090 Clerk of the Superior Court.**

A. Education. Minimum of bachelor's degree in business administration or records management. Master's degree or equivalent expertise in one of these fields preferred.

B. Experience.

1. Extensive knowledge of governmental records management and fee collection and disbursement.
2. The County Clerk must meet all the requirements imposed by RCW Chapter 36.23.

(Ord. 93-131S § 2 (part), 1994; Ord. 91-13 § 1 (part), 1991; Ord. 85-165 § 1 (part), 1985)

**2.07.100 Information Technology.**

A. Education. Minimum of bachelor's degree in public or business administration, computer sciences or in a related discipline. Master's degree or equivalent expertise in one of these fields preferred.

B. Experience. Extensive knowledge of data processing and computer systems design and programming.

(Ord. 2005-102 § 2 (part), 2005; Ord. 93-131S § 2 (part), 1994; Ord. 91-13 § 1 (part), 1991; Ord. 91-3 § 2, 1991; Ord. 85-165 § 1 (part), 1985)

**2.07.120 Assigned Counsel.**

A. Education. Doctor of jurisprudence, or a related law degree.

B. Experience.

1. The Director of Assigned Counsel must be an attorney licensed to practice in Washington State.
2. Extensive experience in handling felony criminal casework including murder trials as well as juvenile and misdemeanor proceedings

(Ord. 93-131S § 2 (part), 1994; Ord. 91-13 § 1 (part), 1991; Ord. 85-165 § 1 (part), 1985)

**2.07.130 Planning and Land Services.**

A. Education. Minimum of a bachelor's degree in urban planning, business administration, public administration, or in a field directly related to the building and/or land development industry or a construction trade or engineering. Master's degree or equivalent expertise and experience preferred.

B. Experience.

1. Ability to plan, direct, coordinate and evaluate program elements for the development and control of a comprehensive land use plan or any other major planning project.
2. Ability to review and evaluate environmental impact reports.
3. Ability to manage an organization relating to the administration and enforcement of a wide variety of land use, environmental, engineering, construction, environmental health, development, fire and building codes and regulations.
4. Ability to review and evaluate code compliance issues and take appropriate action.
5. Ability to conduct public hearings to allow citizen input into proposed planning activities.

(Ord. 93-131S § 2 (part), 1994; Ord. 91-13 §§ 1 (part), 2, 1991)

**2.07.140 Emergency Management.**

- A. Education. Minimum of a bachelor's degree from an accredited college or university.
- B. Experience.
  - 1. Three years' experience in Emergency Management or related field.
  - 2. Ability to establish and maintain effective liaison with federal, state, and local officials and the private sector.
  - 3. Demonstrated commitment to a community-wide comprehensive emergency management program.

(Ord. 93-131S § 2 (part), 1994; Ord. 91-13 § 1 (part), 1991; Ord. 89-145 § 2, 1989; Ord. 89-81 § 1, 1989)

**2.07.150 Risk Management and Insurance.**

- A. Education. Minimum of bachelor's degree from an accredited college or university.
- B. Experience.
  - 1. The Risk Manager must have, at a minimum, ten years of service at the supervisory/management level in a public entity Risk Management Department.
  - 2. Status as an Associate in Risk Management (ARM) or an Associate in Claims (AIC) is desirable, but not a requirement.
  - 3. Minimum of five years experience in the insurance claims and/or the insurance brokerage business.
  - 4. Considerable knowledge of business administration and business law.
  - 5. Knowledge and experience in office/department management.
  - 6. Ability to monitor and manage the department budget.
  - 7. Graduate degree preferred, but not required.

(Ord. 2010-33 § 1, 2010; Ord. 93-131S § 2 (part), 1994; Ord. 91-13 § 1 (part), 1991; Ord. 89-169 § 1, 1989)

**2.07.160 Facilities Management.**

- A. Education. Minimum of bachelor's degree in public or business administration or in any field related to the development/management of facilities and/or property. Masters Degree in one of these fields is preferred.
- B. Experience.
  - 1. Ability to effectively direct, coordinate, and evaluate all aspects of the following functions:
    - a. Design, funding, siting, and construction or renovation of facilities.
    - b. Maintenance, repair, and remodeling of existing facilities.
    - c. Planning and property acquisitions for expansion or addition of County facilities.
    - d. Acquisition and disposal of properties; management of leases and oversight of all real estate related transactions.

(Ord. 93-131S § 2 (part), 1994; Ord. 91-13 § 1 (part), 1991; Ord. 89-212 § 1, 1990)

**2.07.170 Communications.**

- A. Education. Minimum of liberal arts degree from an accredited college or university.
- B. Experience.
  - 1. Ten years experience in marketing and public relations.
  - 2. Experience in administrative processes, including management, supervision and budgeting, preferably in a governmental context.

(Ord. 2001-14 § 2, 2001)

**2.07.180 Economic Development.**

- A. Education: Minimum of a bachelor's degree from an accredited college or university.
- B. Experience:
  - 1. Considerable administrative experience in economic development, business and trade activities or related other areas commensurate with the duties of the position.
  - 2. Solid experience in managing economic development strategies and collaborative efforts to develop economic growth.
  - 3. Sufficient knowledge of long-term planning and policy development.
  - 4. Knowledge and experience in office/department management including supervision of staff.
  - 5. Effective in ensuring consistent interpretation and application of laws, rules, policies and procedures.
  - 6. Ability to monitor and manage the department budget.
  - 7. Master's degree in public or business administration is preferred, but not required.

(Ord. 2011-93s § 2, 2012)

## *Chapter 2.08*

### ***SUPERIOR COURT CLERK – ELECTRONIC DATA ACCESS SERVICES***

#### **Sections:**

- 2.08.010 Applicability.**
- 2.08.020 Authority.**
- 2.08.030 Adoption of Rules and Regulations.**
- 2.08.040 Definitions and Fees.**
- 2.08.050 Subscriber Warranties.**
- 2.08.060 Fee Adjustments.**

#### **2.08.010 Applicability.**

This Title applies to any person seeking remote access to the Superior Court Clerk's Electronic Database and services provided therein. (Ord. 2004-68 § 1 (part), 2004)

#### **2.08.020 Authority.**

The Clerk of the Superior Court is hereby authorized to enter into contracts to provide services to litigants and those desiring electronic access via the internet and is further authorized to assess service fees in the amounts set forth below. (Ord. 2004-68 § 1 (part), 2004)

#### **2.08.030 Adoption of Rules and Regulations.**

The Clerk of the Superior Court shall adopt appropriate rules and regulations for contracts to be entered into for the provision of services and for the collection of fees. (Ord. 2004-68 § 1 (part), 2004)

#### **2.08.040 Definitions and Fees.**

The following definitions shall apply in determining the fees to be charged for services provided by the Clerk:

- A. "Attorney Unrestricted Subscriber" shall mean an attorney, law firm, its managing members, or authorized employees whose primary purpose is the provision of legal services. Attorneys who enter into unrestricted subscription agreements with the Clerk will be given access to non-confidential court records and services including, but not limited to, ability to electronically serve documents in accordance with GR 30, case management services, and access to all non-confidential court records. Fees for this service shall be \$175.00 per annum or \$25.00 per month of service.
- B. "Electronic Set-up Fee" shall mean that fee charged by the Clerk for providing personal identification numbers and other services needed to provide access to electronic files or to allow electronic filing. Each User shall incur the set-up fee only one time per set-up. Set-up fees shall be \$25.00 for each attorney and \$10.00 for each additional non-attorney staff member provided access. Non-attorney set up fees shall be \$25.00 per user.
- C. "Government Subscriber" shall mean any federal, state, or local governmental entity or non-profit legal services, legal aid, or pro bono agency which registers as such with the Clerk. Government subscribers shall have unrestricted access as allowed by law, provided that subscriber agrees to allow reciprocal privileges to Pierce County to computerized databases upon request, where such access does not violate any state, federal, local law or court rule. There shall be no fees, other than set-up fees, associated with government subscriptions.

- D. "Litigant Case Subscriber" shall mean those individuals who have entered into the agreement for purposes of a specific case. Litigant Case subscriptions are restricted to either a party to the case or a member in good standing of the Washington State Bar Association who is an attorney of record for a party in the case. Litigant Case Subscribers shall be given electronic access, electronic filing, and electronic service only for the case identified. Fees for Litigant Case Subscribers shall be \$25.00 per case unless otherwise ordered by the court. Without otherwise limiting the court's discretion, the provisions of GR 30.6(b) shall apply with respect to waiver of litigant case subscriber and set up fees.
- E. "Non-Attorney Case Subscriber" shall mean those individuals or entities who desire access to a single case to which they are not a party or attorney of record. Fees for services provided to non-attorney case subscribers shall be \$250.00 per case.
- F. "Non Attorney Unrestricted Subscriber" shall mean those individuals or entities who desire unrestricted electronic access to non-confidential court records but who are not regularly engaged in the provision of legal services nor providing governmental services. Fees for services provided to non-attorney, unrestricted subscribers shall be \$175.00 per year for each user.
- G. "Non-Attorney Unrestricted Subscriber and Reseller" shall mean a "Non-Attorney Unrestricted Subscriber" who is in the business of reselling records obtained by virtue of the subscription hereunder. Any "Non-Attorney Unrestricted Subscriber and Reseller" shall pay, in addition to any subscription fee set forth herein, a fee of \$.10/page for viewing any court record (document) retrieved from the system. The Superior Court Clerk shall establish a system by which copies are accounted for, and payment received in advance by the Clerk, with deductions against the payments made to the Clerk. Prohibitions against reselling data as provided for in PCC 2.08.050 shall not apply to any "Non-Attorney Unrestricted Subscriber and Reseller" as described herein. The Superior Court clerk will be responsible for setting up a system to track pages viewed. Fees for the viewing of documents will be paid in advance following a procedure established by the Superior Court Clerk.
- H. Subscriber warranties and restrictions:
1. Copying and storing the Clerk's electronic files and/or data, for the purpose of providing access to third parties or other non-subscribers is strictly prohibited. Bypassing the Clerk's system to track pages viewed is strictly prohibited.
  2. The following terms all are construed as having the same meaning hereunder, "Clerk's electronic files and/or data," "Clerk's electronic files," "court records and services," "court records," "court documents," "documents" and "data" in that they all refer to the records and files kept and maintained by the Superior Court Clerk as required by law.
  3. The Superior Court Clerk shall have the right to revoke a subscription if the Clerk discovers any violation of either this Chapter or agreement entered into by authority of this Chapter.

(Ord. 2008-34 § 1 (part), 2008; Ord. 2005-85 § 1 (part), 2005; Ord. 2004-68 § 1 (part), 2004)

### **2.08.050 Subscriber Warranties.**

Subscribers warrant that subscriber, and its agent(s) and principal(s) are not engaged in the business of reselling data. Subscriber is authorized to download, store, publish, transfer or transmit, or resell the data obtained from access to the site only as specifically provided herein. However, this restriction shall not prohibit subscriber from using the data obtained from the site

in providing legal services or in its commercial product so long as that product is not the delivery of electronic data to third parties. This Section shall not apply to those who are "Non-Attorney Unrestricted Subscriber and Resellers" as provided within this Section. (Ord. 2008-34 § 1 (part), 2008; Ord. 2005-85 § 1 (part), 2005; Ord. 2004-68 § 1 (part), 2004)

**2.08.060 Fee Adjustments.**

The above fees may be adjusted annually by the Clerk of the Superior Court to reflect increases in the local area consumer price index. (Ord. 2004-68 § 1 (part), 2004)





## *Chapter 2.24*

### **PROBATION SERVICES**

#### **Sections:**

- 2.24.010 Establishment.**
- 2.24.020 Administrative Rule.**
- 2.24.030 Use of Volunteers.**
- 2.24.040 Staff – Salaries and Benefits.**
- 2.24.050 Volunteers – Reimbursement.**
- 2.24.060 Status of Employees.**
- 2.24.070 Employees – Qualifications.**
- 2.24.080 Services – Municipal Courts.**
- 2.24.100 Municipal and Other District Services – Fees – Credited.**
- 2.24.110 Fees – Community Service Restitution.**
- 2.24.120 Misdemeanant Assessment.**

**Cross-reference: RCW 36.01.070**

#### **2.24.010 Establishment.**

As a cost of court operation under the provisions of RCW Chapter 3.62.050, there is established a Probation Department of the Pierce County District Court (District Court) to provide presentence investigations, probation and parole services. (Ord. 2002-103 § 1 (part), 2002; Ord. 98-98 § 1 (part), 1998; Ord. 85-4 § 1 (part), 1985; prior Code § 31.02.010)

#### **2.24.020 Administrative Rule.**

For purposes of administration, the Probation Department is established as a division of the District Court. The District Court Administrator shall be responsible for implementation and management of policy and operating guidelines as established, reviewed and modified from time to time by the judges of the District Court. (Ord. 2006-7 § 1 (part), 2006; Ord. 2002-103 § 1 (part), 2002; Ord. 98-98 § 1 (part), 1998; Ord. 85-4 § 1 (part), 1985; prior Code § 31.02.015)

#### **2.24.030 Use of Volunteers.**

The use of volunteers is encouraged to supplement the work of paid staff members. (Ord. 85-4 § 1 (part), 1985; prior Code § 31.02.020)

#### **2.24.040 Staff – Salaries and Benefits.**

- A. Staff size is to be set by the Court Administrator with the approval of the judges of District Court.
- B. Salaries are to be set according to the most current Pierce County Classification and Salary Plan, to include any increases approved by the County government.
- C. Staff shall be entitled to the Leave, Insurance, Holiday Pay and Retirement Benefits established for regular Pierce County Employees.

(Ord. 2006-7 § 1 (part), 2006; Ord. 2002-103 § 1 (part), 2002; Ord. 98-98 § 1 (part), 1998; Ord. 85-4 § 1 (part), 1985; prior Code § 31.02.030)

**2.24.050 Volunteers – Reimbursement.**

Volunteers shall be reimbursed for any unusual expenses when vouchers submitted for the expenses are approved by the Administrator as provided by Chapter 3.92 PCC. (Ord. 2006-7 § 1 (part), 2006; Ord. 2002-103 § 1 (part), 2002; Ord. 98-98 § 1 (part), 1998; Ord. 85-4 § 1 (part), 1985; prior Code § 31.02.040)

**2.24.060 Status of Employees.**

- A. All employees of the Probation Department are employees of the District Court.
- B. The employees of the Probation Department are to be appointed or discharged by the Court Administrator. All appointments or discharges shall be made on a merit basis, without regard to political affiliation, race, creed, color or sex. New employees must successfully complete a probationary period of one year (26 accruable pay cycles) which may be extended by the appointing authority for an additional three months during which time their performance will be evaluated by their supervisor to determine if they should become a regular employee.
- C. All Probation Department employees promoted into a new position within the Department shall be subject to a one year period of probation, during which time they may be returned to their former position or a position within the Department comparable to their former position without cause. If returned to their former position or a position comparable to their former position, they shall return to the salary of the former position or the comparable position. This right shall include bumping rights against any person promoted or hired into their former position.

(Ord. 2006-7 § 1 (part), 2006; Ord. 2002-103 § 1 (part), 2002; Ord. 98-98 § 1 (part), 1998; Ord. 85-4 § 1 (part), 1985; prior Code § 31.02.060)

**2.24.070 Employees – Qualifications.**

The qualifications for each of the positions in the Probation Department shall be determined by the Court Administrator with approval of the judges of District Court. These qualifications shall be comparable to those established for Probation Officers of comparable jurisdictions to include as a minimum a Bachelor of Arts or a Bachelor of Science degree in a related area. Employees of the Probation Department shall not engage in any outside activities which will conflict with or compromise the duties owed to the Probation Department. (Ord. 2006-7 § 1 (part), 2006; Ord. 2002-103 § 1 (part), 2002; Ord. 98-98 § 1 (part), 1998; Ord. 85-4 § 1 (part), 1985; prior Code § 31.02.070)

**2.24.080 Services – Municipal Courts.**

The District Court Administrator is authorized, with approval of the District Court Judges, to contract with other municipal courts in Pierce County to provide presentence investigations and probation services. Probation services may be provided upon a determination by the Administrator that the County has adequate resources, personnel to provide such services, and that such contract adequately compensates the County for the cost of providing such services. (Ord. 2006-7 § 1 (part), 2006; Ord. 85-4 § 1 (part), 1985; prior Code § 31.02.080)

**2.24.100 Municipal and Other District Services – Fees – Credited.**

Fees paid shall be credited as an offset to the cost of the Probation Department assessable against the revenues of District Court. (Ord. 2002-103 § 1 (part), 2002; Ord. 85-4 § 1 (part), 1985; prior Code § 31.02.090)

**2.24.110 Fees – Community Service Restitution.**

The Probation Department may impose a fee upon all probationers eligible to participate in the Community Service Restitution Program. Said fees shall be used solely for the purpose of offsetting the cost of the Community Service Restitution Program. (Ord. 2002-103 § 1 (part), 2002; Ord. 98-98 § 1 (part), 1998; Ord. 85-4 § 1 (part), 1985; prior Code § 31.02.100)

**2.24.120 Misdemeanant Assessment.**

Probation service fees may be assessed of each defendant as provided by RCW 10.64.120, which states:

- A. Every judge of a court of limited jurisdiction shall have the authority to levy upon each misdemeanant a monthly assessment for services provided whenever such a person is referred by the court to the misdemeanant Probation Department for evaluation or supervision services. The assessment may also be made by sentencing judge in Superior Court when such misdemeanor or gross misdemeanor cases are heard in the Superior Court.
- B. It shall be the responsibility of the misdemeanant probation services office to implement local procedures approved by the court of limited jurisdiction to ensure collection and payment of such fees into the general fund of the city or County treasury.
- C. Revenues raised under this Section shall be used to fund programs for misdemeanant probation services and shall be in addition to those funds provided in RCW 3.62.050. (Ord. 2006-7 § 1 (part), 2006; Ord. 85-4 § 1 (part), 1985; prior Code § 31.02.110)



*Chapter 2.32*

**TACOMA-PIERCE COUNTY HEALTH DEPARTMENT**

**Sections:**

**2.32.010 Agreement.**

**2.32.020 Responsibilities of Combined Department.**

**2.32.030 Administration.**

**Cross-reference: Chapters 43.20, 43.20A, 70.08 RCW**

**2.32.010 Agreement.**

The combined Tacoma-Pierce County Health Department is established and shall function pursuant to the terms and conditions contained in the current agreement between the City of Tacoma and the County of Pierce, a copy of which shall be available in the office of the Pierce County Council. (Ord. 84-91 § 1 (part), 1984; prior Code § 20.02.010)

**2.32.020 Responsibilities of Combined Department.**

The combined Health Department shall be responsible for the coordination and administration of health promotion and protection services in the areas of personal and environmental health for the residents of both the City of Tacoma and Pierce County. (Ord. 84-91 § 1 (part), 1984; prior Code § 20.02.020)

**2.32.030 Administration.**

The Board of Health, as established by the agreement, shall oversee the operation of the Health Department. The Department shall be administered by a Director who shall be appointed pursuant to RCW 70.08.040. (Ord. 84-91 § 1 (part), 1984; prior Code § 20.02.030)



## *Chapter 2.40*

### ***PIERCE COUNTY REGIONAL SUPPORT NETWORK AND GOVERNING BOARD***

#### **Sections:**

**2.40.010 Regional Support Network.**

**2.40.020 Governing Board – Establishment and Purpose.**

**2.40.030 Governing Board – Powers and Duties.**

**2.40.040 Governing Board – Membership.**

**2.40.050 Governing Board – Organization and Procedures.**

#### **2.40.010 Regional Support Network.**

The Pierce County Regional Support Network (RSN) is established as an independent oversight and policy agency of Pierce County government to ensure that services are responsive to the mental health needs of the community. The RSN has the roles and responsibilities authorized under Chapters 71.05, 71.24, and 71.34 RCW and Chapter 388-865 WAC. (Ord. 2006-30s2 § 1 (part), 2006)

#### **2.40.020 Governing Board – Establishment and Purpose**

The Governing Board of the Pierce County Regional Support Network is created to set policy and provide financial oversight to the Regional Support Network. The Governing Board shall be the focal point of communication, coordination and decision making about publicly-funded mental health services in Pierce County. (Ord. 2006-30s2 § 1 (part), 2006)

#### **2.40.030 Governing Board – Powers and Duties**

The Governing Board is authorized to employ or contract for staff and consultants as needed. The following matters are subject to review and approval by the Governing Board:

- A. Contracts with the Department of Social and Health Services of the State of Washington (DSHS) or any other state agency.
- B. Contracts with individuals and with public and private organizations to carry out the purposes of the contract with DSHS and other obligations of the Regional Support Network.
- C. Allocations and expenditures of Regional Support Network funds, including the annual RSN budget, submitted for the County Budget review process.
- D. Regional Support Network policies and procedures.
- E. Regional Support Network responses to external or internal audits, surveys, licensing reviews, certifications, and other reviews conducted by local, state, or federal officials.
- F. Employment of the RSN Administrator, to be selected as follows: The Governing Board shall nominate candidates by submitting to the Executive a list of up to three names, for appointment by the Executive and confirmation by the Council. All nominated candidates shall have the support of at least seven Governing Board members.

Pursuant to the authority set forth in Section 3.25(1)(h) of the Pierce County Charter, the Executive has the power to sign or cause to be signed all contracts on behalf of the Pierce County Regional Support Network.

(Ord. 2007-29 § 1, 2007; Ord. 2006-30s2 § 1 (part), 2006)

**2.40.040 Governing Board – Membership**

- A. Members of the Governing Board shall be free from conflict of interest and appearance of conflict of interest, as provided in WAC 388-865-0315.
- B. Members of the Governing Board shall include:
  - 1. County Executive, Chief of Staff, and Director of Budget and Finance; effective January 1, 2007, the Executive may appoint designees for any of these members.
  - 2. Three members of the County Council, or designees, to be appointed by the Council.
  - 3. Three at-large members, to be unanimously selected and supported by the preceding six members, using formal criteria and an application process adopted by the Governing Board. In selecting the at-large members, the other members shall give consideration to knowledge or experience in mental health services, budgeting and accounting, law, and other skills that would be assets to the Governing Board. The term of office of at-large members shall be four years, except that the initial appointments shall be staggered, one member being appointed for two years, one member for three years, and one member for four years.
  - 4. One representative of Tribal authorities that elect to participate and meet the provisions of RCW 71.24.300. This position shall be filled after at least one Tribe that qualifies under those provisions notifies the Executive and County Council that the Tribe wishes to participate on the Governing Board.

(Ord. 2006-30s2 § 1 (part), 2006)

**2.40.050 Governing Board – Organization and Procedures**

- A. The Governing Board shall annually elect a Chair and Vice Chair.
- B. The Governing Board shall adopt Rules of Procedure for conduct of its meetings and create sub-committees as needed.
- C. A quorum of the Governing Board shall be five members. An affirmative vote of five members is required to constitute an action of the Board.
- D. All meetings of the Governing Board shall be subject to the requirements of the Open Public Meetings Act, Chapter 42.30 RCW.

(Ord. 2006-30s2 § 1 (part), 2006)



**DIVISION III. BOARDS, COMMITTEES AND OTHER AGENCIES**

*Chapter 2.45*

**LAND USE ADVISORY COMMISSIONS**

**Sections:**

- 2.45.010 Purpose.**
- 2.45.020 Created.**
- 2.45.030 Composition.**
- 2.45.040 Membership – Terms of Office.**
- 2.45.050 Vacancies.**
- 2.45.060 Removal from Office.**
- 2.45.070 Officers.**
- 2.45.080 Rules and Records.**
- 2.45.090 Quorum.**
- 2.45.100 Voting Privileges.**
- 2.45.110 Functions.**
- 2.45.120 Coordination.**
- 2.45.130 Recommendations.**
- 2.45.140 Boundaries of Each LUAC.**

**2.45.010 Purpose.**

Land Use Advisory Commissions (LUACs) serve in an advisory capacity on land use matters within defined geographic areas as authorized in this Chapter to the Executive, the County Council, the Hearing Examiner, the Planning Commission, and the Planning and Land Services Department (PALS). The purpose of a LUAC is to facilitate a structured 2-way communication process between the County and community residents, property owners, and business owners regarding significant land use issues affecting communities within unincorporated Pierce County. (Ord. 2010-70s § 2 (part), 2010; Ord. 98-15 § 1 (part), 1998)

**2.45.020 Created.**

All LUACs shall be created pursuant to the rules of the Council and this Chapter. The members of a LUAC shall be appointed by the County Executive, and confirmed by a majority of the County Council by Resolution. LUACs have been created within defined geographic areas, primarily those areas for which a community plan has been adopted. Table 2.45.020-1 identifies the Pierce County Land Use Advisory Commissions by community which have been created by Pierce County Council ordinance.

<b>Table 2.45.020-1. Pierce County Land Use Advisory Commissions</b>		
<b>Community</b>	<b>Ordinance</b>	<b>Plan Effective Date</b>
Alderton-McMillin	2001-37	June 1, 2008
Browns Point/Dash Point	2008-50s	October 1, 2008
Foothills Plateau	97-103	
Frederickson	97-104s	December 15, 2003
Gig Harbor Peninsula	84-213	December 1, 2002
Graham	97-76	March 1, 2007
Greater Greenwater Gateway	97-102	
Key Peninsula	2003-37	June 1, 2008
Mid-County	2003-89s2	March 1, 2006
Parkland-Spanaway-Midland	2003-90s2	September 3, 2002
South Hill	98-82	June 16, 2003
Southwest Pierce County	2001-65	
Upper Nisqually	99-40	January 1, 2000

(Ord. 2010-70s § 2 (part), 2010; Ord. 98-15 § 1 (part), 1998)

**2.45.030 Composition.**

- A. Each LUAC shall consist of nine members who shall be broadly representative of the community and the various interests associated therewith, and who shall serve without compensation.
- B. Every appointed member shall reside in, own a business, own property, or work within the geographical boundaries set forth in the community plan.
- C. A majority of the appointed members shall reside within the geographical boundaries set forth in the community plan.
- D. The following communities comprise multiple unique neighborhoods and shall have the following additional composition requirements:
  1. Parkland-Spanaway-Midland shall include three members from each represented community: Parkland, Spanaway, and Midland.
  2. Mid-County shall include three members from each of the following areas: Summit-Waller, Summit View, and North Clover Creek Collins.
  3. Upper Nisqually shall include one member from each of the Gateway communities: Park Entrance, Ashford, Elbe, and Alder.

(Ord. 2010-70s § 2 (part), 2010; Ord. 98-15 § 1 (part), 1998)

**2.45.040 Membership – Terms of Office.**

After the LUAC is created, the first terms of the members shall be staggered as follows: two shall be appointed for one year; two shall be appointed for two years; two shall be appointed for three years; and three shall be appointed for four years. Thereafter, the successors to the first appointment shall be appointed to 4-year terms. No member of a LUAC shall serve more than two consecutive terms of office or eight consecutive years, whichever is the longer period, without a minimum of a one-year break in service. (Ord. 2010-70s § 2 (part), 2010; Ord. 98-15 § 1 (part), 1998)

**2.45.050 Vacancies.**

LUAC vacancies occurring for any reason shall be filled by appointment for the unexpired term(s), or, if the vacancy occurs less than three months from the termination of a regular term, the successor shall be appointed for a full term. Appointments to fill vacancies shall be made pursuant to PCC 2.45.020. (Ord. 2010-70s § 2 (part), 2010; Ord. 98-15 § 1 (part), 1998)

**2.45.060 Removal from Office.**

The Executive may remove any appointed member of a LUAC for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year. Removal shall require approval by a majority of the Council. (Ord. 2010-70s § 2 (part), 2010; Ord. 98-15 § 1 (part), 1998)

**2.45.070 Officers.**

Following creation of a LUAC, its members shall elect a Chair, Vice-Chair, and Secretary. Thereafter, election of officers shall take place at the regular December meeting of the LUAC each year, or next soonest scheduled meeting if there is no December meeting. Additionally, the following requirements shall apply:

- A. A quorum shall be present for officer election.
  - B. Elected officers shall be recognized at the next regularly scheduled meeting following election.
  - C. The Chair shall serve for one year and shall serve as contact person with other LUACs, staff, and Council.
  - D. The Vice-Chair shall serve for one year and during the absence, disability, or disqualification of the Chair, shall exercise or perform all the duties and be subject to all the responsibilities of the Chair.
  - E. The Secretary shall serve for one year and whenever the Chair and Vice-Chair are absent, or unable to participate, the Secretary shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.
  - F. If at any time, the position of Chair becomes vacant, the Vice-Chair shall automatically succeed to the Chair, and a new Vice-Chair shall be elected at the next regular meeting.
- (Ord. 2010-70s § 2 (part), 2010; Ord. 98-15 § 1 (part), 1998)

**2.45.080 Rules and Records.**

Each LUAC shall follow Roberts Rules of Order. Action taken by a simple majority of members present at any given meeting shall constitute a recommendation pursuant to PCC 2.45.130, provided a quorum is present. All votes shall be polled and recorded. All meetings shall be open to the public, pursuant to Chapter 42.30 RCW, the Open Public Meetings Act. (Ord. 2010-70s § 2 (part), 2010; Ord. 98-15 § 1 (part), 1998)

**2.45.090 Quorum.**

A quorum for conducting official business of the LUAC shall be a majority of the appointed membership, excluding vacancies. (Ord. 2010-70s § 2 (part), 2010; Ord. 98-15 § 1 (part), 1998)

**2.45.100 Voting Privileges.**

Each member of a LUAC shall be entitled to one vote on any matter duly before the LUAC. (Ord. 2010-70s § 2 (part), 2010; Ord. 98-15 § 1 (part), 1998)

### **2.45.110 Functions.**

LUACs are ad hoc commissions which make recommendations to the County on land use matters relative to the community it represents, as described in this Chapter. To this end, the LUACs shall have the following functions:

- A. Prior to updating an existing or adopting a new community plan to be consistent with the Pierce County Comprehensive Plan, the LUAC:
    1. Shall determine which members shall actively participate and represent the LUAC on the Community Planning Boards formed by the County to develop a Community Plan or Update to update an existing community plan; and
    2. May make recommendations to the Community Planning Boards, the Planning Commission, the Executive, and the Council regarding proposed new community plans or updates to existing community plans.
  - B. After adoption of a community plan or update consistent with the Pierce County Comprehensive Plan, the LUAC:
    1. Shall monitor the progress made in implementation of community plan policies and forward any concerns or recommendations to the County Council, the Executive, and the Planning and Land Services Department (PALS);
    2. May recommend to the Executive and County Council that amendments to the Comprehensive Plan or community plan be initiated pursuant to the procedures in Chapter 19C.10 PCC;
    3. Shall review and provide recommendations to the County Council, the Executive and the Planning Commission on proposed Comprehensive Plan amendments affecting the applicable community; and
    4. May assist PALS in projects and studies related to the refinement, improvement, or augmentation of the Comprehensive Plan and regulations, which are initiated by PALS.
  - C. Review applications for proposed developments within the represented community for which a public hearing is required and convey such recommendations, including the basis or rationale for the recommendations, to the Planning and Land Services Department and the Hearing Examiner.
    1. During the Notice of Application comment period, the LUAC chair or applicant may request early project review and discussion time at a scheduled LUAC meeting, where time is available on the agenda. Current Planning staff support will not be required for this agenda item.
  - D. The South Hill Advisory Commission shall recommend to the Executive two members to serve as ex-officio non-voting members of the Pierce County Airport/Thun Field Advisory Commission for discretionary land use permit review.
  - E. The Peninsula Advisory Commission shall recommend to the Executive one member to serve as a voting member of the Tacoma Narrows Airport Advisory Commission.
- (Ord. 2010-70s § 2 (part), 2010; Ord. 2004-78 § 2 (part), 2004; Ord. 98-15 § 1 (part), 1998)

### **2.45.120 Coordination.**

The Planning and Land Services Department (PALS) shall:

- A. Provide assistance as may be necessary for each LUAC to perform its duties, including new member training, administration of the meetings, providing required notice, requesting appointments and reappointments, keeping records of meetings and decisions, forwarding recommendations of the LUAC with the associated meeting minutes to the Hearing Examiner and provide information needed for LUAC review and analysis.

- B. Transmit Notice of Applications to LUACs of all pending land use applications and proposed Comprehensive Plan amendments affecting the applicable community.
  - C. Prepare a staff report for LUAC review and upon receipt of the LUAC recommendation, forward the recommendation to the decision-maker according to the schedule provided in PCC 2.45.130 below.
  - D. Ensure that the LUAC receives a copy of the Hearing Examiner decisions and is notified of any appeals or reconsiderations filed that relate to LUAC recommendations.
- (Ord. 2010-70s § 2 (part), 2010; Ord. 2004-78 § 2 (part), 2004; Ord. 98-15 § 1 (part), 1998)

#### **2.45.130 Recommendations.**

Each LUAC shall make recommendations on matters only when such matters affect land within the geographic boundaries of the LUAC. The LUAC shall make recommendations through the voting process only when a quorum is present. Recommendations of the LUAC shall be accomplished in the following manner:

- A. Formal written recommendations must be received by the decision-maker and applicant at least seven days prior to the date scheduled for the initial public hearing with the Hearing Examiner or, in the case of Comprehensive Plan Amendments, with the Planning Commission. Written comments shall include the reasons for such recommendation. Any oral presentation by a LUAC member to the Hearing Examiner or Planning Commission shall only be permitted to clarify the written recommendation. Any presentation by a LUAC member which goes beyond clarifying the written recommendation of the LUAC shall be considered a personal recommendation.
  - B. Recommendations on a land use application or pending Comprehensive Plan amendments shall be to approve, modify and approve, deny, or make no recommendation.
    - 1. The LUAC recommendation shall include the reasons for such recommendation.
    - 2. If substantial project changes are proposed after the LUAC meeting, the decision-maker may delay its decision or continue a public hearing in order to receive additional LUAC recommendations.
  - C. For land use applications, the LUAC may recommend that the Hearing Examiner continue a scheduled public hearing to obtain additional information or LUAC recommendations. This recommendation must be received by the Hearing Examiner and applicant at least seven days prior to the date scheduled for the initial public hearing. At the public hearing, the Hearing Examiner may continue the hearing or hold the hearing as scheduled. If the hearing is continued, the Hearing Examiner may choose to refer the matter back to the LUAC once the information is obtained.
  - D. LUAC recommendations to initiate Comprehensive Plan or regulation changes shall require approval by a majority of the LUAC. The recommendation shall be accompanied by an application as required by the County and forwarded to the County Council and/or the County Executive. Those forwarded to the County Council must be received by the date established in Chapter 19C.10 PCC. Those forwarded to the County Executive must be received by the date specified by Planning and Land Services, typically, two to four weeks prior to the deadline in Chapter 19C.10 PCC.
- (Ord. 2010-70s § 2 (part), 2010; Ord. 2004-78 § 2 (part), 2004; Ord. 98-15 § 1 (part), 1998)

#### **2.45.140 Boundaries of Each LUAC.**

- A. Boundaries are intended to be the base for future community planning efforts and shall be defined based on the guidelines provided in PCC 19A.110.030 C.

- B. Geographic boundaries of each LUAC shall be included in PCC 2.45.140, until such time as a community plan is adopted. Thereafter, the LUAC's boundaries shall be as described in the community plan.
- C. The Greater Greenwater Gateway boundaries are as follows:  
**North Boundary:** Following the Pierce County boundary with King County, starting at the northwest corner of Section 9, Township 19 North, Range 9 East, east to the northeast corner of the County, where it abuts Kittitas and Yakima County, at Section 35, Township 19 North, Range 11 East;  
**East Boundary:** Thence, following the Pierce County boundary with Yakima County, south to the southern border of Section 35, Township 17 North, Range 10 East where it intersects with the boundary of Mount Rainier National Park;  
**South and West Boundary:** Thence, following the boundary of Mount Rainier National Park north to the northeast corner of the Park boundary at the southern border of Section 33, Township 18 North, Range 10 East. Thence west along the Park boundary to the southwest corner of Section 33, Township 18 North, Range 10 East. Thence northward to the point of beginning.
- D. The Southwest Pierce County area is generally described as bordered to the north by Fort Lewis and the Graham Community Plan area, to the east by Designated Forest Land, to the south by the Upper Nisqually Valley Community Plan area, and to the west by the Pierce/Thurston County line. This area is fully described as follows:  
**East Boundary:** Beginning at the intersection of the south boundary line of the Graham Community Plan area and the west boundary line of Pierce County's Designated Forest Land, as adopted by Ordinance No. 90-178S, said point being on the north line of Section 30, Township 17 North, Range 5 East; thence southerly along said forest land boundary to its intersection with the north line of the Upper Nisqually Valley Community Plan area, said point being on the north line of Section 6, Township 15 North, Range 5 East;  
**South Boundary:** Thence west along said community plan area boundary to its intersection with the Pierce-Thurston County line;  
**West Boundary:** Thence northwesterly along said County line to its intersection with the boundary of Fort Lewis Military Reservation, said point being on the west line of Section 16, Township 17 North, Range 2 East;  
**North Boundary:** Thence northerly and easterly along said boundary to its intersection with the north line of Section 23, Township 18 North, Range 3 East; thence east along said line to the center right-of-way line of SR-7 (Mountain Highway), said point also being on the west boundary line of the Graham Community Plan area; thence south along the west line and east along the south line of said community plan area to the point of beginning.
- E. The Foothills Plateau boundaries are as follows:  
**North Boundary:** Beginning at the intersection of the Comprehensive Urban Growth Area (CUGA) boundary and the Pierce County/King County line, at the northwest corner of Section 4, Township 20 North, Range 5 East, W.M.; thence easterly and southeasterly along said County line to its intersection with the City of Buckley city limits;  
**East Boundary:** Thence southerly along said City limits to its intersection with the east line of Section 9, Township 19 North, Range 6 East; thence south along said east line and the east line of Section 16 of said Township to a line parallel with and 1,320 feet south of the north line of said Section 16;

**South Boundary:** Thence west on said parallel line to the west line of Section 16, Township 19 North, Range 6 East; thence north on said west line and the west line of Section 9 of said Township to the intersection with Highway 162; thence westerly along said Highway 162 to the South Prairie city limits; thence westerly and southerly along said City limit to its intersection with Highway 162; thence westerly along Highway 162 to its intersection with the east line of Section 27, Township 19 North, Range 5 East;

**West Boundary:** Thence north along the east line of Section 27, Township 19 North, Range 5 East and the east line of Section 22 of said Township to its intersection with the Comprehensive Urban Growth Area (CUGA) boundary; thence following said CUGA boundary to the northeast corner of Section 22, Township 19 North, Range 5 East; thence west along the north line of said section to its northwest corner; thence north following the border of the Employment Based Planned Community (EBPC) designation to the CUGA boundary; thence continuing north along the CUGA boundary to the Bonney Lake City limits; thence northerly along the eastern border and westerly along the northern border of the City of Bonney Lake to its intersection with the east-west centerline of Section 29, Township 20 North, Range 5 East; thence westerly along said east-west centerline to its intersection with State Road 410; thence northwesterly along said highway to its intersection with the CUGA boundary; thence northerly along said CUGA boundary to the Pierce County/King County line, and the point of beginning.

(Ord. 2010-70s § 2 (part), 2010; Ord. 98-15 § 1 (part), 1998)





## *Chapter 2.46*

### ***PIERCE COUNTY AIRPORT/THUN FIELD ADVISORY COMMISSION***

#### **Sections:**

- 2.46.010 Created.**
- 2.46.020 Purpose.**
- 2.46.030 Composition.**
- 2.46.040 Appointment Process and Terms of Office for Voting Members.**
- 2.46.050 Removal from Office.**
- 2.46.060 Officers.**
- 2.46.070 Rules and Records.**
- 2.46.080 Meetings.**
- 2.46.090 Quorum.**
- 2.46.100 Voting Privileges.**
- 2.46.120 Functions and Duties.**
- 2.46.130 Coordination.**
- 2.46.140 Recommendations.**

#### **2.46.010 Created.**

A Pierce County Airport/Thun Field Advisory Commission is hereby created and shall hereinafter be referred to as "TFAC". (Ord. 2009-68 § 1 (part), 2009; Ord. 2001-22s2 § 1 (part), 2003)

#### **2.46.020 Purpose.**

The TFAC shall serve in an advisory capacity on matters as authorized by this Chapter to the Hearing Examiner, Planning Commission, County Council and Executive on programs and policies regarding the Pierce County Airport/Thun Field. The TFAC shall not perform any final legislative or quasi-judicial decision-making role in matters related to the Pierce County Airport/Thun Field or its environs, but rather shall provide formal advice to the County regarding same. (Ord. 2001-22s2 § 1 (part), 2003)

#### **2.46.030 Composition.**

The TFAC shall consist of eight voting members, two government ex-officio members, and two South Hill Advisory Commission ex-officio members as set forth below:

- A. Four community residents from the South Hill area. These representatives shall be appointed by the County Executive and confirmed by Resolution by a majority of the County Council. These members shall be voting members.
- B. Four airport business representatives, including at least one pilot and one airport tenant. These representatives shall be appointed by the County Executive and confirmed by Resolution of the County Council. These members shall be voting members.
- C. An ex-officio member representing Pierce County Council District 3 or the designated alternate, not a voting member.
- D. An ex-officio member representing the Director of Public Works & Utilities, not a voting member.

- E. Two ex-officio members representing the South Hill Advisory Commission for purposes of Airport discretionary land use permit review only, not voting members. (Ord. 2009-68 § 1 (part), 2009; Ord. 2001-22s2 § 1 (part), 2003)

**2.46.040 Appointment Process and Terms of Office for Voting Members.**

- A. The appointment process for voting members shall be in accordance with the requirements set forth in Section 3.30 of the Pierce County Charter. Voting members shall be appointed for 4-year terms. No voting member of the TFAC shall serve more than two consecutive full terms.
  - B. Voting member vacancies occurring for any reason shall be filled by appointment for the unexpired terms or, if occurring on the termination of a regular term, the successor shall be appointed for a full term.
- (Ord. 2009-68 § 1 (part), 2009; Ord. 2001-22s2 § 1 (part), 2003)

**2.46.050 Removal from Office.**

The Executive may remove any appointed member of the TFAC for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council. (Ord. 2011-16s § 1 (part), 2011; Ord. 2009-68 § 1 (part), 2009; Ord. 2001-22s2 § 1 (part), 2003)

**2.46.060 Officers.**

- A. When the TFAC has been duly created, the members shall elect a Chair and Vice Chair. The Chair and Vice Chair shall each be elected to a 12-month term and shall alternate every 12 months between an airport user representative and a community resident representative. Provided, however, that the requirement to alternate Chair and Vice Chair positions may be suspended on a 12-month basis through a two-thirds affirmative vote of the TFAC.
  - B. The TFAC members may also elect a secretary if so desired by the commission. If elected, the secretary shall serve a 12-month term.
- (Ord. 2009-68 § 1 (part), 2009; Ord. 2006-64 § 1, 2006; Ord. 2001-22s2 § 1 (part), 2003)

**2.46.070 Rules and Records.**

The TFAC shall adopt rules of procedures before it transacts any of its business and shall keep a written summary of its transaction of business and meetings. The committee process for taking action shall generally be guided by the latest revised version of Robert's Rules of Order. All votes shall be polled and recorded. (Ord. 2009-68 § 1 (part), 2009; Ord. 2001-22s2 § 1 (part), 2003)

**2.46.080 Meetings.**

The TNAAC shall meet as needed, but generally not less than quarterly. A minimum of ten business days written notice of any meeting shall be provided to all members. A regularly scheduled meeting may be cancelled by the Chair upon notification by Pierce County staff or committee members that no quorum is reasonably expected or when there is no item on the agenda other than routine formalities such as the adoption of minutes, provided that appropriate notice of the cancellation is given. Special meetings may be scheduled by the Chair. Appropriate notice of a special meeting shall be given. All meetings shall be open to the public, pursuant to Chapter 42.30 RCW. (Ord. 2009-68 § 1 (part), 2009)

### **2.46.090 Quorum.**

A quorum of the TFAC for the purpose of conducting business shall be a simple majority of the currently-appointed voting members. Meetings with less than a simple majority may be conducted; however, no official action may be taken. (Ord. 2009-68 § 1 (part), 2009; Ord. 2001-22s2 § 1 (part), 2003)

### **2.46.100 Voting Privileges.**

Each voting member of the TFAC shall be entitled to one vote on any matter duly before the Commission. The ex-officio members shall be entitled to participate in all discussions and activities of the TFAC, but shall not be entitled to a vote. (Ord. 2001-22s2 § 1 (part), 2003)

### **2.46.120 Functions and Duties.**

TFAC members serve in a capacity to receive information and provide formal advice to the County regarding the Pierce County Airport/Thun Field. The TFAC shall be responsible for issues related to the Airport property and to properties within the Pierce County Airport – Thun Field Area of Influence. The TFAC shall receive information, hear suggestions and concerns from airport users and neighborhood citizens. The TFAC may recommend solutions and provide input to Pierce County regarding airport issues. The TFAC shall base any comments or recommendations on balancing the need to encourage the development and operation of the Airport with the need to protect the surrounding community and adjacent properties within Area of Influence of the airport while complying with applicable federal, state and local laws, including the policies contained in the South Hill and Graham Community Plans and Federal Aviation Administration rules and requirements for airport ownership and operation.

The duties of the TFAC members include:

- A. Develop an understanding of the regulatory, contractual and economic issues that are involved in the airport operation, as well as an understanding of the existing character of the adjacent area and the concerns of area residents. The County shall provide information and training to the TFAC on its areas of responsibility.
- B. Review of discretionary land use permits for development activities within the boundaries of the Pierce County Airport/Thun Field and for development activities located within the Pierce County Airport – Thun Field Area of Influence as follows:
  1. **Development Activities within the Boundaries of the Airport Properties.** The TFAC shall be responsible for the review of development activities within the boundaries of the Airport properties. In this capacity, the TFAC shall replace the South Hill Advisory Commission and shall serve in the capacity of the land use advisory commission.
  2. **Development Activities within the Area of Influence.** The TFAC shall be responsible for review of development activities within the Pierce County Airport – Thun Field Area of Influence outside the boundaries of the Airport properties. The TFAC’s review shall be supplementary and in addition to the review conducted by the South Hill and Graham Land Use Advisory Commissions, as applicable. In the review of such development activities, the TFAC review shall be focused on airport related issues relative to the proposed use such as land use compatibility and compliance with Airport Overlay requirements.
- C. Review of any updates to the Pierce County Airport/Thun Field Master Plan/Airport Layout Plan.
- D. Review any proposed amendments to the Pierce County Comprehensive Plan, South Hill, or Graham Community Plan that may affect the Airport.

- E. Provide representatives to work on committees related to airport development planning as needed, including, but not limited to, work on an airport business plan to identify operation and development strategies appropriate to provide sufficient revenues and appropriate uses to support airport operations.
- F. Monitor airport operations and development for compliance with the terms of land use permits and the Airport Master Plan/Airport Layout Plan.
- G. Conduct meetings with airport users and neighborhood citizens to receive input regarding the airport.
- H. Develop recommendations and forward suggested solutions regarding issues such as airport development activities, airport improvements and mitigation of off-site impacts such as noise to the appropriate officials.

(Ord. 2009-68 § 1 (part), 2009; Ord. 2001-22s2 § 1 (part), 2003)

#### **2.46.130 Coordination.**

The Public Works and Utilities Department shall coordinate all matters relating to the Commission's performance of its duties, including administration of the meetings, providing required notice, requesting appointments and reappointments, keeping records of meetings and decisions, documenting the Commission's rules of procedure, forwarding recommendations of the Commission, and providing information needed to conduct its review and analysis. (Ord. 2001-22s2 § 1 (part), 2003)

#### **2.46.140 Recommendations.**

The affirmative action by a simple majority of the quorum shall constitute a formal recommendation. A tie vote or failure to vote on any motion shall be considered a failed motion. Failure to reach a formal recommendation shall not be cause to delay the County's decision on the related legislative or quasi-judicial action being reviewed, but rather shall result in no recommendation being transmitted to the County. In the event that the TFAC conducts a public meeting regarding an issue subject to the Pierce County Hearing Examiner's review authority, any formal recommendation of the TFAC shall be forwarded to the Examiner at least five business days prior to the date of the Examiner's hearing, and shall not be cause to continue or delay the scheduled hearing. (Ord. 2009-68 § 1 (part), 2009; Ord. 2001-22s2 § 1 (part), 2003)

## *Chapter 2.48*

### **AGING AND LONG TERM CARE ADVISORY BOARD**

#### **Sections:**

#### **2.48.010 Board Created.**

#### **2.48.020 Purpose.**

#### **2.48.030 Membership – Terms.**

#### **2.48.040 Vacancies.**

#### **2.48.050 Removal from Office.**

#### **2.48.060 Open Public Meetings.**

#### **2.48.010 Board Created.**

The Aging and Long Term Care Advisory Board is hereby created. (Ord. 90-174 § 1 (part), 1991)

#### **2.48.020 Purpose.**

The Aging and Long Term Care Advisory Board shall serve in an advisory capacity to the County on matters relating to the development of the Aging and Long Term Care Program's Four Year Plan and Biannual Updates Plan. The Board shall also assist and advise the Human Services Department on operations conducted under the Plan, including evaluation of on-going programs, and the selection of contractors to the Aging and Long Term Care Program. (Ord. 2000-37 § 1 (part), 2000; Ord. 96-6 § 3, 1996; Ord. 90-174 § 1 (part), 1991)

#### **2.48.030 Membership – Terms.**

The members of the Aging and Long Term Care Advisory Board shall be appointed by the County Executive, and confirmed by a majority of the County Council by Resolution. The Board shall consist of a minimum of 20 and a maximum of 25 members, and will include representation of low-income, minority, disabled, and elderly citizens. Members shall serve without compensation. Members shall be appointed to 4-year terms. Members shall be limited to two consecutive full terms. (Ord. 2000-37 § 1 (part), 2000; Ord. 90-174 § 1 (part), 1991)

#### **2.48.040 Vacancies.**

Vacancies occurring for any reason shall be filled by appointment and confirmation for the unexpired terms, or, if occurring on the termination of a regular term, the successor shall be appointed for a full term. (Ord. 90-174 § 1 (part), 1991)

#### **2.48.050 Removal from Office.**

The Executive may remove any appointed member of the Aging and Long Term Care Advisory Board for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council. (Ord. 2011-16s § 1 (part), 2011; Ord. 2000-37 § 1 (part), 2000; Ord. 90-174 § 1 (part), 1991)

#### **2.48.060 Open Public Meetings.**

All meetings shall be open to the public and comply with the Open Public Meetings Act – Chapter 42.30 RCW. (Ord. 90-174 § 1 (part), 1991)



*Chapter 2.50*

**BOARD OF EQUALIZATION**

**Sections:**

- 2.50.010 Formation.**
- 2.50.020 Authority.**
- 2.50.030 Membership – Quorum – Officers.**
- 2.50.035 Meetings and Hearings.**
- 2.50.040 Compensation.**
- 2.50.050 Change of Venue.**
- 2.50.060 Clerk of the Board – Assistants.**

**Cross-reference: Chapter 84.48 RCW**

**2.50.010 Formation.**

There is formed a board for the equalization of the assessment of the property of the County, which board shall be called the Board of Equalization. (Prior Code § 9.14.010)

**2.50.020 Authority.**

The Board of Equalization shall have the authority and perform those functions specified in RCW Chapter 84.48, except as otherwise provided by Ordinance. The Executive shall determine the public hours for the Board's office. (Ord. 2004-132s § 1 (part), 2005; Ord. 84-215 § 1, 1985; prior Code § 9.14.020)

**2.50.030 Membership – Quorum – Officers.**

The Board of Equalization shall consist of five members or less, each of whom shall be appointed by the County Executive, and confirmed by a majority of the County Council, pursuant to Pierce County Charter Section 3.30. In addition, the County Executive may appoint two alternate members who also shall be confirmed by the County Council.

A majority of the Board shall constitute a quorum for action or decision by the Board.

The members of the Board shall elect a chair, a vice-chair and a chair pro tempore to serve as officers of the Board. The election of officers shall occur once each year, at the beginning of the regularly convened session.

The terms of members shall be staggered so that no more than three shall expire each year. (Ord. 2008-83s2 § 1 (part), 2008; Ord. 2004-132s § 1 (part), 2005; Ord. 84-39 § 1, 1984; Res. 21887 § 1, 1979; prior Code § 9.14.030)

**2.50.035 Meetings and Hearings.**

A panel of three members constitutes a quorum and shall attend each meeting of the Board at which action is to be taken. A decision of the panel constitutes a decision of the Board. Of the three members on a panel, there should be at least one officer. The chair shall assign the panel to each meeting and hearing in such a manner as to provide each member an approximately equal opportunity to participate. (Ord. 2008-83s2 § 1 (part), 2008)

**2.50.040 Compensation.**

The members of the Board shall receive \$150.00 a day for each day of actual attendance of the meeting of the Board exceeding five hours, \$100.00 for attendance exceeding two hours but not exceeding five hours, and \$50.00 for attendance not exceeding two hours, to be paid out of the Current Expense fund of the County. (Ord. 2004-132s § 1 (part), 2005; Ord. 91-87 § 1, 1991; prior Code § 9.14.040)

**2.50.050 Change of Venue.**

- A. The County Board of Equalization may grant a change of venue to a Board of Equalization of another County, or may receive a request for a change of venue from a granting County under the following circumstances:
  - 1. When a quorum cannot be achieved due to members of the Board disqualifying themselves because of conflicts of interest or because of the appearance of fairness doctrine; or
  - 2. When equalization is the basis for an appeal by a member of the Board of Equalization, assistant to the Board including its Clerk or any member of the County governmental authority on his or her own property or on any property in which that person has an interest.
- B. A change of venue as provided in subsection A. of this Section shall be granted only on the following conditions:
  - 1. Both the granting and receiving counties have adopted an ordinance providing for or permitting such change of venue.
  - 2. Both the granting and receiving counties have entered into an agreement as to where the hearing shall be heard, reimbursement of costs, and other issues necessary to facilitate the change of venue.
- C. The decision of the receiving board shall be transmitted to the granting board who shall issue an order without prejudice. The assessor or petitioner may appeal the decision as provided for in WAC 458-14-135.

(Ord. 84-41 § 1 1984; prior Code § 9.14.050)

**2.50.060 Clerk of the Board – Assistants.**

The selection of the Clerk by the Board shall be from those recruited and recommended by the Director of Human Resources, provided that no appointee shall serve while an employee of the Assessor-Treasurer's Department. The day-to-day management and supervision of the Clerk of the Board may be delegated to the Superior Court Clerk to assure compliance with Pierce County Code, policies, procedures, and compliance with the Department of Revenue Guidelines for the Board of Equalization. The terms of employment and hours, which the Clerk of the Board and any staff assistants provided by the Superior Court Clerk shall serve, shall be determined by the Superior Court Clerk. The Clerk of the Board will serve at the will of the Board and shall be exempt from the County Career Service. (Ord. 2004-132s § 1 (part), 2005)



## *Chapter 2.51*

### ***CHEMICAL DEPENDENCY ADVISORY BOARD***

#### **Sections:**

- 2.51.010 Board Created.**
- 2.51.020 Purpose.**
- 2.51.030 Membership – Terms of Office.**
- 2.51.040 Composition.**
- 2.51.050 Meetings.**
- 2.51.060 Removal from Office.**
- 2.51.070 Notice of Plan Required.**

**Cross-references: Chapters 69.54, 70.96 RCW**

#### **2.51.010 Board Created.**

There is created a Chemical Dependency Advisory Board for the purpose of consolidating the functions and purposes of the Administrative Board for Alcoholism and the Administrative Board for Drug Abuse. (Ord. 89-133 § 2 (part), 1989; prior Code § 10.02.010)

#### **2.51.020 Purpose.**

The Chemical Dependency Advisory Board shall serve in an advisory capacity to assist the County in meeting the comprehensive planning responsibilities required by applicable laws of the State of Washington. (Ord. 89-133 § 2 (part), 1989)

#### **2.51.030 Membership – Terms of Office.**

Members of the Board shall be appointed by the County Executive and confirmed by a majority of the Council. The Board shall consist of a minimum of 9 members and a maximum of 15 members.

The first terms of the Board members shall be staggered as follows:

- A. Five shall be appointed for one year;
- B. Five shall be appointed for two years; and
- C. Five shall be appointed for three years.

Thereafter, the successors to the first appointment shall be appointed for 3-year terms. No member of the Board shall serve more than two consecutive full terms of office. (Ord. 2002-96 § 1, 2002; Ord. 94-83 § 2, 1994; Ord. 89-133 § 2 (part), 1989; prior Code § 10.02.030)

#### **2.51.040 Composition.**

Members of the Board shall be chosen for their demonstrated concern for alcoholism and other drug addiction problems. Members of the Board shall be representative of the community, shall include at least one-quarter recovered alcoholics or other recovered drug addicts, and shall include minority group representation. No member may be a provider of alcoholism and other drug addiction treatment services. No more than four elected or appointed City or County officials may serve on the Board at the same time. The Human Services Director and the Chemical Dependency Coordinator shall serve as ex officio members of the Board. (Ord. 96-6 § 4 (part), 1996; Ord. 89-133 § 2 (part), 1989)

**2.51.050 Meetings.**

The Board shall hold a minimum of four quarterly meetings each year. (Ord. 2010-21 § 2, 2010; Ord. 89-133 § 2 (part), 1989)

**2.51.060 Removal from Office.**

The Executive may remove any appointed member of the Board for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council. (Ord. 2011-16s § 1 (part), 2011; Ord. 89-133 § 2 (part), 1989)

**2.51.070 Notice of Plan Required.**

The Human Services Department shall give public notice, at such intervals as shall be required by currently applicable state law, that a Chemical Dependency Plan is being developed and/or revised. The public notice shall specify that potential federal, state, and/or County funds are available for the support of chemical dependency prevention and treatment services. (Ord. 96-6 § 4 (part), 1996; Ord. 89-133 § 2 (part), 1989; prior Code § 10.02.080)

## *Chapter 2.53*

### ***DEVELOPMENTAL DISABILITIES ADVISORY BOARD***

#### **Sections:**

- 2.53.010 Board Created.**
- 2.53.020 Purpose.**
- 2.53.030 Membership – Terms of Office.**
- 2.53.040 Composition.**
- 2.53.050 Meetings.**
- 2.53.060 Removal from Office.**
- 2.53.070 Notice of Plan Required.**

**Cross-reference: Chapter 71.20 RCW**

#### **2.53.010 Board Created.**

Pursuant to RCW 71.20, there is created a Developmental Disabilities Advisory Board for Pierce County which shall have such powers, duties, and responsibilities as provided by State law. (Ord. 89-133 § 3 (part), 1989)

#### **2.53.020 Purpose.**

The Developmental Disabilities Advisory Board shall serve in an advisory capacity to assist the County in meeting the comprehensive planning responsibilities required by applicable laws of the State of Washington. (Ord. 89-133 § 3 (part), 1989)

#### **2.53.030 Membership – Terms of Office.**

Members of the Board shall be appointed by the County Executive and confirmed by a majority of the Council. The Board shall consist of a minimum of 9 members and a maximum of 15 members.

The first terms of the Board members shall be staggered as follows:

- A. Five shall be appointed for one year;
- B. Five shall be appointed for two years; and
- C. Five shall be appointed for three years.

Thereafter, the successors to the first appointment shall be appointed for 3-year terms. No member shall serve more than two consecutive full terms of office.

(Ord. 2002-96 § 2, 2002; Ord. 94-83 § 3, 1994; Ord. 89-133 § 3 (part), 1989)

#### **2.53.040 Composition.**

Members of the Board shall be chosen from the following areas:

- A. Elected or appointed County and City officials;
- B. Persons representing minority interests;
- C. Persons representing consumers and;
- D. Persons representing the community at-large.

The Human Services Director and the Developmental Disabilities Program Coordinator shall serve as an ex officio member of the Board.

(Ord. 96-6 § 5 (part), 1996; Ord. 89-133 § 3 (part), 1989; prior Code §§ 10.02.040, 10.02.060)

**2.53.050 Meetings.**

The Board shall hold a minimum of four quarterly meetings each year. (Ord. 2010-21 § 3, 2010; Ord. 89-133 § 3 (part), 1989)

**2.53.060 Removal from Office.**

The Executive may remove any appointed member of the Board for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council. (Ord. 2011-16s § 1 (part), 2011; Ord. 89-133 § 3 (part), 1989)

**2.53.070 Notice of Plan Required.**

The Human Services Department shall give public notice, at such intervals as shall be required by current applicable State law, that a Developmental Disabilities Plan is being developed and/or revised. The public notice shall specify that potential federal, state, and/or County funds are available for the support of the Plan. (Ord. 96-6 § 5 (part), 1996; Ord. 89-133 § 3 (part), 1989; prior Code § 10.02.080)

*Chapter 2.54*

***PIERCE COUNTY DISTRICT COURT DISTRICTING PLAN***

**Sections:**

**2.54.010 Pierce County District Court Districting Plan Adopted.**

**2.54.020 Pierce County District Court.**

**2.54.030 Bond Amounts – Blanket Bonds.**

**Cross-reference: RCW 36.32.020**

**2.54.010 Pierce County District Court Districting Plan Adopted.**

The Pierce County District Court districting plan is hereby adopted as more specifically set forth in this Chapter. (Ord. 2002-73s § 2 (part), 2002; Ord. 91-114 § 2 (part), 1991; prior Code § 30.02.010)

**2.54.020 Pierce County District Court.**

- A. Boundaries: All of Pierce County shall constitute the Pierce County District Court.
- B. Eleven full-time judges;
- C. Central offices, courtrooms and records to be located within the boundaries of the Pierce County District Court;
- D. Additional courts to sit within the boundaries of Pierce County District Court;
- E. Not to exceed three Commissioners for Pierce County District Court and two Commissioners for the City of Tacoma;
- F. Eleven departments, three of which shall be designated as "The Municipal Court of Tacoma";
- G. The name of the district shall be "Pierce County District Court";
- H. Three of the judges will serve full-time in the Municipal Court of Tacoma and their salaries shall be allocated to the City of Tacoma;
- I. Salary--as provided by the State Legislature.
- J. The judges of Pierce County District Court shall run for office in county-wide elections, effective for purposes of the 2002 election, and all subsequent elections.

(Ord. 2002-73s § 2 (part), 2002; Ord. 98-14 § 1 (part), 1998; Ord. 91-114 § 2 (part), 1991; prior Code § 30.02.020)

**2.54.030 Bond Amounts – Blanket bonds.**

A blanket public employees faithful performance of duty bond in an amount not less than \$100,000.00, and, in addition, an employee dishonesty blanket bond in an amount not less than \$500,000.00, shall be maintained for all District Court officials and employees. (Ord. 2002-73s § 2 (part); 2002; Ord. 85-31 § 1985; prior Code § 30.02.060)



## *Chapter 2.56*

### ***ECONOMIC DEVELOPMENT CORPORATION***

#### **Sections:**

#### **2.56.010 Public Corporation Created.**

#### **2.56.020 Name Designated.**

#### **2.56.030 Charter of the Corporation.**

#### **2.56.040 Bylaws.**

#### **2.56.050 Board of Directors.**

#### **2.56.060 Procedures.**

#### **2.56.010 Public Corporation Created.**

A public corporation is created to carry out the purposes of 1981 Washington Laws Chapter 300 (the "Act"). The public corporation shall be subject to the provisions of the Act. (Ord. 82-57 § 2, 1982)

#### **2.56.020 Name Designated.**

The name of the public corporation shall be "Economic Development Corporation of Pierce County" (the "Corporation"). (Ord. 82-57 § 3, 1982)

#### **2.56.030 Charter of the Corporation.**

The Charter of the Corporation, containing such provisions as are authorized by and not in conflict with the Act, is approved. The Corporation shall conduct its affairs in accordance with said Charter and the provisions of the Act. (Ord. 82-57 § 4, 1982)

#### **2.56.040 Bylaws.**

The bylaws of the Corporation are approved. (Ord. 82-57 § 5, 1982)

#### **2.56.050 Board of Directors.**

- A. A Board of Directors is established to govern the affairs of the Corporation. All corporate powers of the Corporation shall be exercised by or under the authority of, and the business, property and affairs of the Corporation shall be managed under the direction of, the Board of Directors, except as may be otherwise provided in the Charter, the bylaws of the Corporation or the Act.
- B. The number of Directors of the Board of Directors shall be nine, until such number shall be changed by ordinance of the Pierce County Council.
- C. No person shall be eligible to serve as a Director except a person who has been appointed as a Director by resolution of the County Council. Each Director so appointed shall serve a term of office not to exceed three years after September 15, 1985; provided, that the Chair of the Pierce County Council Select Committee on Economic Development shall serve as a Director ex officio.

The following directorships shall be vacated on September 15, 1985:

- Chamber of Commerce Representative;
- At Large Representative.

The following directorships shall be vacated on September 15, 1986:

- Port of Tacoma Representative;
- Small Cities Representative;
- Labor Representative.

The following directorships shall be vacated on September 15, 1987:

- City of Tacoma Representative;
- Minority Representative;
- Small Business Representative.

D. The following interest groups shall be represented on the Corporate Board of Directors:

1. Minority Representative;
2. Small Business Representative;
3. Chair of Pierce County Council Select Committee on Economic Development;
4. Port of Tacoma Representative;
5. City of Tacoma Representative;
6. Small Cities Representative;
7. Labor Representative;
8. Chamber of Commerce;
9. At Large Representative.

(Ord. 85-216S § 1, 1985; Ord. 85-106 § 1, 1985; Ord. 82-57 § 6, 1982)

**2.56.060 Procedures.**

At all meetings of the Board of Directors, a majority of the Directors in office at the time shall be sufficient to constitute a quorum. Every act of or decision made by a majority of the Directors present at a meeting of the Corporation duly held, at which a quorum is present and acting, shall be regarded as the act of the Board of Directors. (Ord. 82-57 § 7, 1982)



*Chapter 2.60*

***HOUSING AUTHORITY***

**Sections:**

**2.60.010 Creation.**

**2.60.020 Appointment of Commissioners – Terms.**

**Cross-reference: Chapter 35.82 RCW**

**2.60.010 Creation.**

The following conditions exist in Pierce County:

- A. There exists in Pierce County a shortage of decent, safe and sanitary housing that persons of low income can afford;
- B. That interest rates and construction costs have made it impossible for persons of low income to purchase their own homes in Pierce County;
- C. That interest rates and construction costs have made it extremely difficult for rental property owners to rehabilitate their rental property and rent it to low income persons at rental rates they can afford;
- D. That it is the public policy of Pierce County to assist in making available to persons of low income, through lease or purchase, affordable, decent, safe and sanitary housing;
- E. That it is recognized that the shortage of decent, safe and sanitary housing for persons of low income cannot be accomplished through the operation of private enterprise; and
- F. That it is a proper governmental function to assist in making available to persons of low income affordable, decent, safe and sanitary housing. Because of the existence of these conditions there is a need for establishment of a Pierce County Housing Authority, and said Authority is herewith established.

(Ord. 85-53 § 1 (part), 1985; prior Code § 10.07.010)

**2.60.020 Appointment of Commissioners – Terms.**

Six Commissioners to the Pierce County Housing Authority shall be appointed by the County Executive and confirmed by a majority of the County Council to serve respective terms of one, two, three, four and five years from date of appointment. Thereafter, Commissioners shall be appointed for a term of five years; provided, that all vacancies shall be filled for the unexpired terms. (Ord. 2001-80 § 1, 2001; Ord. 85-53 § 1 (part), 1985; prior Code § 10.07.020)



## *Chapter 2.61*

### **ANDERSON ISLAND CITIZENS' ADVISORY BOARD**

#### **Sections:**

- 2.61.010 Created.**
- 2.61.020 Purpose.**
- 2.61.030 Composition.**
- 2.61.040 Terms of Office.**
- 2.61.050 Vacancies.**
- 2.61.060 Removal from Office.**
- 2.61.070 Officers.**
- 2.61.080 Rules and Records.**
- 2.61.090 Quorum.**
- 2.61.100 Voting Privileges.**
- 2.61.110 Functions.**
- 2.61.120 Coordination.**

#### **2.61.010 Created.**

An Anderson Island Citizens' Advisory Board is hereby created and shall hereinafter be referred to as "AICAB". (Ord. 2004-25 § 1 (part), 2004)

#### **2.61.020 Purpose.**

The AICAB shall serve in an advisory capacity to the County Council and Executive. The purpose of the AICAB is to facilitate a structured two-way communication process between the County and Island residents, property owners, and business owners regarding significant issues affecting the community within Pierce County's jurisdiction. Issues include, but are not limited to, land use, environmental regulations, infrastructure, schools, ferry service, and public safety. (Ord. 2004-25 § 1 (part), 2004)

#### **2.61.030 Composition.**

The AICAB shall consist of ten voting members, one representative from each of the following Anderson Island organizations: Anderson Island Association, Anderson Island Crime Task Force, Anderson Island Historical Society, Anderson Island Community Club, Anderson Island Elementary School Booster Club (Parent Teacher School Association), Anderson Island Park and Recreation District, Anderson Island Fire and Rescue District, Anderson Island Quality of Life Committee, Riviera Community Club, and Tanner Electric Cooperative. These representatives shall be appointed by the County Executive and confirmed by Resolution by a majority of the County Council. (Ord. 2004-25 § 1 (part), 2004)

#### **2.61.040 Terms of Office for Voting Members.**

After the AICAB is created, the first terms of the voting members shall be staggered as follows:

- A. Three members shall be appointed for two years;
- B. Three members shall be appointed for three years; and
- C. Four members shall be appointed for four years.

Thereafter, members shall be appointed for 4-year terms. No appointed member of the AICAB shall serve more than two consecutive full terms. (Ord. 2004-25 § 1 (part), 2004)

**2.61.050 Vacancies for Voting Members.**

Vacancies occurring for any reason shall be filled by appointment for the unexpired term(s), or, if the vacancy occurs less than three months from the termination of a regular term, the successor shall be appointed for a full term. (Ord. 2004-25 § 1 (part), 2004)

**2.61.060 Removal from Office.**

The Executive may remove any appointed member of the AICAB for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council. (Ord. 2011-16s § 1 (part), 2011; Ord. 2004-59 § 1, 2004; Ord. 2004-25 § 1 (part), 2004)

**2.61.070 Officers.**

When the AICAB has been duly created, the members shall elect a Chair, Vice Chair, and Secretary. (Ord. 2004-25 § 1 (part), 2004)

**2.61.080 Rules and Records.**

- A. The AICAB shall adopt rules of procedures before it transacts any of its business and shall keep a written summary of its transaction of business and meetings. The AICAB shall meet as needed, but not less than quarterly.
- B. All meetings shall be open to the public, pursuant to RCW 42.30. The action taken by a simple majority of members present at any given meeting shall constitute a recommendation, provided a quorum is present. All votes must be polled and recorded. (Ord. 2004-25 § 1 (part), 2004)

**2.61.090 Quorum.**

A quorum of the AICAB for the purpose of conducting business shall be a majority of the currently-appointed members. (Ord. 2004-25 § 1 (part), 2004)

**2.61.100 Voting Privileges.**

Each voting member of the AICAB shall be entitled to one vote on any matter duly before the Board. (Ord. 2004-25 § 1 (part), 2004)

**2.61.110 Functions.**

AICAB members serve in a capacity to facilitate a collaborative exchange between the County and Island residents, property owners and business owners. The duties of the AICAB members include:

- A. Provide a forum for Island residents, property owners and business owners to communicate concerns;
- B. Articulate issues of concern and forward to the County Council and/or Executive;
- C. Devise a recommended plan of action for resolution of Island concerns;
- D. Update Island residents, property owners and business owners regarding issues of concern and the County's responses;
- E. Invite County representatives to participate in regular "town hall" type meetings to discuss Island concerns; and

F. Forward recommendations and suggested solutions to the appropriate County official(s).  
(Ord. 2004-25 § 1 (part), 2004)

**2.61.120 Coordination.**

The AICAB shall coordinate all matters relating to the Board's performance of its duties, including administration of the meetings, providing required notice, requesting appointments and reappointments, keeping records of meetings and decisions, documenting the Board's rules of procedure, and forwarding recommendations of the Board to the County Council and Executive.  
(Ord. 2004-25 § 1 (part), 2004)



## *Chapter 2.66*

### ***LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS DISABILITY BOARD***

#### **Sections:**

**2.66.010 Establishment and Purpose.**

**2.66.020 Composition.**

**2.66.030 Terms of Office.**

**2.66.040 Compensation.**

#### **2.66.010 Establishment and Purpose.**

The Pierce County Law Enforcement Officers and Fire Fighters Disability Board is established for the purpose of acting upon all claims for disability submitted to the Pierce County Law Enforcement Officers and Fire Fighters Retirement system and to perform all other functions, exercise all powers and make all such determinations as are specified in RCW Chapter 41.26. (Ord. 84-20 § 1 (part), 1984; prior Code § 3.04.005)

#### **2.66.020 Composition.**

The Disability Board shall be composed of five members to be chosen as follows:

- A. One member of the County Council to be selected by the Council;
- B. One member of a city or town legislative body located within the County which does not contain a city disability board established pursuant to subsection (1)(a) of RCW 41.26.110, to be chosen by a majority of the mayors of such cities and towns within the County;
- C. One fire fighter to be elected by the fire fighters employed in the County who are not employed by a city in which a disability board is established;
- D. One law enforcement officer to be elected by the law enforcement officers employed in the County who are not employed by a city in which a disability board is established;
- E. One member from the public at large who resides within the County, but does not reside within a city in which a city disability board is established, to be appointed by the other four appointed members hereto designated.

(Ord. 84-20 § 1 (part), 1984; prior Code § 3.04.010)

#### **2.66.030 Terms of Office.**

All members appointed or elected shall serve for 2-year terms; provided, however, that two members of the Board selected in 1984, determined by the drawing of lots, shall serve 1-year terms, so as to provide for staggered terms thereafter. (Ord. 84-20 § 1 (part), 1984; prior Code § 3.04.015)

#### **2.66.040 Compensation.**

Members of the Disability Board shall not receive compensation for their service upon the Board, but shall be reimbursed for all expenses incidental to such service as to the amounts authorized by law. (Ord. 84-20 § 1 (part), 1984; prior Code § 3.04.020)





*Chapter 2.68*

***LAW ENFORCEMENT SUPPORT AGENCY***

**Section:**

**2.68.010 Agreement.**

**2.68.020 Administration.**

**2.68.010 Agreement.**

Pursuant to Resolution 17185, the combined Pierce County-City of Tacoma Law Enforcement Support Agency (LESA) is established and shall function pursuant to the terms and conditions contained in the agreement between the City of Tacoma and the County of Pierce, a copy of which shall be available in the office of the Executive. (Ord. 99-83 § 1 (part), 1999; Ord. 89-219 § 1, 1990; prior Code § 3.08.010)

**2.68.020 Administration.**

An Executive Board, as established by the agreement, shall oversee the operation of the Law Enforcement Support Agency. The Agency is administered by a Director who shall be appointed by the Executive Board. (Ord. 99-93 § 1 (part), 1999)



## *Chapter 2.71*

### ***PARKS AND RECREATION CITIZENS' ADVISORY BOARD***

#### **Sections:**

- 2.71.010 Created.**
- 2.71.020 Purpose.**
- 2.71.030 Composition.**
- 2.71.040 Terms of Office.**
- 2.71.050 Vacancies – Removal from Office.**
- 2.71.060 Officers – Quorum – Voting Privileges.**
- 2.71.070 Meetings – Rules and Records.**
- 2.71.080 Functions.**
- 2.71.090 Recommendations.**
- 2.71.100 Staff Support.**

#### **2.71.010 Created.**

The Parks and Recreation Citizens' Advisory Board is created and shall hereafter in this Chapter be referred to as the Board. The members of the Board shall be appointed by the Pierce County Executive and confirmed by a majority of the Pierce County Council, pursuant to the Pierce County Charter, Section 3.30. (Ord. 92-172 § 1 (part), 1993)

#### **2.71.020 Purpose.**

The Board shall serve in an advisory capacity (on matters authorized in this Chapter) to the Pierce County Parks, Recreation, & Community Services Department, Executive, and Council. (Ord. 92-172 § 1 (part), 1993)

#### **2.71.030 Composition.**

The Board shall consist of nine members who shall represent a cross section of interests, concerns, and expertise in park and recreational program services, facility planning, development, operation and maintenance. Seven members shall each represent one of the seven Council Districts. Two members shall serve at large. (Ord. 92-172 § 1 (part), 1993)

#### **2.71.040 Terms of Office.**

After the Board is created, the first terms of the members shall be staggered as follows:

- A. Five members shall be appointed for four years; and
- B. Four members shall be appointed for three years.

Thereafter, successors to the first appointments shall be appointed for 4-year terms. No member of the Board shall be eligible to serve more than two full consecutive terms. (Ord. 92-172 § 1 (part), 1993)

**2.71.050 Vacancies – Removal from Office.**

Vacancies occurring for any reason shall be filled by appointment for a regular 4-year term. All appointments shall be accomplished pursuant to the Pierce County Charter, Section 3.30. The Executive may remove any member of the Board for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council. (Ord. 2011-16s § 1 (part), 2011; Ord. 92-172 § 1 (part), 1993)

**2.71.060 Officers – Quorum – Voting Privileges.**

Annually, the Board shall elect a Chair and Vice-Chair from among its members. Officers shall not be eligible to serve in the same capacity for more than two consecutive years. A quorum of the Board for the purpose of transacting business shall be five members. Each member of the Board shall be entitled to one vote on any matter duly before the body. (Ord. 92-172 § 1 (part), 1993)

**2.71.070 Meetings – Rules and Records.**

The Board shall meet at least four times each year. All meetings shall be open to the public. The Board shall adopt Rules before it transacts business, and a current copy of the Rules shall be provided to the Pierce County Executive and the Clerk of the Pierce County Council. The Board shall keep a written summary of its transactions of business. (Ord. 92-172 § 1 (part), 1993)

**2.71.080 Functions.**

The Board shall serve in an advisory capacity to the Parks, Recreation, & Community Services Department, Executive, and Council. The Board shall assess Pierce County park and recreation facilities and services. In the performance of its duties the Board shall:

- A. Provide general advice to the Director of the Parks, Recreation, & Community Services Department.
- B. Assess existing and proposed facilities, services, and programs.
- C. Identify unmet needs and offer recommendations for meeting needs or improving services or programs.
- D. Assist the County in identifying funding sources and securing funding for the County's parks and recreation programs.
- E. Assist the Parks, Recreation, & Community Services Department in communicating park and recreational needs, services, and programs to the public, governmental agencies, the Executive, and the Council.
- F. Work Groups may be formed to address specific topics or issues. Each Work Group will be chaired by a Parks and Recreation Citizens' Advisory Board member and will be comprised of members from specific user groups, community members and other interested parties. Each Work Group will have four to seven members and will be discontinued after a recommendation has been reached addressing a specific topic or issue. All recommendations by a Work Group shall be presented to the Board for consideration.

(Ord. 2007-61 § 3, 2007; Ord. 92-172 § 1 (part), 1993)

**2.71.090 Recommendations.**

Recommendations shall be accomplished in the following manner:

- A. All recommendations shall be in writing and shall contain specific issues raised by the Board and be directed to the appropriate authority for action. Any oral presentation by any Board member shall be permitted solely to clarify the written recommendation. Any presentation by any Board member which goes beyond clarifying the written recommendation shall be considered a personal recommendation.
- B. All written recommendations shall specify the Board's vote on the issue.

(Ord. 92-172 § 1 (part), 1993)

**2.71.100 Staff Support.**

To the extent required and necessary, the Pierce County Parks, Recreation, and Community Services Department shall provide staff support to the Board. (Ord. 92-172 § 1 (part), 1993)



*Chapter 2.72*

**PIERCE COUNTY ARTS COMMISSION**

**Sections:**

- 2.72.010 Commission Established.**
- 2.72.015 Definitions.**
- 2.72.020 Membership of Commission.**
- 2.72.030 Terms of Office.**
- 2.72.040 Vacancy.**
- 2.72.050 Removal from Office.**
- 2.72.060 Election of President and Vice-President.**
- 2.72.070 Meetings.**
- 2.72.080 Organization and Procedure.**
- 2.72.095 Executive to Provide Staff Support.**
- 2.72.100 Functions and Responsibilities.**
- 2.72.110 One Percent Funding for the Arts – Appropriations.**
- 2.72.120 Placement of One-Percent-for-the-Arts Works of Art.**

**2.72.010 Commission Established.**

A civic arts commission of Pierce County, to be known as the "Pierce County Arts Commission", is established to serve as an advisory board to the legislative and executive branches of Pierce County government and to perform such arts-related functions as enumerated in Section 2.72.100. (Ord. 88-158 § 1 (part), 1988; Ord. 87-199S § 1, 1987; Ord. 85-167S § 1, 1985)

**2.72.015 Definitions.**

- A. "Arts Commission" shall mean the Pierce County Arts Commission, a commission with roles and responsibilities serving all of Pierce County.
- B. "County construction project" shall mean any project paid for wholly or in part by Pierce County to construct or remodel any building, decorative or commemorative structure, park or public place, or any portion thereof owned wholly or in part by Pierce County; this definition is limited to new construction or remodeling projects that have a total cost of at least \$100,000.00. If the County portion of the cost of the project exceeds \$100,000.00, the 1 percent applies only to the County portion; Provided, however, that for the purpose of this Chapter, a county construction project shall not include a project or such portion of a project which involves county public roads and/or sewer construction unless specifically authorized by the County Council by ordinance.
- C. "Works of art," as used in this Chapter, means and includes products of all visual and performing media. It consists of, but is not limited to, paintings, mural decorations, monuments, fountains, arches, sculptures, or other structures intended for ornament or commemoration and includes the performing arts.

(Ord. 99-127S3 § 2 (part), 2000; Ord. 85-167S § 11, 1985)

**2.72.020 Membership of Commission.**

The Commission shall consist of 13 voting members, one from each Pierce County Council District and 6 at-large members. No more than four members may be from any single municipal jurisdiction. The members shall be appointed by the Pierce County Executive and confirmed by the Pierce County Council. The Commission members shall serve without compensation. Each member of the Commission should possess acknowledged accomplishments in one or more of the following fields: architecture, art criticism, art education, history, dance, communicative arts, crafts, theatre, heritage arts, landscape architecture, literature, music, painting, photography, planning, sculpture, or ethnic arts or have publicly demonstrated a deep interest in and appreciation of cultural and artistic activities. (Ord. 2005-31s § 1, 2005; Ord. 99-127S3 § 2 (part), 2000; Ord. 89-167S § 1, 1989; Ord. 87-199S § 1 (part), 1987; Ord. 86-55 § 1, 1986; Ord. 85-215S § 1, 1985; Ord. 85-167S § 2, 1985)

**2.72.030 Terms of Office.**

The terms of office of voting members shall be three years. The terms of office shall be staggered to maintain continuity on the Commission. No member may be reappointed for more than two consecutive terms. Each member of the Commission shall be a resident of Pierce County and shall serve until his or her successor is appointed and qualified. (Ord. 99-127S3 § 2 (part), 2000; Ord. 89-167S § 2, 1989; Ord. 87-199S § 1 (part), 1987; Ord. 85-167S § 3, 1985)

**2.72.040 Vacancy.**

Vacancies on the Commission, for whatever cause, shall be filled by appointment by the Executive and confirmation by the Council for the unexpired term. (Ord. 99-127S3 § 2 (part), 2000; Ord. 88-158 § 1 (part), 1988; Ord. 87-199S § 1, 1987; Ord. 85-167S § 4, 1985)

**2.72.050 Removal from Office.**

The Executive may remove any appointed member of the Commission for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council. The Clerk of the Council shall notify the member whose appointment has terminated and report to the Council that a vacancy exists on the Commission and that an appointment is to be made for the unexpired term. (Ord. 2011-16s § 1 (part), 2011; Ord. 85-167S § 5, 1985)

**2.72.060 Election of President and Vice-President.**

The Pierce County Arts Commission shall elect one of its members president and one of its members vice-president. Each shall hold office for one year or until his or her successor is elected. The president and vice-president shall be elected at the first meeting of the Commission after July 1st of each year. In the absence or inability of the president to perform his or her duties as president, the vice-president is authorized, in his or her stead, to perform and carry out all of the duties and obligations of the office of president. (Ord. 85-167S § 6, 1985)

**2.72.070 Meetings.**

The Pierce County Arts Commission shall establish a regular time and place of meeting, and shall hold at least one meeting per quarter. Special meetings of the Commission may be called at any time by the president or by two-thirds or more of the membership of the Commission upon personal notice being given to all members of the Commission. If personal notice cannot be given, written notice must be received by such members at least 24 hours prior to the meeting. (Ord. 2010-21 § 4, 2010; Ord. 85-167S § 7, 1985)



### **2.72.080 Organization and Procedure.**

The Commission may make and alter any rules and regulations governing its organization and procedure not inconsistent with this Chapter, or any other ordinance or resolution of the County. Five members of the Commission shall constitute a quorum. A majority vote of such members present is required to take any action provided that an affirmative vote of seven members is required to pass an appropriation recommendation. The Commission shall keep an accurate record of its proceedings and transactions and shall submit an annual report to the Pierce County Council and the Pierce County Executive and such other reports as may be requested by either the Pierce County Council or the Pierce County Executive. (Ord. 99-127S3 § 2 (part), 2000; Ord. 88-158 § 1 (part), 1988; Ord. 87-199S § 1, 1987; Ord. 85-167S § 8, 1985)

### **2.72.095 Executive to Provide Staff Support.**

The Pierce County Economic Development Department will provide staff support for the activities of the Pierce County Arts Commission. The Director of the Pierce County Economic Development Department shall serve as the primary contact for the Pierce County Arts Commission.

All grants, bequests, gifts, bond proceeds, and other revenues dedicated to, or otherwise appropriated for, arts and other cultural resource related expenditures, including expenditures related to the operation of the Pierce County Arts Commission, shall be managed by the Economic Development Department.

(Ord. 2011-93s § 3, 2012; Ord. 99-127S3 § 2 (part), 2000; Ord. 88-158 § 1 (part), 1988)

### **2.72.100 Functions and Responsibilities.**

The function of the Pierce County Arts Commission shall be to serve as an information resource for the benefit of all branches and departments of County government in accordance with the following guidelines:

- A. Encourage programs for the cultural enrichment of Pierce County;
- B. Work closely with other councils, commissions, art advocacy groups, etc., and allied groups in other counties and municipalities to achieve cooperation and mutual benefit to the residents of the County in the area of the arts;
- C. Encourage programs for the exchange of cultural activities among the incorporated and unincorporated areas of the County and other counties, cities, states, and nations;
- D. Examine every two years the conditions of monuments and works of art, and existing County facilities insofar as they serve to further the beauty of cultural enrichment of the County and make a report to the County Council and the County Executive, with recommendations for their care, maintenance, and approval;
- E. Work directly with the Pierce County Economic Development Department regarding cultural resource related budget decisions and other matters.
- F. In addition, the Commission shall have the following responsibilities for the benefit of all branches and departments of Pierce County government:
  1. Review and make recommendations on all works of art to be acquired by the County, either by purchase, gift, or otherwise, including the placement of such work;
  2. Review and make recommendations with reference to any existing works of art in the possession of the County in connection with the removal, relocation, alteration or placement of those works, including the loan of such works of art to other jurisdictions;
  3. Render advice and assistance in the field of art, aesthetics, and beautification to other County boards and commissions and to other public bodies such as various school boards and the Pierce County Parks and Recreation Department;

4. Determine a method or methods of selection of artists for commissioning with respect to design, execution and placement of works of art for which authorizations and/or appropriations have been made. Pursuant to such method or methods for such purpose, make recommendations to the County Council and Executive for the specific location and/or monies to be expended for works of art and/or arts facilities to be placed in, on or about County projects or existing public facilities;
  5. Review and make recommendations with reference to the design of County parks and scenic sites at the time of the acquisition, development, or alteration thereof;
  6. Establish, as a priority, systems and programs whereby the cultural resources and activities under the supervision of the Arts Commission are made available to the County at large;
  7. Advise the Council and the Executive, as requested, on the Arts Commission's programs and activities, and develop recommendations regarding methods for generating revenue;
  8. Review and make recommendations on all applications for County funding of the arts and other cultural resource related projects, programs, and activities.
- (Ord. 2011-93s § 3, 2012; Ord. 99-127S3 § 2 (part), 2000; Ord. 88-158 § 1 (part), 1988; Ord. 87-199S § 1, 1987; Ord. 85-167S § 10, 1985)

**2.72.110 One Percent Funding for the Arts – Appropriations.**

- A. All future authorizations and/or appropriations for County construction projects for which the design has not been completed prior to the effective date of this Section shall include an amount not less than 1 percent of such authorization and/or appropriation. If the source of funding or other appropriate laws with respect to any particular project precludes art as an object of expenditure of funds, the amount of funds so restricted shall be excluded from the total project costs in making the above-referenced calculation.
- B. The amounts authorized by this Section shall be used for the selection, acquisition, execution, display, placement, and/or maintenance of works of art which may be an integral part of the project or for the construction and/or maintenance of an arts facility owned by the County.
- C. From the funds authorized and/or appropriated pursuant to this Section, upon the advice of the Arts Commission and subject to the approval of the County Executive, the amount of monies shall be made available for each project and payment thereof shall be made after acceptance of said project by the County Executive and County Council.
- D. Monies authorized and appropriated as part of one project, but not required in total or in part for such project, may be accumulated and extended for works of art and/or arts facilities in other County projects or existing public facilities; PROVIDED, that such action is permitted with respect to federal and state funds and not precluded by applicable laws.
- E. Monies accumulated pursuant to subsection D. of this Section which are not expended in the year they are authorized and/or appropriated may be carried over into succeeding years and may be expended for arts and/or arts facilities in other County projects or existing public facilities; PROVIDED, that such action is permitted with respect to federal and state funds and not precluded by applicable laws.
- F. Unforeseen opportunities not specifically contemplated by this ordinance may be presented by the Arts Commission to the Executive and Council for approval.

(Ord. 99-127S3 § 2 (part), 2000)

**2.72.120 Placement of One-Percent-for-the-Arts Works of Art.**

Works of art and/or arts facilities selected pursuant to the provisions of this Chapter and any amendments thereto may be placed in, on, or about any County-owned property or other property recommended by the Arts Commission and approved by the County Executive and County Council. They may be attached or detached within or about such property and may be either permanent or temporary. The Department Head of the Department which is charged with the responsibility of administering the design and construction of a County construction project shall require that the design and final construction plans thereof take into consideration the allocation of appropriate space for the placement of art which has been recommended by the Arts Commission and duly authorized by the County Executive and Council; PROVIDED, that no works of art shall be permanent or permanently attached to any leased facility. (Ord. 99-127S3 § 2 (part), 2000)



*Chapter 2.74*

***PIERCE COUNTY VETERANS BUREAU***

**Sections:**

**2.74.010 Created – Functions.**

**2.74.020 Agreement for Operation.**

**2.74.010 Created – Functions.**

Pierce County does hereby implement its policy of assisting qualified veterans in Pierce County by creating and does hereby establish the Pierce County Veterans Bureau to serve as a central disbursing agency for short-term, emergency assistance to indigent veterans and their dependents who have been residents of the State of Washington for at least one year. Such short-term, emergency assistance is to be used for food, shelter, utilities and other necessities of life. The Pierce County Veterans Bureau shall further assist indigent veterans and their dependents by proper referrals to various public or private agencies who are more capable of rendering specific aid or counsel to such veterans than the bureau itself. The Pierce County Veterans Bureau shall further serve as an advocate and/or ombudsman for qualified veterans to assist them in their dealings with public agencies, landlords, utility companies and other providers of necessary sources to indigent veterans, provided that such services shall be made available only in connection with short-term, emergency problems that may confront such veterans and their dependents, and should take the form of mediation and conciliation only. (Ord. 82-74 § 1, 1982)

**2.74.020 Agreement for Operation.**

The Pierce County Executive is authorized to execute an agreement between Pierce County and the Pierce County Veterans Advisory Council for operation of the Pierce County Veterans Bureau in accordance with the policy here stated. (Ord. 82-74 § 2, 1982)



## *Chapter 2.76*

### **PLANNING AGENCY**

#### **Sections:**

#### **2.76.010 Definitions.**

#### **2.76.020 Duties and Functions.**

#### **2.76.010 Definitions.**

"Planning Agency" means the Pierce County Planning and Land Services Department together with its Planning Commission as authorized pursuant to the Pierce County Charter. (Ord. 95-27S § 1 (part), 1995; Ord. 89-170 § 1, 1989; Ord. 85-51 § 1 (part), 1985; prior Code § 61.05.010)

#### **2.76.020 Duties and Functions.**

The Planning Agency shall:

- A. Prepare a Comprehensive Plan for the orderly physical development of the County which shall contain the required elements set forth in RCW 36.70A.070 and Title 19A PCC and otherwise comply with the requirements of the Growth Management Act (RCW 36.70A);
- B. Monitor, review, and evaluate the Comprehensive Plan and its implementation and, upon its own motion, or by Resolution of the Council, prepare amendments to the Comprehensive Plan pursuant to Chapter 19C.10 PCC which will amplify, augment, or extend the Plan and comply with the requirements of RCW 36.70A;
- C. Review and evaluate the Development Regulations that implement the Comprehensive Plan and, upon its own motion or by Resolution of the Council, prepare and recommend to the Council adoption of, or amendment to, Development Regulations and such other regulations, programs, or legislation of area-wide applicability which shall be consistent with and implement the Comprehensive Plan, preserve its integrity, and assure its systematic execution. After the initial adoption, Development Regulations may be amended or augmented as deemed necessary to maintain consistency with and implement the Comprehensive Plan;
- D. Review and report to the Council on whether the Capital Facilities Element or any amendment to the Capital Facilities Element is consistent with all other elements of the Plan;
- E. Consider and make recommendations to the Council on applications for current use assessment pursuant to RCW Chapter 84.34;
- F. Prepare and recommend to the Council interim zoning as is deemed necessary. Any interim zoning proposals shall be developed pursuant to RCW 36.70A.390;
- G. Report quarterly to the Planning and Environment Committee of the Council on the effectiveness of the Comprehensive Plan and Development Regulations in managing growth, and include recommendations, if any, to improve the effectiveness of the Plan or Development Regulations;
- H. Perform such other duties as assigned by the County Council.

(Ord. 95-27S § 1 (part), 1995; Ord. 85-51 § 1 (part), 1985; prior Code § 61.05.020)





## *Chapter 2.78*

### ***PLANNING COMMISSION***

#### **Sections:**

- 2.78.010 Creation.**
- 2.78.020 Planning Commission Public Hearings and Recommendation.**
- 2.78.030 Members, Appointment, Terms.**
- 2.78.040 Vacancies.**
- 2.78.050 Removal from Office.**
- 2.78.060 Officers – Rules and Procedure.**
- 2.78.070 Quorum – Meetings.**
- 2.78.080 Powers and Duties.**

#### **2.78.010 Creation.**

The County Council, pursuant to the Pierce County Charter, hereby creates the County Planning Commission consisting of seven members which shall assist the Planning and Land Services Department in carrying out its duties, including assistance in the preparation and execution and amendment of the Comprehensive Plan and recommendations to the County Council for the adoption of official controls and/or amendments thereto. (Ord. 95-27S § 2 (part), 1995)

#### **2.78.020 Planning Commission Public Hearings and Recommendation.**

The Planning Commission shall conduct such hearings as are required by RCW 36.70A or Pierce County Code, relating to the Comprehensive Plan and Development Regulations. The Planning Commission shall make recommendations to the County Council on Comprehensive Plan amendments as defined in 19C.10 PCC. The Planning Commission shall also make recommendations on Development Regulations or programs which are consistent with and implement the Plan. In formulating its recommendations, the Commission shall conduct at least one public hearing, except for emergency amendments.

The Planning and Land Services Department (PALS) shall give public notice of the time and place of such hearing in at least one newspaper of general circulation in Pierce County at least ten days prior to the date of such hearing.

The Planning Commission shall make Findings of Fact and Conclusions supporting its recommendation and shall, within ten days, transmit its recommendation, along with any comments from PALS and report, to the County Council. The Council may accept or reject, in whole or in part, the recommendation of the Planning Commission and may modify any proposed Plan amendment or Development Regulations or Development Regulation amendment without further reference to the Planning Commission, as long as the action taken conforms with the requirements of RCW 36.70A, and is consistent with and implements the County's Comprehensive Plan.

(Ord. 98-16S § 2, 1998; Ord. 95-27S § 2 (part), 1995)

**2.78.030 Members, Appointment, Terms.**

The Planning Commission shall consist of seven members appointed for 4-year terms by the County Executive and confirmed by the County Council pursuant to the Pierce County Charter. Each Council district shall be represented on the Planning Commission. All members shall be residents and registered voters of their respective council districts and shall maintain residency in their respective council district during the term for which the member was appointed, provided that no council district boundary change shall disqualify a member from holding office during the remainder of the member's term of office.

Members shall receive a per diem of \$75.00 for each day they attend a Commission meeting. (Ord. 2006-116s2 § 4, 2006; Ord. 2002-61s § 1 (part), 2002; Ord. 95-27S § 2 (part), 1995)

**2.78.040 Vacancies.**

Vacancies occurring for any reason other than the expiration of a term of office shall be filled by appointment for the remainder of the term, in accordance with the appointment and confirmation procedures of the Pierce County Charter. A member vacating a position shall notify the County Executive of his/her intentions as soon as the intention to vacate is known. (Ord. 2002-61s § 1 (part), 2002; Ord. 95-27S § 2 (part), 1995)

**2.78.050 Removal from Office.**

The Executive may remove any appointed member of the Commission for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council. (Ord. 2011-16s § 1 (part), 2011; Ord. 95-27S § 2 (part), 1995)

**2.78.060 Officers – Rules and Procedure.**

The Commission shall elect its Chair and Vice-Chair from among the appointed members. The Commission shall appoint a Secretary who need not be a member of the Commission. The Planning and Land Services Director shall propose to the Planning Commission rules and procedures which are necessary for conducting public hearings and Commission meetings. Such rules may be adopted by a majority vote of the Planning Commission. The Planning Commission may also adopt rules governing its own internal affairs. No rule or procedure adopted by the Commission governing its hearings, meetings, or internal affairs shall be in conflict with any Federal, State, or County law. (Ord. 95-27S § 2 (part), 1995)

**2.78.070 Quorum – Meetings.**

Four members of the Planning Commission shall constitute a quorum. All affirmative actions of the Planning Commission shall be determined by a majority vote of the total Commission at a meeting of which a quorum is present; provided, that where State laws or County ordinances require a vote larger than the majority of a quorum, then such provisions shall govern. The Planning Commission shall hold not less than one regular meeting in each month; provided, that if no matters over which the Planning Commission has jurisdiction are pending upon its calendar, a meeting may be canceled. (Ord. 95-27S § 2 (part), 1995)

**2.78.080 Powers and Duties.**

The powers and duties of the Planning Commission shall be as specified by Chapter 2.76 of this Code. The County Planning Commission shall perform other duties as assigned by the County Council. (Ord. 95-27S § 2 (part), 1995)

## *Chapter 2.79*

### ***FIREARMS ADVISORY COMMISSION***

#### **Sections:**

- 2.79.010 Purpose.**
- 2.79.020 Created.**
- 2.79.030 Composition.**
- 2.79.040 Membership – Terms of Office.**
- 2.79.050 Vacancies.**
- 2.79.060 Removal from Office.**
- 2.79.070 Officers.**
- 2.79.080 Rules and Records.**
- 2.79.090 Quorum.**
- 2.79.100 Voting Privileges.**
- 2.79.110 Functions.**
- 2.79.120 Coordination.**
- 2.79.130 Recommendations.**

#### **2.79.010 Purpose.**

The Firearms Advisory Commission shall serve in an advisory capacity to the County Council and Executive on firearms prohibitions, restrictions and/or other recommendations relating to firearms. The Commission shall, upon creation, review all existing and proposed areas within the County where the discharge of firearms is or would be prohibited or restricted to determine if such restrictions are reasonably necessary and in compliance with state law, including, but not limited to, RCW 9.41.300(2). (Ord. 2004-72s § 2 (part), 2004)

#### **2.79.020 Created.**

The citizen members of the Firearms Advisory Commission shall be appointed by the County Executive, and confirmed by a majority of the County Council by Resolution. (Ord. 2004-72s § 2 (part), 2004)

#### **2.79.030 Composition.**

The Firearms Advisory Commission shall consist of nine members:

- A. County Sheriff or designee (non voting);
- B. Director of the Planning and Land Services Department or designee (non voting);
- C. Presidents of three County shooting clubs or designees; and
- D. Four resident, registered voters from the unincorporated County. The resident voters must provide documentation of a safety firearm class or Washington hunter safety class.

(Ord. 2004-72s § 2 (part), 2004)

#### **2.79.040 Membership – Terms of Office.**

After the Firearms Advisory Commission is created, the first terms of the members shall be staggered as follows:

- A. One resident registered voter and one shooting club representative shall be appointed for two years;

- B. One resident registered voter and one shooting club representative shall be appointed for three years; and
- C. Two resident registered voters and one shooting club representative shall be appointed for four years.

Thereafter, the successors to the first appointment shall be appointed to 4-year terms. No member of the Firearms Advisory Commission shall serve more than two consecutive full terms of office.

(Ord. 2004-72s § 2 (part), 2004)

**2.79.050 Vacancies.**

Vacancies occurring for any reason shall be filled by appointment for the unexpired term(s), or, if the vacancy occurs less than three months from the termination of a regular term, the successor shall be appointed for a full term. Appointments to vacancies shall be made pursuant to Section 2.79.020. (Ord. 2004-72s § 2 (part), 2004)

**2.79.060 Removal from Office.**

The Executive may remove any appointed member of the Firearms Advisory Commission for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council. (Ord. 2011-16s § 1 (part), 2011; Ord. 2004-72s § 2 (part), 2004)

**2.79.070 Officers.**

The County Director of Planning and Land Services or designee shall serve as Chairman of the Commission. The Commission members shall elect a Vice Chair and Secretary. (Ord. 2004-72s § 2 (part), 2004)

**2.79.080 Rules and Records.**

The Firearms Advisory Commission shall adopt rules of procedure before it transacts any business and shall keep a written summary of its transactions of business. (Ord. 2004-72s § 2 (part), 2004)

**2.79.090 Quorum.**

A quorum for conducting official business of the Commission shall be four voting members. (Ord. 2004-72s § 2 (part), 2004)

**2.79.100 Voting Privileges.**

Each member of the Firearms Advisory Commission appointed under PCC 2.79.030 C. and D. shall be entitled to one vote on any matter duly before the Commission. (Ord. 2004-72s § 2 (part), 2004)

**2.79.110 Functions.**

The Firearms Advisory Commission shall make advisory recommendations to the County Council and Executive on:

- A. Petitions regarding the creation, dissolution, or amendment of areas where the discharge of firearms shall be prohibited and restricted. Recommendations regarding such petitions shall include, but not necessarily be limited to, determinations that the petition complies with RCW 9.41.300(2) and, in areas where restrictions appear warranted, whether or not shotgun use is safe and appropriate.
- B. Any proposed County legislation regarding firearms.

- C. Any other issues related to firearms that the Commission deems beneficial.
- D. The suitability of shotgun use in areas where the discharge of firearms is currently prohibited.

(Ord. 2004-72s § 2 (part), 2004)

**2.79.120 Coordination.**

The Planning and Land Services Department shall coordinate all matters relating to the Commission's performance of its duties, including administration of the meetings, providing required notice (including the notice before and after a prohibited or restricted zone proposal in a major local newspaper), requesting appointments and reappointments, keeping records of meetings and decisions, documenting the Commission's rules of procedure, forwarding recommendations of the Commission, and providing information needed to conduct its review and analysis. The Sheriff's Department shall also provide information that is needed to conduct the review and analysis. The Planning and Land Services Department shall prepare a report and forward the recommendation of the Commission to the County Council and Executive. (Ord. 2004-72s § 2 (part), 2004)

**2.79.130 Recommendations.**

The Commission's written recommendation must contain all concerns to be considered. Any oral presentation by a Commission member shall only be permitted to clarify the written recommendation and any presentation by a Commission member which goes beyond clarifying the written recommendation shall be considered a personal recommendation.

All written recommendations of the Commission must contain a summary of the Commission's action, and specify the vote on said matters.

(Ord. 2004-72s § 2 (part), 2004)



*Chapter 2.81*

**FARMING ASSISTANCE, REVITALIZATION, AND MARKETING (FARM) PROGRAM  
ADVISORY BOARD**

**Sections:**

- 2.81.010 Created.**
- 2.81.020 Purpose and Duties.**
- 2.81.030 Initial Duties.**
- 2.81.040 Composition.**
- 2.81.050 Membership – Terms of Office.**
- 2.81.060 Vacancies of Appointed Members.**
- 2.81.070 Removal from Office.**
- 2.81.080 Officers.**
- 2.81.090 Rules and Records.**
- 2.81.100 Quorum.**
- 2.81.110 Voting Privileges.**
- 2.81.120 Support for the Board.**

**2.81.010 Created.**

A Farming Assistance, Revitalization and Marketing Program Advisory Board is hereby created and shall hereinafter be referred to as the "FARM Board". The FARM Board is being initiated as part of a Farming Assistance, Revitalization, and Marketing Program (known as the FARM Program), developed to respond to the needs of farmers and the desire to preserve and promote the long-term viability of farming in the County. (Ord. 2006-116s2 § 9 (part), 2006)

**2.81.020 Purpose and Functions.**

The FARM Board shall serve in an advisory capacity (on matters as authorized by this Chapter) to the Council and Executive on agricultural policies and programs, including, but not limited to:

- A. Assisting in the development of the FARM Program;
- B. Reviewing and making recommendations regarding existing and proposed legislation and regulations affecting commercial agriculture;
- C. Monitoring and making recommendations concerning land use issues as they impact agriculture;
- D. Providing input and recommendations for Purchase and Transfer of Development Rights programs, Conservation Futures program, and Current Use Assessment issues as they relate to Agriculture;
- E. Assisting in fundraising for agricultural programs such as Harvest Fest;
- F. Providing advice on ways to maintain, enhance and promote agriculture and agricultural products in the region;
- G. Acting as a sounding board and opportunity for public comment on agriculture issues; and
- H. Developing recommendations on a food policy for Pierce County.

(Ord. 2006-116s2 § 9 (part), 2006)

### **2.81.030 Initial Duties.**

The FARM Board has initial responsibilities to fulfill its role in establishing the FARM program and ensuring its success. These responsibilities include:

- A. Working with the WSU-Pierce County Cooperative Extension staff to develop a job description for the Farmbudsman position, participate in the hiring process, including the interviews, and make a recommendation for hiring by April 1, 2007;
- B. Evaluating the option for transitioning this body and the FARM Program itself to a new non-profit organization, as described in the Pierce County Agriculture Strategic Plan and exemplified by the Multnomah County case study therein; conducting a feasibility analysis; developing proposed action steps for such a transition; and reporting its findings to the County Council by July 1, 2007; and
- C. Providing guidance and recommendations to the WSU-Pierce County Cooperative Extension for initiating key components of the Program, including, but not limited to, the Farming Information Line and the proposed "Farm and Food Connection" marketing resource for local farm products.

(Ord. 2006-116s2 § 9 (part), 2006)

### **2.81.040 Composition.**

- A. At the initiation of the FARM Board, the membership shall consist of all the appointed members of the Farm Advisory Commission at the time of the formation of the FARM Board, with the addition of the new ex-officio members. As terms expire for the pre-existing members, the vacancies will be filled only when needed to meet the new membership composition for the FARM Board of 11 members: 4 ex-officio members and 7 appointed members.
- B. **Ex-Officio Members.** The ex-officio members shall include: the Chair of the WSU-Pierce County Cooperative Extension office, one representative from the Pierce County Planning and Land Services Department, one representative from the Pierce County Office of Economic Development, and one representative from the Pierce Conservation District. On an annual basis, the affected Departments/Offices shall assign a specific person to be the representative and assign one alternate. Ex-officio members of the FARM Board are voting members.
- C. **Appointed Members.** The 7 appointed members shall be appointed by the County Executive and confirmed by resolution by a majority of the County Council. The 7 appointed members of the Board shall serve without compensation and represent the diversity of the agricultural economy, various agricultural operations, and the regions of Pierce County.
  1. **Geographic Representation.** Geographic representation means that the person lives or owns farms or farm-related businesses in the stated area. Geographic representation shall include: one member from the Peninsulas/Islands, one member from the cities/towns outside the Comprehensive Urban Growth Area, one member from within the Comprehensive Urban Growth Area, and the remaining 4 members from the unincorporated rural area.
  2. **Agricultural Representation.** Membership should be representative of producers of agricultural commodities and persons with demonstrated knowledge, experience and interest in agricultural real estate, food and feed processing, wholesale and retail marketing, produce buying, direct marketing, supply, and finance. Provided, however, that at least five of the voting Board members shall be "producers". "Producer" means any person engaged in the business of producing or causing to be



produced for market in commercial quantities and agricultural commodity. At least two appointed members shall be full-time, commercial producers.  
(Ord. 2006-116s2 § 9 (part), 2006)

**2.81.050 Membership – Terms of Office.**

The successors to the appointed members in office at the time of adoption of the Chapter shall be appointed for 4-year terms. No appointed member of the FARM Board shall serve more than two full terms. (Ord. 2006-116s2 § 9 (part), 2006)

**2.81.060 Vacancies of Appointed Members.**

Vacancies occurring for any reason shall be filled by appointment for the unexpired terms, or, if occurring on the termination of a regular term, the successor shall be appointed for a full term. (Ord. 2006-116s2 § 9 (part), 2006)

**2.81.070 Removal from Office.**

The Executive may remove any appointed member of the FARM Board for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council. (Ord. 2011-16s § 1 (part), 2011; Ord. 2006-116s2 § 9 (part), 2006)

**2.81.080 Officers.**

When the FARM Board has been duly created, the members shall elect a Chair, Vice Chair, and Secretary. (Ord. 2006-116s2 § 9 (part), 2006)

**2.81.090 Rules and Records.**

The FARM Board shall adopt rules before it transacts any of its business. (Ord. 2006-116s2 § 9 (part), 2006)

**2.81.100 Quorum.**

A quorum of the FARM Board for the purpose of conducting business shall be 6 members. (Ord. 2006-116s2 § 9 (part), 2006)

**2.81.110 Voting Privileges.**

Each member of the FARM Board shall be entitled to one vote on any matter duly before the FARM Board. All meetings shall be open to the public and comply with the Open Public Meetings Act – RCW Chapter 42.30. The action taken by 6 or more members at any given meeting shall constitute a recommendation by the FARM Board. All votes must be polled and recorded. A designated alternate may vote on behalf of an absent ex-officio member, provided the Board has been properly advised of the name of the alternate. (Ord. 2006-116s2 § 9 (part), 2006)

**2.81.120 Support for the Board.**

- A. **Board Manager/Advisor.** The Farmbudsman shall act as the Board Manager/Advisor for the Board, providing guidance and direction for its activities in a professional capacity.
- B. **Administrative Support.** WSU-Pierce County Cooperative Extension Center shall provide administrative support for the FARM Board, including keeping written summaries of its transactions of business, coordinating with other agencies, reporting to the Council and/or County Executive, providing communications with Board members, arranging meetings, scheduling, and taking minutes.

(Ord. 2006-116s2 § 9 (part), 2006)



*Chapter 2.82*

***ROAD DEPARTMENT ADMINISTRATIVE PROCEDURES***

**Section:**

**2.82.010 Approval and Adoption.**

**2.82.010 Approval and Adoption.**

The Pierce County Road Department Administration Procedures are approved and adopted subject to the adoption of ordinances by the County Council in the future, which might modify or add to these procedures. A copy of the procedures shall be kept on file in the County Public Works Department and the office of the County Council. (Ord. 85-41 § 1, 1985; prior Code § 81.06.010)



*Chapter 2.84*

**SEWERAGE AND/OR WATER GENERAL PLAN REVIEW COMMITTEE**

**Sections:**

- 2.84.010 Authorization and Establishment.**
- 2.84.020 Composition of Committee.**
- 2.84.030 Committee Vacancies.**
- 2.84.040 Terms of Members.**
- 2.84.050 Committee Rules and Procedures.**
- 2.84.060 Committee Quorum.**
- 2.84.070 Review by Committee – Time Requirements.**

**Cross-reference: RCW 36.94.050 and 36.94.060**

**2.84.010 Authorization and Establishment.**

The Pierce County Council authorizes the establishment of a single Sewerage and/or Water General Plan Review Committee for the purpose of advising the Planning Commission, the Council and the Executive on matters relating to proposed amendments, revisions, creation and/or repeal of sewerage and/or water general plans prepared for any of the drainage basins in Pierce County. (Ord. 93-105 § 1 (part), 1993; Ord. 85-195 § 2 (part), 1985)

**2.84.020 Composition of Committee.**

The Review Committee shall consist of members to be selected as follows:

- A. A representative of each city or town with a population of 10,000 or more within or adjoining the area selected by the mayor thereof;
- B. One representative chosen at large by a majority vote of the executive officers of the other cities or towns within or adjoining the area;
- C. A representative chosen by the executive officer or the chairman of the board, as the case may be, of each of the other municipal corporations and private utilities serving one thousand or more sewer and/or water customers located within the area;
- D. One representative chosen at large by a majority vote of the executive officers and chair of the boards, as the case may be, of the other remaining municipal corporations within the area;
- E. A representative of each county legislative authority within the planned area selected by the chair of each board, or appointed by the County Executive and confirmed by the Council, as the case may be; and
- F. If there is a metropolitan municipal corporation operating a sewerage and/or water system in the area, the chair of its council or his or her designee.

(Ord. 99-133S § 1, 2000; Ord. 93-105 § 1 (part), 1993; Ord. 85-195 § 2 (part), 1985)

**2.84.030 Committee Vacancies.**

Vacancies on the Review Committee shall be filled in the same manner as the original appointment to that position. (Ord. 85-195 § 2 (part), 1985)

**2.84.040 Terms of Members.**

The terms of members of the Review Committee shall be two years, the initial term of which shall commence on January 1, 1985, and terminate on December 31, 1986. Subsequent terms shall succeed thereafter. (Ord. 85-195 § 2 (part), 1985)

**2.84.050 Committee Rules and Procedures.**

The Review Committee shall determine its own rules and order of business and shall provide by resolution for the time and manner of its proceedings, which shall be a public record. (Ord. 85-195 § 2 (part), 1985)

**2.84.060 Committee Quorum.**

A majority of all of the members of the Review Committee shall constitute a quorum for the transaction of business. (Ord. 85-195 § 2 (part), 1985)

**2.84.070 Review by Committee – Time Requirements.**

The Review Committee shall review the proposed sewerage and/or water general plan or proposed amendments, deletions or additions thereto, and shall report to the County Council within 90 days of referral from the Council, their approval or any suggested amendments, deletions or additions. If the Review Committee shall fail to report within the allotted time, the plan or amendments thereto shall be deemed approved. If the Review Committee submits a report, the County Council shall consider and review the Committee's report and may adopt, reject or modify any recommendations contained thereon. (Ord. 93-105 § 1 (part), 1993; Ord. 85-195 § 2 (part), 1985)

*Chapter 2.86*

***SHERIFF'S CIVIL SERVICE COMMISSION***

**Sections:**

**2.86.010 Creation.**

**2.86.020 Duties.**

**2.86.010 Creation.**

There is created, pursuant to RCW Chapter 41.14, a Civil Service commission which shall be composed of three members, appointed by the Executive and confirmed by the County Council. (Ord. 84-175 § 1 (part), 1984; prior Code § 3.02.010)

**2.86.020 Duties.**

The Civil Service Commission shall perform its duties in accordance with the provisions of RCW Chapter 41.14. (Ord. 84-175 § 1 (part), 1984; prior Code § 3.02.020)





*Chapter 2.87*

**ROY-McKENNA AREA ADVISORY COMMISSION**

**Sections:**

- 2.87.010 Created.**
- 2.87.020 Purpose.**
- 2.87.030 Composition.**
- 2.87.040 Terms of Office.**
- 2.87.050 Vacancies.**
- 2.87.060 Removal from Office.**
- 2.87.070 Officers.**
- 2.87.080 Rules and Records.**
- 2.87.090 Quorum.**
- 2.87.100 Voting Privileges.**
- 2.87.110 Functions.**
- 2.87.120 Coordination.**
- 2.87.130 Geographical Boundaries.**

**2.87.010 Created.**

A Roy-McKenna Area Advisory Commission is hereby created and shall hereinafter be referred to as "RMAAC". (Ord. 2010-23 § 1 (part), 2010)

**2.87.020 Purpose.**

The RMAAC shall serve in an advisory capacity to the County Council and Executive. The purpose of the RMAAC is to facilitate a structured two-way communication process between the County and Roy-McKenna area residents, property owners, and business owners regarding significant issues affecting the community within Pierce County's jurisdiction. Issues include, but are not limited to, land use, environmental regulations, infrastructure, schools, and public safety. (Ord. 2010-23 § 1 (part), 2010)

**2.87.030 Composition.**

The RMAAC shall consist of seven voting members, one representative from each of the following Roy-McKenna area organizations: McKenna Elementary School Booster Club (Parent-Teacher School Association), Roy Watch Dogs Non Profit, Mayor of the City of Roy or designee, two members from McKenna Rural Activity Center business community, and two citizens at large who have at least five years of past employment in public safety (corrections, prosecutor, sheriff/police). (Ord. 2010-23 § 1 (part), 2010)

**2.87.040 Terms of Office for Voting Members.**

After the RMAAC is created, the first terms of the voting members shall be staggered as follows:

- A. Two members shall be appointed for two years;
- B. Two members shall be appointed for three years; and

C. Three members shall be appointed for four years.

Thereafter, members shall be appointed for 4-year terms. No appointed member of the RMAAC shall serve more than two consecutive full terms.  
(Ord. 2010-23 § 1 (part), 2010)

**2.87.050 Vacancies for Voting Members.**

Vacancies occurring for any reason shall be filled by appointment for the unexpired term(s) or, if the vacancy occurs less than three months from the termination of a regular term, the successor shall be appointed for a full term. (Ord. 2010-23 § 1 (part), 2010)

**2.87.060 Removal from Office.**

The Executive may remove any appointed member of the RMAAC for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council. (Ord. 2011-16s § 1 (part), 2011; Ord. 2010-23 § 1 (part), 2010)

**2.87.070 Officers.**

When the RMAAC has been duly created, the members shall elect a Chair, Vice Chair, and Secretary. (Ord. 2010-23 § 1 (part), 2010)

**2.87.080 Rules and Records.**

- A. The RMAAC shall adopt rules of procedures before it transacts any of its business and shall keep a written summary of its transaction of business and meetings. The RMAAC shall meet as needed, but not less than quarterly.
- B. All meetings shall be open to the public, pursuant to Chapter 42.30 RCW. The action taken by a simple majority of members present at any given meeting shall constitute a recommendation, provided a quorum is present. All votes must be polled and recorded.  
(Ord. 2010-23 § 1 (part), 2010)

**2.87.090 Quorum.**

A quorum of the RMAAC for the purpose of conducting business shall be a majority of the currently-appointed members. (Ord. 2010-23 § 1 (part), 2010)

**2.87.100 Voting Privileges.**

Each voting member of the RMAAC shall be entitled to one vote on any matter duly before the Commission. (Ord. 2010-23 § 1 (part), 2010)

**2.87.110 Functions.**

RMAAC members serve in a capacity to facilitate a collaborative exchange between the County and Roy-McKenna area residents, property owners and business owners. The duties of the RMAAC members include:

- A. Provide a forum for Roy-McKenna area residents, property owners and business owners to communicate concerns;
- B. Articulate issues of concern and forward to the County Council and/or Executive;
- C. Devise a recommended plan of action for resolution of Roy-McKenna area concerns;
- D. Update Roy-McKenna area residents, property owners and business owners regarding issues of concern and the County's responses;

- E. Invite County representatives to participate in regular "town hall" type meetings to discuss Roy-McKenna area concerns; and
  - F. Forward recommendations and suggested solutions to the appropriate County official(s).
- (Ord. 2010-23 § 1 (part), 2010)

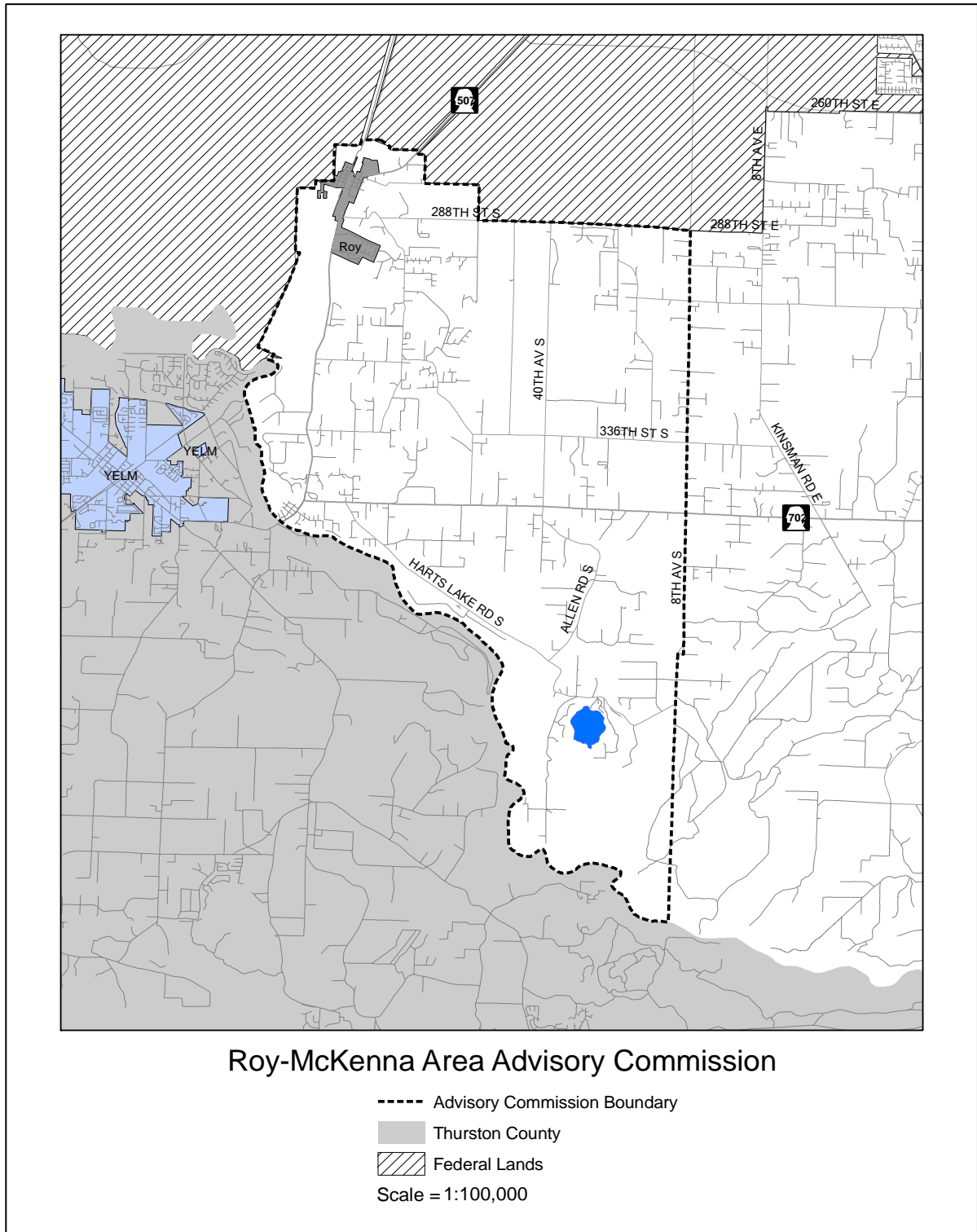
**2.87.120 Coordination.**

The RMAAC shall coordinate all matters relating to the Commission's performance of its duties, including administration of the meetings, providing required notice, requesting appointments and reappointments, keeping records of meetings and decisions, documenting the Commission's rules of procedure, and forwarding recommendations of the Commission to the County Council and Executive. (Ord. 2010-23 § 1 (part), 2010)

**2.87.130 Geographical Boundaries.**

The RMAAC shall consider matters relating to the unincorporated areas of Pierce County generally described as west of 8<sup>th</sup> Avenue South and south of 288<sup>th</sup> Street/Joint Base Lewis-McChord including Harts Lake, with the western and southern boundaries being the Thurston County boundary. See Figure 2.87-1 for a map of the RMAAC area covered by this Commission.

**FIGURE 2.87-1 – Roy-McKenna Area  
Advisory Commission Geographical Boundaries**



(Ord. 2010-23 § 1 (part), 2010)

*Chapter 2.88*

***STRUCTURES OF HISTORICAL AND ARCHITECTURAL SIGNIFICANCE***

**Sections:**

- 2.88.010 Acquisition.**
- 2.88.020 Landmarks and Historic Preservation Commission.**
- 2.88.025 Landmarks and Historic Preservation Commission – Appointments and Terms of Service.**
- 2.88.026 Landmarks and Historic Preservation Commission Meetings.**
- 2.88.030 Local Designation of Properties – Procedures.**
- 2.88.035 National Designation of Properties – Procedures.**
- 2.88.040 Demolition or Alteration of Historic Structures.**
- 2.88.045 Removal of Landmark Designations.**
- 2.88.050 Local Review Board – Special Tax Valuation.**
- 2.88.055 Property Eligible for Special Tax Valuation.**
- 2.88.060 Intergovernmental Agreements.**
- 2.88.070 Demolition or Alteration of Historic Structures.**
- 2.88.080 Removal of Landmark Designation.**

**Cross-references: Chapters 27.34, 27.44, 27.60, 27.53,  
84.26 RCW and RCW 19.27.120**

**2.88.010 Acquisition.**

The Pierce County Executive, with the approval of the Council, may acquire buildings, structures, places, or districts of historic or architectural significance by purchase, gift, devise, bequest, grant, or exchange when it is deemed necessary by the Executive and the Council, to preserve, protect or enhance said building, structure, place, or district, and when funds are available or other means of acquisition are deemed acceptable to the Executive, and approved by the Council. (Ord. 87-59S § 1 (part), 1987; Ord. 84-23 § 1 (part), 1984; prior Code § 14.04.010)

**2.88.020 Landmarks and Historic Preservation Commission.**

A Landmarks and Historic Preservation Commission is hereby established. The Commission shall consist of eleven members, one from each of seven Council districts and four at-large members. The membership of such Commission shall include at least one historian, one architect, one archeologist, one archivist, and individuals who have a professional or a vocational interest in historic preservation.

- A. The Landmarks and Historic Preservation Commission shall periodically review, investigate, and make recommendations to the Executive on buildings, structures, places, or districts of historic or architectural significance which should be preserved or protected in Pierce County. The Commission may investigate whether there is federal, state, or other financial assistance for the acquisition and preservation of the site.

Furthermore, the Commission shall establish a list of buildings, structures, places, or districts of historic or architectural significance in Pierce County which should be preserved, protected, or enhanced in a hierarchy order of its value to the community and State based on the criteria provided below in this Section.

This list shall be referred to as the Pierce County Register of Historic Places and distributed to all County departments.

- B. The criteria used to evaluate historic properties for possible inclusion in the Pierce County Register are based on those used for the National and Washington State Registers. These criteria are designed to serve as guidelines for all persons or organizations preparing a designation request to the Pierce County Commission.
1. The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of State and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:
    - a. that are associated with events that have made a significant contribution to the broad patterns of our history; or
    - b. that are associated with the lives of persons significant in our past; or
    - c. that embody the distinctive characteristics or a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
    - d. that have yielded, or may be likely to yield, information important in pre-history or history.
  2. Cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original location, reconstructed historic buildings, properties primarily commemorative in nature and properties that have achieved significance within the past 50 years can also be considered eligible for the Pierce County Register. However, greater priority will be given to those which fall within the following categories.
    - a. A religious property deriving primary significance from architectural or artistic distinction or historical importance.
    - b. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event.
    - c. A birthplace or grave of a historical figure of outstanding importance if there is not appropriate site or building directly associated with his or her productive life.
    - d. A cemetery which derived its primary significance from graves or persons of transcendent importance, from age, from distinctive design features, or from association with historic events.
    - e. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived.
    - f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance.
    - g. A property achieving significance within the past 50 years if it is of exceptional importance.
  3. Below are categories of properties eligible for the Pierce County Register.
    - a. Historic structures or sites in which the cultural, political, economic, or social history of the nation, state, or local community is best exemplified and from which the visitor may understand the patterns of American and Pierce County heritage. Integrity is an essential basis for deserving recording.

- b. Sites and groupings representing historic community developments and patterns. (One room schools, county seats, crossroads, stores, agricultural settlements, seaports, railroad, and water transportation.)
  - c. Early or abandoned transportation facilities. (Lighthouses, covered bridges, ships, ferries, railroad stations, milestones, trails.)
  - d. Old commercial structures and sites. (Warehouses, brick factories of the 19th century, iron furnaces, shipyards, logging, and mining camps.)
  - e. Structures related to the civic life of a community. (Town hall, jail, bank, tavern.)
  - f. Buildings of great architects or master builders and important works of minor ones. Noteworthy examples of various architectural styles, periods, or methods of construction. Architectural curiosities or very rare survivors of its style or period.
  - g. Homes of notable persons during their active years, or associated with important events in national, state, or local history.
  - h. Structures or sites of pre-historic or historic archaeological significance.
4. Archaeological properties do not have to be large, impressive, or rich in artifacts or categories of date to qualify for the Pierce County Register. They do not have to be suitable for public interpretation. Any archaeological resource is potentially eligible if it can be legitimately argued that it is associated with a cultural pattern, process, or activity important to the history or pre-history of its locality, the United States or humanity as a whole.

Some properties that have little significance as individual entities may be eligible as segments or archaeological districts. In some cases, an archaeological property or district may also qualify because of an association with a particular event or person, or on the basis of its intrinsic historicity or utility as an interpretive location.

Properties that have lost their integrity by being completely excavated or otherwise totally disturbed do not normally qualify, unless they are of particularly noteworthy historical significance for the data they have yielded.

- C. The Commission will make recommendations on funding and monitoring projects and programs that receive funding from the County's one dollar portion of the five dollar per instrument surcharge charged by the Auditor for each document recorded under the provisions of RCW 36.22.170. The priorities for funding of these projects and programs include:
- a. Promote public awareness and education of the historical and cultural heritage of the people and area of Pierce County and its communities;
  - b. Identify, preserve, and store documents and public records of historic significance, including conversion to electronic and other media;
  - c. Collect, acquire, catalog, interpret and exhibit historically significant artifacts and documents, including manuscripts, photographs, illustrations, maps, engineering and architectural drawings, art works, music, book reports, pamphlets, newspapers, periodicals, oral histories, and electronic media in all areas (social and cultural, artistic, scientific and technical, political, commercial and industrial, and natural history);
  - d. Identify, protect, rehabilitate, restore, excavate, and reconstruct districts, sites, buildings, and other structures, gardens, landscapes and other objects of significance to heritage, history, architecture, archeology, or culture;

- e. Provide capital funds for capacity building projects to nonprofit historic and historic preservation groups that encourage cultural and historical studies and interpretive efforts.
- D. The Planning and Land Services Department shall provide funding and administrative support to the Commission.
- E. The duties of the Commission shall include the establishment of definitions, criteria, and procedures required to carry out this legislation.

(Ord. 2007-103s § 1 (part), 2007; Ord. 89-127 § 1, 1989; Ord. 87-59S § 1 (part), 1987; Ord. 84-23 § 1 (part), 1984; prior Code § 14.04.020)

#### **2.88.025 Landmarks and Historic Preservation Commission – Appointments and Terms of Service.**

- A. Members of the Commission shall be appointed by the County Executive and confirmed by the County Council in accordance with the County Charter and established rules.
- B. All members of the Landmarks and Historic Preservation Commission shall serve 3-year terms, provided that of those members first taking office upon the passage of this Chapter, three shall be appointed for one year, three for two years and three for three years. Each member shall serve until appointment of a successor. The terms of members first taking office shall commence on the date of their initial appointment.
- C. The Executive may remove any appointed member of the Board for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council. The member will be so notified in writing by the Chairperson.
- D. Vacancies on the Commission shall be filled by the appointing authority for the unexpired term in the same manner as the original appointment.
- E. At the time of appointing the initial Commission, the appointing authority shall designate one of its members as temporary chairperson.

(Ord. 2011-16s § 1 (part), 2011; Ord. 2007-103s § 1 (part), 2007; Ord. 87-59S § 1 (part), 1987; Ord. 84-23 § 1 (part), 1984; prior Code § 14.04.025)

#### **2.88.026 Landmarks and Historic Preservation Commission Meetings.**

The first meeting of the Commission shall be called by the temporary Chairperson, at which time the Commission shall select a permanent chairperson, vice-chairperson, secretary, and such other offices as it deems appropriate. It shall also establish a regular time and place for meetings and shall hold at least four meetings per year. Special meetings may be called by the Chairperson or by a majority of the current membership of the Commission upon proper notice. A majority of the current membership of the Commission shall constitute a quorum. (Ord. 2010-21 § 5, 2010; Ord. 2007-103s § 1 (part), 2007; Ord. 2005-28s § 1, 2005; Ord. 87-59S § 1 (part), 1987; Ord. 84-23 § 1 (part), 1984; prior Code § 14.04.026)

#### **2.88.030 Local Designation of Properties – Procedures.**

If the Commission determines that a building, structure, place, or district may be eligible for inclusion in the Pierce County Register of Historic Places, it shall:

- A. Schedule a public hearing on the question of designation at a specified time, date, and place;
- B. Give written notice of the time, date, and place, and subject of the hearing by mail not less than 30 days nor more than 40 days prior to the hearing to all owners of record of the subject property or properties and publish in a local newspaper a notice at least 10 days in advance of the hearing;



- C. Hold a hearing in accordance with the notice given, at which time the owner or owners of the property or properties involved, the owners of all abutting property, and other interested citizens or public officials shall be entitled to be heard;
- D. Within 45 days of the hearing, the Commission may, by a vote of 6 Commission members, approve, reject, or modify the proposed designation, but no proposed designation may be extended beyond the boundaries of the land described in the original proposal unless procedures set forth above are repeated for the enlarged boundaries. The Commission shall, in addition, set forth its findings of fact which constitute the basis for its decision.
- E. Within 15 days after reaching its decision to designate the proposed property or properties as a historic property, the Commission shall transmit such decision to the County Council for its consideration. Upon receipt of the decision of the Commission, the Council may adopt an ordinance, approve the same, and place it on the Pierce County Register of Historic Places, or it may reject the same, or refer it back to the Commission for further consideration as may be deemed appropriate. Upon placement of the property in the Pierce County Register of Historic Places, such designation shall be placed on official County maps, and all appropriate County departments shall be notified. A copy of the ordinance designating the property shall be sent to the owner or owners of record and shall be filed with the County Auditor together with a legal description of the designated property and notification that the design review provisions of this Chapter apply.

(Ord. 87-59S § 1 (part), 1987; Ord. 84-23 § 1 (part), 1984; prior Code § 14.04.030)

#### **2.88.035 National Designation of Properties – Procedures.**

Upon notification by the State Historic Preservation Officer that a property within the jurisdiction of Pierce County may be nominated to the Secretary of the Interior for inclusion in the National Register of Historic Places, the Commission shall review such nominations in a manner consistent with regulations adopted for certified local government historic preservation programs. (Ord. 87-59S § 1 (part), 1987; Ord. 84-23 § 1 (part), 1984; prior Code § 14.04.035)

#### **2.88.040 Demolition or Alteration of Historic Structures.**

No permit shall be issued by the Building Inspection Department or shall be valid for the demolition or alteration of part or all of any building, structure, place, or district which has been designated as historic by the County Council, prior to its referral to the Commission. The Commission shall have 60 days to review and/or recommend modifications to the permit proposal. The purpose of such review will be to determine whether the changes set forth in the proposal permit application are compatible with the reasons for including the structure, building, or place on the Register. If at the end of 60 days the Commission has not approved or agreed upon modification of the proposal with the owner, the permit shall be issued if it complies with all other applicable laws and regulations.

This requirement shall apply whether or not the proposed change or alteration also requires a building or other permit, provided the requirements of this Section shall not apply to any historic property located within incorporated municipalities in Pierce County.

(Ord. 87-59S § 1 (part), 1987; Ord. 84-23 § 1 (part), 184; prior Code § 14.04.040)

**2.88.045 Removal of Landmark Designations.**

In the event that a designated property is no longer deemed appropriate as a historic landmark, the designation may be removed by the same procedures as provided in establishing the designation. (Ord. 87-59S § 1 (part), 1987; Ord. 84-23 § 1 (part), 1984; prior Code § 14.04.045)

**2.88.050 Local Review Board – Special Tax Valuation of Historic Property.**

The Pierce County Landmarks Commission is hereby designated as the Local Review Board to exercise the functions and duties of a local review board as defined and authorized pursuant to RCW 84.26 (hereinafter referred to as the "State Act") until such time as the County Council may either amend or repeal this provision or designate some other local body or committee as the Local Review Board to carry out such functions and duties. (Ord. 87-59S § 1 (part), 1987)

**2.88.055 Property Eligible for Special Tax Valuation.**

The class of historic property which shall be eligible for special valuation in accordance with the State Act shall be property which is a historic property meeting the criteria or requirement as set forth and defined in the State Act, and which is listed in the National or State Register of Historic Places or designated as a historic building or landmark by ordinance of the County Council in accordance with the provisions of this Chapter. The covenants or agreements referred to in the State Act and amendments thereto shall be signed by the Pierce County Executive and approved as to form by the Prosecuting Attorney. (Ord. 87-59S § 1 (part), 1987)

**2.88.060 Intergovernmental Agreements.**

Upon the recommendation of the Landmarks Commission or as otherwise authorized by law, the Pierce County Executive is authorized in accord with State laws to enter into and carry out the provisions of agreements between Pierce County and incorporated municipalities for the purpose of preserving historic properties in Pierce County. (Ord. 87-59S § 1 (part), 1987)

**2.88.070 Demolition or Alteration of Historic Structures.**

No permit shall be issued by the Building Inspection Department or shall be valid for the demolition or alteration of part or all of any building, structure, place or district which has been designated as historic by the County Council, prior to its referral to the Commission. The Commission shall have 60 days to review and/or recommend modifications to the permit proposal. The purpose of such review will be to determine whether the changes set forth in the proposal permit application are compatible with the reasons for including the structure, building or place on the Register. If at the end of 60 days the commission has not approved or agreed upon modification of the proposal with the owner, the permit shall be issued if it complies with all other applicable laws and regulations. (Ord. 84-23 § 1 (part), 1984; prior Code § 14.04.040)

**2.88.080 Removal of Landmark Designation.**

In the event that a designated property is no longer deemed appropriate as an historic landmark, the designation may be removed by the same procedures as provided in establishing the designation. (Ord. 84-23 § 1 (part), 1984; prior Code § 14.04.045)

*Chapter 2.89*

**TACOMA NARROWS AIRPORT ADVISORY COMMISSION**

**Sections:**

- 2.89.010 Created.**
- 2.89.020 Purpose.**
- 2.89.030 Composition.**
- 2.89.040 Appointment Process and Terms of Office for Voting Members.**
- 2.89.050 Removal of Voting Members.**
- 2.89.060 Officers.**
- 2.89.070 Rules and Records.**
- 2.89.080 Meetings.**
- 2.89.090 Quorum.**
- 2.89.100 Voting Privileges.**
- 2.89.110 Functions and Purpose.**
- 2.89.120 Coordination.**
- 2.89.130 Recommendations.**

**2.89.010 Created.**

A Tacoma Narrows Airport Advisory Commission is hereby created and shall hereinafter be referred to as the "TNAAC". (Ord. 2009-31 § 3 (part), 2009)

**2.89.020 Purpose.**

The TNAAC shall serve in an advisory capacity on matters as authorized by this Chapter to the Hearing Examiner, Planning Commission, County Council and Executive on programs and policies which affect the Tacoma Narrows Airport. The TNAAC shall not perform any final legislative or quasi-judicial decision-making role in matters related to the Tacoma Narrows Airport or its environs, but rather shall provide formal advice to the County regarding same. (Ord. 2009-31 § 3 (part), 2009)

**2.89.030 Composition.**

The TNAAC shall consist of ten voting members and three non-voting government ex-officio members as set forth below:

- A. Four community residents from the Gig Harbor Peninsula Community Plan area including one member of the Peninsula Advisory Commission. These representatives shall be appointed by the County Executive and confirmed by Resolution by a majority of the County Council. These members shall be voting members.
- B. Four airport user representatives, including at least one pilot and one airport tenant. These representatives shall be appointed by the County Executive and confirmed by Resolution of the County Council. These members shall be voting members.
- C. Two representatives of the Peninsula Metropolitan Parks District. These representatives shall be recommended by the District, appointed by the Executive, and confirmed by Resolution of the County Council. These members shall be voting members.
- D. An ex-officio member representing the Director of Public Works & Utilities, or designee, not a voting member.

- E. An ex-officio member representing Pierce County Council District 7, or designee, not a voting member.
- F. An ex-officio member representing the City of Gig Harbor, or designee, not a voting member.

(Ord. 2009-31 § 3 (part), 2009)

**2.89.040 Appointment Process and Terms of Office for Voting Members.**

- A. The appointment process for voting members shall be in accordance with the requirements set forth in Section 3.30 of the Pierce County Charter.
- B. Term of office for voting members shall meet the requirements of Section 3.30 of the Pierce County Charter, provided, however, that the initial terms of voting members shall be staggered as follows:
  - 1. Two members shall be appointed for two years;
  - 2. Four members shall be appointed for three years; and
  - 3. Four members shall be appointed for four years.Thereafter, voting members shall be appointed for 4-year terms. No voting member of the TNAAC shall serve more than two consecutive full terms.
- C. Voting member vacancies occurring for any reason shall be filled by appointment for the unexpired terms or, if occurring on the termination of a regular term, the successor shall be appointed for a full term.

(Ord. 2009-31 § 3 (part), 2009)

**2.89.050 Removal of Voting Members.**

The Executive may remove any voting member of the TNAAC for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the County Council. (Ord. 2011-16s § 1 (part), 2011; Ord. 2009-31 § 3 (part), 2009)

**2.89.060 Officers.**

- A. When the TNAAC has been duly created, the members shall elect a Chair and Vice Chair. The Chair and Vice Chair shall each be elected to a 12-month term and shall alternate every 12 months between an airport user representative and a community resident representative. Provided, however, that the requirement to alternate Chair and Vice Chair positions may be suspended on a 12-month basis through a two-thirds affirmative vote of the TNAAC.
- B. The TNAAC members may also elect a secretary if so desired by the commission. If elected, the secretary shall serve a 12-month term.

(Ord. 2009-31 § 3 (part), 2009)

**2.89.070 Rules and Records.**

The TNAAC shall adopt rules of procedures before it transacts any of its business and shall keep a written summary of its transaction of business and meetings. The committee process for taking action shall generally be guided by the latest revised version of Robert's Rules of Order. All votes shall be polled and recorded. (Ord. 2009-31 § 3 (part), 2009)

**2.89.080 Meetings.**

The TNAAC shall meet as needed, but not less than quarterly. A minimum of ten business days written notice of any meeting shall be provided to all members. A regularly scheduled meeting may be cancelled by the Chair upon notification by Pierce County staff or committee members that no quorum is reasonably expected or when there is no item on the agenda other than routine formalities such as the adoption of minutes, provided that appropriate notice of the cancellation is given. Special meetings may be scheduled by the Chair. Appropriate notice of a special meeting shall be given. All meetings shall be open to the public, pursuant to Chapter 42.30 RCW. (Ord. 2009-31 § 3 (part), 2009)

**2.89.090 Quorum.**

A quorum of the TNAAC for the purpose of conducting business shall be a simple majority of the currently-appointed voting members. Meetings with less than a simple majority may be conducted; however, no official action may be taken. (Ord. 2009-31 § 3 (part), 2009)

**2.89.100 Voting Privileges.**

Each voting member of the TNAAC shall be entitled to one vote on any matter duly before the Commission. The ex-officio members shall be entitled to participate in all discussions and activities of the TNAAC, but shall not be entitled to a vote. (Ord. 2009-31 § 3 (part), 2009)

**2.89.110 Functions and Purpose.**

TNAAC members serve in a capacity to receive information and provide formal advice to the County regarding the Tacoma Narrows Airport properties, including but not limited to the airport, golf course, and open space areas. The TNAAC shall also receive information and provide formal advice to the County regarding all properties located within the Rural Airport Overlay area adjacent to the Tacoma Narrows Airport. The TNAAC shall receive information, hear suggestions and concerns from airport users and neighborhood citizens, and may recommend solutions and provide input to Pierce County regarding issues related to the Airport properties. The TNAAC shall base any comments or recommendations on balancing the need to encourage the development and operation of the Airport with the need to minimize impacts to the surrounding community and adjacent properties while complying with applicable federal, state and local laws, including the policies contained in the Gig Harbor Peninsula Community Plan, Airport Master Plan, and Federal Aviation Administration rules and requirements for airport ownership and operation. The County shall provide information and training to the TNAAC on its areas of responsibility. The duties of the TNAAC members include:

- A. Develop an understanding of the regulatory, contractual and economic issues that are involved in the airport operation, as well as an understanding of the existing character of the adjacent area and the concerns of area residents.
- B. Review plans regarding the use and development of the passive recreation areas associated with the Tacoma Narrows Airport and provide recommendations on the same to the County.
- C. Review and provide recommendations regarding discretionary land use permits proposed within the boundaries of the Airport properties and within the Rural Airport Overlay area. TNAAC's role in permit review shall replace the role of the existing Gig Harbor Peninsula Advisory Commission, described in Chapter 2.75 of Pierce County Code, in such cases.
- D. Review and provide recommendations on any updates to the Airport Master Plan/Airport Layout Plan.

- E. Review and provide recommendations on any proposed amendments to the Pierce County Comprehensive Plan or the Gig Harbor Peninsula Community Plan that may affect the Airport properties or the Rural Airport Overlay.
- F. Provide representatives to work on committees related to airport development planning as needed, including, but not limited to, work on an airport business plan to identify operation and development strategies appropriate to provide sufficient revenues and appropriate uses to support airport operations.
- G. Monitor airport operations and development for compliance with the terms of land use permits and the Airport Master Plan/Airport Layout Plan.
- H. Conduct meetings with airport users and neighborhood citizens to receive input regarding the airport.

(Ord. 2009-31 § 3 (part), 2009)

### **2.89.120 Coordination.**

The Public Works and Utilities Department shall coordinate all matters relating to the Commission's performance of its duties, including administration of the meetings, providing required notice, requesting appointments and reappointments, keeping records of meetings and decisions, documenting the Commission's rules of procedure, forwarding recommendations of the Commission, and providing information needed to conduct its review and analysis. (Ord. 2009-31 § 3 (part), 2009)

### **2.89.130 Recommendations.**

The affirmative action by a simple majority of the quorum shall constitute a formal recommendation. A tie vote or failure to vote on any motion shall be considered a failed motion. Failure to reach a formal recommendation shall not be cause to delay the County's decision on the related legislative or quasi-judicial action being reviewed, but rather shall result in no recommendation being transmitted to the County. In the event that the TNAAC conducts a public meeting regarding an issue subject to the Pierce County Hearing Examiner's review authority, any formal recommendation of the TNAAC shall be forwarded to the Examiner at least five business days prior to the date of the Examiner's hearing, and shall not be cause to continue or delay the scheduled hearing. (Ord. 2009-31 § 3 (part), 2009)

*Chapter 2.90*

***TRAFFIC SAFETY COMMITTEE***

**Section:**

**2.90.010 Established.**

**2.90.010 Established.**

There is established a Committee to be known as the Pierce County Traffic Safety Committee. (Prior Code § 46.07.010)





*Chapter 2.91*

***TOURISM PROMOTION AREA HOTEL COMMISSION***

**Sections:**

- 2.91.010 Created.**
- 2.91.020 Purpose.**
- 2.91.030 Composition.**
- 2.91.040 Appointments.**
- 2.91.050 Membership –Terms of Office.**
- 2.91.060 Vacancies for Voting Members.**
- 2.91.070 Removal from Office.**
- 2.91.080 Officers.**
- 2.91.090 Rules and Records.**
- 2.91.100 Quorum.**
- 2.91.110 Voting.**
- 2.91.120 Open Public Meetings.**
- 2.91 130 Duties – Recommendations.**

**2.91.010 Created.**

The Pierce County Tourism Promotion Hotel Commission (hereinafter “TPA Commission”) is hereby created to advise the County Council pursuant to RCW 35.101.130. (Ord. 2009-110s § 1 (part), 2010)

**2.91.020 Purpose.**

The TPA Commission shall serve in an advisory capacity to the County Council on the expenditure of Special Assessment revenues to fund tourism promotion within Pierce County. (Ord. 2009-110s § 1 (part), 2010)

**2.91.030 Composition.**

The TPA Commission shall consist of eleven voting members, as set forth below:

- A. Three members representing Tacoma;
- B. Two members representing Fife;
- C. One member each representing DuPont, Gig Harbor, Lakewood, Pierce County, Puyallup, and Sumner;

The TPA Commission may also include up to one ex officio member from the members of the Pierce County Council or Pierce County at large, and up to four ex officio members from the cities located in Pierce County that are participating in the interlocal agreement. The ex-officio members of the TPA Commission may participate in all discussions regarding proposed activities and programs that are funded by the Pierce County Tourism Promotion Area for the promotion and marketing of tourism within Pierce County, but shall not have voting rights.

Members of the TPA Commission shall serve without compensation. (Ord. 2009-110s § 1 (part), 2010)

**2.91.040 Appointments.**

The members of the TPA Commission shall be appointed by the Pierce County Executive, subject to confirmation by the Pierce County Council, pursuant to Section 3.30 of the Pierce County Charter. TPA Commission members shall be appointed from a list of nominees prepared by the Pierce County Lodging Association or successor organization. All nominees for membership on the TPA Commission must be operators of lodging businesses within Pierce County which are subject to the TPA Special Assessment imposed under Title 4.18 PCC, or employed by the operator of such a lodging business. (Ord. 2009-110s § 1 (part), 2010)

**2.91.050 Membership – Terms of Office.**

The initial members of the Pierce County Tourism Promotion Area Hotel Commission shall serve staggered terms as follows:

- A. Four members shall serve for three years;
- B. Four members shall serve for two years;
- C. Three members shall serve for one year;

The length of the term for each individual member of the initial TPA Commission shall be specified in the appointment resolution. Thereafter, all members subsequently appointed shall serve for three-year terms. Members of the TPA Commission shall be limited to two consecutive full terms pursuant to Section 3.30 of the Pierce County Charter. (Ord. 2009-110s § 1 (part), 2010)

**2.91.060 Vacancies for Voting Members.**

TPA Commission vacancies occurring for any reason shall be filled by appointment for the unexpired term or, if occurring on the termination of a regular term, the successor shall be appointed for a full term. Appointments to vacancies shall be pursuant to PCC 2.91.030. The appointed member or members shall be chosen from a list of nominees prepared by the Pierce County Lodging Association or successor organization within thirty days from the date the vacancy occurs. The appointed member should be from the city in which the vacancy occurs. In the event there are no suitable candidates in a participating city, the seat may be filled by another operator from a lodging business within Pierce County through the remainder of the term. (Ord. 2009-110s § 1 (part), 2010)

**2.91.070 Removal from Office.**

The Executive may remove any appointed member of the TPA Commission for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the County Council. (Ord. 2011-16s § 1 (part), 2011; Ord. 2009-110s § 1 (part), 2010)

**2.91.080 Officers.**

When the TPA Commission has been duly created and appointed, the members may elect a Chair, Vice Chair, and Secretary. (Ord. 2009-110s § 1 (part), 2010)

**2.91.090 Rules and Records.**

The TPA Commission shall adopt rules of procedure and shall keep a written summary of TPA Commission business transactions. A current copy of the rules shall be provided to the County Council and the County Executive. (Ord. 2009-110s § 1 (part), 2010)

**2.91.100 Quorum.**

One member over one-half of the appointed voting members shall constitute a quorum for the purpose of conducting TPA Commission business. (Ord. 2009-110s § 1 (part), 2010)

**2.91.110 Voting.**

Each appointed member of the TPA Commission shall be entitled to one vote on any matter duly before the TPA Commission. An action taken by a simple majority of members present at a meeting of the TPA Commission shall constitute a recommendation, pursuant to PCC 2.91.130, provided that a quorum is present. All votes must be polled and recorded. (Ord. 2009-110s § 1 (part), 2010)

**2.91.120 Open Public Meetings.**

All meetings of the TPA Commission shall be open to the public pursuant to the Open Public Meetings Act, RCW 42.30. (Ord. 2009-110s § 1 (part), 2010)

**2.91.130 Duties – Recommendations.**

The Pierce County Tourism Promotion Area Hotel Commission will advise the Pierce County Council on the operation of the TPA and the expenditure of Special Assessment revenues to fund tourism promotion within Pierce County.

The TPA Commission will annually adopt a business plan and provide recommendations to the Pierce County Council on proposed uses and projects of the TPA, and on modifications to the operations of the TPA that would be beneficial for the effective and efficient functioning of the TPA and to tourism promotion within Pierce County.

The TPA Commission will report to the Pierce County Council on the previous year's operations of the TPA and propose an annual budget for the following year on or before July 31st of each year, except in the first year after creation of the TPA the report on operations is not required and the budget shall be submitted as soon as practicable, provided no funds shall be expended prior to approval of the TPA budget by the Pierce County Council. The annual budget presented to Council for the TPA shall consist of:

- A. A list of the lodging businesses subject to TPA Special Assessments and an estimate of the revenue to be received from all such lodging businesses; and
- B. An auditable budget statement detailing all proposed TPA activities, programs, expenditures and revenues recommended by the TPA Commission to be funded from TPA Special Assessments and fund balances during the ensuing fiscal year.

(Ord. 2009-110s § 1 (part), 2010)



## *Chapter 2.92*

### ***SOLID WASTE ADVISORY COMMITTEE***

#### **Sections:**

- 2.92.010 Created.**
- 2.92.020 Purpose.**
- 2.92.030 Composition.**
- 2.92.040 Membership – Terms of Office.**
- 2.92.050 Vacancies.**
- 2.92.060 Removal from Office.**
- 2.92.070 Officers.**
- 2.92.080 Rules of Procedure and Records.**
- 2.92.090 Meetings.**
- 2.92.100 Quorum.**
- 2.92.110 Functions.**
- 2.92.120 Voting.**
- 2.92.130 Recommendations.**
- 2.92.140 Subcommittees and Advisory Groups.**
- 2.92.150 Coordination.**

#### **2.92.010 Created.**

A Solid Waste Advisory Committee for Pierce County is created and shall hereinafter be referred to as the "SWAC". The members of this committee shall be appointed by the County Executive and confirmed by a majority of the County Council. (Ord. 2006-19s § 2 (part), 2006)

#### **2.92.020 Purpose.**

The SWAC shall serve in an advisory and technical capacity to the County Council and to the Department of Public Works and Utilities on matters affecting solid waste handling in Pierce County. For the purposes of this Chapter, "solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid waste, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof. (Ord. 2006-19s § 2 (part), 2006)

#### **2.92.030 Composition.**

- A. The SWAC shall consist of 15 voting members, to be appointed by the County Executive and confirmed by a majority vote of the County Council, who shall represent a balance of interests including, but not limited to, citizens, public interest groups, business, the waste management industry, and local public officials. All members shall serve without compensation. At least seven of the voting members shall be from the unincorporated areas of Pierce County.
- B. In addition to the 15 voting members, representatives from the Pierce County Council, the Department of Public Works and Utilities, the Tacoma-Pierce County Health Department, and any company which provides municipal solid waste disposal services under contract to Pierce County (or to a city or town which has entered into an Interlocal

Agreement with Pierce County for solid waste planning services) shall be invited by the Pierce County Executive to serve as non-voting members of the SWAC.  
(Ord. 2006-19s § 2 (part), 2006)

**2.92.040 Membership – Terms of Office.**

- A. The first full terms of office of the voting members initially appointed in 2006 shall be staggered such that eight shall be appointed to terms that expire on March 31, 2010, and seven shall be appointed to terms that expire on March 31, 2008. Thereafter, the successors to the first appointment shall be appointed to four-year terms which shall expire on March 31 of the appropriate year.
  - B. No voting member of the SWAC shall serve more than two consecutive full terms of office. Any voting member, having served the maximum term allowed, may not be reappointed to the SWAC for a period of at least 24 months.
  - C. There are no terms associated with the non-voting member positions.
- (Ord. 2006-19s § 2 (part), 2006)

**2.92.050 Vacancies.**

Vacancies occurring for any reason shall be filled by appointment by the County Executive and confirmed by the County Council for the unexpired term, or, if occurring on the termination of a regular term, the successor shall be appointed for a full term. (Ord. 2006-19s § 2 (part), 2006)

**2.92.060 Removal from Office.**

The Executive may remove any appointed member of the SWAC for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council. Rules of Procedure adopted by the SWAC pursuant to PCC 2.92.080 will include procedures by which the SWAC will notify the County Executive should any member of the SWAC demonstrate performance sufficient to cause his or her removal. (Ord. 2011-16s § 1 (part), 2011; Ord. 2006-19s § 2 (part), 2006)

**2.92.070 Officers.**

The members of the SWAC shall annually elect a Chair and a Vice Chair following a process established in its Rules of Procedure. In lieu of a Secretary, the Director of the Department of Public Works and Utilities (or designee) shall appoint a staff person to perform all traditional ministerial functions associated therewith. This staff person shall not be a member of the SWAC. (Ord. 2006-19s § 2 (part), 2006)

**2.92.080 Rules of Procedure and Records.**

The SWAC shall adopt Rules of Procedure for the transaction of its business. Staff from the Department of Public Works and Utilities shall maintain written summaries of the SWAC's transactions of business. All records of the SWAC, unless specifically exempted by State law, shall be public documents and will be made available to the public upon request. The SWAC shall provide a current copy of its rules to the County Council, the appropriate office of the Washington Department of Ecology, and all interested parties. (Ord. 2006-19s § 2 (part), 2006)

**2.92.090 Meetings.**

- A. The SWAC shall meet at least four times a year at times and locations agreed upon by the SWAC. All committee, subcommittee, and advisory group meetings shall be subject to the Open Public Meetings Act (Ch. 42.30 RCW).
- B. Special meetings of the SWAC may be called at any time by the Chair or by at least two-thirds of the membership of the SWAC, upon notice being given to all members of the SWAC.

(Ord. 2006-19s § 2 (part), 2006)

**2.92.100 Quorum.**

A simple majority of appointed and confirmed Voting Members shall constitute a quorum for the purpose of conducting SWAC business. (Ord. 2006-19s § 2 (part), 2006)

**2.92.110 Functions.**

The SWAC shall be of an advisory nature only and will make recommendations to the Council and Department of Public Works and Utilities on matters relative to the development and implementation of solid waste handling programs and policies. To this end, the SWAC shall perform the following functions:

- A. Review and comment upon resolutions and ordinances which are referred to the SWAC by the County Council, prior to final passage by the Council;
- B. Review and respond to requests from the County Council for recommendations on matters other than resolutions and ordinances;
- C. Provide a forum within the community for the expression of opinions regarding solid waste handling and disposal plans, ordinances, resolutions, and programs prior to adoption;
- D. Further the interest in, and understanding of, solid waste handling in general within the County;
- E. As the SWAC deems necessary, make recommendations or reports to the Council and the Solid Waste Division of the Department of Public Works and Utilities on plans, ordinances, resolutions, and programs to improve any aspect of solid waste handling within Pierce County;
- F. Assist the Solid Waste Division in projects and studies relating to solid waste handling, as requested by the Solid Waste Division.

(Ord. 2006-19s § 2 (part), 2006)

**2.92.120 Voting.**

- A. When the SWAC acts pursuant to PCC 2.92.110 A. and B., each voting member of the SWAC shall be entitled to one vote on a report containing the SWAC's comments and recommendations. Comments and recommendations shall be considered conclusive only when approved by a simple majority of the appointed and confirmed voting members. All formal votes must be polled and recorded.
- B. In all other matters, the SWAC shall strive to operate on a consensus model and shall adopt rules to that effect.

(Ord. 2006-19s § 2 (part), 2006)

**2.92.130 Recommendations.**

When the SWAC acts pursuant to PCC 2.92.110 A. or B., recommendations and minority opinion reports shall be submitted in writing to the County Council. All written recommendations and minority opinion reports must contain all of the concerns the SWAC wishes the Council to consider. The SWAC Chair and the primary author of minority opinion reports (or authorized designees) shall be permitted to make oral presentations to clarify the written recommendations. Any presentation which goes beyond clarifying the written recommendation shall be considered a personal recommendation. (Ord. 2006-19s § 2 (part), 2006)

**2.92.140 Subcommittees and Advisory Groups.**

- A. The SWAC may create one or more subcommittees to which the SWAC may delegate work. Subcommittees shall be composed of not more than five voting SWAC members appointed by the SWAC Chair, subject to confirmation by a simple majority of the SWAC voting members. To the extent practical, the subcommittee should represent the same balance of interests represented on the SWAC. The SWAC Chair shall appoint one subcommittee member to serve as Chair. Subcommittees shall follow Rules of Procedure adopted by the SWAC. Subcommittee meetings shall be open to the public. Unless otherwise provided for by County Code or State law, notice of the date(s), time, and place of scheduled meetings shall be provided by one publication in the newspaper of general circulation under contract with the County for the publication of such notices.
- B. The SWAC may create one or more Advisory Groups to advise the SWAC on specific, assigned, topics. Advisory Groups shall be composed of less than a quorum of SWAC voting members, with additional members (including non-voting members and individuals who are not members of the SWAC) appointed by the SWAC Chair, subject to confirmation by a majority of the SWAC. The SWAC Chair shall appoint each Advisory Group Chair. Advisory Groups shall follow Rules of Procedure adopted by the SWAC. Advisory Group meetings shall be open to the public. Each member of an Advisory Group shall be entitled to one vote on the Advisory Group's recommendations to the SWAC.

(Ord. 2006-19s § 2 (part), 2006)

**2.92.150 Coordination.**

The SWAC, its subcommittees, and Advisory Groups shall be staffed and shall receive administrative support from the Department of Public Works and Utilities. (Ord. 2006-19s § 2 (part), 2006)



## *Chapter 2.93*

### ***LODGING TAX ADVISORY COMMITTEE***

#### **Sections:**

- 2.93.010 Created.**
- 2.93.020 Purpose.**
- 2.93.030 Composition.**
- 2.93.040 Membership – Terms of Office.**
- 2.93.050 Vacancies.**
- 2.93.060 Removal from Office.**
- 2.93.070 Officers.**
- 2.93.080 Rules and Records.**
- 2.93.090 Quorum.**
- 2.93.100 Voting – Meetings.**
- 2.93.110 Duties – Recommendations.**

#### **2.93.010 Created.**

The Pierce County Lodging Tax Advisory Committee (Committee) is hereby created to advise the County Council pursuant to the 1997 amendments to RCW 67.28. The members of this committee shall be appointed by the Pierce County Executive, subject to confirmation by the Pierce County Council pursuant to Section 3.30 of the Pierce County Charter. (Ord. 97-20S2 § 3 (part), 1997)

#### **2.93.020 Purpose.**

The Committee shall serve in an advisory capacity to the County Council and the Pierce County Executive on matters related to the tax authorized by Chapter 452, Washington Laws of 1997. (Ord. 97-20S2 § 3 (part), 1997)

#### **2.93.030 Composition.**

The Committee shall consist of 12 members.

- A. The Committee shall include four representatives of businesses required to collect the tax imposed under Chapter 67.28 RCW and shall be representative of the geographical diversity of Pierce County and provide balanced representation reflecting all areas of Pierce County, both rural and urban.
- B. The Committee shall also include four members who are involved in activities authorized to be funded by revenues received pursuant to Chapter 67.28 RCW and shall be representative of the geographical diversity of Pierce County and provide balanced representation reflecting all areas of Pierce County, both rural and urban.
- C. The Committee shall also include the following:
  - 1. two at-large members;
  - 2. a member of a City Council representing a city or town within Pierce County that collects lodging tax which goes to the County; and
  - 3. a member of the Pierce County Council who shall serve as Chair of the Committee.

Members of the Committee shall serve without compensation.  
(Ord. 2000-66 § 1 (part), 2000; Ord. 97-20S2 § 3 (part), 1997)

**2.93.040 Membership – Terms of Office.**

After the Committee is created, the first terms of the members shall be staggered as follows:

- A. Four members shall be appointed for two years;
- B. Four members shall be appointed for three years; and
- C. Two members shall be appointed for four years.

Thereafter, the successors to the first appointment other than the city or town councilmember shall be appointed to 4-year terms. The city or town councilmember shall be appointed to 2-year terms. No member of the Committee shall serve more than two consecutive full terms.

All terms shall end on June 30 of the final year of the term.

(Ord. 2000-66 § 1 (part), 2000; Ord. 97-20S2 § 3 (part), 1997)

**2.93.050 Vacancies.**

Vacancies occurring for any reason shall be filled by appointment for the unexpired terms, or, if occurring on the termination of a regular term, the successor shall be appointed for a full term. Appointments to vacancies shall be pursuant to PCC 2.93.010. (Ord. 97-20S2 § 3 (part), 1997)

**2.93.060 Removal from Office.**

The Executive may remove any appointed member of the Committee for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council. (Ord. 2011-16s § 1 (part), 2011; Ord. 97-20S2 § 3 (part), 1997)

**2.93.070 Officers.**

The Chair of the Committee shall be the member representing the Pierce County Council. A Vice Chair and Secretary shall be elected by the Committee members. (Ord. 97-20S2 § 3 (part), 1997)

**2.93.080 Rules and Records.**

The Committee shall adopt rules of procedure and shall keep a written summary of its transactions of business. A current copy of the rules shall be provided to the Council and Executive. (Ord. 97-20S2 § 3 (part), 1997)

**2.93.090 Quorum.**

A quorum of the Committee for purposes of conducting business shall be six members. (Ord. 97-20S2 § 3 (part), 1997)

**2.93.100 Voting – Meetings.**

Each appointed member of the Committee shall be entitled to one vote on any matter duly before the Committee.

An action taken by a simple majority of members present at a meeting of the Committee shall constitute a recommendation, pursuant to PCC 2.93.110, provided that a quorum is present. All votes must be polled and recorded.

All meetings of the Committee shall be open to the public pursuant to the Open Public Meetings Act, Chapter 42.30 RCW.

(Ord. 97-20S2 § 3 (part), 1997)

**2.93.110 Duties – Recommendations.**

Upon receipt of the County's proposal to impose the tax under PCC 4.16 to increase said tax, to repeal an exemption from said tax or to change the use of revenue received under said tax, the Committee shall review the proposal and submit comments thereon in a timely manner to the Council and the Pierce County Executive.

The Committee's comments shall include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-term stability of the Tourism Promotion and Capital Facilities Fund, created by Ordinance No. 97-20S and codified at PCC 4.48.020 H.

Failure of the Committee to submit comments before final action on the proposal shall not prevent the Council from acting on the proposal. The Council is not required to submit an amended proposal to the Committee.

Code Revisor's Note: The reference to PCC 4.48.020 H. above is incorrect. The correct cite should be 4.48.020 G.

(Ord. 97-20S2 § 3 (part), 1997)



## *Chapter 2.95*

### ***COMMUNITY SERVICES CITIZENS' ADVISORY BOARD***

#### **Sections:**

- 2.95.010 Board Created.**
- 2.95.020 Purpose, Function, and Objectives.**
- 2.95.030 Membership, Composition, Term of Office.**
- 2.95.040 Resignation from Office.**
- 2.95.050 Removal from Office.**
- 2.95.060 Officers.**
- 2.95.070 Meetings.**
- 2.95.080 Quorum.**
- 2.95.090 Committees.**
- 2.95.100 Conflict of Interest.**

#### **2.95.010 Board Created.**

There is created a Community Services Citizens' Advisory Board (Board), consolidating the functions and purposes of the Housing and Community Development and the Community Action Citizens' Advisory Boards. (Ord. 96-104 § 2 (part), 1996)

#### **2.95.020 Purpose, Function, and Objectives.**

The Board shall serve in an advisory capacity to assist the County in the implementation of federal/state programs and activities, including those authorized under the Housing and Community Development Act of 1974, The Stewart B. McKinney Homeless Assistance Act of 1990, and the Community Service Block Grant Act of 1981, as they now stand or may be amended.

Specific Board objectives shall be to: assess and determine community needs, particularly those of low-income persons; reduce the impact of poverty and homelessness on families and individuals by providing services which ease those conditions; assist the upward mobility of low-income persons by providing a continuum of services, including education and employment opportunities; prioritize needs and recommend program activities and funding levels; and monitor program performance.

(Ord. 96-104 § 2 (part), 1996)

#### **2.95.030 Membership, Composition, Terms of Office.**

Members of the Board shall be appointed by the Pierce County Executive and confirmed by a majority of the Pierce County Council, consistent with Pierce County Charter Section 3.30.

The membership of this Board shall be 25 Members representing Pierce County Cities and Towns, target groups served, and unincorporated areas. Terms of office shall be for three years, and limited to two consecutive terms.

After the Board is created, the initial terms of members shall be staggered as follows:

- A. Seven members shall be appointed for one year;
- B. Seven members shall be appointed for two years; and
- C. Seven members shall be appointed for three years.

Four positions on the Board shall be filled by nominees from the Pierce County Cities and Towns Association. Candidates for the remaining Board positions shall be publicly solicited from throughout the County by newspaper ad and notification of interested organizations.

Applicants shall be selected based upon their qualifications and the needs of the Board to reflect the diverse population of the County, including but not limited to economic status, age, race, gender, geographic areas, and special needs.  
(Ord. 96-104 § 2 (part), 1996)

**2.95.040 Resignation from Office.**

Any member desiring to resign from the Board shall submit their intent to resign in writing to the Board and to the Department of Community Services. (Ord. 96-104 § 2 (part), 1996)

**2.95.050 Removal from Office.**

The Executive may remove any appointed member of the Board for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council. (Ord. 2011-16s § 1 (part), 2011; Ord. 96-104 § 2 (part), 1996)

**2.95.060 Officers.**

When the Board has been duly created, the members shall elect a Chair and a Vice Chair.  
(Ord. 96-104 § 2 (part), 1996)

**2.95.070 Meetings.**

The regular meetings of the Board shall be held the first Wednesday of each month, unless otherwise ordered by the Board, the Chair, or the Director of the Department of Community Services. Meetings are open to the public in accordance with the Open Public Meetings Act stated in Chapter 42.30 RCW.

Special meetings may be called by the Chair or by the Director of the Department of Community Services. The purpose of the meeting shall be stated in the call. Except in cases of emergency, at least ten days notice shall be given.  
(Ord. 96-104 § 2 (part), 1996)

**2.95.080 Quorum.**

One member over one half of the membership shall constitute a quorum. A simple majority vote of the quorum is needed to conduct business of the Board. (Ord. 96-104 § 2 (part), 1996)

**2.95.090 Committees.**

Any committees, standing or special, shall be appointed by the Chair of the Board, or by the Director of the Department of Community Services, as is deemed necessary to carry on the work of the Board. The Chair shall be an ex-officio Member of all Committees. (Ord. 96-104 § 2 (part), 1996)

**2.95.100 Conflict of Interest**

No member of the Community Services Citizens' Advisory Board may vote on a Board recommendation if the result would financially benefit an agency or organization of which the Member is a decision-making officer, or is in a position of authority or responsibility.

It is the responsibility of each Board Member to declare potential conflicts of interest. The Chair shall be responsible for mediating differences of opinion on these matter as they may arise.

Board Members are not precluded from receiving program services for which they are eligible.

(Ord. 96-104 § 2 (part), 1996)





## *Chapter 2.96*

### ***CONSERVATION FUTURES PROGRAM CITIZENS' ADVISORY BOARD AND CONSERVATION FUTURES TECHNICAL ADVISORY COMMITTEE***

#### **Sections:**

- 2.96.010 Findings and Declaration of Purpose.**
- 2.96.020 Definitions.**
- 2.96.030 Incorporation by Reference.**
- 2.96.040 Establishment of a Conservation Futures Program Citizens' Advisory Board.**
- 2.96.050 Duties of the Conservation Futures Program Citizens' Advisory Board.**
- 2.96.060 Establishment of a Conservation Futures Technical Advisory Committee.**
- 2.96.070 Duties of the Conservation Futures Technical Advisory Committee.**
- 2.96.080 Review of Selection Criteria.**
- 2.96.090 Conflict of Interest.**
- 2.96.100 Board and Committee Staffing Responsibilities.**
- 2.96.110 Severability.**

#### **Cross Reference: Chapter 84.34 RCW**

#### **2.96.010 Findings and Declaration of Purpose.**

- A. Existing policies and regulations, by themselves, have been ineffective in providing long-term protection of open space, wetlands, habitat areas, farm, agricultural, and timber lands, which are under the pressure of increasing urban development. The acquisition of property interests as provided by this Chapter is in the public interest and constitutes a public purpose of Pierce County.
  - B. It is the purpose of this Chapter, together with PCC § 4.48.020 I. and Chapters 4.14 and 2.97 PCC, to implement Chapter 84.34 RCW as it relates to Conservation Futures.
  - C. It is further the purpose of this Chapter to acquire by purchase, gift, grant, bequest, devise, lease, or otherwise, except by eminent domain, the fee simple or any lesser property interest, development right, easement, covenant, or other contractual right necessary to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve, selected open space land, farm and agricultural land, and timber land as such are defined in Chapter 84.34 RCW for public use or enjoyment.
- (Ord. 98-118S § 1 (part), 1999; Ord. 91-180 § 1 (part), 1991; Ord. 91-66 § 1 (part), 1991)

#### **2.96.020 Definitions.**

- A. The definitions contained in RCW 84.34.020 are hereby adopted and by this reference incorporated herein.
- B. As used in this Chapter, the following words shall have the following meanings:
  - 1. "Board" means the Conservation Futures Program Citizens' Advisory Board;
  - 2. "Committee" means the Conservation Futures Technical Advisory Committee;
  - 3. "Council" means the Pierce County Council;
  - 4. "May" or "should" means optional and permissive and does not impose a requirement;

5. "Shall" means mandatory and imposes a requirement.  
(Ord. 91-180 § 1 (part), 1991; Ord. 91-66 § 1 (part), 1991)

**2.96.030 Incorporation by Reference.**

The provisions of RCW 84.34.200, .210, .220, and .230 are hereby incorporated by reference into this Chapter. (Ord. 91-180 § 1 (part), 1991; Ord. 91-66 § 1 (part), 1991)

**2.96.040 Establishment of the Conservation Futures Program Citizens' Advisory Board.**

- A. A Conservation Futures Program Citizens' Advisory Board (Board) is hereby established.
- B. The Board shall consist of: one person from each Council District; one person to represent the City of Tacoma, one person selected by the legislative body of each city and town whose population base is greater than 10,000; two persons selected by the Pierce County Association of Small Cities and Towns to collectively represent the legislative bodies of the cities and towns whose population base is less than 10,000; and two persons chosen at large from the unincorporated area. All Board members shall be appointed by the Pierce County Executive subject to confirmation by a majority of the Council by passage of a Resolution pursuant to the Pierce County Charter, § 3.30.
- C. Board members shall serve 4-year terms. The Executive may remove any appointed member of the Board for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council. Board members shall not be compensated for their services. Board members may be reappointed to a second term. No Board member shall serve more than two consecutive full terms. Public elected officials shall not serve on the Board. All Board members shall have been residents of and own real property in Pierce County.
- D. All appointments to the Board shall ensure that the background of the Board members as a whole is broad based and that the number of members from the unincorporated area reflects the proportion of unincorporated population in the County. For appointment of members representing Council Districts, preference shall be given to residents from unincorporated areas of the County.
- E. All Board meetings shall be open to the public and conducted as if subject to the Open Public Meetings Act, Chapter 42.30 RCW.
- F. A quorum of the Board shall be stated in the Board's adopted rules for the transaction of business.
- G. The members of the Board shall annually select a Chair and a Vice Chair.
- H. The Board shall adopt rules for the transaction of its business and shall maintain a written and recorded record of its meetings. All records of the Board, unless specifically exempted by state law, shall be public documents and shall be made available to the public upon request pursuant to Chapter 2.04 PCC.
- I. Each member of the Board shall be entitled to one vote on any matter duly before the Board. Actions taken by the Board shall constitute an advisory recommendation to the Council. Actions taken by the Board shall be considered conclusive only when approved as provided for in the Board's adopted rules for the transaction of business.
- J. Any oral presentation to the Council by a Board member shall only be permitted to clarify the Board's written findings, conclusions, and recommendation and any presentation by a Board member that goes beyond clarifying the written findings, conclusions, or recommendation shall be considered as a personal recommendation,

PROVIDED: The Board's Chair or Vice Chair may make an oral presentation to the Council summarizing the Board's activities.

(Ord. 2011-16s § 1 (part), 2011; Ord. 2001-59s2 § 2, 2002; Ord. 98-118S § 1 (part), 1999; Ord. 92-83S § 1 (part), 1992; Ord. 91-180 § 1 (part), 1991; Ord. 91-66 § 1 (part), 1991)

**2.96.050 Duties of the Conservation Futures Program Citizens' Advisory Board.**

- A. Using the selection criteria in Chapter 2.97, the Board shall, beginning in August of each year, make annual recommendations to the Council for proposals to be funded as part of the Conservation Futures Program.
- B. Recommendations. When making recommendations to the Council, the Board shall provide the Council with the following:
  - 1. Written findings and conclusions as to how its recommendations satisfy the fund allocation and selection criteria;
  - 2. A summary of the proceedings before the Board;
  - 3. The Board's prioritized list of recommended properties; and
  - 4. The concerns of the Board which it desires to be considered by the Council.
- C. All Board meetings shall, unless otherwise provided by law, be open to the public and conducted as if subject to the Open Public Meetings Act, Chapter 42.30 RCW. All records of the Board, unless specifically exempted by state law, shall be public documents and shall be made available to the public upon request pursuant to Chapter 2.04 PCC.
- D. All Board records shall remain available to the public for a period of three years. At the end of the three-year period, the Parks and Recreation Services Department may send the records to storage.

(Ord. 98-118S § 1 (part), 1999; Ord. 92-83S § 1 (part), 1992; Ord. 91-180 § 1 (part), 1991; Ord. 91-66 § 1 (part), 1991)

**2.96.060 Establishment of the Conservation Futures Technical Advisory Committee.**

- A. A Conservation Futures Technical Advisory Committee (Committee) is hereby established to assist and make recommendations to the Board.
- B. The Committee shall, pursuant to the provisions of this Chapter, annually review project proposals on such issues as technical merit, feasibility, extent of benefit, and compliance with the selection criteria in Chapter 2.97.
- C. The Committee shall consist of one member to represent each of the following entities:
  - 1. The Pierce County Planning and Land Services Department;
  - 2. The Pierce County Parks and Recreation Services Department;
  - 3. The Pierce County Budget and Finance Department;
  - 4. The Pierce County Planning Commission;
  - 5. The Metropolitan Parks District of Tacoma;
  - 6. The Public Works and/or Parks Departments of small cities and towns in Pierce County, who shall be selected by the Pierce County Association of Small Cities and Towns; and
  - 7. The City of Tacoma Public Works and/or Planning Department.

(Ord. 98-118S § 1 (part), 1999; Ord. 91-180 § 1 (part), 1991; Ord. 91-66 § 1 (part), 1991)

**2.96.070 Duties of the Conservation Futures Technical Advisory Committee.**

- A. Using the selection criteria in Chapter 2.97, the Committee shall, on or before June 30 of every year, make annual recommendations to the Board on proposals to be funded as part of the Conservation Futures Program.
- B. All Committee meetings shall, unless otherwise provided by law, be open to the public and conducted as if subject to the Open Public Meetings Act, Chapter 42.30 RCW. All records of the Committee, unless specifically exempted by state law, shall be public documents and shall be made available to the public upon request pursuant to Chapter 2.04 PCC.

(Ord. 98-118S § 1 (part), 1999; Ord. 92-83S § 1 (part), 1992; Ord. 91-180 § 1 (part), 1991; Ord. 91-66 § 1 (part), 1991)

**2.96.080 Review of Selection Criteria.**

At least every five years after the effective date of this Chapter, the Board, Committee, and Council shall review and, if deemed in the public interest, amend this Chapter and the selection criteria in Chapter 2.97. (Ord. 98-118S § 1 (part), 1999; Ord. 91-180 § 1 (part), 1991; Ord. 91-66 § 1 (part), 1991)

**2.96.090 Conflict of Interest.**

No Board, Committee, or Councilmember shall directly or indirectly benefit from or have an ownership or financial interest in any of the land eligible to be purchased pursuant to this Chapter. (Ord. 98-118S § 1 (part), 1999; Ord. 91-180 § 1 (part), 1991; Ord. 91-66 § 1 (part), 1991)

**2.96.100 Board and Committee Staffing Responsibilities.**

The Parks and Recreation Services Department shall be responsible for providing the necessary staffing for both the Conservation Futures Program Citizens' Advisory Board and the Conservation Futures Technical Advisory Committee. (Ord. 98-118S § 1 (part), 1999; Ord. 91-180 § 1 (part), 1991; Ord. 91-66 § 1 (part), 1991)

**2.96.110 Severability.**

If any Section, subsection, paragraph, sentence, clause, or phase of this Chapter or its application to any person or circumstance is held invalid, the remainder of this Chapter or its application to other persons or circumstances is not affected. (Ord. 98-118S § 1 (part), 1999; Ord. 91-180 § 1 (part), 1991; Ord. 91-66 § 1 (part), 1991)

*Chapter 2.97*

**CONSERVATION FUTURES FUND  
ALLOCATION AND SELECTION CRITERIA**

**Sections:**

- 2.97.010 Purpose.**
- 2.97.020 Definitions.**
- 2.97.030 Categories of Open Space.**
- 2.97.040 Conservation Futures Funds – Annual Allocation.**
- 2.97.045 Conservation Futures Funds – Annual Allocation Exception (Effective Until January 1, 2013).**
- 2.97.050 Annual Nomination Application and Acquisition Requirements.**
- 2.97.060 Fund Allocation and Selection Criteria.**
- 2.97.070 Property Acquisition Costs – Notices.**
- 2.97.080 Conservation Futures Covenants.**
- 2.97.090 Long-Term Financial Commitments.**
- 2.97.100 Property Management Authority.**

**Appendices:**

- A. Conservation Futures Selection Criteria and Points**
- B. Pierce County Conservation Futures Purchase and Sale Agreement**

**Cross-reference: RCW 64.04.130, and Chapter 84.34 RCW; Chapters 19D.170, 2.96, and 4.14 PCC**

**2.97.010 Purpose.**

It is the purpose of this Chapter to implement Chapter 2.96, and establish selection criteria and a process for acquisition by Pierce County of open space property using Conservation Futures Funds. (Ord. 98-118S § 3 (part), 1999)

**2.97.020 Definitions.**

- A. **"Active recreation uses"** means indoor and outdoor recreation activities and athletics which have predominant value as sites for specific recreation activities unrelated to the natural environment, such as ball fields, regional athletic sites, playgrounds, swimming pools, skate parks, skating arenas, and recreational centers. Active recreation uses may be allowed on properties purchased with Conservation Futures funds when recommended by the Conservation Futures Citizens' Advisory Board, and/or approved by the Council, and addressed in the covenants or property restrictions.
- B. **"Archaeologic Sites"** means geographical locations, including those lands that are submerged and submersible and the bed of the sea that contain archeological objects, that comprise the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products. Archeological sites may contain prehistoric, historic archeological resources or both. Confidentiality of locations may be required of archeological sites.

- C. **"Agricultural Land"** means land primarily devoted to the current production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and which has significance for agricultural production. Also land that has been traditionally in or is still capable of production for the above as demonstrated by sales receipts, income tax statements or other materials which the Department accepts as proof that farming once occurred on the property and the property could be returned to highly productive commercial agriculture, conservation plans, and farm plan which includes a water protection plan that shall be reviewed and approved by the conservation district prior to granting.
- D. **"Aquifer Recharge Areas"** means land areas where the prevailing geologic conditions allow infiltration rates which create a high potential for contamination of groundwater resources or contribute to the replenishment of groundwater.
- E. **"Board"** means the Conservation Futures Program Citizens' Advisory Board.
- F. **"Contiguous"** shall mean land adjoining or touching other property held by the same ownership. Land divided by a public road, but otherwise an integral part of the same land ownership will be considered "contiguous" for purposes of this Chapter.
- G. **"Committee"** means the Conservation Futures Technical Advisory Committee.
- H. **"Conservation/Historic Preservation Easement"** means a property restriction in perpetuity on the use of the property. It is a recorded deed restriction, or covenant, and the enforcement of the restriction is most often given to a Land-Trust or a government agency. A conservation easement will prevent future real estate development, industrial or commercial use. The easement may allow continued current use for example, residential and recreational use, agriculture, forestry, or ranching. However, most often a conservation easement restricts both the current as well as the future uses of the land to some important conservation quality of the land, such as habitat, open space, or scenic views. A conservation easement or restrictive covenant must be recorded against the deed as a part of the final agreement with the land owner.
- I. **"Critical Salmon Habitat"** means:
  - 1. The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of the Federal Endangered Species Act, on which are found those physical or biological features:
    - a. Essential to the conservation of the species; and
    - b. Which may require special management considerations or protection; and
  - 2. Specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of the Federal Endangered Species Act, upon a determination by the national Secretary on the Interior and/or Commerce that such areas are essential for the conservation of the species.
- J. **"Farm Lands"** shall mean agricultural lands as defined in PCC 2.97.020 B.
- K. **"Fish and Wildlife Habitat Conservation Areas"** means a geographic area or areas necessary for maintaining species and may include areas of unique vegetation, successional stage, or habitat elements important to fish and wildlife, and may also include the connecting corridors between those areas. Examples of fish and wildlife habitat conservation areas include areas with which endangered, threatened, and sensitive species have a primary association; habitats and species of local importance; commercial and recreational shellfish areas; kelp and eelgrass beds; herring and smelt spawning areas; naturally occurring ponds under 20 acres and their submerged aquatic

beds that provide fish or wildlife habitat; state natural area preserves, natural resource conservation areas; land located within the Pierce County Biodiversity Network as identified in the Pierce County Biodiversity Network Assessment report dated August 2004; and any regulated fish and wildlife habitat conservation areas identified in the Pierce County Critical Area Regulations.

- L. **"Flood Hazard Areas"** means land in a floodplain within Pierce County subject to a 0.2 percent or greater chance of flooding in any given year (500-year floodplain).
- M. **"Historic Landmark Sites"** means locations strongly associated with significant prehistoric or historic events or patterns of events and well documented through scholarly research. Historic landmark sites may include archeological sites.
- N. **"Lakes"** means all freshwater impoundments 20 acres or greater in size and their undeveloped shoreline areas.
- O. **"Landslide Hazard Areas (Steep Slopes)"** means areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.
- P. **"Letter of Opinion"** shall mean a restricted limited or complete report completed in accordance with Uniform Standards of Professional Appraisal Practice by a Washington State licensed real property appraiser as to the present value of the proposed property or rights to be acquired.
- Q. **"Leverage Statement"** shall mean a description of guaranteed dollars available through other funding sources. The source of these funds and the date the monies will be available for expenditure must be described in the application materials. For example, State Interagency Committee for Outdoor Recreation (IAC) monies in the amount of (\$) will be available for expenditure by (some date) and will be matched using purposed Conservation Futures monies in amount of (\$).
- R. **"Limit the future use of"** means any improvements to the subject property shall be limited to those uses which are passive in nature, agricultural land, or timber land; provided that active recreation may be allowed on a specific nominated property or portion thereof, when recommended by the Conservation Futures Citizens' Advisory Board and/or approved by the Council and addressed in the covenants or property restrictions. In all cases, improvements to properties purchased with Conservation Futures Funds must meet the requirements and intent of RCW 84.34.200-220.
- S. **"Marine Waters"** means Puget Sound and its associated undeveloped shoreline areas.
- T. **"Non-Profit Receiving Agency"** shall mean a non-profit historic preservation corporation, nature conservancy corporation, or a non-profit land trust as those terms are defined in RCW 64.04.130.
- U. **"Open Space"** means a landscape which is primarily unimproved. Open space areas may include: critical areas, wooded areas, parks, trails, privately owned nature reserves, abandoned railroad lines, utility corridors, and other vacant rights-of-way. Permanent dedication, designation, or reservation of open space for public or private use may occur in accordance with Comprehensive Plan policies.
- V. **"Other Environmental Goals"** shall mean adopted city, town, or county goals, objectives, policies, or regulations that address environmental issues. These documents may specifically address air and water quality, fish and animal habitat, natural resource protection, and conservation of land.
- W. **"Owner"** shall mean the party or parties having fee interest in the land, except that where the land is subject to a real estate contract, "owner" shall mean the contract vendee.

- X. **"Prairie Land"** means open areas predominated by native, drought-resistant grasses, forbs (flowering non-woody plants), and herbs. In Pierce County, prairies are an unusual vegetation regime found in areas of extremely well-drained soils.
- Y. **"Private Open Space Passive Recreation Areas"** means open space areas where public use and access is desired and improvements will enhance public accessibility to the natural resources available at the site. County open space parks as found in the County's Capital Facilities Plan Element of the Comprehensive Plan are included.
- Z. **"Private Parks and Private Golf Courses with Developed Facilities"** means a private park or golf course designed for organized activities and sports, although individual and family activities are also encouraged.
- AA. **"Private Trails and Corridors"** means private trails and corridors that are used for hiking, biking, walking, horseback riding, and jogging. The trails may vary in scale and surfacing and may also be used as a means of non-motorized transportation connecting one destination point to another. Potentially, trails may include areas providing linkages between trails, abandoned rail lines, utility corridors, vacant rights-of-way, and road endings.
- BB. **"Privately Owned and Operated Recreational Facilities"** means profit or non-profit recreation which is open for recreational sporting activities.
- CC. **"Property"** means the fee simple or any lesser interest in land that meets the requirements for consideration under the Conservation Futures program. In this instance a lesser interest in land includes development right, easement, covenant or other contractual right necessary to protect, preserve, maintain, improve, restore, limit the future use of or otherwise conserve open space lands.
- DD. **"Public Receiving Agency"** shall mean a municipal corporation, political subdivision, park and recreation district, metropolitan park and recreation district, or a state or local governmental agency empowered to hold on behalf the public fee simple or other interests in land.
- EE. **"Receiving Agency Affidavit"** shall mean a signed affidavit by a Public Receiving Agency or a Non-Profit Receiving Agency agreeing to accept the conveyance of the property rights.
- FF. **"Recommendations"** shall mean the Citizens' Advisory Board's written findings and conclusions as to how its recommendations satisfy the fund allocation and selection criteria; along with a summary of the proceedings and the Boards' vote on all matters; any concerns which the Board desires to be considered by the Council; and a proposed appropriation ordinance setting forth the applications and/or proposals recommended for funding (See PCC 2.96.050).
- GG. **"Scenic Corridors"** means an area of adjoining parcels which individually may be less than one acre but which, when combined, total at least one acre and create a view corridor critical to maintaining a view of a scenic resource visible from a federally- or state-designated scenic highway which is visually significant to the aesthetic character of the County.
- HH. **"Scenic View Point"** means property adjacent to a federally- or state-designated scenic highway or other officially designated view point that provides a view of an area which is visually significant to the aesthetic character of the county and which provides unlimited public access identified by a permanent sign readily visible from the road. View points may be officially designated by the State of Washington, Pierce County, or a city or town.



- II. **"Sponsor"** shall mean a representative of a municipal corporation, political subdivision, park and recreation district, metropolitan park and recreation district, Washington State or local governmental agency including a Pierce County city, town, or county agency, non-profit historic preservation corporation, nature conservancy corporation, or a non-profit land trust as those terms are defined in RCW 64.04.130, or any Pierce County resident other than the person who has an interest in the property.
  - JJ. **"Sponsor Affidavit"** shall mean a signed affidavit by a Sponsor indicating that the sponsor has informed the owner of the property that the sponsor is nominating the owners property for potential purchase under the Pierce County Conservation Futures Program.
  - KK. **"Seismic Hazard Areas"** means those areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, or soil liquefaction.
  - LL. **"Streams"** means a flow of water conveyed in a channel or course either continuously or intermittently, and the water's associated buffer.
  - MM. **"Threatened"** means that within the next five years the property will likely not be available in its current open space condition. Evidence of threat may include but is not limited to the following: (1) there is development activity adjacent to or within the vicinity of the property which will likely over time impact the open space condition of the property; (2) the property is currently listed for sale; (3) development permits have been submitted on the property.
  - NN. **"Timber land"** means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of forest crops for commercial purposes.
  - OO. **"Uses which are passive in nature"** means public outdoor recreation activities, fish and wildlife habitat, and open space uses that do not disturb the integrity of the underlying environment and that have predominant value as sites in their natural condition as existing or as restored with vegetation and wildlife. Such uses shall include, but are not limited to, trails, interpretive kiosks, viewpoints, picnicking areas, access, restrooms, landscaping that includes restoring the natural habitat, wildlife observation structures, and primitive camping, where appropriate.
  - PP. **"Volcanic Hazard Areas"** means those areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from geologic or volcanic events on Mount Rainier.
  - QQ. **"Wetlands, Estuaries, and Tidal Marshes"** means areas that are inundated or saturated by surface or groundwater at a frequency sufficient to support vegetation typically adapted for life in saturated soil conditions, and associated buffer areas. Wetlands generally include swamps, marshes, bogs and similar areas.
  - RR. **"Wooded Areas"** means a lot over one acre in size in the urban growth area or over five acres in size in a rural area with a minimum width of 300 feet on which is found a stand of late, mid, or early seral coniferous or deciduous trees and native plant under story. The wooded area must serve a demonstrated functional purpose in climate, noise, light, habitat or pollution control.
- (Ord. 2009-45s § 2 (part), 2009; Ord. 2004-112s § 1 (part), 2004; Ord. 2001-59s2 § 1 (part), 2002; Ord. 98-118S § 3 (part), 1999)

**2.97.030 Categories of Open Space Resource Lands.**

The County considers all of the open space resources identified in Chapter 19D.170 PCC important to the health, safety, and welfare of Pierce County citizens. However, to more efficiently use County Conservation Futures Funds the following priorities are hereby established:

<u>High Priority</u>
<ul style="list-style-type: none"><li>• Agricultural Lands</li><li>• Critical Salmon Habitat</li><li>• Fish and Wildlife Habitat Conservation Areas</li><li>• Marine Waters</li><li>• Prairie Land</li><li>• Streams</li><li>• Tracts that provide linkage and access to said open space areas</li><li>• Wetlands, Estuaries, and Tidal Marshes</li><li>• Wooded Areas</li></ul>
<u>Medium Priority</u>
<ul style="list-style-type: none"><li>• Aquifer Recharge Areas</li><li>• Flood Hazard Areas</li><li>• Lakes</li><li>• Private Open Space Passive Recreation Areas</li><li>• Privately Owned and Operated Recreational Facilities</li><li>• Private Trails and Corridors</li><li>• Archaeological Sites</li><li>• Historic Landmark Sites</li><li>• Tracts that provide linkage and access to said open space areas</li></ul>
<u>Low Priority</u>
<ul style="list-style-type: none"><li>• Landslide Hazard Areas (Steep Slopes)</li><li>• Private Parks and Private Golf Courses with Developed Facilities</li><li>• Scenic View Points and Corridors</li><li>• Seismic Hazard Areas</li><li>• Tracts that provide linkage and access to said open space areas</li><li>• Volcanic Hazard Areas</li></ul>

(Ord. 2009-45s § 2 (part), 2009; Ord. 2004-112s § 1 (part), 2004; Ord. 98-118S § 3 (part), 1999)

**2.97.040 Conservation Futures Funds – Annual Allocation.**

*Except as otherwise provided by Section 2.97.045*, a process is hereby established for the Council's review of the recommendations of the Committee and Board and the annual allocation of Conservation Futures Funds, commencing September 1, 1999.

- A. On April 1 of each year, the Committee shall provide notice to all cities and towns, park districts and interested parties within Pierce County of the opportunity to nominate to the County open space properties which may be purchased using Conservation Futures Funds. Notice shall also be provided for two consecutive weeks prior to April 1 of each year in a daily newspaper of general circulation in Pierce County and in the official County paper.

- B. Nominations shall be submitted to the Committee on or before May 31 of each year. The Committee shall forward its recommendations to the Board on or before June 30 of each year. On or before August 31 of each year, the Board shall be required to hold at least one public hearing and then shall forward its recommendations to the Council for approval or modification. Notice of the Board's hearings shall be provided for two consecutive weeks in a daily newspaper of general circulation in Pierce County and in the official County paper.
- C. The Council, after holding at least one public hearing, may select from the Board's recommendations properties which in the Council's view are to be pursued for acquisition. The Council shall allocate funds from the Conservation Futures Fund in the subsequent year's Budget for said acquisition. The Council's Resolution shall suggest the order in which the acquisitions are to be pursued.
- D. The Council may require that proposed purchase and sales agreements are to be reviewed prior to execution by the Pierce County Executive.
- E. The Council after holding at least one public hearing on the matter, may for any reason and at anytime, modify or suspend the selections being pursued by the County.

Code Revisor's Note: Ordinance No. 2012-7 adopted interim language to Section 2.97.040 as shown by the italicized language. This interim language will sunset on January 1, 2013.

(Ord. 2012-7 § 1, 2012; Ord. 2010-109 § 1, 2010; Ord. 98-118S § 3 (part), 1999)

**2.97.045 Conservation Futures Funds – Annual Allocation Exception (Effective Until January 1, 2013).**

The Conservation Futures Funds Annual Allocation process set forth in PCC 2.97.040 shall be suspended for the 2011 calendar year. During the suspension period, no new nominations for Conservation Futures property acquisitions shall be accepted or considered by Pierce County. Properties listed for acquisition in a Resolution adopted by the Council prior to the suspension shall continue to be eligible for acquisition. (Ord. 2012-7 § 2, 2012; Ord. 2010-109 § 2, 2010)

Code Revisor's Note: This Section will sunset on January 1, 2013.

**2.97.050 Annual Nomination, Application and Acquisition Requirements**

- A. The Parks and Recreation Services Department shall develop the forms upon which sponsors may annually nominate properties for consideration. All nominations shall, at a minimum:
  - 1. Set forth how the proposal satisfies the selection criteria and what the intended future uses are,
  - 2. Identify the priority resources that the property contains as listed in Section 2.97.030, and
  - 3. Be accompanied by:
    - a. A sponsor affidavit signed by the sponsor;
    - b. A receiving agency affidavit signed by the receiving agency;
    - c. A leverage statement, if applicable;
    - d. A copy of the current year Pierce County Assessor's tax statement showing the assessed value for that year; and
    - e. For each nominated property that seeks points under the Bonus Category of "additional or matching funds," an appraisal or letter of opinion must be submitted as part of the application materials.

- B. The following process is hereby established for the County's negotiation of a purchase and sales agreement for those properties selected by the Pierce County Council in Section 2.97.040.
1. All offers to purchase property or lesser interests in property under this Section shall be made in writing.
  2. The Executive shall attempt to purchase each property in the order established by the Council: PROVIDED, The Pierce County Executive is authorized to stop the negotiation of a purchase and sales agreement if in the opinion of the Executive pursuit of the property is no longer in the public interest: PROVIDED, After such a finding, the Executive shall begin negotiation of a purchase and sales agreement for next ranked property in the Council's Resolution: PROVIDED, Sufficient funds are available, in the opinion of the Executive, to warrant commencement of these negotiations.
  3. Unless otherwise provided for in the purchase and sales agreement, the Pierce County Executive shall place an executed Purchase and Sales Agreement into an Escrow account chosen by Pierce County.
  4. Any conservation futures property listed for acquisition in a Resolution adopted by the Council pursuant to this Chapter on or after January 1, 2007, shall remain eligible for purchase by the Executive until removed from the list by subsequent Council Resolution.

(Ord. 2010-1s § 1, 2010; Ord. 2009-45s § 2 (part), 2009; Ord. 2001-59s2 § 1 (part), 2002; Ord. 2000-11 § 1, 2000; Ord. 98-118S § 3 (part), 1999)

#### **2.97.060 Selection Criteria.**

- A. **Eligibility.** Each property nominated by a sponsor must meet each of the following criteria to be eligible for selection.
1. At the time the property is nominated for consideration, it must be a legal lot of record or in the case of a lesser property interest, described upon a legal lot of record;
  2. The property shall not be landlocked;
  3. The general public shall be provided access to the property;
  4. The property shall not be part of a current or anticipated eminent domain process;
  5. The nomination shall be presented on a fully completed form which complies with the requirements of Section 2.97.050;
  6. The nominated property must exhibit at least one high priority resource, or two medium priority resources, or three low priority resources, or a combination of two or more priority resources.
- B. **The Open Space Priority Resource Point System.**
1. Each property nominated by a sponsor shall be evaluated by the Board for the presence of each open space priority resource listed in this Chapter.
  2. Points shall be assigned for each priority resource as provided for in Table 2.97-1 found in Appendix "A" titled "Conservation Futures Selection Criteria and Points".
- C. **Verification of Open Space Priority Resources.**
1. The presence or occurrence of a proposed open space resource shall be verified using the definitions set forth in Section 2.97.010.
  2. The existence of the proposed open space resource may also be verified by an expert recognized by the County in the particular resource being reviewed.

**D. The Bonus Point System.**

1. Bonus points may be assigned for each property nominated by a sponsor as provided for in Table 2.97-1 found in Appendix "A" titled "Conservation Futures Selection Criteria and Points".
2. The presence or occurrence of a bonus category shall be verified using the definitions set forth in Section 2.97.010.
3. Where there is a range of points allowed in a bonus category, each member of the Board may use individual discretion in the assignment of a point value for the category for the nomination.

**E. Scoring of the Open Space Priority Resources.**

1. The presence or occurrence of a proposed open space resource of each nominated property shall be reviewed by the Board and points allocated as provided for in this Section.
2. At least one public meeting shall be held by the Board at which the members present at that meeting shall, after examination, provide for each nominated property, a score for each Priority Resource and Bonus Category identified by the sponsor as occurring on the property.
3. A composite score shall be computed for each individually nominated property which will yield a ranking for that individual property as compared to all nominated properties under consideration in that year and calculated as follows: (1) The points given to an individually nominated property shall be totaled; and (2) the individual's totaled points shall be divided by the total of all points provided by the Board members present at the public meeting at which the review occurred.
4. The composite score for each nominated property shall be used to establish an overall ranking of all the nominated properties reviewed by the Board. Where nominated properties share identical scores, the Board shall establish the priority among the properties.

**F. Evaluating Intended Future Uses, Including Active Recreational Uses.**

1. The Board shall consider intended future uses identified on an application and may recommend additions to covenants and property restrictions needed to assure the preservation of the purchased property or rights is consistent with the goals of this chapter.
2. Active recreation uses may be allowed on properties purchased with Conservation Futures funds when recommended by the Conservation Futures Citizens' Advisory Board, and/or approved by the Council, and addressed in the covenants or property restrictions.
3. When an application indicates active recreational uses are intended future uses for a nominated property, the Board shall determine if such uses should be recommended for approval and shall identify the specific active recreational uses to be recommended.
4. The Board may recommend that only a portion of a nominated property be used for active recreational use.
5. The Board's recommendations concerning intended future uses and related covenants and property restrictions shall be included with the prioritized list of recommended properties identified by the Board pursuant to 2.97.060 E., above.
6. Any intended future use recommendations approved by the Council shall be included in the Council's resolution approving a priority order for purchase of properties with Conservation Futures funds.

(Ord. 2009-45s § 2 (part), 2009; Ord. 2001-59s2 § 1 (part), 2002; Ord. 98-118S § 3 (part), 1999)

**2.97.070 Property Acquisition Costs.**

- A. Receiving agencies of selected property shall bear all costs relating to reports including but not limited to land surveys, hazardous materials assessment and cleanup, structural inspections and repairs: PROVIDED, said agency may waive in writing any of the reports: PROVIDED, said waiver shall be submitted to the County prior to the County beginning preliminary negotiations with a seller.
- B. The County shall charge to the Conservation Futures Fund all buyers' closing costs directly associated with the purchase of the property including but not limited to: buyers' appraisal fees, buyers title insurance commitment, preparation of conveyance and reconveyance instruments, buyers' recording fees, and buyers' escrow fees.
- C. Costs for all notices required by this Chapter shall be paid from the Conservation Futures Fund.

(Ord. 2009-45s§ 2 (part), 2009; Ord. 98-118S § 3 (part), 1999)

**2.97.080 Conservation Futures Covenants.**

- A. The Parks and Recreation Services Department shall develop covenants and property restrictions which assure the preservation of the purchased property or rights as "open space" as defined in PCC 2.97.020.
- B. The covenants shall run with the land, in perpetuity, and in fulfillment of the requirements necessary to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve wildlife habitat areas, farm, agricultural, and timber lands for the public use and enjoyment.
- C. The covenants and property restrictions shall be recorded on the title of all property or rights purchased with Conservation Futures Funds.
- D. The covenants and property restrictions shall specify that any improvements to the subject property shall be limited to those which are passive in nature, agricultural or timber land; provided that if the Council has approved active recreational uses for a particular property or portion thereof, the covenants and property restrictions shall specify the active recreational uses allowed. All uses and improvements to properties must meet the requirements and intent of RCW 84.34.200-220.

(Ord. 2001-59s2 § 1 (part), 2002; Ord. 98-118S § 3 (part), 1999)

**2.97.090 Long-Term Financial Commitments.**

- A. The Board and the Pierce County Council may consider Long Term Financial Commitments of Conservation Futures Funds for purchases of Priority Resource property listed in Section 2.97.060.
  - 1. Long Term Financial Commitments shall be described as encumbrances against Conservation Futures Funds that occur for two or more consecutive years.
  - 2. The Conservation Futures Fund shall be reduced by all Long Term Financial Commitments. Funds that remain shall be available for allocation under this Chapter.
  - 3. The Pierce County Council may withdraw any acquisition agreement that incorporates the use of Long Term Financial Commitments.
  - 4. The Pierce County Council may specify sources of partial or full funding for Long Term Financial Commitments.
  - 5. The Pierce County Council shall return any withdrawn Long Term Financial Commitment funds to the Conservation Futures Funds for allocation under this Chapter.

(Ord. 98-118S § 3 (part), 1999)

**2.97.100 Property Management Authority.**

- A. When Conservation Futures Funds are appropriated to purchase a fee simple or lesser interest in property with the intention that Pierce County hold the title to said property, the Property Manager shall be the Director of Parks and Recreation Services.
- B. When Conservation Futures Funds are appropriated to purchase a fee simple or lesser property interest with the intention of deeding the interest to a non-profit or public receiving agency it shall be that agency's responsibility for management of the property.
- C. The County may enter into Interlocal Agreements with nonprofit historic preservation corporations as defined in RCW 64.04.130 or nonprofit nature conservancy corporations as defined in RCW 84.34.250 for the purpose of management of the Conservation Futures Covenants and other property restrictions provided for in this Chapter.

(Ord. 98-118S § 3 (part), 1999)

**APPENDIX "A"**

<b>TABLE 2.97-1. CONSERVATION FUTURES SELECTION CRITERIA AND POINTS</b>		
	<b>Categories</b>	<b>Points</b>
<b>PRIORITY RESOURCE</b>	<u>High Priority</u> <ul style="list-style-type: none"> <li>• Agricultural Lands</li> <li>• Critical Salmon Habitat</li> <li>• Fish and Wildlife Habitat Conservation Areas</li> <li>• Marine Waters</li> <li>• Prairie Land</li> <li>• Streams</li> <li>• Tracts that provide linkage and access to said open space areas</li> <li>• Wetlands, Estuaries, and Tidal Marshes</li> <li>• Wooded Areas</li> </ul>	7 to 10 points
	<u>Medium Priority</u> <ul style="list-style-type: none"> <li>• Aquifer Recharge Areas</li> <li>• Flood Hazard Areas</li> <li>• Lakes</li> <li>• Private Open Space Passive Recreation</li> <li>• Privately Owned and Operated Recreational Facilities</li> <li>• Private Trails and Corridors</li> <li>• Archaeological Sites</li> <li>• Historic Landmark Sites</li> <li>• Tracts that provide linkage and access to said open space areas</li> </ul>	4 to 6 points
	<u>Low Priority</u> <ul style="list-style-type: none"> <li>• Landslide Hazard Areas (Steep Slopes)</li> <li>• Private Parks and Private Golf Courses with Developed Facilities</li> <li>• Scenic View Points and Corridors</li> <li>• Seismic Hazard Areas</li> <li>• Tracts that provide linkage and access to said open space areas</li> <li>• Volcanic Hazard Areas</li> </ul>	1 to 3 points
<b>BONUS CATEGORIES</b>	The property is within a designated Urban Growth Area (UGA), the Comprehensive Urban Growth Area (CUGA), or is zoned Open Space	5 points
	The property is 5 acres or greater in area either by itself or is contiguous with other nominated or preserved open space	5 points
	Acquisition of the property is supported by other environmental goals	1 to 5 points
	The property is threatened to some degree	1 to 10 points
	The property is adjacent to (abuts) or creates linkage with another open space property	1 to 10 points
	Additional or matching funds are available and can be applied toward the purchase of the property (appraisal needed)	1 to 10 points
	The acquisition is supported by the local community	1 to 10 points
	The property already includes a perpetual property restriction which limits the use of the land, such as a conservation or historic easement	1 to 10 points

(Ord. 2009-45s § 2 (part); 2009; 2004-112s § 1 (part), 2004; Ord. 98-118S § 3 (part), 1999)



## *Chapter 2.98*

### *PIERCE COUNTY LAW AND JUSTICE COUNCIL*

#### **Sections:**

**2.98.010 Created.**

**2.98.020 Purpose.**

**2.98.030 Composition.**

**2.98.040 Functions and Purposes.**

**2.98.050 Organization.**

#### **2.98.010 Created.**

The Pierce County Law and Justice Council (Council) is created pursuant to RCW 72.09.300. For purposes of this Council, the appointment process and term limitation as set forth in Section 3.30 of the Pierce County Charter shall not apply. (Ord. 2007-69s § 1 (part), 2007; Ord. 91-192 § 1 (part), 1992)

#### **2.98.020 Purpose.**

The purpose of the Council is to provide a forum where the agencies providing justice services in Pierce County can plan and coordinate activities and resource allocation toward the goals of maximization of local resources, reduction of duplication of services, and sharing of resources between the State of Washington and local governments in Pierce County. (Ord. 2007-69s § 1 (part), 1992; Ord. 91-192 § 1 (part), 1992)

#### **2.98.030 Composition.**

The Council shall consist of the following designated Officials:

- A. The Pierce County Sheriff
- B. The Police Chief of the City of Tacoma
- C. The President of the Pierce County Police Chiefs' Association
- D. The Pierce County Prosecuting Attorney
- E. A Representative of the County's Municipal Prosecutors
- F. A Representative of the Pierce County Council
- G. A Representative nominated by the Pierce County Cities and Towns Association, from a municipality other than Tacoma and Lakewood
- H. A Representative of the City of Lakewood
- I. A Representative of Pierce County Superior Court
- J. A Representative of Pierce County District Court
- K. A Representative of the Municipal Courts within the County
- L. The Pierce County Corrections Chief
- M. The Pierce County Clerk
- N. The Pierce County Risk Manager
- O. The Secretary of the Washington State Department of Corrections
- P. The Director of the Pierce County Department of Assigned Counsel
- Q. A Representative of the Pierce County Executive
- R. The President of the Tacoma-Pierce County Bar Association
- S. The Pierce County Juvenile Court Administration
- T. The Director of the Safe Streets Program

- U. The Director of the Pierce County Information Technology Department
- V. The Pierce County Director of Community Services
- W. The Director of Pierce County Government Relations
- X. A Representative of the Tacoma City Council
- Y. A Representative of the Tacoma City Manager
- Z. The Director of the Tacoma-Pierce County Health Department
- AA. A Representative of the Washington State Patrol
- BB. A Representative of Pierce County Schools nominated by Puget Sound Educational Service District (No. 213)
- CC. A Representative of the Puyallup Tribe
- DD. The Pierce County Director of Human Services

Council Officials designated may appoint representatives.

(Ord. 2007-69s § 1 (part), 2007; Ord. 2005-102 § 2 (part), 2006; Ord. 97-29 § 1 (part), 1997; Ord. 95-69 § 1 (part), 1995; Ord. 93-98 § 4 (part), 1993; Ord. 91-192 § 1 (part), 1992)

### **2.98.040 Functions and Purposes.**

The Council may address any criminal justice issues including, but not limited to, the following: criminal justice resources, jail management, mechanisms for communication of information about offenders including the feasibility of shared database access between state and local government, transition of offenders into Pierce County, equitable offender program siting and maintenance, appropriateness of offender housing under zoning and other laws, assessment of reentry services, and state/local cooperation in supervising offenders.

The Council may also advise the County Council, County Executive, and other governmental entities and make such recommendations as it deems appropriate on matters relating to law and justice in Pierce County.

(Ord. 2007-69s § 1 (part), 2007; Ord. 91-192 § 1 (part), 1992)

### **2.98.050 Organization.**

- A. The Council shall elect a Chair and any other officers deemed appropriate. The Council shall organize itself in such manner as it deems appropriate, consistent with this Chapter and RCW 72.09.300, including the adoption of rules and bylaws and the formation of subcommittees.
- B. There shall be a standing subcommittee of the Council known as the Law and Justice Community Oversight Subcommittee composed of each of the following or designee: a member of the Pierce County Council, the Pierce County Sheriff, the Pierce County Prosecuting Attorney, a member of the Tacoma City Council, the Chief of the Tacoma Police Department, a representative of the Pierce County Police Chiefs Association, and the Secretary of the State Department of Corrections. In selecting a representative of the Pierce County Police Chiefs Association, consideration should be given to jurisdictions with the highest saturation of crime and the highest offender populations.
  - 1. The subcommittee shall have oversight of all issues involving transition of offenders into the community, including review of county of origin and other particulars of offenders released by the Department of Corrections, review of equitable offender program siting and maintenance, review of whether offender housing is appropriate under zoning and other laws, and contracting with the Department of Corrections for community control of offender placement in work release or residential reentry centers in Pierce County.

2. The Pierce County Council shall retain or designate one employee who shall serve as staff to the Law and Justice Community Oversight Subcommittee and who shall systematically gather information concerning offender placement, housing, and programs, and concerning other issues identified by the subcommittee and who shall otherwise work and report as directed by the subcommittee.

(Ord. 2008-48 § 1, 2008; Ord. 2007-69s § 1 (part), 2007; Ord. 97-29 § 1 (part), 1997; Ord. 95-69 § 1 (part), 1995; Ord. 91-192 § 1 (part), 1992)



## *Chapter 2.99*

### ***PIERCE COUNTY COMMISSION AGAINST DOMESTIC VIOLENCE***

#### **Sections:**

- 2.99.010 Created.**
- 2.99.020 Purpose.**
- 2.99.030 Composition.**
- 2.99.040 Functions and Purposes.**
- 2.99.050 Commission Organization.**

#### **2.99.010 Created.**

The Pierce County Commission Against Domestic Violence (Commission) is created pursuant to RCW 70.123.140. The appointment process and term limitations as set forth in Section 3.30 of the Pierce County Charter shall apply only to those positions which are community based. (PCC 2.99.030 B.) (Ord. 94-72 § 1 (part), 1994)

#### **2.99.020 Purpose.**

The Pierce County Commission Against Domestic Violence is a community action body committed to justice, accountability, and safety through collaboration, education, and prevention.

The purpose of the Commission is to reduce and prevent domestic violence through the development and implementation of a Comprehensive Domestic Violence Plan for Pierce County, for a coordinated response to domestic violence. The Plan shall offer a broad focus, including enhanced services to victims, survivors, batterers, and their families; improved criminal justice interdiction services; and prevention strategies aimed at creating community norms which promote violence-free families. The intent of the Commission is to reach out to all municipalities, interest groups, and professions to ensure a County-wide coordinated response to domestic violence. (Ord. 2008-77 § 1 (part), 2008; Ord. 94-72 § 1 (part), 1994)

#### **2.99.030 Composition.**

The Commission shall consist of up to 49 members, including 31 designated representatives of government and established organizations that have a continuing role in addressing domestic violence in Pierce County, and 18 community representatives as set forth below. Membership shall reflect a cross-section of citizens from Pierce County, including a broad geographical representation from the City of Tacoma, small cities and towns, unincorporated Pierce County, and appropriate ethnic, racial, and sexual orientation representation, with a mix of genders and ages.

##### **A. Designated Government and Organization Representatives:**

1. Pierce County Prosecuting Attorney, including Victim Witness Assistance Services
2. Pierce County Sheriff's Department, including the Corrections Bureau
3. Tacoma Police Department
4. A Pierce County Councilmember
5. A Tacoma City Councilmember
6. Pierce County Cities and Towns Association
7. Pierce County District Court, including District Court Probation
8. Law Enforcement Support Agency (LESA Records/Communications)
9. Pierce County Department of Assigned Counsel
10. Tacoma-Pierce County Health Department

11. Crystal Judson Family Justice Center
  12. Pierce County Community Services
  13. Aging and Long-Term Care, Pierce County Human Services Department
  14. City of Tacoma Human Rights and Human Services Department
  15. Region V Washington State Department of Social and Health Services, Children's Protective Services
  16. A Representative of the United States Military, Fort Lewis or McChord Family Advocacy Programs
  17. A Washington State Legislator
  18. Pierce County Juvenile Court Services
  19. The Tacoma City Attorney's Office
  20. Representatives of three Pierce County Cities and Towns that have domestic violence programs
  21. A Representative of a local Indian Nation
  22. YWCA Pierce County
  23. Korean Women's Association
  24. Our Sisters' House
  25. Indochinese Cultural Service Center
  26. Sexual Assault Center of Pierce County
  27. Domestic Violence Intervention Committee
  28. Representatives of two established organizations in Pierce County that provide domestic violence services and education in outlying areas.
- B. Community positions: To the extent possible, members should include, but not be limited to, shelter providers, perpetrator treatment programs, members of medical, educational, legal, religious, business, youth, and human services programs, along with survivors of domestic violence and, when appropriate, recovered batterers. Members should possess a broad array of perspectives and talents. Community members are appointed for a 4-year term, may serve a maximum of two consecutive full terms, and shall serve without compensation.

(Ord. 2008-77 § 1 (part), 2008; Ord. 2003-26 § 1, 2003; Ord. 98-99 § 1, 1998; Ord. 97-13 § 1, 1997; Ord. 94-72 § 1 (part), 1994)

#### **2.99.040 Functions and Purposes.**

- A. The Commission shall develop and oversee the implementation of a Comprehensive Domestic Violence Plan for Pierce County in accordance with the guidelines set forth in RCW 70.123.140. The general intent of the Plan shall be to ensure a coordinated community response system to domestic violence which maximizes local resources, reduces duplication of services, and shares resources between the public and private sectors. The Plan shall include prevention of domestic violence as part of the coordinated community response to domestic violence.
1. Upon completion of the Plan, the Commission shall transmit it to the County Executive and the County Council. Upon approval by the County Council, the Plan shall be the Comprehensive Domestic Violence Plan for Pierce County.
  2. The Commission shall annually review the status of the Plan and the overall status of domestic violence issues in Pierce County.
  3. After the annual review, the Commission shall recommend changes, as needed, to the County Executive and County Council. Upon approval by the County Council, the changes will become part of the Plan.

- B. The Commission shall foster communications and coordination among the many groups providing domestic violence services and information. It shall support domestic violence information, education, and prevention efforts to reach all County citizens.
  - C. The Commission shall serve as the County's central resource for activities against domestic violence, shall advise the County Council and County Executive, and make such recommendations as it deems appropriate on matters relating to domestic violence.
- (Ord. 2008-77 § 1 (part), 2008; Ord. 94-72 § 1 (part), 1994)

**2.99.050 Commission Organization.**

The Commission shall elect a Chair and any other officers deemed appropriate. The Commission shall organize itself in such a manner as it deems appropriate, consistent with this Chapter and RCW 70.123.140, including the adoption of rules and bylaws, and the formation of subcommittees. (Ord. 2008-77 § 1 (part), 2008; Ord. 94-72 § 1 (part), 1994)





*Chapter 2.100*

**PIERCE COUNTY CITIZENS' COMMISSION ON  
SALARIES FOR ELECTED OFFICIALS**

**Sections:**

- 2.100.010 Duties and Responsibilities.**
- 2.100.020 Appointment and Membership.**
- 2.100.030 Terms of Office.**
- 2.100.040 Vacancies.**
- 2.100.050 Removal from Office.**
- 2.100.060 Meetings.**
- 2.100.070 Rules and Regulations.**
- 2.100.080 Organization.**
- 2.100.090 Existing Salaries in Effect until Changed by Commission.**
- 2.100.110 Compensation and Expenses.**

**2.100.010 Duties and Responsibilities.**

The Pierce County Citizens' Commission on Salaries for Elected Officials shall have the power and responsibility to carry out the following duties:

- A. Establish uniform salary increases for the Pierce County Council to be received by individual Councilmembers or their successors in the first month of a subsequent term of office for a seat held at the time an increase is established. Any increase in salary shall be filed by the Salary Commission with the County Auditor and the Department of Budget and Finance and shall become effective and incorporated into the appropriate County budget without further action of the Council or the Salary Commission.
- B. Recommend to the Council salary increases for the Pierce County Executive, Assessor Treasurer, Sheriff, and Auditor. Recommendations for any change in the salaries of these elected officials shall be filed with the Clerk of the Council.

(Ord. 2007-79s § 1 (part), 2007)

**2.100.020 Appointment and Membership.**

- A. The Salary Commission shall consist of ten members appointed as follows:
  - 1. Six of the ten commission members shall be selected by lot by the Auditor from among those registered Pierce County voters eligible to vote at the time the persons are selected for appointment to the Commission. The Auditor shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, those for notifying persons selected and for providing a new selection if a person selected declines appointment to the Commission or if, following the person's appointment, the person's position on the Commission becomes vacant before the end of the person's term of office. Persons selected by the Auditor shall have their names forwarded to the Executive for appointment to the Commission consistent with Section 3.30 of the Pierce County Charter.
  - 2. The remaining four of the ten commission members must be residents of Pierce County and shall be appointed by the Executive and confirmed by a majority of the Council. The persons selected under this subsection shall have had experience in the

field of personnel management. Of these four members, one shall be selected from each of the following four sectors in the County: business, professional personnel management, legal professional and organized labor.

- B. Members of the Commission may not include any officer, official or employee of Pierce County or any of their immediate family members. For the purpose of this Section, the phrase "immediate family member" means the parents, spouse, siblings, children, or dependent relative of an officer, official or employee whether or not living in the household of the officer, official or employee.

(Ord. 2007-79s § 1 (part), 2007)

#### **2.100.030 Terms of Office.**

- A. The terms of office for the members shall be four years, except initial appointments to the Commission shall be for the following terms:
  - 1. For the members selected by lot by the Auditor, one-half shall be appointed to serve a 2-year term and the remaining members shall be appointed to serve a 4-year term.
  - 2. For the four members appointed by the Executive, initially two members shall be appointed to serve a 2-year term and two members shall be appointed to serve a 4-year term.
- B. No person may be appointed to more than two consecutive terms.

(Ord. 2007-79s § 1 (part), 2007)

#### **2.100.040 Vacancies.**

Upon a vacancy in any position on the Commission, a successor shall be selected and appointed to fill the unexpired term. The selection and appointment shall be concluded within 30 days of the date the position becomes vacant and shall be conducted in the same manner as for the original appointment. (Ord. 2007-79s § 1 (part), 2007)

#### **2.100.050 Removal from Office.**

The Executive may remove any appointed member of the Commission for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council. (Ord. 2011-16s § 1 (part), 2011; Ord. 2007-79s § 1 (part), 2007)

#### **2.100.060 Meetings.**

The Commission shall meet each year beginning in 2008 in one or more regular or special meetings to carry out its duties set forth in this Chapter. (Ord. 2007-79s § 1 (part), 2007)

#### **2.100.070 Rules and Regulations.**

- A. Commission meetings, actions, hearings and business of the Commission shall be subject to the provisions of Ch. 42.30 RCW, the Open Public Meetings Act, and the Commission shall keep minutes in accordance with Ch. 42.32 RCW.
- B. A majority of the appointed members shall constitute a quorum for the purpose of conducting meetings. To take action at a meeting, an affirmative vote of a majority of those present is required; provided, however, that final action to set or recommend any salary increase shall require an affirmative vote of not less than six members.
- C. Final action to set or recommend a salary increase shall be in writing and certified by the signatures of the members voting.
- D. The Commission shall establish a process to solicit and obtain public input prior to setting or recommending salary increases for elected officials.

E. The Commission is authorized to adopt such other rules of procedure as appropriate for the transaction of its business.  
(Ord. 2007-79s § 1 (part), 2007)

**2.100.080 Organization.**

In each year that the Commission meets, the Commission shall select from its members a chairperson, vice-chairperson and such other officers as it deems appropriate who shall serve until successor officers are selected. The County Human Resources Department shall provide assistance necessary to carry out the functions of the Commission. (Ord. 2007-79s § 1 (part), 2007)

**2.100.090 Existing Salaries in Effect until Changed by Commission.**

It is the intent of the Council that any change to Council salaries set by the Salary Commission shall be effective as provided by RCW 36.17.024(8), and shall supersede the salaries otherwise established by Pierce County ordinance or resolution; provided, that salaries established by ordinance or resolution of the Council in existence on the effective date of this ordinance shall remain in effect unless and until changed in accordance with this Chapter. (Ord. 2007-79s § 1 (part), 2007)

**2.100.110 Compensation and Expenses.**

The members of the Commission shall receive no compensation for the performance of their duties as members of the Commission. Travel-related expenses of members conducting work for the Salary Commission shall be reimbursed in accordance with Chapter 3.92 PCC. (Ord. 2007-79s § 1 (part), 2007)

*Chapter 2.101*

**TRANSFER OF DEVELOPMENT RIGHTS COMMITTEE**

**Sections:**

- 2.101.010 Creation.**
- 2.101.020 Purpose.**
- 2.101.030 Composition.**
- 2.101.040 Duties.**
- 2.101.045 Urban Subcommittee and Participating Cities.**
- 2.101.050 Coordination.**
- 2.101.060 Vacancies.**
- 2.101.070 Removal from Office.**
- 2.101.080 Officers.**
- 2.101.090 Rules and Records.**
- 2.101.100 Quorum.**
- 2.101.110 Voting Privileges.**

**2.101.010 Creation.**

A Transfer of Development Rights Committee is hereby created and shall hereinafter be referred to as the TDR Committee. (Ord. 2007-91s § 5 (part), 2007)

**2.101.020 Purpose.**

The purpose of the TDR Committee is to administer and implement the Transfer and Purchase of Development Rights Program in conjunction with the TDR Administrator as adopted in Chapter 18G.10. All decisions of the TDR Committee may be reviewed by the Hearing Examiner, which may require modifications through a written order issued within 60 days of receipt of written notice of the Committee's decision. (Ord. 2009-24s § 3 (part), 2009; Ord. 2007-91s § 5 (part), 2007)

**2.101.030 Composition.**

The TDR Committee shall consist of a total of 11 members, which includes 6 ex-officio members and 5 appointed members. Members of the TDR Committee shall serve without compensation and represent the various stakeholders in Pierce County holding an interest in permanent resource conservation efforts.

**A. Ex-Officio Members.** The six ex-officio members shall include:

- the TDR Administrator,
- one representative from the County Council,
- one representative from the Planning and Land Services Department,
- one representative from the Public Works and Utilities Department,
- one representative from the FARM Board, and
- one representative from the Pierce Conservation District.

On an annual basis, the affected Departments/Offices shall assign a specific person to be the representative and assign one alternate. All ex-officio members of the TDR Committee, except the TDR Administrator, are voting members.

B. **Appointed Members.** The five appointed members shall be appointed by the County Executive and confirmed by resolution by a majority of the County Council. The five appointed members shall include one representative from each of the following:

- building industry,
- local land trust,
- real estate profession,
- real estate appraiser, and
- the general public.

The five appointed members of the Board shall serve without compensation.  
(Ord. 2007-91s § 5 (part), 2007)

#### **2.101.040 Duties.**

A. **TDR Administrator.** The TDR Administrator, which can be an outside party under contract or a County employee, shall support the TDR Committee. Duties include, but are not limited to:

1. Managing the TDR and PDR programs;
2. Making recommendations to the TDR Committee on TDR program and Development Rights Bank issues on which the TDR Committee must take action;
3. Facilitating development rights transfers through marketing and outreach to the public, community organizations, developers and cities;
4. Identifying potential receiving sites;
5. Developing proposed TDR agreements with cities;
6. Assisting in the implementation of TDR Committee policy in cooperation with other departments and partners;
7. Ranking certified sending sites;
8. Negotiating with cities to establish city receiving areas with the provision of amenities;
9. Preparing agendas for TDR Committee meetings;
10. Recording TDR Committee meetings;
11. Preparing administrative rules in accordance with the Pierce County Code to implement this Chapter;
12. Making recommendations to the County Council on the TDR program and Development Rights Bank issues for which the Council may take action; and
13. Preparing annual reports on the progress of the TDR program to the Pierce County Council and Hearing Examiner with assistance from other departments.

B. **TDR Committee.** The TDR Committee duties are defined in Chapter 18G.10 and include, but are not limited to:

1. Determine the sale price of density credits sold from the Development Rights Bank;
2. Set amount of density credits that are required for Comprehensive Plan Amendments when applicant requests to vary from 18G.10.190 and meets the criteria of 18G.10.080 C.;
3. Authorize amenity funding expenditures consistent with the annual Budget approved by the County Council and contained in an approved City-County TDR agreement;
4. Recommend TDR agreements and the provision of TDR amenities, if any, to be forwarded to the Pierce County Council;
5. Identify future funding for amenities in the annual budget process;
6. Enter into written agreements necessary to facilitate density transfers by the Development Rights Bank;

7. May establish a program for the voluntary acquisition and use of density credits in exchange for reduced development standards, provided that all elements thereof which affect existing PCC provisions must be adopted by Ordinance of the County Council; and
8. Monitor program activities and results to determine if changes in the regulations are needed to provide for more efficient operation, to meet program goals, and/or to correct unintended consequences, including but not limited to the consideration of adjustments to address commercial uses, transfer and purchase of development rights for historic preservation sites, and the encouragement of urban agriculture.

(Ord. 2009-24s § 3 (part), 2009; Ord. 2007-91s § 5 (part), 2007)

#### **2.101.045 Urban Subcommittee and Participating Cities.**

The TDR Committee shall be responsible for establishing, through participatory agreements, a committee to be known as the Urban Subcommittee. The Urban Subcommittee shall be an advisory body to the TDR Committee and shall consist of appointees designated by each participating city holding an agreement with the County. Its purpose and function shall be to advise the TDR Committee and Administrator as to all transactions and activities under the program proposed to take place in a participating city. In particular, the Urban Subcommittee shall make recommendations to the TDR Committee on proposed purchases of land within or transfers of densities into a participating city. (Ord. 2007-91s § 5 (part), 2007)

#### **2.101.050 Coordination.**

The County shall coordinate all matters relating to the TDR Committee's performance of its duties, including administration of the meetings, providing required notice, requesting appointments and reappointments, keeping records of meetings and decisions, documenting the TDR Committee's rules of procedure, keeping records of the TDR Committee decisions, and providing information needed to conduct its review and analysis. (Ord. 2007-91s § 5 (part), 2007)

#### **2.101.060 Vacancies.**

Vacancies of appointed members occurring for any reason other than the expiration of a term of office shall be filled by appointment for the remainder of the term, in accordance with the appointment and confirmation procedures of the Pierce County Charter. An appointed member vacating a position shall notify the County Executive of his/her intentions as soon as the intention to vacate is known. (Ord. 2007-91s § 5 (part), 2007)

#### **2.101.070 Removal from Office.**

The Executive may remove any appointed member of the TDR Committee for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council. (Ord. 2011-16s § 1 (part), 2011; Ord. 2007-91s § 5 (part), 2007)

#### **2.101.080 Officers.**

The TDR Administrator shall serve as Chairman of the TDR Committee and is a non-voting member. The TDR Committee members shall elect a Vice Chair and a Secretary. (Ord. 2007-91s § 5 (part), 2007)

**2.101.090 Rules and Records.**

The TDR Administrator shall propose to the TDR Committee rules and procedures which are necessary for conducting meetings and conducting the required responsibilities of the TDR Committee. The TDR Committee shall adopt rules and procedures. The TDR Committee may also adopt rules governing its own internal affairs. No rule or procedure adopted by the TDR Committee governing its meetings or internal affairs shall be in conflict with any federal, state, or County law. The TDR Committee shall record or keep a written summary of business transactions. (Ord. 2007-91s § 5 (part), 2007)

**2.101.100 Quorum.**

A quorum of the TDR Committee for the purpose of conducting business shall be six members and excludes the TDR Administrator. (Ord. 2007-91s § 5 (part), 2007)

**2.101.110 Voting Privileges.**

Each member of the TDR Committee shall be entitled to one vote on any matter duly before the TDR Committee excluding the TDR Administrator. All meetings shall be open to the public and comply with the Open Public Meetings Act – Chapter 42.30 RCW. The action taken by six or more members at any given meeting shall constitute a recommendation or decision by the TDR Committee. All votes must be polled and recorded. (Ord. 2007-91s § 5 (part), 2007)





*Chapter 2.104*

***DISPUTE RESOLUTION PROGRAM***

**Sections:**

- 2.104.010 Pierce County Dispute Resolution Center Program Authorized.**
- 2.104.020 Authorization of Contracting for Program Operator.**
- 2.104.030 Services to be Provided Without Charge or for Fee Based Upon Ability to Pay.**
- 2.104.040 Dispute Resolution Agreements Required.**
- 2.104.050 Confidentiality of Center's Files.**
- 2.104.060 District Court Filing Fee Surcharges.**
- 2.104.070 Collection of Surcharges.**
- 2.104.080 Fund Established.**
- 2.104.090 Reporting.**

**Cross-reference: Chapter 7.75 RCW**

**2.104.010 Pierce County Dispute Resolution Center Program Authorized.**

There is established a Dispute Resolution Center Program to provide mediation services for the citizens of Pierce County, as authorized by Chapter 7.75 RCW. Disputes eligible for consideration must be appropriate for resolution through voluntary conciliation or mediation and not those more appropriately referred to legal counsel or other community service agencies or programs. The Pierce County Council must approve a Dispute Resolution Center plan, satisfying the requirements of RCW 7.75.020(2)(a-h), and this Chapter, prior to any dispute resolution center being created. (Ord. 93-4 § 1 (part), 1993)

**2.104.020 Authorization of Contracting for Program Operator.**

The Pierce County Executive may contract with another municipality or a nonprofit corporation that meets the requirements of Chapter 7.75 RCW and this Chapter to operate a Pierce County Dispute Resolution Center. Any such contract shall be submitted to the Council for its approval. Prior to proposing such a contract for the operation of the Dispute Resolution Center, the other municipality or nonprofit corporation shall have received approval by the Council of a Plan that meets the requirements of RCW 7.75.020. (Ord. 93-4 § 1 (part), 1993)

**2.104.030 Services to be Provided Without Charge or for Fee Based Upon Ability to Pay.**

A Dispute Resolution Center established under this Program shall provide dispute resolution services either without charge to the participants or for a fee which is based upon the applicant's ability to pay. (Ord. 93-4 § 1 (part), 1993)

**2.104.040 Dispute Resolution Agreements Required.**

- A. In conducting a dispute resolution process, a Center established under this Chapter shall require:
  - 1. That the disputing parties enter into a written agreement which expresses the method by which they shall attempt to resolve the issues in dispute; and

2. That at the conclusion of the dispute resolution process, the parties enter into a written agreement which sets forth the settlement of the issues and the future responsibilities, if any, of each party.
- B. A written agreement entered into with the assistance of the Center at the conclusion of the dispute resolution process is admissible as evidence in any judicial or administrative proceeding.
- C. Any person who voluntarily enters into a dispute resolution process at a Center established under this Program may revoke his or her consent, withdraw from dispute resolution, and seek judicial or administrative redress prior to reaching a written resolution agreement. The withdrawal shall be in writing. No legal penalty sanction or restraint may be imposed upon the person because of withdrawal from dispute resolution.

(Ord. 93-4 § 1 (part), 1993)

#### **2.104.050 Confidentiality of Center's Files.**

All memoranda, work notes or products, or case files of a Center established under this Chapter shall not be considered public records as defined in Chapter 42.17 RCW and are confidential and privileged and are not subject to disclosure in any judicial or administrative proceeding unless the court or administrative tribunal determines that the materials were submitted by a participant to the center for the purpose of avoiding discovery of the material in a subsequent proceeding. Any communication relating to the subject matter of the resolution made during the resolution process by any participant, mediator, or any other person is a privileged communication and is not subject to disclosure in any judicial or administrative proceeding unless all parties to the communication waive the privilege. The foregoing privilege and limitation on evidentiary use does not apply to any communication of a threat that injury or damage may be inflicted on any person on the property of a party to the dispute, to the extent the communication may be relevant evidence in a criminal matter. (Ord. 93-4 § 1 (part), 1993)

#### **2.104.060 District Court Filing Fee Surcharges.**

A surcharge of \$10.00 is hereby imposed upon the filing fee for civil actions in district courts established by RCW 3.62.060. A surcharge of \$15.00 is hereby imposed upon the filing fee for small claims in district courts established by RCW 12.40.020. (Ord. 93-4 § 1 (part), 1993)

#### **2.104.070 Collection of Surcharges.**

The surcharges imposed by PCC 2.104.060 shall be collected by the Clerk of the Court when a civil or small claims filing occurs. Surcharges so collected shall be remitted to the Budget and Finance Department for deposit into the Dispute Resolution Center Fund to be used solely for Dispute Resolution Centers established under this Program. (Ord. 93-4 § 1 (part), 1993)

#### **2.104.080 Fund Established.**

There is hereby created within the General Fund a Dispute Resolution Center Fund to be used solely for funding Dispute Resolution Centers established pursuant to this Chapter. (Ord. 93-4 § 1 (part), 1993)

**2.104.090 Reporting.**

Any Dispute Resolution Center established pursuant to Chapter 7.75 RCW and this Chapter, shall report annually on or before February 15 to the Pierce County Council. The annual report shall include, but not be limited to: (1) the data and information provided to the state administrator for the courts as required by RCW 7.75.020(3); and (2) any information necessary or requested to provide a basis for evaluating client satisfaction, the performance of the Center and quality of the program. (Ord. 93-4 § 1 (part), 1993)



**DIVISION IV. MANAGEMENT OF COUNTY FUNDS AND PROPERTY**

*Chapter 2.106*

**PURCHASING**

**Sections:**

- 2.106.010 Purpose.**
- 2.106.020 Definitions.**
- 2.106.022 Application of E-Verify Requirements.**
- 2.106.025 Enforcement of E-Verify Contract Terms.**
- 2.106.030 Purchasing Agent Position Created.**
- 2.106.035 Competitive Bidding for Public Works Projects.**
- 2.106.040 Procedure for Purchase of Tangible Personal Property and Public Works.**
- 2.106.050 Procedure for Solicitation and Purchase of Service Contracts.**
- 2.106.060 Exceptions to Competitive Formal Sealed Bid Procedures.**
- 2.106.070 Emergency Purchases.**
- 2.106.080 Time of Bid or Bid Withdrawal.**
- 2.106.090 Amendment of Invitation to Bid.**
- 2.106.100 Vendor Lists.**
- 2.106.110 Criteria for Qualification.**
- 2.106.120 Nonacceptance.**
- 2.106.130 Removal or Suspension.**
- 2.106.140 Appeal.**
- 2.106.150 Reapplication or Reinstatement.**
- 2.106.160 Bid Bonds.**
- 2.106.170 Facsimile Invitation to Bid.**
- 2.106.180 Telephone Bids.**
- 2.106.190 Hand-Carried Bids.**
- 2.106.200 Form of Bid.**
- 2.106.210 Standard Specifications.**
- 2.106.220 Interpretation of Specifications.**
- 2.106.230 Request for Samples, Descriptive Literature.**
- 2.106.240 Alternate Bid.**
- 2.106.250 Pre-Bid Conferences.**
- 2.106.260 Award.**
- 2.106.270 Partial Award.**
- 2.106.280 Standard Certificate of Award.**
- 2.106.290 Rejection.**
- 2.106.300 Acceptance of Terms.**
- 2.106.310 Handling of Bids at Opening.**
- 2.106.320 Mistakes in Bid Detected Prior to Bid Opening.**
- 2.106.330 Mistakes in Bid Detected During or After Bid Opening.**
- 2.106.340 Disclosure of Bid Information.**
- 2.106.350 Cancellation of Invitation to Bid or Rejection of All Bids.**

- 2.106.360 Notice of Cancellation or Rejection of Bids.**
- 2.106.370 Performance Bond.**
- 2.106.380 Product Fitness.**
- 2.106.390 Price Escalation.**
- 2.106.400 Change of Product Offered.**
- 2.106.410 Intergovernmental Cooperative Purchasing.**
- 2.106.420 Authorization to Implement Procedures.**
- 2.106.425 Exemptions.**
- 2.106.430 Severability.**

**2.106.010 Purpose.**

The purpose of this Chapter is to set forth rules and regulations applicable to the purchase or lease of material, equipment, services, and supplies by, through, or under authority delegated by the Executive to the County Purchasing Agent or other designee. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.010)

**2.106.020 Definitions.**

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

- A. "Alternate" means material, supplies, equipment, or services which deviate in respect to features, performance, or use from the brand, model, or specification designated as a standard, whether or not such deviation constitutes an improvement.
- B. "Annual Contract" means an agreement between the County and a vendor, entered into pursuant to the formal advertising and Invitation to Bid process, whereby the vendor agrees to supply specified items to the County for a fixed period of time in quantities to be determined by County requirements and at a bid unit price. The annual contract is used whenever historical data indicates a reasonable likelihood that the County will require a quantity of an item costing in excess of the amount required for Invitations to Bid.
- C. "Architectural/Engineering Services" mean services performed by any person, other than by an employee of Pierce County, which are within the scope of services regulated by Chapters 18.08, 18.43, and 18.96 RCW.
- D. "Bid" means an offer to perform a contract to purchase or supply material, equipment, services, or supplies in response to a formal solicitation.
- E. "Bidder" means one who submits a bid.
- F. "Blanket Contract" means an agreement between the County and a vendor that said vendor shall supply any and all goods or services merchandised by that vendor for a one-year period in quantities to be determined by County requirements and indicated on purchase requisitions. The cost of such goods or services shall be as set forth in a pricing policy submitted by the vendor at the time of contracting. Blanket Contracts entered into without formal advertising or bidding, are for the convenient purchase of low-cost items and no individual requisition shall exceed \$2,499.99.
- G. "Business Entity" means any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not for profit with the County. The term business entity shall include, but not be limited to partnerships, corporations, contractors, and subcontractors doing business with the County.

- H. "Contractor", for purposes of PCC 2.106.022 and 2.106.025, means a person, employer, or business entity that enters into a contract or an agreement with the County to perform any service or work or to provide a certain product in exchange for valuable consideration. For purposes of PCC 2.106.022 and 2.106.025, the term "contractor" shall not include government agencies; legal, architectural and engineering service providers; those whose contracts would be exempt from competitive bidding under PCC 2.106.060 B.; those whose contracts issue under PCC 2.106.070; those whose supplies and services are purchased under PCC 2.106.410; regulated providers of insurance, bonding, banking, or investment services; or public utilities.
- I. "Contracts for Public Works" includes all contracts for work, construction, alteration, repair, or improvement to real property, other than ordinary maintenance, as defined by RCW 39.04.010.
- J. "County" means the offices of the Executive, the County Council, the Superior and District Courts, Prosecuting Attorney, the Assessor-Treasurer, the Auditor, and all other administrative and appointive offices serving under the supervision or at the pleasure of any of the above.
- K. "Council" means the Pierce County Council, the legislative body of Pierce County.
- L. "County Purchasing Agent" referred to in this Chapter as "Agent" is the designee of the Executive charged with procurement of all supplies, materials, equipment, and services for the County with the exception of contracts for public works for public roads.
- M. "Description" means identifying information distinctly and plainly set forth and sufficiently portrayed and explained to insure that the product or service under consideration is uniquely identified.
- N. "E-Verify" shall mean the electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, Pub. L. No. 104-208, Division C, Title IVY s. 403(a), as amended, and operated by the United States Department of Homeland Security, or a successor electronic verification of work authorization program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work authorization status of newly hired employees pursuant to the Immigration Reform and Control Act of 1986, Pub. L. No. 99-603.
- O. "Emergency Purchase" means a purchase made in response to unforeseen circumstances beyond the control of the County which present a real, immediate, and material threat to the public interest or property of the County.
- P. An "Equal" is material, equipment, supplies, or services which are equal to or exceed the quality, performance, and use of the brand, model, or specifications designated as the standard.
- Q. "Executive" is the County Executive.
- R. An "Informality" or "Irregularity" is one which is merely a matter of form or is some immaterial variation from the exact requirements of the Invitation for Bids, having no effect or merely a trivial or negligible effect on quality, quantity, or delivery of the supplies or performance of the services being procured, and the correction or waiver of which would not affect the relative standing of, or be otherwise prejudicial to bidders.
- S. "Invitation to Bid" means the procedure used in the formal sealed bid procedure.
- T. "Legal Newspaper" means the official County Newspaper as required by RCW 36.72.075.

- U. "Project" means a task sufficiently specific to limit the services to only those services required to accomplish the specific task. Pricing agreements which require that each future request for specific services shall be approved under Section 2.106.070 as an emergency shall be exempt from this limitation.
- V. "Purchase" includes leasing or renting.
- W. "Purchaser" means the County of Pierce and the department or agencies using the material, equipment, supplies, or services purchased.
- X. "Request for Quotation" means the procedure used when purchases are solicited in accordance with RCW 36.32.245. The request and the quote in response may be either written or oral as specified by the Agent.
- Y. "Single source purchase" means a purchase of goods or services which can be obtained from only one known vendor.
- Z. "Specifications" means the explicit requirements furnished with an Invitation to Bid or Request for Quotation upon which a purchase order or contract is to be based. Specifications set forth the characteristics of the equipment, material, supplies, or services to be purchased or sold to enable the bidder or vendor to determine and understand that which is to be supplied or sold. This information may be either in terms of physical characteristics or performance requirements or both.
- AA. "Unauthorized Alien" means a person who is unauthorized to be lawfully employed in the United States, pursuant to 8 U.S.C. § 1324a(h)(3). The County shall not conclude that a person is an unauthorized alien unless and until an authorized representative of the County has verified with the federal government, pursuant to 8 U.S.C. § 1373(c), that the person is an unauthorized alien.
- AB. "Vendor" means supplier of goods and/or services.

(Ord. 2009-74s § 1 (part), 2009; Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.020)

**2.106.022 Application of E-Verify Requirements.**

- A. As a condition for the award of any County contract for public works in excess of \$100,000.00 or any other County contract in excess of \$25,000.00, the contractor shall enroll in the E-Verify program, or its successor, and thereafter shall provide the County documentation affirming its enrollment and participation in the program. The conditions of this Section shall not apply to contracts that:
  - 1. Are only for work that will be performed outside the United States;
  - 2. Are for a period of performance of less than 120 days; or
  - 3. Are only for:
    - a. Commercially available off-the-shelf items (COTS) as defined by federal law;
    - b. Items that would be COTS items, but for minor modifications;
    - c. Items that would be COTS items if they were not bulk cargo; or
  - 4. Provide commercial services that are:
    - a. Part of the purchase of a COTS item (or an item that would be a COTS item, but for minor modifications);
    - b. Performed by the COTS provider; and
    - c. Are normally provided for that COTS item.
- B. Contractors shall be required to continue participation in the E-Verify program throughout the course of their business relationship with the County.



- C. If a contractor described in subsection A. uses a subcontractor whose work in connection with the performance of the contract would be subject to the requirements of subsection A. were the contract to be with Pierce County, the subcontractor shall, as a condition of contract, certify to the contractor in a manner that does not violate federal law that the subcontractor has registered and is participating in the E-Verify program and will not knowingly employ or contract with an unauthorized alien.
- D. The County shall include specific written notice in all requests for bids or proposals subject to this Section that contractors may be required to enroll in the E-Verify program pursuant to subsection A. as a condition of award. Contractors are exempt from this Section if they received requests for bids or proposals not containing such notice.
- E. Nothing provided in this Section or PCC 2.106.025 shall relieve contractors otherwise subject to federal E-Verify requirements from complying with the requirements of federal law.

(Ord. 2009-74s § 1 (part), 2009)

#### **2.106.025 Enforcement of E-Verify Contract Terms.**

- A. The Executive or their designee shall develop contracting protocols facilitating enforcement of the requirements of PCC 2.106.022. These procedures shall ensure that no business engages in discrimination based on sex, sexual orientation, marital status, race, age, disability, national origin, religion, or other status protected by law. The County shall suspend a contract with any business entity or contractor that the United States Attorney General or the Secretary of Homeland Security has found to have been in violation of 8 U.S.C. § 1324a should the business entity or contractor fail to correct the violation within 30 business days of receiving notice of the violation from the United States Attorney General or the Secretary of Homeland Security.
- B. The County shall not suspend the contract of any business entity or contractor per subsection A. of this Section if, prior to the date of the violation, the business entity or contractor verifies the work authorization of any alleged unlawful workers using the E-Verify program and demonstrates the same to the County.
- C. The Executive may waive the suspension mandated by subsection A. or a disqualification mandated by PCC 2.106.022 after making a determination that a suspension or disqualification would substantially disrupt the operations of the County. The Executive shall provide notice to the Council within ten days of waiving a suspension or disqualification under this subsection.
- D. Every contract entered into by the County shall provide that any suspension for E-Verify noncompliance shall terminate one business day after a legal representative of the business entity or contractor submits, at a County office designated by the Executive, a declaration signed under penalty of perjury of the laws of the state, in the form provided by the County, stating with specificity that the violation has ended.

(Ord. 2009-74s § 1 (part), 2009)

#### **2.106.030 Purchasing Agent Position Created.**

- A. There is created the post of Pierce County Purchasing Agent (Agent), through whom all heads of County departments and departments of elected County officials shall make their purchases of every kind and character for and on account of Pierce County. The Agent shall prepare, award, and execute contracts and finally accept upon completion of work, with the exception of contracts for public works for public roads, which shall be

prepared, awarded, executed, and finally accepted upon completion of work by the Director of Public Works and Utilities Department, in accordance with procedures set forth in this Chapter.

- B. Within the limits of available technology and personnel capabilities:
  - 1. The Agent shall develop a system to collect information concerning the type, cost, quality, and annually consumed quantity of commonly used supplies, materials, and equipment and shall purchase such items in quantities for a period of time as determined by County-wide demand, volume purchase cost savings, storage costs, unique market conditions and other available information clearly indicating a continuing need for such items.
  - 2. The Agent shall develop a system to maintain current records of the amounts purchased off of each annual and blanket contract.

(Ord. 94-114S § 1 (part), 1995; Ord. 81-70 § 1 (part), 1981; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.030)

### **2.106.035 Competitive Bidding for Public Works Projects.**

All Public Works construction shall be performed following competitive bidding by independent contractors when the projected value of a project exceeds \$25,000.00. (Pierce County Charter Section 9.15 as amended November 28, 1987.) (Ord. 88-18 § 1, 1988)

### **2.106.040 Procedure for Purchases of Tangible Personal Property and Public Works.**

For all purchases of tangible personal property in excess of \$25,000.00, and public works purchases of \$10,000.00 or more, or such future limits as may be set by State Law, the Agent or designee shall prepare bid specifications and advertise for bids as required by State law. In addition, the Agent shall mail Invitations to Bid to a sufficient number of prospective bidders to elicit adequate competition, such vendors being drawn from established vendor lists and from any other source thought to be of advantage to the County.

The Agent shall have the authority to extend contracts entered into under the provisions of this Section upon the same terms, conditions, and consideration for a period of up to five years, when the Agent shall deem such extensions to be in the best interest of Pierce County. (Ord. 94-114S § 1 (part), 1995; Ord. 88-20 § 1, 1988; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.040)

### **2.106.050 Procedure for Solicitation and Purchase of Service Contracts.**

- A. Annually, the Agent shall determine the County's anticipated requirements for any category or type of service and shall publish an announcement of these requirements. If the County later requires any further, previously unpublished services, it shall publish additional announcements on each occasion when such services are required. All such publications shall include a request that firms interested in providing those services to the County submit a statement of qualifications and performance data to be placed on file.
- B. Prior to entering into a service contract for an amount of \$5,000.00 or greater, the requesting department or the Agent, when appropriate, shall evaluate all statements on file, together with those that may be submitted by other firms and shall conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach. Written criteria shall then be developed in consultation with the requesting department, which will be used to determine which firm to recommend for contract award. Such criteria may include the following:

1. Quality of past performance;
  2. Known and documented expertise;
  3. Documentation, as required, and demonstration of financial capability to perform required work;
  4. Cost of performance, where appropriate.
- C. Prior to entering into service contracts between \$5,000.00 and \$25,000.00, at least three vendors, if possible, shall be contacted and provided with the scope of work, including the project description, with responses being submitted, either in writing or by phone. The requesting department or the Agent, when appropriate, shall rank the proposals submitted based on the criteria set forth in subsection B. of this Section and shall award to the vendor best meeting the needs of the County. In the event that a satisfactory contract cannot be negotiated with the highest ranked contractor, the requesting Department or Agent shall then begin negotiations with the next highest ranked contractor.
- D. Prior to entering into service contracts exceeding \$25,000.00, the Executive or designee shall:
1. Develop specifications with a project description in the form of a Request for Proposal in concert with the requesting County department;
  2. Publicly advertise the Request for Proposals and include the name of a contact person from whom the project specifications shall be available;
  3. Rank the proposals submitted based on the criteria set forth in subsection B. of this Section and award the contract in a manner that is in the best interest of the County; provided, that in the event the County fails to negotiate satisfactory terms with the highest ranked proposed contractor, the Executive shall then begin negotiations with the next highest ranked contractor;
- E. The selection of a Vendor for Architectural and Engineering services may be accomplished by following the procedures set forth by State law Chapter RCW 39.80 RCW.
- F. Exceptions to the competitive solicitation provisions of this Section:
1. Services of Special Deputy Prosecuting Attorneys.
  2. Services of attorney(s) appointed pursuant to legal mandate by the Courts or the Department of Assigned Counsel.
  3. Services (e.g., professional, forensic, technical, consultant) deemed necessary by the Courts or the Department of Assigned Counsel to provide effective assistance of counsel and services deemed necessary by the Prosecuting Attorney to provide effective legal representation.
  4. Appointment of service providers whose selection is solely within the discretion of the Courts.

The Executive or designee shall have the authority to modify service contracts to accomplish the original scope of services rendered to the County when it is deemed to be in the best interest of Pierce County; provided, the Executive or designee shall make a quarterly report to the Council's Fiscal Management Committee regarding all instances where additional compensation paid to the vendor exceeded 50 percent of the original contract amount and the original contract amount was \$5,000.00 or greater.

(Ord. 2008-65 § 1 (part), 2008; Ord. 94-114S § 1 (part), 1995; Ord. 88-20 § 2, 1988; Ord. 81-108 § 1, 1982; Ord. 81-70 § 1 (part), 1981; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.050)

## **2.106.060 Exceptions to Competitive Formal Sealed Bid Procedures.**

### **A. Small Purchases.**

1. In accordance with the provisions of RCW 36.32.245 and 36.32.250, the Agent is granted authority to let any contract, lease, or purchase of material, equipment, or services involving less than \$25,000.00 and public works under \$10,000.00, without advertisement and without formal competitive bidding; to prevent the artificial division of purchase requirements to constitute a small purchase under this Section, the Agent shall accumulate and consolidate purchase orders County wide, to the greatest extent possible, based on the ordering department's and the Agent's best knowledge of known quantity requirements at a known time. The Agent shall adopt procedures for purchases or leases of material, equipment, services, and supplies of less than \$5,000.00, and for public works purchases less than \$10,000.00.
2. In the case of purchases, except services and public works, for an amount between \$5,000.01 and \$10,000.00, the following procedures shall be followed:
  - a. Telephone and/or written quotations shall be obtained from at least three vendors, if possible, to assure establishment of a competitive price and to award such contract to the lowest responsible bidder.
  - b. Immediately after the award is made, the bid quotations or proposals obtained shall be recorded and opened to public inspection.
3. In the case of purchases, except services and public works from \$10,001.00 to \$25,000.00, the Agent shall follow the following procedures:
  - a. Requests for Quotation will be prepared and mailed to three or more vendors, if possible, such vendors being drawn from established vendor lists and from any other source thought to be of advantage to the County.
  - b. The Requests for Quotation shall be opened at a place and manner as specified by the Agent.
  - c. Award will be made to the lowest responsible bidder.
  - d. Immediately after the award is made, the bid quotations shall be recorded and opened to public inspection.
4. In the case of public works purchases from \$10,000.00 to \$200,000.00 the procedures of RCW 39.04.155 for small works contract awards process may be used.

### **B. Single Source or Special Facilities, Services, or Market Conditions.** Purchases which are clearly and legitimately limited to a single known source of supply, and purchases involving special facilities, services, or market conditions may be acquired through direct negotiation with a single vendor.

### **C. Used Equipment.**

1. The purchase of used equipment from private vendors is generally considered to be a purchase falling within the exceptions set forth in subsection B. of this Section. A County department desiring to purchase used equipment shall be responsible to determine what used equipment is available on the market and properly record this search. The purchase request must fully justify the acquisition of used equipment.
2. In the case of purchases in excess of \$25,000.00, notice of the intention to purchase the used equipment, a description of the equipment, and a deadline for submitting bids to sell, shall be advertised by publishing a notice at least one week prior to said deadline in the legal newspaper or appropriate trade journal. The notice so published shall state that anyone desiring to sell to the County similar used equipment should contact the Agent for full requirements of the equipment, and then submit a bid in

writing to the location specified by the Agent stating the equipment offered; the sale price; the owner's name, address, and phone number; and time and place where the equipment can be seen.

3. The Agent, with the assistance of the requesting department, shall review all bids and make an award as best meets the needs of the County. On bids exceeding \$50,000.00, the Executive shall make the award.

D. Service contracts subject to the provisions of Section 2.106.050.

E. Credit Card Purchases. The Agent shall:

1. Establish and maintain all credit arrangements with appropriate vendor(s) or credit card companies.
2. Promulgate policies and procedures governing their use, including but not limited to:
  - a. Authorization, distribution, and credit limits associated with credit cards;
  - b. Revocation for misuse;
  - c. System for control of payment process.

Personal use of official credit cards is prohibited. Cash advances on credit cards are prohibited. Cards must be surrendered to the Department of Budget and Finance if used in a manner which is inconsistent with County policy.

(Ord. 2008-65 § 1 (part), 2008; Ord. 2002-2 § 1, 2002; Ord. 94-114S § 1 (part), 1995; Ord. 81-70 § 1 (part), 1981; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.060)

#### **2.106.070 Emergency Purchases.**

- A. For purposes of this Section, an "Emergency" shall exist when the public interest or property of Pierce County would suffer material injury or damage by delay, or when there exists a threat to public health, safety, or welfare by reason of the time required to follow Pierce County's regular contracting procedures, the Executive or designee may dispense with such procedures consistent with the provisions of this Section; provided that such contracting shall be made with such completion as is practicable under the circumstances. A written finding of the existence of such emergency must be made by the Executive or designee and duly entered of record.
- B. The provisions of this Section shall not apply to emergencies governed by Chapter 38.52 RCW as it now exists or is hereafter amended; provided, during the duration of such an emergency, the Executive shall report to the Council at least every seven days.
- C. In the event of an emergency and upon declaring its existence the Executive, or the official authorized by Chapter 2.118 PCC for declarations subject to that Chapter, in consultation with the Prosecuting Attorney, may waive the requirements of Sections 2.106.040 and 2.106.050 PCC.
- D. For all emergency purchases, the Executive or designee shall declare an emergency and contact at least three vendors to the extent practicable under the circumstances and provide them with a scope of work. The Executive or designee shall award to the vendor who best meets the needs of the County as outlined in the scope of work. The Executive or designee shall make a quarterly report to the Council's Fiscal Management Committee setting forth for each emergency purchase the name of the vendor, a summary of the services performed or goods provided, the amount of the emergency purchase and a summary of the written finding made pursuant to subsection A. of this Section.
- E. In addition to the requirements of subsection D. of this Section, the Executive shall, for emergency purchases that have a value of \$50,000.00 or more, report such emergency purchases to the Council within five days of declaring the emergency and provide a

written report setting for the basis for declaring the emergency as well as an estimate of the time during which emergency contracting procedures will be used to provide relief from the emergency.

- F. All emergency purchase contracts executed under this Section shall contain a clause permitting Pierce County to terminate the contract for convenience without obligation to pay for work not actually performed.
- G. The Council may, by resolution, terminate a declaration of emergency, and require termination for convenience of contracts executed under this Section, if the Council determines that the interest of the public so requires.

(Ord. 94-114S § 1 (part), 1995; Ord. 81-70 § 1 (part), 1981; Ord. 81-31 § 2 (part), 1981; prior Code 2.04.070)

#### **2.106.080 Time of Bid or Bid Withdrawal.**

- A. The bidding or quoting time shall be as determined by the Agent. All invitations to bid shall provide sufficient time to allow bidders an opportunity to prepare and submit their bid. The Agent shall have the discretion to lengthen or shorten bid or quote time should special circumstances or needs dictate a shorter or longer time frame. All bids and withdrawals must be received on or before the time specified on the bid, at the place designated in the bid document. No deviations will be allowed and late bids and timely withdrawals will be returned unopened.
- B. All bids shall be date stamped, prior to opening. Precautions will be taken to insure security in respect to the bids. Bids which are received but which do not identify the Invitation to Bid or the time for bid opening may be opened but solely for identification purposes, and only by officially designated personnel. All late bids or late withdrawal requests will be date and time recorded.

(Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.080)

#### **2.106.090 Amendment of Invitation to Bid.**

An Invitation to Bid may be changed or amended by the Agent provided the change is issued in writing prior to the bid opening date. Such changes will be furnished to all interested vendors in the form of an addendum. Any material information provided to a prospective bidder with regard to an Invitation to Bid shall be furnished to all bidders on the vendor list receiving a copy of the original invitation. Oral interpretations of contract terms and conditions shall not be binding on the County unless confirmed in writing by the Agent and provided to all bidders at least 24 hours before bid opening. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.090)

#### **2.106.100 Vendor Lists.**

Vendor lists are categorized according to commodities and are maintained and updated by the Agent. Vendor lists are used by the Agent to determine vendors from which to solicit bids. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.100)

**2.106.110 Criteria for Qualification.**

A vendor's eligibility for inclusion on a vendor list shall be based upon the following factors:

- A. The financial standing and responsibility of the vendor;
- B. The vendor's facilities for production, distribution and service;
- C. The length of time the vendor has successfully been in business;
- D. The vendor's performance on previous contracts;
- E. The ready availability to the County of the vendor's sales and service capabilities;
- F. Such other information as may be secured concerning the vendor's ability to satisfactorily perform a contract for the County.

(Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.110)

**2.106.120 Nonacceptance.**

If an application to be placed on the vendor list is refused, the applicant shall be advised in writing as to the reason for nonacceptance. (Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.120)

**2.106.130 Removal or Suspension.**

The Agent may remove or suspend a vendor from any vendor list for cause. Examples of reasons for removal or suspension include but are not limited to the following:

- A. Illegal act(s);
- B. Failure to respond, without good cause, to three consecutive Invitations to Bid or Requests for Quote for the same commodity description;
- C. Unreasonable number of "No Bid" responses;
- D. Any material failure to perform, e.g., delivery, quality;
- E. Any significant detrimental change in supplier status, e.g., financial condition, lines carried, service ability;
- F. Unauthorized product substitution, or representation of an alternate as an equal; or
- G. Discriminatory practices.

(Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.130)

**2.106.140 Appeal.**

Any vendor removed from a vendor list or who is not placed on the vendor list after request, may appeal the decision to the Executive or designee. If such an appeal is to be made it must be submitted in writing within ten days of notification of the action taken. (Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.140)

**2.106.150 Reapplication or Reinstatement.**

If a vendor's application to be placed on a vendor list has been refused, or if the vendor has been removed from the vendor list, the vendor may reapply to be placed on a vendor list, or apply for reinstatement when the causes for removal have been corrected. (Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.150)

**2.106.160 Bid Bonds.**

The County shall demand a deposit by each bidder in the form of a certified or cashier's check or bid bond in an amount not less than 5 percent of the total bid, such amount to be specified in the call for bids for the following projects:

- A. construction projects issued subject to Invitations to Bid, and
- B. other contracts made subject to Invitations to Bid by the Agent, when he or she deems it is appropriate.

Failure to submit a bid deposit in one of the forms specified above will be a cause for rejection of the bid.

In instances where a bid is for an annual contract to supply an undetermined quantity of goods at a fixed price, quantity to be determined by the County's future requirements, the Agent shall determine the amount of the bid deposit, which amount shall be approximately 5 percent of the total contract price. In determining the total contract price, the Agent shall consider the County's prior purchasing history and its anticipated future requirements.

If the bidder to whom a contract is awarded fails to enter into the contract and furnish the contractor's bond, if required, within 20 days after notice of the award, exclusive of the day of notice, the amount of the bid deposit may be forfeited to the County and the contract awarded to the next lowest and best bidder. The Agent may, at his or her discretion, extend the time for furnishing of a bond for a reasonable length of time as determined by the Agent, when deemed appropriate. The Agent may, when deemed appropriate, return all bid bonds except the apparent three lowest bidders, at any time after bid opening. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded, and the required contractor's bond given by the successful bidder is accepted by the County.

(Ord. 94-114S § 1 (part), 1995; Ord. 88-19 § 2, 1988; 81-31 § 2 (part), 1981; prior Code § 2.04.160)

**2.106.170 Facsimile Invitation to Bid.**

Facsimile Invitation to Bid proposals will be accepted by the County if the original signed bid proposal is mailed to the location specified in the bid documents and postmarked prior to the time designated for the bid opening. Also, facsimile Invitations to Bid shall not be sent to the County's facsimile machine, but must be sent to the Bidder's agent and delivered to the location specified in the bid documents in a sealed envelope, as stated above, before the time stated in the Bid. Facsimile withdrawals will be accepted on all bids timely received at the location specified in the Invitation to Bid. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.170)

**2.106.180 Telephone Bids.**

Telephone responses to Invitations to Bid will not be accepted. Telephone withdrawals will not be accepted. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.180)

**2.106.190 Hand-Carried Bids.**

Hand-carried bids must be delivered to the location specified in the bid documents. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.190)



**2.106.200 Form of Bid.**

- A. To receive consideration, bids and quotes shall be made on the form provided by the Agent. If a letter is used to supplement the Agent bid form it must meet the satisfaction of the Agent, be properly headed and signed, properly marked on the outside of the envelope, and received by the time specified.
- B. All bids and quotes must be filled out in ink or with typewriter and properly signed by an authorized representative of the vendor. All changes and/or erasures shall be initialed in ink. Unsigned bids or quotes will be rejected on opening.

(Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.200)

**2.106.210 Standard Specifications.**

Specifications contained in the Invitation to Bid will, where practical, be nonrestrictive to provide an equal basis for competition and participation by an optimum number of qualified bidders. Unless otherwise specifically provided in the Invitation to Bid, reference to any equipment, material, or supplies by trade name, make, or catalog number, shall be regarded as establishing a standard of quality and shall not be construed as limiting competition. All bids which offer a different trade name, make, or catalog number must state whether the item offered is equal or an alternate, and literature which describes the item offered must be provided, when available. The final decision as to whether an item is an equal or a satisfactory alternate shall be the responsibility of the Agent. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.210)

**2.106.220 Interpretation of Specifications.**

In the event of discrepancies or omissions in the bid specifications, or doubt as to their meaning, the bidder shall immediately notify the Agent in writing. In response, written instructions and/or addenda as required shall be sent to all interested parties. The Agent will not be responsible for oral interpretations not confirmed in writing by the Agent giving the interpretation at least 24 hours before bid opening. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.220)

**2.106.230 Request for Samples, Descriptive Literature.**

The Agent reserves the right to ask for samples, competitive demonstrations, and/or descriptive literature at bidders' expense. If not destroyed in testing or required for quality control, bidders may request return of samples at the bidders' expense. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.230)

**2.106.240 Alternate Bid.**

The Agent shall have the discretion to accept an alternate bid if it can be shown that the alternate substantially conforms to the bid specifications. If a bidder represents an article as being "an equal" when in fact it is "an alternate" that bid may be disregarded. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.240)

**2.106.250 Pre-Bid Conferences.**

Pre-bid conferences may be scheduled by the Agent to answer any questions regarding the specifications; or, after interested vendors have reviewed the specifications, to discuss proposed changes. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.250)

**2.106.260 Award.**

A contract shall be awarded to the lowest responsible bidder (or bidders, where multiple awards are appropriate) based upon the price, including the effect of term discounts and taxes. Price may be determined by life cycle costing if so indicated in the Invitation to Bid; provided, the quality of the material or services proposed to be supplied conforms with specifications and the purposes for which they are required.

The responsibility of bidders shall be determined based upon the following criteria:

- A. The ability, capacity, and skill of the bidder to perform the contract and provide the services required;
- B. The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- C. Whether the bidder can perform the contract within the time specified;
- D. The quality of performance of previous contracts or services;
- E. The previous and existing compliance by the bidder with the laws relating to the contract or services;
- F. Servicing resources, capability, and capacity;

All things being equal, tie bids shall be resolved by a flip of the coin in the presence of a witness.

(Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code 2.04.260)

**2.106.270 Partial Award.**

The Agent shall have the discretion to award on an "all or nothing" basis or to accept any portion of the items bid, excluding others, unless the bidder stipulates all or nothing on his or her bid. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.270)

**2.106.280 Standard Certificate of Award.**

A standard certificate of award, or in the case of a direct purchase, a purchase order will normally be mailed to the successful vendor. (Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.280)

**2.106.290 Rejection.**

No notice will be sent to unsuccessful bidders. (Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.290)

**2.106.300 Acceptance of Terms.**

Acceptance shall be expressly limited to the terms and conditions of the contract/bid prescribed by the Agent. All material alterations, additional or different terms proposed by the bidder shall be and are rejected unless otherwise provided for in writing by the Agent. (Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.300)

**2.106.310 Handling of Bids at Opening.**

The Agent or designee shall be present and function in the opening of all bids relating to the County's purchase of goods or services by the sealed bid procedure including public works contracts and to exercise surveillance over the bid opening. Invitations to Bid proposals shall be received at the location specified in the bid documents to be opened by the Agent at the advertised time, date and location. The Agent or designee shall personally and publicly open all bids and read them out loud for recording. The bid form may not be completed, signed, or amended after official opening time. The Clerk of the Council or designee shall electronically record and maintain written summaries of the bid openings. Bids must remain under the control

of the Agent, designee, or the Director of Public Works and Utilities or designee. The Agent or designee, or the Director of Public Works and Utilities, shall award the lowest acceptable bid proposal by entering into a lawful agreement with the awardee unless all bids are rejected. In all awards where the Agent or Director of Public Works and Utilities desires to waive a bid defect, award an alternative, declare a low bidder non-responsive, or award any bid in excess of \$50,000.00, the award shall be referred to the Executive with a recommendation for award. Based upon the Executive's recommendation, the Director of Public Works and Utilities shall execute public works contracts as set forth in Section 2.106.030. All other contracts in excess of \$50,000.00 shall be executed by the Executive or designee. Copies of all awards in excess of \$50,000.00 and reasons for not accepting low bids shall be forwarded to the County Council and Executive within ten days of date of the award. (Ord. 94-114S § 1 (part), 1995; Ord. 81-70 § 1 (part), 1981; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.310)

#### **2.106.320 Mistakes in Bid Detected Prior to Bid Opening.**

Mistakes in bids detected prior to bid opening may be corrected by bidder withdrawing the original bid and submitting a corrected bid to the delivery location specified in the bid documents before the bid opening. If there is not sufficient time prior to bid opening to withdraw the original bid and submit a corrected bid, the bidder or an authorized representative may correct the mistake on the face of the original bid; provided, the official opening time has not yet been reached. A corrected bid must be date stamped in upon resubmission. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.320)

#### **2.106.330 Mistakes in Bid Detected During or After Bid Opening.**

Bidder mistakes in a bid detected during or after bid opening may not be corrected. If the bidder submits evidence, in writing, satisfactory to the Agent or designee and to the Prosecuting Attorney that a mistake has been made by the bidder in the calculation of its bid, the Agent or designee may allow the bid to be withdrawn; provided, that the claim of mistake and the evidence in support thereof must be made and provided within three business days after the bid has been opened. Compliance with this Section within the specified time limit shall relieve the bidder of forfeiture of the bid bond. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.330)

#### **2.106.340 Disclosure of Bid Information.**

After award, the bids of all bidders shall be opened to public inspection at the offices of the Agent during normal office hours. The Agent assumes no responsibility for the confidentiality of submitted bids. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.340)

#### **2.106.350 Cancellation of Invitation to Bid or Rejection of all Bids.**

The Agent reserves the right to reject all bids, cancel an Invitation to Bid, Request for Quote, or Request for Proposals, and/or call for new bids. Examples of reasons for cancellation of an invitation, or request or rejection of all bids shall include but are not limited to the following:

- A. Inadequate or ambiguous specifications;
- B. Specifications have been revised;
- C. Supplies or services being processed are no longer required;
- D. Lowest responsible bid deemed not best price obtainable;
- E. Bids were not independently arrived at or were submitted in bad faith, i.e., price fixing;
- F. A determination is made that all the necessary requirements of the bid process have not been met;

G. Insufficient competition;

H. Other indications that cancellation or rejection of all bids is clearly in the best interest of the County.

(Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.350)

#### **2.106.360 Notice of Cancellation or Rejection of Bids.**

In the event of a cancellation of an Invitation to Bid, a Request for Proposals, or a Request for Quote, or in the event all bids are rejected, all participating bidders will be notified by mail. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.360)

#### **2.106.370 Performance Bond.**

When required in the bid solicitation, the successful bidder shall be required by the Agent to post a performance bond or a performance/payment bond. The bond shall be in a form acceptable to the Agent. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.370)

#### **2.106.380 Product Fitness.**

Vendor shall warrant that the articles supplied under the contract shall conform to the specifications and are fit for the purpose for which such goods are ordinarily employed. (Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.380)

#### **2.106.390 Price Escalation.**

Vendor shall not be entitled to a price escalation except where specifically provided for in writing in the contract. (Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.390)

#### **2.106.400 Change of Product Offered.**

A vendor shall not be allowed to substitute material, supplies, equipment, or services from that offered; provided, however, if the material, supplies, equipment, or services offered are no longer available to the vendor for reasons beyond its control, the Agent may consider a request by the vendor for substitution. All such requests must be in writing, must set forth the reasons the product or service is no longer available, and if requested, must be accompanied by samples, record of performance, certified copies of tests by impartial and recognized laboratories, and such additional data as the Agent may request. Samples and data shall be furnished sufficiently in advance to allow for investigation before a decision is made. If the change is approved, the vendor shall warrant that the substitute article is equal to or better than the specified article. If the change results in any cost savings to the vendor, the cost savings shall be reflected in full and cause a reduction in price to the County. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.400)

#### **2.106.410 Intergovernmental Cooperative Purchasing.**

A. The Agent is authorized to sell to, acquire from, or use any supplies, material, or equipment belonging to any agency, political subdivision, or unit of local government of this State including, but not limited to, special purpose and local service districts, any agency of the State government, and any agency of the United States independent from the requirements of Sections 2.106.040 and 2.106.060, to the fullest extent permitted by State law.

- B. The Agent or designee shall have authority to join with the above-described units of government in cooperative purchasing plans when the best interests of the County would be served thereby; provided, that each of the participating units shall be separately invoiced by the vendors for purchases made under such plans, and the County shall not be obligated for purchases other than those required for its own use.

(Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.410)

**2.106.420 Authorization to Implement Procedures.**

The Executive or designee is authorized to promulgate and adopt rules and procedures for purchasing, leasing, and contracting for all supplies, materials, services, and equipment for all departments of the County and the operation procedures of purchasing stores, supplies, and mail departments and to implement such forms, processes, and procedures as necessary to comply with the provisions of this Chapter. (Ord. 94-114S § 1 (part), 1995; Ord. 81-31 § 2 (part), 1981; prior Code § 2.04.420)

**2.106.425 Exemptions.**

Pierce County may utilize any other exemption from competitive bidding/solicitation provided by law. (Ord. 94-114S § 1 (part), 1995)

**2.106.430 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. 89-155 § 2, 1989)



## *Chapter 2.107*

### ***CONTRACT AND PROCUREMENT ASSISTANCE PROGRAM***

#### **Sections:**

**2.107.010 Purpose and Intent.**

**2.107.020 Powers and Duties.**

**2.107.030 Public Works Contracting Requirements.**

**2.107.040 Certification.**

**2.107.050 Consultant Services Contracting Requirements.**

**2.107.060 Supply and Service Contracting Requirements.**

**2.107.070 Disadvantaged Business Enterprise (DBE) Lease Policy of Airport Property and Facilities.**

**2.107.080 Employment Goals.**

**2.107.090 Uses of Pierce County Residents and Local Businesses.**

**2.107.100 Nondiscrimination.**

**2.107.110 Sunset and Review of Program.**

**2.107.120 Severability.**

#### **2.107.010 Purpose and Intent.**

The purpose and intent of this Chapter is to remedy the effects of discrimination against minority business enterprises (MBEs) and women's business enterprises (WBEs), to prevent Pierce County from directly or indirectly participating in or perpetuating the effects of such discrimination, and to ensure that neither the County nor its contractors, consultants, subcontractors, subconsultants, suppliers, or vendors discriminate on the basis of race, creed, color, sex, age, marital status, national origin, or the presence of any sensory, mental, or physical handicap, in any of their employment practices, and to encourage economic development and competition for Pierce County public works contracts as defined in RCW 39.04.010, as well as Pierce County consultant, supply and service contracts. The provisions of this Chapter shall be liberally construed for the accomplishment of the policies and purposes of this Chapter. (Ord. 90-81 § 3 (part), 1990)

#### **2.107.020 Powers and Duties.**

The Pierce County Executive has the administrative and official authority to carry out this Chapter, pursuant to the Pierce County Charter, Section 3.25. The Executive or his or her designee shall:

- A. Implement the purposes and requirements of this Chapter, including the promulgation of appropriate guidelines and definitions;
- B. Make affirmative efforts to solicit bids and proposals on public works contracts from MBEs and WBEs (M/WBEs);
- C. Require that consultants who contract with Pierce County make affirmative efforts to utilize M/WBEs as subconsultants, where subconsultants are utilized in the performance of the work;
- D. Make affirmative efforts to solicit bids and proposals from M/WBEs for the procurement of goods and services;

- E. Implement and cooperate with other local jurisdictions in implementing technical assistance and outreach programs to increase the ability of M/WBEs to compete for the award of Pierce County public works contracts;
- F. Cooperate with other local jurisdictions in compiling information relating to the purposes and requirements of this Chapter;
- G. Cooperate with other local jurisdictions to standardize and share resources for forms and requirements, record keeping, analysis of availability and other issues, annual and other reports, outreach and technical assistance programs, and staff training;
- H. Examine the goals specified by this Chapter and the implementation of this Chapter at least every three years and advise the Council at such time as the goals should be revised or the requirements of the Chapter are no longer necessary to serve the Chapter's purposes; and
- I. Comply with any related laws or requirements of any federal or state agency participating in any public works or other project.

(Ord. 90-81 § 3 (part), 1990)

### **2.107.030 Public Works Contracting Requirements.**

Public works contracts shall be awarded and administered in accordance with the following standards and procedures:

- A. The County will establish the following annual MBE and WBE goals on public works contracts in excess of \$10,000.00:

MBE: 14 percent

WBE: 8 percent

These are overall goals, and particular contracts may have higher or lower goals. Where an outside funding agency has a requirement for a combined overall goal for Disadvantaged Business Enterprises (DBEs), inclusive of M/WBEs, the County's combined overall annual goal shall be the sum of the separate MBE and WBE annual percentage goals.

- B. Invitations to bid and requests for proposals shall require bidders and proposers to affirmatively solicit commercially useful participation by M/WBE subcontractors and suppliers, and include in their bid or proposal commercially useful M/WBE participation that equals or exceeds a percentage to be determined by the Executive for the contract. The Executive shall determine the MBE and WBE percentage goals for each contract, or may waive the percentage requirement, based upon the following:
  - 1. the annual goals and the extent to which they will otherwise be satisfied;
  - 2. the subcontracting, joint venture, supply, and other opportunities presented by the contract;
  - 3. the availability of qualified MBEs or WBEs to perform work under the contract;
  - 4. the location of the project and of the contractors and subcontractors likely to compete for the contract;
  - 5. the degree of economic burden, unjustifiably high prices, or risk that would be imposed on the County or on contractors;
  - 6. the extent to which goods or services under the contract must be immediately provided or an emergency otherwise exists;
  - 7. the fact that the contract involves federal, state, or local funding and/or requirements; and
  - 8. the best interests of the County.



- C. The Executive may reduce M/WBE contract goals for contractors who state in writing under oath that their overall utilization of M/WBEs certified by the OMWBE on private sector projects during the preceding calendar year has met or exceeded the percentages set forth in Section 2.107.030 A, provided the contractor submits information acceptable to the Executive showing the extent of their public and private sector utilization of M/WBE's during each of the three preceding calendar years the contractor has been in business.
- D. In addition to the percentage utilization goals, the Executive may require that a minimum number of MBEs or WBEs participate in certain contracts or in contracts of a certain size.
- E. Bids or proposals that do not satisfy the above requirements, including the MBE and WBE participation requirements, or that do not satisfy bid or proposal conditions that are deemed by the Executive to facilitate these requirements, shall be declared non-responsive, provided that the Executive may award to the otherwise responsive low bidder if he determines that the bidder has made a good faith effort to attain the M/WBE contract goal(s) by achieving MBE and WBE participation which meets or exceeds the average MBE and WBE participation achieved by all bidders. If the lowest bid is rejected, the Executive may award to the next lowest bidder who has met the aforementioned good faith requirement.

(Ord. 90-81 § 3 (part), 1990)

#### **2.107.040 Certification.**

The Executive shall consider only those businesses certified by the State of Washington Office of Minority and Women's Business Enterprises as meeting M/WBE utilization goals. The Executive may elect not to consider participation of a certified sub-contractor or supplier only where the sub-contractor or supplier is not providing a commercially useful function, or if, after notice and opportunity for hearing, the Executive has made a public finding prior to bid opening, and that the sub-contractor or supplier does not suffer from discrimination in the local construction industry. (Ord. 90-81 § 3 (part), 1990)

#### **2.107.050 Consultant Services Contracting Requirements.**

Consultant Service contracts in excess of \$10,000.00 shall be awarded and administered in accordance with the following standards and procedures:

- A. The County recognizes that opportunities for the use of subconsultants may not be present in all consultant services contracts. If a consultant is capable of performing and elects to perform all work under such contract utilizing only employees of the consultant, no subcontracting is required. If the consultant elects to subcontract any portion of the work, the consultant shall make affirmative efforts to solicit and utilize M/WBEs as subconsultants.
- B. The consultant will be considered to have made an affirmative effort to solicit and utilize M/WBEs as subconsultants if the consultant takes the following steps:
  1. Obtain listings of M/WBEs capable of performing the specified subconsulting work, and;
  2. Solicit proposals from M/WBEs by written request, and
  3. To the greatest extent practical, award subcontracts to M/WBE subconsultants who are capable of performing the requested work.

C. Consultants who elect to utilize subconsultants will be required to certify and provide evidence that the aforementioned requirements have been met.  
(Ord. 90-81 § 3 (part), 1990)

**2.107.060 Supply and Service Contracting Requirements.**

Supply and service contracts in excess of \$10,000.00 shall be awarded and administered in accordance with the following standards and procedures:

- A. The County shall make affirmative efforts to solicit and utilize M/WBEs in the performance of such contracts. An affirmative effort shall include the following steps:
1. The Department initiating the request for goods or services shall obtain listings from the Department of Facilities Management of M/WBEs capable of supplying the requested goods or performing the specified services, and;
  2. Solicit at least one proposal from M/WBEs, if available.

(Ord. 90-81 § 3 (part), 1990)

**2.107.070 Disadvantaged Business Enterprise (DBE) Lease Policy of Airport Property and Facilities.**

It shall be the County's policy to take affirmative action to seek out and to award leases of its airport property and facilities to DBEs. The following goal for leases is established at the Pierce County Airport:

Ten percent of total annual lease value for DBEs.

(Ord. 90-128 § 1, 1990; Ord. 90-81 § 3 (part), 1990)

**2.107.080 Employment Goals.**

In keeping with County equal opportunity policy, all public works, consultant, supply and service contracts larger than \$10,000.00 with firms having ten or more employees shall have the following goals for employment by the contractor, consultant or vendor, and all subcontractors and subconsultants:

Minorities: 12.2 to 15 percent

Women: 6.9 percent

Pierce County shall not require an employer to fire or lay off any existing employee to meet the County's goals for the employment of minorities and women, nor shall the County require an employer to hire unqualified workers to meet these goals. However, when an employer on a public works, consultant, supply, or service contract hires new employees, it shall be the employer's obligation to make a good faith effort to hire qualified minorities and women until the employer's Pierce County work force reflects of the goals set forth herein.

(Ord. 90-81 § 3 (part), 1990)

**2.107.090 Uses of Pierce County Residents and Local Businesses.**

All parties doing business with Pierce County shall be encouraged to utilize Pierce County residents and local businesses whenever qualifications and cost effectiveness are deemed competitive. (Ord. 90-81 § 3 (part), 1990)

**2.107.100 Nondiscrimination.**

Neither the County nor its contractors, consultants, subcontractors, subconsultants or vendors on public works projects, consultant contracts, or supply or service contracts shall unlawfully discriminate on the basis of race, creed, color, sex, age, national origin, or the presence of any sensory, mental, or physical handicap, nor violate any of the terms of Chapter 49.60 of the Revised Code of Washington, Title VII of the Civil Rights Act of 1964, or any other applicable federal, state, or local law or regulation regarding nondiscrimination, including the Pierce County Affirmative Action Plan, Section 3.16.030 of the Pierce County Code. (Ord. 90-81 § 3 (part), 1990)

**2.107.110 Sunset and Review of Program.**

Sections 2.107.010 through 2.107.050 of this Chapter shall be in effect through and until December 31, 2000, unless the Council shall determine at an earlier date that some or all of the requirements herein are no longer necessary to the purposes of the Chapter. If the above mentioned Sections of this Chapter have not been repealed by January 1, 2000, the Council shall determine by the end of that year whether substantial effects of discrimination against M/WBEs in the relevant market remain, and whether and for how long these Sections should remain in effect. Sections 2.107.060 through 2.107.100 shall not be affected by the above mentioned termination date. (Ord. 90-81 § 3 (part), 1990)

**2.107.120 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. 90-81 § 3 (part), 1990)



*Chapter 2.108*

**INVENTORY OF COUNTY PROPERTY**

**Sections:**

**2.108.010 Purpose.**

**2.108.020 Fixed Assets – Generally.**

**2.108.030 Department Assigned Duty.**

**2.108.040 Responsibility of Elected Officials and Department Heads.**

**2.108.050 Fixed Asset Depreciation Policy.**

**2.108.060 Identification of Pierce County Personal Property – Inventory.**

**2.108.070 Lost or Stolen Equipment.**

**2.108.080 In-Department Transfer.**

**2.108.090 Responsibility of Purchasing Agent and Department.**

**2.108.010 Purpose.**

The purpose of a fixed asset inventory system is to gather and present information needed for the preparation of financial statements and to provide for the control and accountability of the fixed assets of Pierce County. The policies contained in this procedure are the minimum requirements that must be met by all County offices and will be supplemented by forms and procedures established by the Budget and Finance Director. (Ord. 85-61 § 1 (part), 1985; Res. 22711 § 1 (part), 1981; Res. 22523 § 1 (part), 1980; prior Code § 2.26.010)

**2.108.020 Fixed Assets – Generally.**

- A. Definition. "Fixed assets" means those physical assets whose purchase price exceeds \$300.00 and which have a life expectancy of at least one year. Equipment temporarily attached to a building or structure will be classified as equipment and not building. (Example: an overhead hoist system is considered equipment; the track is part of the permanent structure.) The \$300.00 minimum eligible amount may be adjusted by the Budget and Finance Director, upon notification to the County Executive and the County Council.
- B. Identification of Fixed Assets. All fixed assets of Pierce County are to be marked in such a manner as to identify them as belonging to Pierce County.
- C. Records Requirements. The Purchasing Agent will maintain a fixed asset system which includes records for all inventoried assets. The specific elements to be maintained on each fixed asset record and all appropriate procedures will be determined by the Budget and Finance Director.

(Ord. 85-61 § 1 (part), 1985; Res. 22711 § 1 (part), 1981; Res. 22523 § 1 (part), 1980; prior Code § 2.26.020)

**2.108.030 Department Assigned Duty.**

- A. There is delegated to the Purchasing Agent of Pierce County the responsibility of coordinating an annual inventory of Pierce County personal property reporting the results thereof to the County Executive.

B. The Purchasing Agent may develop new forms as required.  
(Ord. 85-61 § 1 (part), 1985; Res. 22711 § 1 (part), 1981; Res. 22523 § 1 (part), 1980; prior Code § 2.26.030)

**2.108.040 Responsibility of Elected Officials and Department Heads.**

- A. Physical Inventories. Each office and department will receive an annual inventory update document prior to their scheduled inventory. This document shall be used to reconcile the department inventory. Missing or incorrect information shall be reported to the Purchasing Agent using Pierce County inventory control system form. The inventory reconciliation shall be conducted by a person or persons neither directly responsible for the asset nor supervised by the person responsible for the assets.
- B. Upon completion of this reconciliation, a report shall be submitted to the Purchasing Agent stating the information is correct or shall be corrected by submitting the completed Pierce County inventory control system forms for each correction necessary. After receiving these reports from all departments in Pierce County, the Purchasing Agent shall cause all corrections to be entered in the inventory system.
- C. After determining that all corrections to the fixed asset inventory have been completed, a final inventory listing will be submitted by the Purchasing Agent to the County Executive.

(Ord. 85-61 § 1 (part), 1985; Res. 22711 § 1 (part), 1981; Res. 22523 § 1 (part), 1980; prior Code § 2.26.040)

**2.108.050 Fixed Asset Depreciation Policy.**

The method for determining a depreciation schedule for County personal property inventoried fixed assets will be determined by the Budget and Finance Director. (Ord. 85-61 § 1 (part), 1985; Res. 22711 § 1 (part), 1981; Res. 22523 § 1 (part), 1980; prior Code § 2.26.050)

**2.108.060 Identification of Pierce County Personal Property – Inventory.**

- A. All inventoried property is identified, marked with the property number and recorded promptly upon receipt, and shall remain so identified as long as it is in the custody, possession or control of Pierce County.
- B. The assignment of the property number to the equipment is the responsibility of the Purchasing Agent. The property number is applied to the actual unit by the ordering department. Should the identification number be accidentally or mistakenly obliterated, defaced or removed, the equipment shall be marked again with the original number.

(Ord. 85-61 § 1 (part), 1985; Res. 22711 § 1 (part), 1981; Res. 22523 § 1 (part), 1980; prior Code § 2.26.060)

**2.108.070 Lost or Stolen Equipment.**

Lost or stolen equipment must be reported immediately to the Purchasing Agent with copies to the Prosecuting Attorney's Office, the Sheriff's Department and Risk Management using a lost/stolen report form available from the Purchasing Department. If, after 90 days the equipment has not been recovered, it shall be removed from the inventory records. (Ord. 85-61 § 1 (part), 1985; Res. 22711 § 1 (part), 1981; Res. 22523 § 1 (part), 1980; prior Code § 2.26.070)

**2.108.080 In-Department Transfer.**

Each transfer from one office or department to another is reported by the receiving office to the Purchasing Department on a fixed asset transfer form available from the Purchasing Department. (Ord. 85-61 § 1 (part), 1985; Res. 22711 § 1 (part), 1981; Res. 22523 § 1 (part), 1980; prior Code § 2.26.080)

**2.108.090 Responsibility of Purchasing Agent and Department.**

The Purchasing Agent shall have on file in his office, for each equipment purchase of \$300.00 or more, a copy of the purchase order denoting the Pierce County property number thereon, with a copy of the approved invoice and any other documentation required for a satisfactory audit. In addition, a copy of this information shall be furnished to the ordering department as historical documentation and audit back-up. These files shall be known as the inventory control file and shall be filed separately from other purchasing records. (Ord. 85-61 § 1 (part), 1985; Res. 22711 § 1 (part), 1981; Res. 22523 § 1 (part), 1980; prior Code § 2.26.090)





*Chapter 2.110*

**PROPERTY MANAGEMENT**

**Sections:**

- 2.110.010 Authority to Sell.**
- 2.110.020 Sales of Personal Property – Advisability and Manner of Sales.**
- 2.110.030 Sales of Personal Property – Value of Property.**
- 2.110.040 Sales of Personal Property – Must be for Cash.**
- 2.110.050 Transfer of Surplus Personal Property.**
- 2.110.060 Duties of Executive.**
- 2.110.070 Real Property Responsibilities.**
- 2.110.080 Inventory of Real Property.**
- 2.110.090 Disposal of Surplus Real Property – Council Approval Required.**
- 2.110.100 Notice of Disposition.**
- 2.110.110 Private Exchanges of Real Property.**
- 2.110.120 Individual Sales of Twenty-Five Thousand Dollars or More.**
- 2.110.130 Disposition of Proceeds.**
- 2.110.135 Timber Resource Management Program.**
- 2.110.140 Authority to Lease or Rent.**
- 2.110.150 Application to Lease.**
- 2.110.160 Reservation of Powers.**
- 2.110.170 Severability.**

**2.110.010 Authority to Sell.**

- A. Whenever it is in the best interest of the County, taxing districts, and the people thereof, that any part or parcel of property, whether real, personal, or mixed, belonging to the County, including tax-titled property, subject to the provisions of RCW Chapters 84.64 and/or 36.35, should be sold, or otherwise disposed of, the County shall dispose of such property under the limitations and restrictions and in the manner hereinafter provided.
- B. In making such disposition, the County may sell any timber, mineral, or other resources on any land owned by the County separate and apart from the land in the same manner and upon the same terms and conditions as provided in this Chapter for the sale of real property. However, any such timber, mineral, or other resources not exceeding \$25,000.00 in value may be sold as personal property in the manner provided by this Chapter.

(Ord. 94-114S § 2 (part), 1995; Ord. 83-80 § 2 (part), 1983; prior Code § 2.05.010)

**2.110.020 Sales of Personal Property – Advisability and Manner of Sales.**

Subject to the limitations of this Chapter, the Executive or designee is authorized to determine the propriety and advisability of selling and the manner and location of conducting sales of surplus personal property. (Ord. 94-114S § 2 (part), 1995; Ord. 83-80 § 2 (part), 1983; prior Code § 2.05.020)

**2.110.030 Sales of Personal Property – Value of Property.**

When an item or lot of surplus personal property carries a depreciated value of \$25,000.00 or more, the Executive shall not dispose of said personal property without prior approval by the Council. If the item or lot of surplus personal property carries a depreciated value of less than \$5,000.00, the Executive or designee will estimate the market value of an item of personal property and shall then implement the date, location, and manner of sale that in his or her judgment is the most advantageous to the County. Property valued at less than \$25,000.00 may be sold for its assessed value, or if found to be of no value, donated to any private, non-profit corporation, or destroyed. (Ord. 94-114S § 2 (part), 1995; Ord. 83-80 § 2 (part), 1983; prior Code § 2.05.030)

**2.110.040 Sales of Personal Property – Must be for Cash.**

Sales of personal property must be for cash, certified check, or cashier's check, except when it is transferred to a governmental agency or traded in on the purchase of another article or traded for another article of similar value. (Ord. 94-114S § 2 (part), 1995; Ord. 83-80 § 2 (part), 1983; prior Code § 2.05.040)

**2.110.050 Transfer of Surplus Personal Property.**

Surplus personal property may be transferred to the Agent, or, where appropriate, to the County Public Works and Utilities Department Director for use as trade in property on new purchases. Said transfer must be approved by the Agent or Public Works and Utilities Director. (Ord. 94-114S § 2 (part), 1995; Ord. 83-80 § 2 (part), 1983; prior Code § 2.05.050)

**2.110.060 Duties of Executive.**

The duties of the Executive shall be to:

- A. Review and make recommendations regarding the present and future use and disposition of County-held real property;
- B. Declare surplus and dispose of surplus real property valued below \$25,000.00, in accordance with the provisions of this Chapter;
- C. Recommend County-titled real property as surplus, subject to the provisions of this Chapter, and recommend to the Council specific parcels valued equal to or in excess of \$25,000.00 for disposition by sale.

(Ord. 94-114S § 2 (part), 1995; Ord. 83-80 § 2 (part), 1983; prior Code § 2.05.060)

**2.110.070 Real Property Responsibilities.**

The Executive or designee shall be responsible for acquiring, disposing, inventorying, leasing, and managing real property, the legal title of which rests in the name of Pierce County, or which Pierce County manages in a trust capacity, and shall have the responsibility to maintain, improve, or dispose of real property in such a manner which in the Agent's judgment shall ensure the greatest benefit to the County. County departments shall be responsible for maintaining all real property for which they are the custodian. (Ord. 94-114S § 2 (part), 1995; Ord. 83-80 § 2 (part), 1983; prior Code § 2.05.070)

**2.110.080 Inventory of Real Property.**

- A. The Executive or designee shall maintain and update a current inventory of all County titled real property with detailed information as to current departmental custodianship and as to the characteristics that determine its economic value and potential uses; provided, that all County roads and all tax-titled property not transferred to general County use pursuant to Chapter 36.35 RCW shall be excluded from the provision of this Chapter.
- B. County departments shall be required, no later than January 31 of each calendar year, to justify departmental retention of all land holdings, to the Executive.
- C. If, in the judgment of the Executive, a County department cannot justify the retention of a given parcel of land, the Executive shall determine whether any other department has a need for the parcel.
- D. If another County department can demonstrate a need for said parcel, custodianship of that parcel shall be transferred to that department without any financial transaction between present and future custodial departments.
- E. If no other County department can demonstrate a need for such parcel, the parcel may be declared surplus to the future foreseeable needs of the County.
- F. Prior to a decision recommending disposing of surplus real properties through sale, the Executive shall consider other uses of surplus real property. Other possible uses that may be considered and implemented by the Executive are:
  - 1. Exchanges for privately owned lands that meet the County's land needs; or
  - 2. Leases pursuant to this Chapter; or
  - 3. Disposition to other governmental agencies, pursuant to Chapter 39.33 RCW; or
  - 4. Retention by the County if the parcel is classified as floodplain or slide hazard property or otherwise in the best interest of the County.
- G. Nothing herein shall require, in any manner, the Executive to declare or recommend property as surplus.

(Ord. 94-114S § 2 (part), 1995; Ord. 83-80 § 2 (part), 1983; prior Code § 2.05.080)

**2.110.090 Disposal of Surplus Real Property – Council Approval Required.**

The approval, by ordinance, of the Council is required prior to the Executive disposing of County titled real property valued equal to or in excess of \$25,000.00, which has been declared as surplus in compliance with the provisions of this Chapter. The approval ordinance of the Council shall state both street address and legal description of the property, and the procedures to be followed by the Executive in disposing of the real property. (Ord. 94-114S § 2 (part), 1995; Ord. 83-80 § 2 (part), 1983; prior Code § 2.05.090)

**2.110.100 Notice of Disposition.**

When Pierce County elects to dispose of real property by sale, lease, or exchange, the County shall advertise to the extent which it deems necessary to effect an advantageous sale. The County may implement disposition of real property by public advertisement or private negotiation at its discretion, provided that disposition of real property with a value equal to or in excess of \$25,000.00 shall be preceded by publication of a notice in the legal newspaper at least once each week for two consecutive weeks, the last notice to appear no more than seven days prior to the date of the closing of the disposition. An advertisement of sale of County property must particularly describe the property to be sold. When real property is to be sold, the advertisement of sale must contain both the street address, if available, and the legal description of the part and parcel. (Ord. 94-114S § 2 (part), 1995; Ord. 83-80 § 2 (part), 1983; prior Code § 2.05.100)

**2.110.110 Private Exchanges of Real Property.**

No exchange of County-owned real property shall be made for privately owned real property, unless the value of the privately owned property is of equal or greater value than the County-owned real property. If required by the County, the private proponent of an exchange must provide, at his or her cost, an independent appraisal of any proposed exchange, said appraisal to meet the reasonable satisfaction of the County. Upon written demand, either party may require the exchange to be consummated pursuant to RCW 36.34.330. Nothing herein shall require the County to exchange property under any circumstance. (Ord. 94-114S § 2 (part), 1995; Ord. 83-80 § 2 (part), 1983; prior Code § 2.05.120)

**2.110.120 Individual Sales of Twenty-Five Thousand Dollars or More.**

All individual negotiated sales or exchanges of real property equal to or in excess of \$25,000.00 shall be subject to ratification by resolution of the Council, and no such sale shall be final until such ratification. (Ord. 94-114S § 2 (part), 1995; Ord. 83-80 § 2 (part), 1983; prior Code § 2.05.130)

**2.110.130 Disposition of Proceeds.**

- A. All costs, direct and indirect, related to the sale of real or personal property shall be deducted from the proceeds of the sale and credited to the appropriate County department. The Pierce County Budget and Finance Director is authorized to establish such funds and accounts necessary to deposit sales proceeds until final disposition. The balance of the proceeds shall be deposited into the proper County fund or account, as directed by the Executive.
- B. In no case shall the title be transferred until the purchase price has been fully paid. (Ord. 94-114S § 2 (part), 1995; Ord. 83-80 § 2 (part), 1983; prior Code § 2.05.140)

**2.110.135 Timber Resource Management Program.**

The procedures to be followed by the Pierce County Real Property Management Division of Facilities Management Department in the selective thinning and disposing of the selected timber on parcels of Pierce County owned, restricted county owned and tax title real properties are as follows:

- A. The timber harvests shall be based on a timber management program prepared by a professional forester and conducted in accordance with the provisions of the Washington State Forest Practices Act.
- B. No old growth timber will be harvested.
- C. A buffer of no less than 50 feet along the edge of the portions of property selected for the timber resource management program shall be retained, and only dead or dying trees, or trees which could damage power lines or present a safety hazard to a public road, may be removed.
- D. In the process of removing the selected timber resources only rubber tired vehicles may be used. No permanent roads will be authorized. Any temporary logging roads authorized will be water-barred prior to completion of the timber thinning contract to prevent subsequent use and to prevent erosion.
- E. When it is appropriate, in the opinion of the professional forester contracted to provide such expertise and with the approval of the County Executive or his designee, seedlings shall be planted to replace timber resources which have been selectively thinned.

- F. Any additional County owned, Restricted County Owned or Tax Title parcels to be added to the Forestry Management program shall be done through an Ordinance approved by the County Council.
- G. The disposition of the selected timber resources on County properties shall be by closed bid, preceded by publishing a notice of the sale in a legal newspaper, printed and published in said Pierce County, at least once a week for three consecutive weeks, the last notice to appear no more than seven days prior to the date of closing of said disposition.
- H. The publication of such notice shall describe the property to be sold, the reservations, if any, and the minimum price fixed in said notice, as determined by the Pierce County Facilities Management Forester, together with the time and place and terms of sale, which said sale shall be made at the Facilities Management Department between the hours of 9 a.m. and 9 p.m. as the Director of Facilities Management may direct, and all sales so made shall be to the highest and best bidder at such sale.

(Ord. 95-102 § 1, 1995)

#### **2.110.140 Authority to Lease or Rent.**

- A. If it appears that it is in the best interest of the County and the people thereof, and subject to the provisions of this Chapter, the Executive may lease any County real property and its appurtenances upon such terms and conditions as will best serve the County; provided, that any lease for a period in excess of 25 years, including all rights of renewal, must be approved by ordinance of the Council.
- B. Subject to RCW 84.64.310 the County shall have power to lease County real property and its appurtenances where such property was acquired by tax deed under tax foreclosure proceedings for nonpayment of taxes.
- C. Any lease executed under the authority of the provisions of this Section creates a vested interest and a contract binding upon the County and the lessee.
- D. The County may, in the best interest of the County, enter into agreements for the use of County property with bona fide, non-profit organizations, or community groups wherein the non-profit organization or community group is to either make improvements to the County property, and/or provide services which will benefit the public. Such agreements are subject to the approval of the Executive.
- E. The Executive or designee may enter into concession contracts, whereby a private or public entity is given use of County property for specified purposes, such as food concession contracts in County parks. Such concession contracts shall not be construed as a lease of real property.

(Ord. 94-114S § 2 (part), 1995; Ord. 83-80 § 2 (part), 1983; prior Code § 2.05.150)

#### **2.110.150 Application to Lease.**

- A. Applications to lease County real property for a period of less than 25 years shall be submitted to the Executive or designee.
- B. The right is reserved by the County to require that a deposit in an amount set by the Executive or designee accompany all applications to lease County real property. If a deposit is required, all deposits upon the same lease shall be of equal amount. The deposit shall be in the form of a certified check or cashier's check, or may be paid in cash. In the event the lands applied for are leased at the time of application, the deposit shall be returned to the applicant, but if the party making application fails or refuses to

comply with the terms of the application and to execute the lease, the deposit shall be forfeited to the County, and deposited in the Current Expense Fund.  
(Ord. 94-114S § 2 (part), 1995; Ord. 83-80 § 2 (part), 1983; prior Code § 2.05.160)

**2.110.160 Reservation of Powers.**

The County reserves all powers now or hereafter granted to counties by Chapter 36.34 RCW and RCW 36.35.090. (Ord. 94-114S § 2 (part), 1995; Ord. 83-80 § 2 (part), 1983; prior Code 2.05.170)

**2.110.170 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. 94-114S § 2 (part), 1995; Ord. 89-155 § 3, 1989)

Chapter 2.112

**PIERCE COUNTY AIRPORTS – LEASE RATES AND RENTAL FEES**

**Section:**

**2.112.010 Pierce County Airport Thun Field Fees.**

**2.112.020 Pierce County Tacoma Narrows Airport Fees.**

**2.112.010 Pierce County Airport Thun Field Fees.**

<b>A. Hangars per month</b>	
1-50 (concrete) .....	\$ 192.77
<b>B. Tie-downs</b>	
Per month .....	\$ 54.56
Transient, per night.....	\$ 3.00
<b>C. Storage rooms per month</b> .....	\$ 47.28
<b>D. Building B Meeting Room</b>	
Per hour .....	\$20.52-34.21
Six hours or more .....	\$ 136.80
Damage, Cleanup Deposit.....	\$34.21-136.80
<b>E. Independent Service providers</b>	
Flight instructors .....	per agreement
Aircraft maintenance mechanics .....	per agreement
Special event.....	per agreement
<b>F. FBO's Fuel Concession Agreement</b>	
Fuel concessionaire .....	per agreement
<b>G. Other Building/Land Leases/Rents</b>	
Land lease, per square foot.....	\$ .25-1.69
Office/annual, per square foot.....	\$24.63-40.71

Note: Leases and/or use fees cited in Sections A., B. (excluding Transient, per night), C., D., and G. are subject to a 12.84 percent Washington State Leasehold Tax.

(Ord. 2011-19 § 1, 2011; Ord. 2010-89s § 1 (part), 2010; Ord. 2009-89 § 2 (part), 2009)

**2.112.020 Pierce County Tacoma Narrows Airport Fees.**

<b>A. T-Hangars per month</b>	
With office.....	\$ 377.77
<b>B. T-Hangars per month</b>	
With 40 foot doors.....	\$ 336.45
<b>C. Corporate Hangars per month</b>	
65 feet x 65 feet .....	\$ 1,593.76
65 feet x 65 feet, with office and bathroom .....	\$ 2,065.97
<b>D. Quad Hangars per month</b>	
Building, divided into 4 hangars .....	\$ 383.68
<b>E. Stand Alone Hangars per month</b>	
60 feet x 60 feet box .....	\$ 900.76





<b>F. 1620 Building</b>	
Hangar .....	\$ 944.45
1620A .....	\$ 2,608.37
1620B .....	\$ 1,365.91
1620C .....	\$ 690.93
1620D .....	\$ 202.59
<b>G. 1712 Communal Hangar</b>	
One building, no walls, own doors.....	\$ 247.39
<b>H. 1724 Communal Hangar</b>	
With 50 foot doors, shared bathroom.....	\$ 289.23
Office with hangar.....	\$ 413.19
Mezzanine .....	\$ 413.19
Storage hangars .....	\$ 354.16
<b>H. Tie Downs</b>	
Regular .....	\$ 47.23
With electricity .....	\$ 59.96
<b>J. Tie Downs</b>	
Transient, per night.....	\$ 3.00

Note: Leases and/or use fees cited in Sections A., B., C., D., E., F., G., H. and I. are subject to a 12.84 percent Washington State Leasehold Tax.

(Ord. 2010-89s § 1 (part), 2010; Ord. 2009-89 § 2 (part), 2009)



## Chapter 2.114

### **CURRENT USE ASSESSMENT ADMINISTRATIVE PROCEDURES**

#### **Sections:**

- 2.114.010 Purpose.**
- 2.114.020 Applicability.**
- 2.114.030 Definitions.**
- 2.114.040 Productive Farm and Agricultural Land Current Use Assessment.**
- 2.114.050 Timber Land Current Use Assessment.**
- 2.114.060 Current Use Assessment Open Space Land and the Public Benefit Rating System.**
- 2.114.070 Fees.**
- 2.114.080 Reclassification of Existing Open Space Land Current Use Assessment Program Participants Upon Adoption of a Public Benefit Rating System.**
- 2.114.090 Multiple Jurisdictions.**
- 2.114.100 Requests for Compensating Tax Estimates.**
- 2.114.110 Authority to Require Additional Information.**
- 2.114.120 Withdrawal from Classification Under the Current Use Assessment Program.**
- 2.114.130 Change in Use.**
- 2.114.140 Extensions and Payment of Additional Tax, Penalties, and Interest.**
- 2.114.150 Removal of Classification Under the Current Use Assessment Program.**
- 2.114.160 Advisory Committee.**
- 2.114.170 Agreements May be Abrogated by the Legislature.**

#### **Appendices:**

- A. Public Benefit Rating System.**
- B. Value Reduction and Current Use Assessment Valuation Schedule Table.**

**Cross-reference: RCW 34.04, 84.33, and 84.34; WAC 458.30, Chapter 19D.170 PCC**

#### **2.114.010 Purpose.**

Chapter 84.34 Revised Code of Washington (RCW), provides an opportunity for certain categories of open space lands, agricultural lands, and timber lands to have the tax structure based upon the *current use* rather than on the traditional fair market value system of *highest and best use*. This alternative taxation method is referred to as the Current Use Assessment (CUA) Program. The purpose of these regulations is to provide the mechanism for property owners to apply and participate in Pierce County's Current Use Assessment Program. (Ord. 98-114S § 3 (part), 1999)

#### **2.114.020 Applicability.**

The rules and regulations set forth in this Chapter shall govern the procedure used by Pierce County in the processing of all productive farm and agricultural land, timber land, and open space land current use assessment applications. (Ord. 98-114S § 3 (part), 1999)

**2.114.030 Definitions.**

- A. **"Assessor"** means the Pierce County Assessor-Treasurer or appointed designee.
- B. **"Archaeologic Sites"** means geographical locations, including those lands that are submerged and submersible and the bed of the sea that contain archeological objects, that comprise the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products. Archeological sites may contain prehistoric, historic archeological resources or both. Confidentiality of locations may be required of archeological sites.
- C. **"Agricultural Land"** means:
  - 1. Land primarily devoted to the current production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and which has significance for agricultural production; or
  - 2. Land that has been traditionally in or is still capable of production of the above as demonstrated by sales receipts, income tax statements, or other materials which the Department accepts as proof that farming once occurred on the property and the property could be returned to highly productive commercial agriculture, conservation plans, and farm plans, which includes a water protection plan, that shall be reviewed and approved by the conservation district prior to granting.
- D. **"Aquifer Recharge Areas"** means land areas where the prevailing geologic conditions allow infiltration rates which create a high potential for contamination of groundwater resources or contribute to the replenishment of groundwater.
- E. **"Contiguous"** means land adjoining and touching other property held by the same ownership. Land divided by a public road, but otherwise an integral part of a farming operation, shall also be considered contiguous.
- F. **"Critical Salmon Habitat"** means:
  - 1. The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of the Federal Endangered Species Act, on which are found those physical or biological features:
    - a. Essential to the conservation of the species; and
    - b. Which may require special management considerations or protection; and
  - 2. Specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of the Federal Endangered Species Act, upon a determination by the national Secretary of the Interior and/or Commerce that such areas are essential for the conservation of the species.
- G. **"Current"** or **"Currently"** means as of the date on which property is to be listed and valued by the Assessor.
- H. **"Department"** means the Pierce County Planning and Land Services Department.
- I. **"Director"** means the Director of the Pierce County Planning and Land Services Department or appointed designee.
- J. **"Fish and Wildlife Habitat Conservation Areas"** means a geographic area or areas necessary for maintaining species and may include areas of unique vegetation, successional stage, or habitat elements important to fish and wildlife, and may also include the connecting corridors between these areas. Examples of fish and wildlife habitat conservation areas include areas with which endangered, threatened, and sensitive species have a primary association; habitats and species of local importance;

commercial and recreational shellfish areas; kelp and eelgrass beds; herring and smelt spawning areas; naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat; state natural area preserves, natural resource conservation areas; land located within the Pierce County Biodiversity Network as identified in the Pierce County Biodiversity Network Assessment report dated August 2004; and any regulated fish and wildlife habitat conservation areas identified in the Pierce County Critical Area Regulations.

- K. **"Flood Hazard Areas"** means land in a floodplain within Pierce County subject to a 0.2 percent or greater chance of flooding in any given year (500-year floodplain).
- L. **"Granting Authority"** means the appropriate designated agency, department, or official who acts on an application for classification under the current use assessment program.
- M. **"Historic Landmark Sites"** means locations strongly associated with significant prehistoric or historic events or patterns of events and well documented through scholarly research. Historic landmark sites may include archeological sites.
- N. **"Improvements"** means any changes to raw land which may add to value, including, but not limited to, grading, engineering, roads, utilities, drainage, planting, primary buildings and accessory structures, and construction of facilities.
- O. **"Lakes"** means all freshwater impoundments 20 acres or greater in size and their undeveloped shoreline areas.
- P. **"Landslide Hazard Areas (Steep Slopes)"** means areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.
- Q. **"Legislative Authority"** means the Pierce County Council or appointed designee.
- R. **"Marine Waters"** means Puget Sound and its associated undeveloped shoreline areas.
- S. **"Owner"** means the party or parties having the fee interest in land, except where land is subject to real estate contract "owner" shall mean the contract vendee.
- T. **"Prairie Land"** means open areas predominated by native, drought-resistant grasses, forbs (flowering non-woody plants), and herbs. In Pierce County, prairies are an unusual vegetation regime found in areas of extremely well-drained soils.
- U. **"Private Open Space Passive Recreation Areas"** means open space areas where public use and access is desired and improvements will enhance public accessibility to the natural resources available at the site. County open space parks as found in the County's Capital Facilities Plan Element of the Comprehensive Plan are included.
- V. **"Private Parks and Private Golf Courses with Developed Facilities"** means a private park or golf course designed for organized activities and sports, although individual and family activities are also encouraged.
- W. **"Private Trails and Corridors"** means private trails and corridors that are used for hiking, biking, walking, horseback riding, and jogging. The trails may vary in scale and surfacing, and may also be used as a means of non-motorized transportation connecting one destination point to another. Potentially, trails may include areas providing linkages between trails, abandoned rail lines, utility corridors, vacant rights-of-way, and road endings.
- X. **"Privately Owned and Operated Recreational Facilities"** means profit or non-profit recreation which is open for recreational sporting activities.
- Y. **"Productive Farm and Agricultural Land"** means those lands which meet the definition in RCW 84.34.020(2).

- Z. **"Scenic Corridors"** means an area of adjoining parcels which individually may be less than 1 acre but which, when combined, total at least 1 acre and create a view corridor critical to maintaining a view of a scenic resource visible from a federally- or state-designated scenic highway which is visually significant to the aesthetic character of the County.
- AA. **"Scenic View Point"** means property adjacent to a federally- or state-designated scenic highway or other officially designated view point that provides a view of an area which is visually significant to the aesthetic character of the County and which provides unlimited public access identified by a permanent sign readily visible from the road. View points may be officially designated by the State of Washington, Pierce County, or a City or Town.
- AB. **"Seismic Hazard Areas"** means those areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, or soil liquefaction.
- AC. **"Streams"** means a flow of water conveyed in a channel or course either continuously or intermittently, and the water's associated buffer.
- AD. **"Timber Land"** means any parcel of land that is 5 or more acres or multiple parcels of land that are contiguous and total 5 or more acres which is or are devoted primarily to the growth and harvest of forest crops for commercial purposes. This definition is restricted to the land only.
- AE. **"Volcanic Hazard Areas"** means those areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from geologic or volcanic events on Mount Rainier.
- AF. **"Wetlands, Estuaries, and Tidal Marshes"** means areas that are inundated or saturated by surface or groundwater at a frequency sufficient to support vegetation typically adapted for life in saturated soil conditions, and associated buffer areas. Wetlands generally include swamps, marshes, bogs, and similar areas.
- AG. **"Wooded Areas"** means a lot over 1 acre in size in the urban area or over 5 acres in size in a rural area with a minimum width of 300 feet on which is found a mature stand of coniferous or deciduous trees and native plant understory. The wooded area must serve a demonstrated functional purpose in climate, noise, light, habitat, or pollution control.

(Ord. 2009-45s § 2 (part), 2009; Ord. 2004-112s § 2 (part), 2004; Ord. 98-114S § 3 (part), 1999)

#### **2.114.040 Productive Farm and Agricultural Land Current Use Assessment.**

- A. **Purpose.** The purpose of this Section is to establish a mechanism to encourage retention of productive farm and agricultural lands by providing a tax incentive to retain such properties in a farm an agricultural based use.
- B. **Applicability.** The provisions of this Section shall apply to those lands which qualify under RCW 84.34.020(2).
- C. **Application Filing.**
  - 1. Applications for productive farm and agricultural land current use assessment shall be made on forms prepared by the State Department of Revenue and supplied by the Assessor's Office. Forms shall also contain a statement of the potential tax liability involved when such land ceases to be designated as productive farm and agricultural land.
  - 2. Applications shall be filed with the Assessor's Office no later than the last working day of the year preceding the year classification would begin.

3. Complete applications shall contain the required information necessary to determine classification of land under this Section
4. The application shall also include a notarized signature of the property owner verifying that all such information provided is a true statement of fact.
5. If an application for classification is denied, a reapplication covering the same parcel of land or a portion thereof, may not be submitted to the Assessor for one year following the date the initial application was received.

**D. Review.**

1. The Assessor shall review applications for productive farm and agricultural land current use assessment for compliance with applicable laws including but not limited to Chapters 84.33 and 84.34 RCW and Chapter 458-30 WAC and shall render a decision no later than April 30 of the year following application.
2. The Assessor shall consider the relevant zoning, and if the zoning prohibits the farm and agricultural activity for which classification is being sought, deny the application.
3. The Assessor shall retain a copy of all applications.

**E. Determination of Current Use Value.** The Assessor shall determine the amount of tax reduction applied to productive farm and agricultural land current use assessment applications in accordance with the provisions set forth in RCW 84.33 and 84.34 and WAC 458.30.

**F. Approval.** Within 10 days following approval of an application, the Assessor shall submit notification of such approval to the Pierce County Auditor for recording as provided for in the public recording of State tax liens on real property.

**G. Denial.** The Assessor shall notify the owner in writing of the extent to which the application is denied.

**H. Appeals.** An owner who received notice that his or her application has been denied may appeal such decision to the Pierce County Board of Equalization. The appeal shall be filed in accordance with RCW 84.40.038 within 30 days after the mailing of the notice of denial.

**I. Notation.** For all lands approved under the farm and agricultural land current use assessment program, the Assessor shall make a notation each year on the assessment list and the tax roll of the assessed value of such land for the use classified in addition to the assessed value of such land were it not classified.

**J. Reclassification to Open Space Current Use Assessment.**

1. Land that was previously classified under this Section, which no longer meets the criteria set forth in RCW 84.34.020(2) and Chapter 458-30 WAC, may be reclassified under the provisions of Section 2.114.060 provided that the land has not been irrevocably devoted to a use inconsistent with agricultural uses and has a high potential for returning to commercial agriculture.
2. Applications for such reclassification shall follow the provisions set forth in Section 2.114.060.
3. Land which has been approved for reclassification under Section 2.114.060 shall not be considered a withdrawal from classification under the provisions of Chapter 84.34 RCW and Chapter 458-30 WAC.

(Ord. 98-114S § 3 (part), 1999)

**2.114.050 Timber Land Current Use Assessment.**

- A. **Purpose.** The purpose of this Section is to establish a mechanism to encourage forestry and restocking and reforestation of such forests by providing a tax incentive to retain such properties in a forestry based use.
- B. **Applicability.** The provisions of this Section shall apply to those lands which qualify under Chapter 84.33 RCW and RCW 84.34.020(3).
- C. **Application Filing.**
  - 1. Applications for timber land current use assessment shall be made upon forms prepared by the State Department of Revenue and supplied by the Assessor's Office. Forms shall also contain a statement of the potential tax liability involved when such land ceases to be designated as timber land.
  - 2. Applications shall be filed with the Department no later than the last working day of the year preceding the year classification would begin.
  - 3. Complete applications shall contain the required information necessary to determine classification of land under this Section including all information set forth in RCW 84.34.041(1), and a timber management plan which shall include, at a minimum, the following:
    - a. A goal and objectives statement;
    - b. An aerial photo or an equivalent showing property lines, access roads, etc.;
    - c. A photo overlay or map delineating forest types according to management types;
    - d. Soil productivity information;
    - e. A summary of stand treatments planned; and
    - f. An outline of how environmental concerns will be addressed.
  - 4. The application shall also include a notarized signature of the property owner verifying that all such information provided is a true statement of fact.
  - 5. If an application for classification is denied, a reapplication covering the same parcel of land or a portion thereof, may not be submitted to the Department for one year following the date the initial application was received.
- D. **Public Hearing.**
  - 1. The Department shall set a date for a public hearing before the Pierce County Planning Commission after all requests for additional information, if applicable, have been satisfied.
  - 2. The Department shall transmit a report to the Planning Commission in accordance with Planning Commission Rules of Operation.
  - 3. The Department shall publish notification of the public hearing date and time in the official County newspaper and mail notification to the applicant and any other individual requesting notification at least 10 days prior to the scheduled hearing.
  - 4. An application may be amended or modified at the prescribed public hearing without further legal notice, provided any such change or modification does not alter the original boundary in such a manner as to include either additional or different land or propose a use substantially different from that set forth in the legal notice. When changes or modifications which exceed the scope of the legal notice are proposed at the public hearing, no action shall be taken until additional legal notice for those changes or modifications is provided.
- E. **Planning Commission's Authority.**
  - 1. The Planning Commission shall conduct all public hearings in accordance with Chapter 2.78 PCC.



2. The Planning Commission shall review all requests for timber land current use assessment, the Departmental report, any comments received, and applicable County regulations or policies and may inspect the property prior to rendering a recommendation to the County Council.
  3. The Planning Commission may recommend approval, approval in part, approval of the application with conditions, or denial of the application.
  4. The Planning Commission shall forward its recommendation, along with applicable staff reports and findings of fact, to the County Council for final action.
- F. **Decision Criteria for Timber Land Current Use Assessment Applications.** In determining whether an application made for timber land current use assessment should be approved or disapproved, the Planning Commission and County Council may consider:
1. Whether the land contains a stand of timber as defined in Chapter 76.09 RCW and applicable rules, except under the following circumstances:
    - a. The land has been recently harvested or supports a growth of brush or noncommercial type timber and the application includes a plan for restocking within three years or a longer period necessitated by unavailability of seed or seedlings;
    - b. If applicable, the applicant or owner has complied with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, weed control, and forest debris provisions of Title 76 RCW or applicable rules under Title 76 RCW; or
    - c. The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling the ordinary high tide line and two hundred feet horizontally landward from the high tide line.
  2. The zoning of the parcel(s) of land at the time when the application for classification is filed.
  3. The revenue impact that will result from granting the application.
  4. Any other factors relevant in weighing benefits to the general welfare of the current use of such land.
- G. **Determination of Current Use Value.** The Assessor shall determine the current use value applied to timber land current use assessment applications in accordance with the provisions set forth in Chapters 84.33 and 84.34 RCW, Chapter 458-30 WAC, and any other applicable laws.
- H. **Approval.**
1. The County Council may approve all of the land or only part of the land identified in the application for timber land current use assessment.
  2. The County Council shall immediately notify the owner, Department, parties of record, and Assessor of approval.
- I. **Preparation, Signatures, and Recording of Agreement.**
1. Within five calendar days after the effective date of Council's action, the Department shall prepare and the County Executive shall sign three copies of a timber land agreement and forward the agreement to the applicant. The agreement shall be delivered by certified mail, return receipt requested.
  2. The applicant shall indicate acceptance by signing and returning two copies of the agreement to the Department within 25 days after receipt thereof. If the two signed copies of the agreement are not received by the Department within 30 days of mailing to the applicant, the agreement shall be considered rejected and no further

action shall be taken. The Assessor, Council, and County Executive shall be notified of the rejection and no further action shall be taken.

3. Within 10 days of receipt of the applicant's signed copies of the timber land agreement, the Department shall obtain the signature of the County Executive and shall submit notification of such approval to the Pierce County Auditor for recording as provided for in the public recording of State tax liens on real property. No agreement may be recorded without the signature of the County Executive and payment of appropriate advertising fees to the County. Once recorded, the file shall be forwarded to the Assessor's office.
- J. **Denial.**
1. The County Council shall deny any application which does not meet the criteria identified in subsection F. above.
  2. The County Council shall immediately notify the owner in writing of the basis of denial. If the County Council denies part of the application the applicant may withdraw the entire application.
- K. **Time Period for Final Decision.** The final decision for approval or disapproval of an application for timber land current use assessment shall be no more than six months from the date of the Department's acceptance of a complete application.
- L. **Appeals.** The County Council's final approval or denial, in whole or in part, of a timber land current use assessment application shall be appealable to a court of competent jurisdiction pursuant to RCW 84.34.041(5).
- M. **Notation.** For all lands granted approval under the timber land current use assessment program, the Assessor shall document current use and market values on the assessment and tax rolls.

(Ord. 98-114S § 3 (part), 1999)

#### **2.114.060 Current Use Assessment Open Space Land and the Public Benefit Rating System.**

- A. **Purpose.** The purpose of the public benefit rating system is to correlate community values for the preservation of open space to a value reduction given to applicants in the open space land current use assessment program. The public benefit rating system establishes a priority ranking system for various open space resources; groups these resources into high, medium, and low point categories; sets forth criteria for determining eligibility of proposed resource lands; and correlates the point values against a value reduction table. Optional bonus categories have also been provided which grant extra points for other conditions expressed by the community as valuable to the program such as public access, linkage of open space, conservation easements, and preservation of open space within urban areas.
- B. **Applicability.** The public benefit rating system only applies to those properties that qualify under the open space land classification in the current use assessment program. The system does not apply to current use assessment applications for commercial agricultural and forest land properties which qualify under Chapter 84.33 RCW (timber and forest lands), RCW 84.34.020(2) and RCW 84.34.065 (farm and agricultural lands).
- C. **Application Filing.**
1. Applications for open space land current use assessment shall be made upon a form prepared and supplied by the Department. Forms shall also contain a statement of the potential tax liability involved when such land ceases to be designated as open space.

2. Applications shall be filed with the Department no later than the last working day of the year preceding the year classification would begin.
3. Complete applications shall contain the required information necessary to determine classification of land under this Section and shall include a notarized signature of the property owner verifying that all such information provided is a true statement of fact. If necessary, the Department may request the applicant to provide additional information to determine program eligibility or point ranking.
4. If an application for classification is denied, a reapplication covering the same parcel of land or a portion thereof, may not be submitted to the Department for one year following the date the initial application was received.

**D. Public Benefit Rating System Program Eligibility.**

1. Each property described in an application for open space land classification shall be evaluated for the presence of open space priority resources and bonus categories listed in Appendix "A", Table 2.114-1.
2. A minimum of three priority resource points are necessary to qualify under the program. This would be one high priority resource for five points or one medium resource for three points or three low priority resource types for three points. No greater than 15 priority resource points are allowed. Refer to subsection I. for detailed eligibility criteria, data sources, and examples.
3. A maximum of 25 points are allowed.
4. Bonus categories and points are offered for proposals which grant public access, have lands which are located within an urban designation, dedicate a conservation or historic easement, or provide linkage of open space parcels. Additional eligibility criteria for bonus categories is set forth in subsection K.
5. If a priority resource category definition or eligibility criteria includes a component set forth in a bonus category, then points from that bonus category are automatically factored into the proposal, i.e., trails would automatically qualify for five public access points.
6. Qualification for a priority resource category is determined based on the definitions and eligibility criteria and is not limited by referenced data sources and examples.

**E. Verification of Open Space Priority Resources.**

1. The presence or occurrence of a proposed open space resource will be verified by the department or County agency responsible for the administration of the public benefit rating system. Said department or agency may, from time to time, call upon another County department or agency with appropriate expertise to aid in the verification process. The provisions set forth in Section 2.114.030 and subsections 2.114.060 I. and K. shall be used in the verification process.
2. Alternatively, the existence of the proposed open space resource may be verified by an expert recognized by the County in the particular resource being reviewed.

**F. Management of the Open Space Resource.**

1. As a condition of approval, the property owner shall agree to maintain the open space resource(s) in the same or better condition than existed at the time the approval was granted.
2. Any activities engaged in by the property owner which reduces the value of the land as open space is prohibited; e.g. the cutting of trees, clearing of brush, blocking of views. Exceptions to this provision may be granted when such activities are deemed as necessary by the Department to protect public health, safety, and welfare or are the result of an act of nature (floods, storm etc.).

3. Violations of any provisions of the open space agreement shall constitute a change of use and be subject to RCW 84.34.080 and 84.34.108.
- G. Re-evaluation and Administrative Amendments to Previously Approved Open Space Land Current Use Assessment Applications.**
1. The Department shall have the authority to grant administrative amendments to previously approved open space land current use assessment applications. Administrative amendments are strictly limited to inclusion of bonus category points for the Designated Urban Lands category identified in 2.114.060 K.3.
  2. By December 31, the applicant shall submit a letter to the Department which outlines the request for a re-evaluation of points and includes documentation which supports the requested change (e.g. land use amendment indicating shift of the property to an urban designation).
  3. By June 1, the Department shall notify the property owner of the final decision to approve or deny the request for amendment.
  4. If approved by June 1, the correlating value reduction, if applicable, shall become effective the following calendar year.
  5. As provided in RCW 84.34.037(3) and 84.34.55(3), property that is enrolled in the County's open space land current use assessment program as of the date of adoption of the public benefit rating system will be re-evaluated. Such re-evaluations will be performed in conjunction with the physical inspection cycle as funds become available or when the property is sold, whichever comes first.
- H. Public Benefit Rating System Point System.** See Table 2.114-1 Public Benefit Rating System in Appendix "A".
- I. Description of Resource Categories: Eligibility Criteria, Data Sources, and Examples.**
1. **High Priority Resources.**
    - a. **Agricultural Lands.**
      - (1) Eligibility Criteria. Agricultural Lands are those lands meeting any of the following criteria:
        - (a) Lands which are on prime or unique soils as identified in the data sources; or
        - (b) Lands which are primarily devoted to the production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and which have significance for agricultural production.
        - (c) Lands that have traditionally been in or are still capable of production of the above as demonstrated by sales receipts, income tax statements, or other materials which the Department accepts as proof that farming once occurred on the property and the property could be returned to highly productive commercial agriculture, conservation plans, and farm plan which includes a water protection plan that shall be reviewed and approved by the conservation district prior to granting.
      - (2) Data Sources.
        - (a) United States Department of Agriculture (USDA), Soil Conservation Service. February, 1979, Soil Survey of Pierce County Area, Washington.

- (b) USDA, Soil Conservation Service, June, 1981, Important Farmlands of Pierce County, Washington.
- (c) Lands that have been traditionally in or are still capable of production of the above as demonstrated by: sales receipts, income tax statements or other materials which the Department accepts as proof that farming once occurred on the property and the property could be returned to highly productive commercial agriculture; conservation plans; and farm plans, which include a water protection plan, that shall be reviewed and approved by the conservation district prior to granting.
- (3) Examples. Lands utilized for crop production in the Puyallup River valley.
- b. **Critical Salmon Habitat.**
  - (1) Eligibility Criteria. Properties and associated lands identified in a adopted Federal, State or local program intended to enhance or preserve critical salmon habitat.
  - (2) Data Sources. Adopted Federal, State or local program documents intended to enhance or preserve critical salmon habitat.
  - (3) Examples. River and basin maps for the White and Puyallup River systems and South Prairie Creek system.
- c. **Fish and Wildlife Habitat Conservation Areas.**
  - (1) Eligibility Criteria.
    - (a) Areas which have a primary association with federally or state listed endangered, threatened, or sensitive species of fish or wildlife (specified in 50 CFR 17.11, 50 CFR 17.12, WAC 232-12-011, and WAC 232-12-014) and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. Endangered, threatened, or sensitive species found in Pierce County as of March 1997 are set forth in Title 18E PCC.
    - (b) Habitats and species of local importance, including the following:
      - i. Areas with which State-listed monitor or candidate species or federally listed candidate species have a primary association, as specified in Washington Department of Wildlife Policies 4802 and 4803, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. Candidate and monitored species found in Pierce County as of March 1997 are set forth in Title 18E, PCC.
      - ii. Documented habitat areas or outstanding potential habitat areas for endangered, threatened, sensitive, candidate, or monitor species. These areas include specific habitat types which are infrequent in occurrence in Pierce County and may provide specific habitats with which endangered, threatened, sensitive, candidate, or monitor species have a primary association, such as breeding habitat, winter range, and movement corridors. These areas include the following: oak woodlands, prairies, old growth forests, rocky shoreline areas, caves, cliffs, snag-rich areas, White River elk herd winter range.
    - (c) Commercial and recreational shellfish areas;
    - (d) Kelp and eelgrass beds; herring and smelt spawning areas;
    - (e) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat; and

- (f) State natural area preserves and natural resource conservation areas.
  - (g) Land located within the Pierce County Biodiversity Network as identified in the Pierce County Biodiversity Network Assessment report dated August 2004.
- (2) Data Sources.
- (a) Pierce County Critical Areas Atlas:
    - i. Fish and Wildlife Habitat Conservation Areas-Commercial and Recreational Shellfish Areas Map;
    - ii. Fish and Wildlife Habitat Conservation Areas-Stream Typing Maps;
    - iii. Fish and Wildlife Habitat Conservation Areas-Vascular Plants Map; and
    - iv. Fish and Wildlife Habitat Conservation Areas-Priority Habitats and Species Map.
  - (b) Commercial and Recreational Shellfish Areas in Puget Sound, Washington Department of Health, was used as a source to identify fish and wildlife habitat conservation areas which are depicted in the Critical Areas Atlas-Fish and Wildlife Habitat Conservation Areas-Commercial and Recreational Shellfish Areas Map.
  - (c) Natural Heritage Data Base, Washington Department of Natural Resources, was used as a source to identify fish and wildlife habitat conservation areas which are depicted in the Critical Areas Atlas-Fish and Wildlife Habitat Conservation Areas-Vascular Plants and Fish and Wildlife Habitat Conservation Areas-Animals Maps.
  - (d) Puget Sound Environmental Atlas, Puget Sound Water Quality Authority.
  - (e) Coastal Zone Atlas of Washington, Volume VII, Pierce County, Washington Department of Ecology;
  - (f) Priority Habitats and Species Program and Priority Habitat Species Maps, Washington Department of Fish and Wildlife;
  - (g) Nongame Data Base, Washington Department of Fish and Wildlife;
  - (h) Washington Rivers Information System, Washington Department of Fish and Wildlife; and
  - (i) Water Resource Index Areas (WRIA), Washington Department of Fish and Wildlife.
  - (j) Pierce County Biodiversity Network Assessment, August 2004.
- (3) Examples. Nesting sites for bald eagles, prairies, old growth forests, oak woodlands, great blue heron rookeries, Upland Biodiversity Management Area.
- d. **Marine Waters.**
- (1) Eligibility Criteria. Undeveloped shoreline areas adjacent to marine waters of Puget Sound and associated tidelands (as defined by Pierce County Shoreline Master Program) associated with marine waters.
  - (2) Data Source. Pierce County Shoreline Mater Program mapping.
  - (3) Examples. Tacoma Narrows, Henderson Bay, Case and Carr Inlets.
- e. **Prairies.**
- (1) Eligibility Criteria. A 1 acre or greater undeveloped parcel that is predominately vegetated by native drought resistant grasses, forbs, and herbs.

- (2) Data Source. Pierce County Oak Woodlands, Prairies and Grasslands Map.
  - (3) Examples. A remnant prairie parcel owned by Pierce County Parks and Recreation Services is located at the southwest corner of the intersection of Tule Lake Road South and Yakima Avenue South.
- f. **Streams.**
- (1) Eligibility Criteria.
    - (a) Undeveloped lands identified in (b) and (c) below which are located adjacent to streams and rivers classified by the Washington Department of Natural Resources (DNR) water typing classification system as detailed in WAC 222-16-030;
    - (b) Buffer areas associated with streams and rivers as required by Pierce County critical area regulations (Title 18E PCC); and
    - (c) Unimproved areas contiguous with required stream buffer areas extending up to 200 feet landward from the ordinary high water mark of the stream.
  - (2) Data Sources.
    - (a) Pierce County Critical Areas Atlas Fish and Wildlife Habitat Conservation Areas-Stream Typing Maps; and
    - (b) Water Type Reference Maps, Washington Department of Natural Resources, were used as sources to identify fish and wildlife habitat conservation areas which are depicted in the Critical Areas Atlas-Fish and Wildlife Habitat Conservation Areas-Stream Typing Maps.
  - (3) Examples. Clover Creek, the Puyallup River, Minter Creek.
- g. **Wetlands, Estuaries, and Tidal Marshes.**
- (1) Eligibility Criteria.
    - (a) Wetlands;
    - (b) Buffer areas for wetlands as required by Pierce County Critical Area regulations (Title 18E PCC);
    - (c) Unimproved areas contiguous with required wetland buffer areas extending up to 200 feet landward from the edge of the wetland; and
    - (d) Areas that qualify for buffer averaging under Pierce County Wetland Management Regulations (Title 18E PCC).
  - (2) Data Sources.
    - (a) Pierce County Wetland Inventory Maps;
    - (b) National Wetland Inventory Maps; and
    - (c) Priority Habitats and Species Program and Priority Habitat Species Maps, Washington Department of Fish and Wildlife.
  - (3) Examples. Swamps, marshes, bogs, estuaries, tidal marshes.
- h. **Wooded Areas.**
- (1) Eligibility Criteria.
    - (a) Wooded areas over 1 acre in size meeting the definition in 2.114.030 AF. and which:
      - i. provide public access;
      - ii. serve as a buffer between urban and rural areas;
      - iii. provide a separation between communities;

- iv. provide a buffer between developed areas and adjacent designated parks, designated wildlife preserves, designated nature reserves, critical areas (as defined by Title 18E PCC), or designated historic sites; or
    - v. provide a linkage or corridor between other designated open space areas.
  - (2) Data Sources. Wooded Areas Map.
  - (3) Examples. Large forested area adjacent to Spanaway Loop Road.
- 2. **Medium Priority Resources.**
  - a. **Aquifer Recharge Areas.**
    - (1) Eligibility Criteria. Areas which contain both of the following:
      - (a) Areas within the Clover/Chambers Creek Aquifer basin boundary and areas within the boundaries of the two highest D.R.A.S.T.I.C. zones (rated 180 and above) in the Map of Groundwater Pollution Potential; and
      - (b) Other high or medium priority resources as defined by this Section.
    - (2) Data Sources.
      - (a) Clover/Chambers Creek Basin Ground Water Management Program and D.R.A.S.T.I.C. index as identified by the National Water Well Association in the Map of Groundwater Pollution Potential; and
      - (b) Pierce County Critical Areas Atlas, Aquifer Recharge Area-D.R.A.S.T.I.C. Zones and Clover/Chambers Creek Basin Maps.
    - (3) Examples. Oak woodland area overlying the aquifer in Parkland/ Spanaway area.
  - b. **Archaeologic Sites.**
    - (1) Eligibility Criteria. Archaeological sites as recorded by the Washington State Office of Archaeology and Historic Preservation.
    - (2) Data Sources. Confidential data obtained from Pierce County Planning and Land Services and the Washington State Office of Archaeology and Historic Preservation.
    - (3) Examples. Prehistoric and historic Native American Indian or aboriginal burials, campsites, dwellings, and habitation sites, including rock shelters and caves.
  - c. **Historic Landmark Sites.**
    - (1) Eligibility Criteria. Historic sites listed or nominated and eligible for listing in the following:
      - (a) National Register of Historic Places;
      - (b) Washington Heritage Register; and
      - (c) Pierce County Register of Historic Places; and
      - (d) Historic property registers within local jurisdictions in Pierce County that are recognized as Certified Local Governments by the Washington State Department of Archaeology and Historic Preservation.
    - (2) Data Sources.
      - (a) National Register of Historic Places;
      - (b) Washington Heritage Register; and
      - (c) Pierce County Register of Historic Places; and



- (d) Historic property registers within local jurisdictions in Pierce County that are recognized as Certified Local Governments by the Washington State Department of Archaeology and Historic Preservation.
- (3) Examples. Village sites, trails, battlefields, ceremonial sites or that portion of a parcel not encumbered by the designated historic buildings.
- d. **Flood Hazard Areas.**
  - (1) Eligibility Criteria. Those areas located within a 100-year floodplain or 500-year floodplain as identified on the FEMA FIRM Maps.
  - (2) Data Sources. Flood Insurance Study for Pierce County, dated August 19, 1987, or as amended, with accompanying Flood Insurance Rate (FIRM) Maps prepared by the Federal Emergency Management Agency (FEMA).
  - (3) Examples. Portions of the Puyallup River valley.
- e. **Lakes.**
  - (1) Eligibility Criteria. Undeveloped shoreline areas adjacent to lakes (as defined by Pierce County Shoreline Master Program) associated with lakes.
  - (2) Data Sources. Pierce County Shoreline Master Program.
  - (3) Examples. Crescent Lake, Lake Tapps, and Ohop Lake.
- f. **Private Open Space Passive Recreation Areas.**
  - (1) Eligibility Criteria. Public access in the open space from a public road is required.
  - (2) Data Sources. Hearing Examiner preliminary and final approvals as found in the hearing case file on file with the Department.
  - (3) Examples. In the "Lakeland planned residential community, UP9-70" if the required 71 acres of open space, park and trails are accessible to the public (condition 72, page 51, decision dated February 23, 1993).
- g. **Privately Owned and Operated Recreational Facilities.**
  - (1) Eligibility Criteria.
    - (a) An FAA designated recreational air field shall be considered a park allowing access when the general public is allowed access onto a portion of the site that is developed and maintained for organized activities and sports or passive recreational activities such as walking on a trail, observing wildlife, and picnicking; and
    - (b) A fishing, hunting or gun club shall be considered a park allowing access when the general public is allowed access onto a portion of the site that is developed and maintained for organized activities and sports or passive recreational activities such as walking on a trail, observing wildlife, and picnicking.
    - (c) Golf courses, driving ranges, etc. are not eligible under this subsection; refer to subsection 2.114.060 I.1.d.
  - (2) Data Sources. Verification of membership requirements, business licenses, covenants, etc.
  - (3) Examples. Recreational air field, fishing, hunting or gun clubs.
- h. **Private Trails and Corridors.**
  - (1) Eligibility Criteria.
    - (a) Public access on the trail from a public road is required.

- (b) A linear corridor of open space which often provides passive recreational and non-motorized transportation opportunities and which serve as a buffer between developments and varying land uses, or creates a sense of visual relief from dense urban landscapes.
  - (2) Data Sources. Hearing Examiner preliminary and final approvals as found in the hearing case file on file with the Department, Pierce County Non-motorized Transportation Plan, and the Pierce County Open Space/ Greenbelts Map.
  - (3) Examples. In the "Lakeland planned residential community, UP9-70" if the required 71 acres of open space, park and trails are accessible to the public (condition 72, page 51, decision dated February 23, 1993).
3. **Low Priority Resources.**
- a. **Landslide Hazard Areas (Steep Slopes).**
    - (1) Eligibility Criteria. Landslide hazard areas are those areas meeting any of the following criteria:
      - (a) Areas of historic failures, including areas of unstable old and recent landslides;
      - (b) Areas with all three of the following characteristics:
        - i. Slopes steeper than 15 percent;
        - ii. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
        - iii. Springs or groundwater seepage.
      - (c) Slopes that are parallel or sub-parallel to planes of weakness, such as bedding planes, joint systems, and fault planes in subsurface materials;
      - (d) Slopes having gradients steeper than 80 percent subject to rockfall during seismic shaking;
      - (e) Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action;
      - (f) Areas that show evidence of, or are at risk from snow avalanches;
      - (g) Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding;
      - (h) Any area with a slope of 30 percent or steeper and with a vertical relief of ten or more feet. A slope is delineated by establishing the toe and top and measured by averaging the inclination over at least ten feet of vertical relief; and
      - (i) Areas which have a severe limitation for building site development because of slope conditions, according to the Soil Conservation Service.
    - (2) Data Sources.
      - (a) Pierce County Critical Areas Atlas – Landslide and Erosion Hazard Areas Map;
      - (b) Soil Survey of Pierce County Area, Washington, 1979, Soil Conservation Service, United States Department of Agriculture (USDA);
      - (c) Coastal Zone Atlas for Washington, Washington Department of Ecology;

- (d) Areas designated as slumps, earthflows, mudflows, lahars, or landslides on maps published by the United States Geological Survey or Washington Department of Natural Resources Division of Geology and Earth Resources;
  - (e) Soil Survey of Snoqualmie Pass Area, Parts of King and Pierce Counties, Washington, United States Department of Agriculture, Soil Conservation Service, December 1992.
- (3) Examples. Marine bluffs, cliffs, and unstable hillsides.
- b. **Private Parks and Private Golf Courses with Developed Facilities.**
- (1) Eligibility Criteria. Public access to the park from a public road is required, except a homeowner-owned and maintained developed subdivision park amenity shall be considered a park allowing access.
  - (2) Data Sources. Hearing Examiner preliminary and final approvals as found in the hearing case file on file with the Department.
  - (3) Examples. Tot lots, private neighborhood parks, trails, nature areas, and multi-use fields for soccer or youth league baseball. Areas may include a children's playground; picnic tables and related accessories; tennis courts; an outdoor basketball court; and other associated facilities or similar features required by the Hearing Examiner.
- c. **Scenic View Points and Corridors.**
- (1) Eligibility Criteria.
    - (a) Scenic View Points as defined above adjacent to SR-706, SR-7 south of its intersection with SR-507, and SR-410 from Greenwater east to Mt. Rainier.
    - (b) Scenic Corridors as defined above that can be seen from SR-706 or SR-7 south of its intersection with SR-507, and SR-410 from Greenwater east to Mt. Rainier.
    - (c) View points may be officially designated by the State of Washington, Pierce County, or a city or town.
  - (2) Data Sources. RCW 47.39.020.
  - (3) Examples. Scenic views of Mt. Rainier, mountains, and water.
- d. **Seismic Hazard Areas.**
- (1) Eligibility Criteria. Areas which possess one of the two following characteristics:
    - (a) Alluvial surficial geologic unit; or
    - (b) Recessional outwash surficial geologic unit overlain by Barneston, Everett, Neilton, Pilchuck, or Spanaway soils.
  - (2) Data Sources.
    - (a) Pierce County Critical Areas Atlas – Seismic Hazard Areas Map;
    - (b) Groundwater Occurrence and Stratigraphy of Unconsolidated Deposits, Central Pierce County, Washington, Water Supply Bulletin Number 22, Plates One and Two, and Water Resources and Geology of the Kitsap Peninsula and Certain Adjacent Islands, Water Supply Bulletin Number 18, Plate One, U.S. Department of the Interior, Geological Survey, Water Resources Division;
    - (c) Soil Survey of Pierce County Area, Washington, United States Dept. of Agriculture, Soil Conservation Service; and

(d) Soil Survey of Snoqualmie Pass Area, Parts of King and Pierce Counties, Washington, United States Department of Agriculture, Soil Conservation Service, December 1992.

(3) Examples. Lands within the Puyallup River valley.

e. **Volcanic Hazard Areas.**

(1) Eligibility Criteria. Those areas that have been historically inundated by a Case I, Case II, or Case III debris flow or are located in other drainages expected to be inundated by a future Case I, Case II, or Case III debris flow.

(2) Data Sources.

(a) Pierce County Critical Areas Atlas – Volcanic Hazard Areas Map; and

(b) Map Showing Debris Flows and Debris Avalanches at Mount Rainier, Washington--Historical and Potential Future Inundation Areas, Investigations Atlas HA-729, U.S. Dept. of Interior, Geologic Survey, 1995.

(3) Examples. Portions of the Puyallup, Carbon, White, and Nisqually River valleys.

J. **Public Access.**

1. Access to the County's open space lands by the general public is required unless it is determined that such public access would damage or endanger a sensitive resource, or the Planning Commission determines that public access to a given site is unreasonable, unsafe, or inappropriate due to unique circumstances.
2. Resource categories which are sensitive and may require limited or restricted access include fish and wildlife habitat conservation areas, critical salmon habitat, streams, wetlands, estuaries, tidal marshes, lakes, marine areas.
3. The Planning Commission shall determine whether public access is appropriate for sensitive resource categories. If the Planning Commission determines that limited, restricted or no access is warranted then bonus category points for public access will be granted.
4. Public access is mandatory for those resource categories which either contain public access requirements in the definition or eligibility criteria. These resource categories will automatically be granted bonus category points for public access.
5. If public access points are requested for non-sensitive resource categories, or when public access is mandatory as part of the eligibility criteria, a sign indicating public access is available at the site shall be required. The open space land current use assessment application material shall contain detailed information on signage size, lettering, placement etc.
6. A property owner may request that general public access be limited to the hours between sunrise and sunset or request that signage stipulate other provisions to protect general health, safety and welfare such as, but not limited to, *no guns, no dogs, and no fires*.
7. The County Council shall make the final determination on the appropriateness of such requests, the appropriate method of informing the public, and so stipulate in an agreement that runs with the land.

K. **Bonus Category Criteria.** The following bonus categories are not mandatory and are at the option of the applicant unless specifically defined and listed in the eligibility criteria for a priority resource category:

1. **Public Access.** See Section 2.114.060 J. for public access requirements. Bonus category points will be awarded for all open space applications that include mandatory public access authorized by 2.114.060 J.
2. **Conservation/Historic Preservation Easements.**
  - a. A conservation easement is a restriction in perpetuity on the use of property. It is a recorded deed restriction, or covenant, and the enforcement of the restriction is most often given to a Land Trust or a government agency. A conservation easement will prevent future real estate development, industrial or commercial use. The easement may allow continued current uses, including, for example, residential and recreational use, agriculture, forestry, or ranching. However, most often a conservation easement restricts both the current as well as the future uses of the land to some important conservation quality of the land, such as habitat, open space, or scenic views.
  - b. A conservation easement or restrictive covenant must be recorded against the deed as a part of the final agreement with the land owner.
3. **Designated Urban Lands.**
  - a. Properties which are located within the Urban Growth Area (UGA) or Comprehensive Urban Growth Area (CUGA) as designated by the Pierce County Comprehensive Plan Generalized Proposed Land Use Plan.
  - b. Properties located within the municipal boundaries of an incorporated city or town.
4. **Provides Linkage of Open Space Parcels.**
  - a. The subject property abuts another parcel which currently provides a high or medium priority resource and when both are left undeveloped create a corridor.
  - b. The subject parcel must abut a parcel of land which is already in the current use assessment program or is subject to a conservation easement or restrictive covenant as such is defined above.
5. **Super Bonus.**
  - a. The subject property must accumulate five or more priority resource points to be eligible for this bonus; and
  - b. Public access is subject to the provisions set forth in Section 2.114.060 J. above; and
  - c. A conservation easement or restrictive covenant must be recorded against the deed as a part of the final agreement with the land owner.
- L. **Value Reduction and Open Space Land Current Use Assessment Valuation Schedule.**
  1. Properties enrolled in the current use assessment program for open space land have the assessed value of their land set at the "current use" value based upon the public benefit rating system rather than the fair market value of "highest and best use" of the land.
  2. The current use assessment value will be expressed as a percentage of market value based upon the public benefit of the property as determined by the total points scored through the public benefit rating system. See Table 2.114-2, Tax Reduction and Valuation Schedule, in Appendix "B".
  3. Total point values are rounded-down on any point differential to determine percent reduction, e.g. five points would equal a 20 percent reduction.

4. Points calculated under this program shall be applied to the entire parcel described in the application materials submitted for consideration; except any area which contains improvements to the land, as determined by the Assessor, shall be excluded from the calculated area and shall be subject to standard assessment practices of the Assessor.
5. In the case of commercial recreational facilities, such as golf courses, ball fields, and sports complexes, the current use classification would apply to the raw land only.
6. Property which does not have a tax parcel number assigned by the Assessor-Treasurer, or for which any value is carried in adjoining properties which have parcel numbers, shall not be granted open space classification and rating.

**M. Public Hearing.**

1. The Department shall set a date for a public hearing before the Pierce County Planning Commission after all requests for additional information, if applicable, have been satisfied.
2. The Department shall transmit a report to the Planning Commission in accordance with Planning Commission Rules of Operation.
3. The Department shall publish notification of the public hearing date and time in the official County newspaper and mail notification to the applicant, established land use advisory commissions, and any other individual requesting notification at least ten days prior to the scheduled hearing.
4. If public access bonus points are requested by the applicant, written notice shall be mailed to the latest recorded real property owners, as shown by the records of the Assessor, within at least 300 feet of the property boundaries of the site under consideration. The notice shall be mailed at least ten days prior to the published hearing date. In those instances where public access bonus points are requested for the first time during the course of the hearing before the Planning Commission, then said case shall be continued until written notice is given to real property owners residing within at least 300 hundred feet of the property boundaries of the applicable site under consideration. The notice shall be mailed at least ten days prior to the continued hearing date.
5. An application may be amended or modified at the prescribed public hearing without further legal notice, provided any such change or modification does not alter the original boundary in such a manner as to include either additional or different land nor propose a use substantially different from that set forth in the legal notice. When changes or modifications which exceed the scope of the legal notice are proposed at the public hearing, no action shall be taken until additional legal notice is provided.

**N. Planning Commission's Authority.**

1. The Planning Commission shall conduct all public hearings in accordance with Chapter 2.78 PCC.
2. The Planning Commission shall review all requests for open space land current use assessment, the Departmental report, any comments received, and applicable County regulations or policies and may inspect the property prior to rendering a recommendation to the County Council.
3. The Planning Commission may recommend approval, approval in part, approval of the application with conditions (e.g., signage), or denial of the application.
4. The Planning Commission shall forward their recommendation, along with applicable staff reports and findings of fact, to the County Council for final action.

- O. **Decision Criteria for Open Space Land Current Use Assessment Applications.** In determining whether an application for open space land current use assessment should be approved or disapproved the Planning Commission and County Council may consider:
1. The resulting revenue loss or tax shift;
  2. Whether the application meets the criteria set forth in this Section;
  3. Whether granting the application will preserve land previously classified under RCW 84.34.020(2) or will preserve land with a potential for returning to commercial agriculture;
  4. The zoning of the parcel(s) of land at the time when the application for classification is filed;
  5. The existence of any mining claim or mining lease on the land, and if so whether it will seriously interfere with the considerations stated in subsection O.2. above. If a mining claim or mining lease is obtained after the land is classified, the same determination must be made in deciding if serious interference will occur;
  6. That public access, if applicable to the application, is reasonable, safe, and/or appropriate to the subject property; and
  7. Any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property.
- P. **Approval.**
1. The County Council may approve all of the land or only part of the land identified in the application for open space land current use assessment.
  2. The County Council shall immediately notify the owner, Department, parties of record, and Assessor of approval.
- Q. **Preparation, Signatures, and Recording of Agreement.**
1. Within five calendar days after the effective date of Council's action, the Department shall prepare and the County Executive shall sign three copies of an open space agreement and forward the agreement to the applicant. The agreement shall be delivered by certified mail, return receipt requested.
  2. The applicant shall indicate acceptance by signing and returning two copies of the agreement to the Department within 25 days after receipt thereof. If the two signed copies of the agreement are not received by the Department within 30 days of mailing to the applicant, the agreement shall be considered rejected and no further action shall be taken. The Assessor, Council, and County Executive shall be notified of the rejection and no further action shall be taken.
  3. Within ten days of receipt of the applicant's signed copies of the open space agreement, the Department shall obtain the signature of the County Executive and shall submit notification of such approval to the Pierce County Auditor for recording as provided for in the public recording of State tax liens on real property. No agreement may be recorded without the signature of the County Executive and payment of appropriate advertising fees to the County. Once recorded, the file shall be forwarded to the Assessor's office.
- R. **Denial.** The County Council may deny the application in whole or in part if the decision criteria of this Section has not been met. The County Council shall immediately notify the owner in writing of the basis for denial. If the County Council denies part of the application the applicant may withdraw the entire application.

- S. **Time Period for Final Decision.** The final decision for approval or disapproval of an application for open space land current use assessment shall be no more than six months from the date of a complete application.
  - T. **Appeals.** The County Council's final approval or denial, in whole or in part, of an open space current use assessment application shall be appealable to a court of competent jurisdiction pursuant to RCW 84.34.037(5).
  - U. **Notation.** For all lands granted approval under the open space land current use assessment program, the Assessor shall make a notation each year on the assessment list and the tax roll of the assessed value of such land for the use classified in addition to the assessed value of such land were it not classified.
- (Ord. 2009-45s § 2 (part), 2009; Ord. 2004-112s § 2 (part), 2004; Ord. 98-114S § 3 (part), 1999)

#### **2.114.070 Fees.**

- A. **Filing Fees.** Applications shall be accompanied by a processing fee of \$1,200.00 for open space land and timber land applications (of which \$315.00 shall be allocated to the Assessor's Office and \$885.00 shall be allocated to PALS), and \$300.00 for productive farm and agricultural land applications (which shall be allocated to the Assessor's Office). A surcharge of \$250.00 shall be added to all applications for properties located within an incorporated area.
  - B. **Advertising Fees.** The costs incurred by the County for advertising the final public hearing for each open space land and timber land application shall be billed to the applicant. Such costs shall be paid to the County prior to recording the agreement with the Pierce County Auditor.
  - C. **Recording Fees.** The applicant is responsible for the payment of all applicable recording fees with the Pierce County Auditor.
- (Ord. 2009-106s § 1, 2010; Ord. 2006-116s2 § 1, 2006; Ord. 2005-89 § 1 (part), 2005; Ord. 2004-101 § 1, 2004; Ord. 98-114S § 3 (part), 1999)

#### **2.114.080 Reclassification of Existing Open Space Land Current Use Assessment Program Participants Upon Adoption of a Public Benefit Rating System.**

- A. Upon adoption of a public benefit rating system, the Department shall re-rate the existing open space land current use assessment program participants according to the public benefit rating system in determining whether an application should be approved or disapproved. Re-rating of all existing program participants shall be performed in conjunction with the physical inspection cycle as funds become available or when the property is sold, whichever comes first.
- B. The process for re-rating existing open space land current use assessment program participants under the public benefit rating system shall be conducted in accordance with the provisions for processing a new application for open space land current use assessment, except filing fees shall be waived.
- C. Properties which do not qualify under the public benefit rating system and whose owners choose not to be removed shall not be removed from the open space land current use assessment program, but shall be rated according to the open space land current use assessment valuation schedule.
- D. Owners of properties classified under the existing open space land current use assessment program shall be notified of their new assessed value in the same manner as provided in RCW 84.40.045. These lands may be removed from classification under the



existing open space land current use assessment program without payment of penalties, back taxes, and interest upon request of the owner, within 30 days of notification of value under the public benefit rating system.

(Ord. 98-114S § 3 (part), 1999)

#### **2.114.090 Multiple Jurisdictions.**

##### **A. Incorporated Jurisdictions.**

1. An owner of land who desires a current use classification for open space land or timber land and whose land is in an incorporated area within Pierce County shall apply with the Department.
2. The Department shall send copies of such application to the respective town or city administrative authority within ten days of receipt.
3. Open space land current use assessment applications for properties located within incorporated areas shall be subject to the public benefit rating system provisions established in Section 2.114.060 of this Chapter.
4. A Joint Determining Authority established by RCW 84.34.037 shall have the authority to grant applications for properties in incorporated areas.

##### **B. Multiple Counties.** If the land described in an application for classification under this program is located in more than one county, the owner shall file a separate application with each granting authority.

(Ord. 99-96 § 1 (part), 1999; Ord. 98-114S § 3 (part), 1999)

#### **2.114.100 Requests for Compensating Tax Estimates.**

When an owner of open space land, timber land, or productive farm and agricultural land files a "Request for Withdrawal from Classification" or directs removal of classification, the Assessor's office will supply the owner with the proper information pursuant to RCW 84.34, without charge. When an owner of open space land, timber land, or productive farm and agricultural land requests estimated tax information prior to filing for withdrawal from classification or prior to action requiring removal of classification, the request shall be made on a form provided by the Assessor's Office and shall be accompanied by a \$50.00 research fee, to be paid by the applicant. (Ord. 98-114S § 3 (part), 1999)

#### **2.114.110 Authority to Require Additional Information.**

The Assessor may require owners of land classified under the current use assessment program to submit pertinent data regarding the use of the land, productivity of typical crops, and such similar information pertinent to continued classification and appraisal of the land. (Ord. 98-114S § 3 (part), 1999)

#### **2.114.120 Withdrawal from Classification Under the Current Use Assessment Program.**

Applications for withdrawal from classification under the current use assessment program shall be conducted in accordance with RCW 84.34 and WAC 458.30. (Ord. 98-114S § 3 (part), 1999)

#### **2.114.130 Change in Use.**

When land which has been approved under the current use assessment program is applied to some other use the provisions of Chapter 84.34 RCW and Chapter 458-30 WAC shall apply. Any change of use or request to alter the points applied under the Public Benefit Rating System

set forth in Section 2.114.060 PCC which results in the need to re-review a parcel's status under the current use assessment program will require the filing of a new application and payment of the filing fee. (Ord. 98-114S § 3 (part), 1999)

**2.114.140 Extensions and Payment of Additional Tax, Penalties, and Interest.**

Extensions and payment of additional tax, penalties, and interest shall be conducted in accordance with Chapter 84.34 RCW and Chapter 458-30 WAC. (Ord. 98-114S § 3 (part), 1999)

**2.114.150 Removal of Classification Under the Current Use Assessment Program.**

Removal of any or all portions of land classified under the current use assessment program shall be subject to the provisions in Chapter 84.34 RCW and Chapter 458-30 WAC. (Ord. 98-114S § 3 (part), 1999)

**2.114.160 Advisory Committee.**

The Council shall appoint a 5-member Committee representing the active farming community within Pierce County to serve in an advisory capacity to the Assessor in implementing assessment guidelines as established by the Department of Revenue for the assessment of open space lands, farms and agricultural lands, and timber lands classified pursuant to Chapter 84.34 RCW. The Committee shall serve without payment for the periods established by the Council which shall be consistent with any applicable State law and shall meet with the Assessor for the purposes set forth herein. (Ord. 98-114S § 3 (part), 1999)

**2.114.170 Agreements May be Abrogated by the Legislature.**

Agreements made pursuant to this Chapter are not considered to be a contract between the owner and any other party and can be abrogated at any time by the County Council, in which event no additional tax or penalty shall be imposed. (Ord. 99-96 § 1 (part), 1999; Ord. 98-114S § 3 (part), 1999)

Appendix "A"

<b>TABLE 2.114-1 PUBLIC BENEFIT RATING SYSTEM</b>		
	<b>Categories</b>	<b>Point System</b>
<b>Priority Resource</b>	<u>High Priority</u> <ul style="list-style-type: none"> <li>• Agricultural Lands</li> <li>• Critical Salmon Habitat</li> <li>• Fish and Wildlife Habitat Conservation Areas</li> <li>• Marine Waters</li> <li>• Prairies</li> <li>• Streams</li> <li>• Tracts that provide linkage and access to said open space areas</li> <li>• Wetlands, Estuaries, and Tidal-Marshes</li> <li>• Wooded Areas</li> </ul>	5 points each
	<u>Medium Priority</u> <ul style="list-style-type: none"> <li>• Aquifer Recharge Areas</li> <li>• Flood Hazard Areas</li> <li>• Lakes</li> <li>• Private Open Space Passive Recreation</li> <li>• Privately Owned and Operated Recreational Facilities</li> <li>• Private Trails and Corridors</li> <li>• Archaeological Sites</li> <li>• Historic Landmark Sites</li> <li>• Tracts that provide linkage and access to said open space areas</li> </ul>	3 points each
	<u>Low Priority</u> <ul style="list-style-type: none"> <li>• Landslide Hazard Areas (Steep Slopes)</li> <li>• Private Parks and Private Golf Courses with Developed Facilities</li> <li>• Scenic View Points and Corridors</li> <li>• Seismic Hazard Areas</li> <li>• Tracts that provide linkage and access to said open space areas</li> <li>• Volcanic Hazard Areas</li> </ul>	1 point each
<b>Bonus</b>	Public Access Granted	5 points
	Conservation/Historic Easement Granted in Perpetuity (forever)	10 points
	Site Within a Designated Urban Growth Area (UGA) or the Comprehensive Urban Growth Area (CUGA)	5 points
	Site is Adjacent to (abuts) or Creates Linkage With Another Open Space Parcel	5 points
<b>Super Bonus</b>	Properties with at least five priority resource points and which allow a degree of public access appropriate to the sensitivity of the resource(s) and which provide a qualifying conservation or historic easement in perpetuity.	25 points

(Ord. 2009-45s § 2 (part), 2009; Ord. 2004-112s § 2 (part), 2004; Ord. 98-114S § 3 (part), 1999)

**Appendix "B"**

<b>TABLE 2.114-2 VALUE REDUCTION AND CURRENT USE ASSESSMENT VALUATION SCHEDULE TABLE</b>			
<b>True and Fair Market Value</b>	<b>Percent Value Reduction</b>	<b>Current Use Assessment</b>	<b>Point System</b>
100%	0%	100%	0 - 2 points
100%	20%	80%	3 points
100%	30%	70%	6 points
100%	40%	60%	9 points
100%	50%	50%	12 points
100%	60%	40%	15 points
100%	70%	30%	18 points
100%	80%	20%	20 points
100%	90%	10%	25 points or more

(Ord. 98-114S § 3 (part), 1999)

## *Chapter 2.116*

### ***RELOCATION ASSISTANCE – REAL PROPERTY ACQUISITION POLICY***

#### **Sections:**

**2.116.010 Adopted.**

**2.116.020 Policy Statement.**

**2.116.030 County Engineer.**

**2.116.040 Appraisal Coordinator.**

**2.116.050 Relocation Agent.**

**2.116.060 Real Property Agent.**

**2.116.070 Procedures.**

**2.116.080 Guidelines for Administering Relocation Assistance Program.**

**2.116.090 Relocation Assistance Advisory Program.**

**2.116.100 Relocation Assistance Program.**

#### **2.116.010 Adopted.**

The Pierce County right-of-way acquisition procedure is adopted. A copy of the procedure shall be kept on file in the County Public Works Department. (Ord. 85-42 § 2 (part), 1985; prior Code § 2.68.010)

#### **2.116.020 Policy Statement.**

Pierce County, desiring to acquire real property in accordance with the State Uniform Relocation Assistance and Real Property Acquisition Policies Act (RCW Chapter 8.26) and State regulations (WAC Chapter 365-24), adopts the following procedure to implement said statute and Washington Administrative Code. The Public Works Department of Pierce County is responsible for real property acquisition and relocation activities on road funded projects administered by the County. To fulfill the property acquisition-relocations assistance role in development and implementation, the Public Works Department has the expertise and personnel capabilities set out in Sections 2.116.030 through 2.116.060 and accomplishes these functions under the procedure set out in Section 2.116.070. (Ord. 85-42 § 2 (part), 1985; prior Code § 2.68.020)

#### **2.116.030 County Engineer.**

The County Engineer administers all activities of the County Right-of-way Division, including support to the Prosecuting Attorney in matters related to litigation, environmental law compliance and the property acquisition programs for the Public Works Department. The County Engineer assures compliance with appropriate County ordinances and resolutions, State statutes, rules and regulations which pertain to real property acquisition and relocation assistance. (Ord. 85-42 § 2 (part), 1985; prior Code § 2.68.021(1))

#### **2.116.040 Appraisal Coordinator.**

The Appraisal Coordinator administers all appraisal activities, including estimates of right-of-way costs and appraisals of fair market value to assure that the County appraisal process complies with appropriate County and State statutes, laws, rules and regulations. He coordinates and assigns all appraisal work, hires contract (fee) appraisers, maintains permanent files on all appraisals, and prepares appraisals when appropriate. He reviews all appraisals to determine the

adequacy and reliability of supporting data and to approve an adequately supported appraisal report which represents fair market value. The Appraisal Coordinator researches market data to assure up to date information on the real estate market and provides court testimony regarding the appraisal process in eminent domain proceedings. (Ord. 85-42 § 2 (part), 1985; prior Code § 2.68.021(2))

**2.116.050 Relocation Agent.**

The Relocation Agent, in compliance with County, State law, appropriate rules and regulations, gives notice of relocation assistance at the time of or subsequent to initiation of negotiations according to time limits determined by the funding agency. He prepares letters to property owners explaining entitlements and prepares appropriate relocation claims. The Relocation Agent is knowledgeable in State guidelines for relocation assistance and real property acquisition policies. If the project does not require relocation, he prepares a letter disclaiming the necessity to prepare a relocation plan. He prepares the relocation assistance program plan for projects requiring relocation assistance and carries out the same. He makes field inspections of available substitute housing to ensure decent, safe and sanitary qualifications and meets with and interviews all displaced as to their needs, offering services and advice on a continuing basis. (Ord. 85-42 § 2 (part), 1985; prior Code § 2.68.021(3))

**2.116.060 Real Property Agent.**

The Real Property Agent advises owners of the need for the project, of the impact upon their property and of their rights under Public Law RCW Chapter 8.26. He reviews the project plans, appraisals and instruments for adequacy as to real property considerations. He actively negotiates with owners to acquire real property in conformation with all laws, rules and regulations and requests commencement of eminent domain proceedings when necessary. He sets up escrows and instructions when necessary. (Ord. 85-42 § 2 (part), 1985; prior Code § 2.68.021(4))

**2.116.070 Procedures.**

- A. Property acquired by the County for public works projects will be appraised by a qualified staff or fee appraiser with appropriate appraisal review before initiation of negotiations with the owner.
- B. The County Appraiser will contact the owner and extend an invitation for the owner to accompany the Appraiser during his inspection of the property.
- C. The County will establish just compensation from the Review Appraiser's estimate of value before negotiation with any owner. Any amounts paid over just compensation for the property will be an administrative settlement and will be so documented in the acquisition file as to the justification used in arriving at the amount of the settlement. However, in an administrative or stipulated settlement, payment will not be made by the person who determined the settlement.
- D. During the appraisal process, the County will not consider any factors of the project that would influence the valuation of the property except physical deterioration wherever appropriate.
- E. The County will not consider relocation assistance benefits in its appraisal process in establishing fair market value for the property to be acquired.
- F. Pursuant to RCW 8.26.180, paragraph 9, the County will not leave an uneconomic remnant without offering to acquire said remnant from the owner.

- G. The County will give to the owner at the initiation of negotiation a written statement known as the "firm offer letter." That statement will be the amount of just compensation based on a review and analysis of an appraisal(s) made by a qualified appraiser with a summary thereof, showing the basis for just compensation. Included in the firm offer letter will be identification of the real property to be acquired, including the estate or interest being acquired. There will be, when appropriate, the identification of the improvements and fixtures considered to be part of the real property to be acquired. The firm offer letter will show what portion, if any, of the just compensation is considered the amount of damages to the remaining property. At the initiation of negotiation with the owner the County will give to the owner an acquisition brochure.
- H. The County will not require the owner or tenant to surrender possession of the property before 90 days after the agreed purchase price has been paid or the approved amount of compensation has been paid into court. The 90-day period may be reduced only in the event the property being acquired is unimproved, contains no personal property and is not being utilized by the owner or tenant.
- I.
  - 1. The County will provide relocation assistance to an owner or tenant or contract with a qualified organization to perform relocation services.
  - 2. The County will provide full information where relocation assistance may be obtained.
  - 3. A displaced person who makes proper application for a payment authorized for such person by RCW Chapter 8.26 and these regulations shall be paid promptly after a move, or, in hardship cases, be paid in advance.
  - 4. Application for benefits under the Act are to be made within 18 months of the date on which the displaced person moves from the real property acquired or to be acquired; or the date on which the acquiring entity makes final payment of all costs of that real property, whichever is the later date. The head of the state agency or local public body may extend this period upon a proper showing of good cause.
- J. Rental amounts charged to owners and tenants occupying the property subsequent to acquisition will not be in excess of the fair rental amount of a short-term occupant.
- K. Every reasonable effort will be made to expeditiously acquire real property by negotiations without exercising the right of eminent domain. No action will be taken to advance eminent domain proceedings, defer negotiations of such proceedings or take any other action coercive in nature in order to compel an agreement on the price to be paid for the property.
- L. When any interest in real property is acquired, at least an equal interest will be acquired in all buildings, structures or other improvements located upon the real property so acquired and which is required to be removed from such real property or which will be adversely affected by the use to which such real property will be put.
- M. The County will comply with RCW 8.26.200 and will pay direct or reimburse the owner for expenses necessarily incurred in the acquisition for:
  - 1. Recording fees, transfer taxes and similar expenses incidental to conveying such real property to the acquiring County;
  - 2. Penalty costs for full or partial prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property;
  - 3. The pro-rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the acquiring County, or the effective date of possession of such real property by the acquiring County, whichever is earlier.

- N. The County will comply with RCW 8.25.020 and will pay direct or reimburse the owner for expenses actually and reasonably incurred in the process of evaluating the County's offer to acquire an interest in real property, but not to exceed a total of \$200.00.
- O. A donation or gift of real property will be accepted only after the owner has been fully informed of his right to receive just compensation.
- P. If rodent control should become necessary in the project, the County will make provisions to maintain control or eradicate the rodents.
- Q. No owner will be intentionally required to institute legal proceedings to prove the fact of the taking of his real property.
- R. The County, to promote more convenient administration of federal aid projects, will require that right-of-way plans, contracts, deeds, appraisals, options, vouchers, correspondence and all other documents and papers to which the Federal Highway Administration needs to refer will carry the federal aid project number for ready identification.

(Ord. 85-42 § 2 (part), 1985; prior Code § 2.68.022)

### **2.116.080 Guidelines for Administering Relocation Assistance Program.**

The County, to promote uniform and effective administration of relocation assistance programs, will utilize the Washington State Department of Transportation publication fM26-01 (HW) Chapter 12, "Right-of-Way Agents' Manual" as a guideline in conducting the County relocation programs in federal aid projects. (Ord. 2003-65 § 1, 2003; Ord. 85-42 § 2 (part), 1985; prior Code § 2.68.030)

### **2.116.090 Relocation Assistance Advisory Program.**

- A. Relocation assistance advisory services will be provided for persons displaced or for any person occupying property immediately adjacent to real property acquired if such person is caused substantial economic injury because of the acquisition.
- B. Specific definitions for concept of terms used in the following paragraphs will be the same as Chapter 365-24-110, Washington Administrative Code.
- C. Advisory services will include such measures, facilities or services necessary or appropriate in order to:
  - 1. By personal interview, determine the need, if any, of eligible persons for relocation assistance. The displaced person will receive a Relocation Brochure furnished or approved by the Washington State Department of Transportation;
  - 2. Provide current and continuing information on the availability, prices and rental of comparable decent, safe and sanitary sales and rental housing, and of comparable commercial properties and locations for eligible businesses;
  - 3. Assure that prior to displacement, there will be available, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe and sanitary dwellings, equal in number to the numbers of such displaced persons who require such dwellings and reasonable access to their places of employment;
  - 4. Assist an eligible person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;
  - 5. Provide other advisory services to eligible persons such as counseling and referrals with regard to housing, financing, employment, training, health, welfare and any other assistance which will minimize hardship to such persons in adjusting to relocation.



- D. Relocation assistance advisory services by the County will be provided to the public. There will be available to the public full information, including a Relocation Brochure, concerning the County relocation program concerning the project. When appropriate, a Relocation Assistance Office will be located in the vicinity of the project and will be open during hours convenient to persons to be relocated. The County will ensure that all interested parties and persons to be displaced are fully informed, at the earliest possible time, of the specific plans and procedures for assuring that comparable replacement housing will be available for home owners and tenants in advance of displacement; available relocation payments and assistance; the eligibility requirements and procedures for obtaining such payments and assistance; and the right of administrative review by the head of the local public body concerned, as provided by RCW 8.26.130. (Ord. 85-42 § 2 (part), 1985; prior Code § 2.68.031)

**2.116.100 Relocation Assistance Program.**

- A. The County will not proceed with any phase of property acquisition of the project until there is a relocation plan approved by the Washington State Department of Transportation and relocation payments with proper relocation services can be provided in conformance with RCW Chapter 8.26 and WAC Chapter 365-24.
- B. The County will give a written notice of the initiation of negotiation with the owner of the property to be acquired to tenants and other persons occupying such property, advising:
1. Eligibility for relocation assistance and benefits which could become available after acquisition of the property by the County can be lost if the owner or any tenant moves either before the property is acquired prior to receiving written notice to vacate from the County for its program or project, or otherwise fails to meet the legal requirements for such assistance or benefits;
  2. The County land purchase intentions and plans are subject to change and even cancellation until the acquisition is closed;
  3. Neither the owner nor any tenant will be required to move, or make any financial commitment for replacement housing or facilities, until he has received the following:
    - a. A determination from the County concerning his eligibility and the amounts of relocation benefits,
    - b. A determination of the requirements which must be satisfied before such amounts can be paid by the County,
    - c. A written authorization or notice from the County to vacate the premises;
  4. Where he can obtain full information concerning relocation assistance, eligibility for relocation payments and the requirements which must be satisfied before such payments can be made.
- C. A written notice to vacate will be given to each individual, family, business or farm operation to be displaced; and all notices will be served personally or delivered by certified or registered first-class mail.
1. A displaced person who makes proper application for a payment authorized for such displacement will be paid promptly after a move, or, in hardship cases, be paid in advance.

2. Application for benefits is to be made within 18 months of the date on which the displaced person moves from the real property acquired or to be acquired; or the date on which the County makes final payment of all costs of that real property, whichever is the later date. The County may extend this period upon proper showing of good cause.
- D. The County, if it deems necessary, may contract with any state agency, local public body, individual, firm, association or corporation for services in performing a relocation assistance program. All personal service contracts concerning phases of right-of-way acquisition relocation assistance will be forwarded to the Washington State Department of Transportation for prior approval before execution by the County.
  - E. Any displaced person (including one who conducts a business or farm operation) will be eligible to receive a relocation payment for moving expenses. A person who lives on his business or farm property may be eligible for payments for both moving and related expenses as a dwelling occupant, as well as for payments for displacement from a business or farm operation. Payments will be made in accordance with WAC 365-24-410 to WAC 365-24-540, inclusive.
  - F. A displaced owner/occupant will be eligible for a replacement housing payment as authorized by RCW 8.26.050 in an amount determined by computation if he meets both of the following requirements:
    1. The displaced owner/occupant actually owned and occupied the acquired dwelling from which he was displaced, for not less than 180 days prior to the initiation of negotiation for the property; or owned and occupied an acquired dwelling covered or qualified under RCW 8.26.160 from which he was displaced, for not less than 180 days prior to displacement; and
    2. Purchases and occupies a comparable replacement dwelling which is decent, safe and sanitary, as defined in WAC 365-24-210(2) and (3), not later than the end of the one-year period beginning on the latest of the following dates:
      - a. Date on which he received from the County the final payment of all costs of the acquired dwelling,
      - b. The date on which he is required to move by the County written notice to vacate,
      - c. Or, the date on which he moves from the acquired dwelling if earlier than the date he is required to move by the County.Computation of replacement housing payment for an owner-occupant will be made in accordance with WAC 365-24-620.
  - G. A displaced tenant, or an owner/occupant of a dwelling for less than 180 days, will be eligible for a replacement housing payment as authorized by RCW 8.26.060 if he actually and lawfully occupied the dwelling for not less than 90 days prior to the initiation of negotiations for acquisition of the property, or actually occupied the property covered or qualified under RCW 8.26.160 for not less than 90 days prior to displacement.
  - H. An owner/occupant of a dwelling for not less than 180 days prior to the initiation of negotiations will be eligible for replacement housing payments as a tenant as authorized by RCW 8.26.060 when he rents a decent, safe and sanitary comparable replacement dwelling (instead of purchasing and occupying such a dwelling) not later than the end of the one-year period beginning on either of dates noted in subsection F.2. of this Section. Computation of replacement housing payments for displaced tenants or an owner/occupant of a dwelling for less than 180 days will be in accordance with WAC 365-24-720; except that the County shall determine the amount necessary to acquire a

comparable replacement dwelling by analyzing the probable prices or rents of three or more comparable replacement properties.

- I. Computation of replacement housing payment for certain others:
  1. Replacement rental housing payments for displaced owner/occupants who do not qualify for replacement housing payments under WAC 365-24-610 because of the 180-day occupancy requirement and who elect to rent will be computed in the manner provided in WAC 365-24-720(1); except that the County shall determine the amount necessary to rent a comparable property by analyzing the probable rental rates of three or more comparable replacement properties.
  2. Replacement housing payments for displaced owner/occupants who do not qualify for replacement housing payments under WAC 365-24-610 because of the 180-day occupancy requirements but who have actually and lawfully occupied for a period of 90 days or more the dwelling unit to be acquired and who elect to purchase a replacement dwelling shall be computed in the manner provided in WAC 365-24-720(2); except that the County shall determine the amount necessary to rent a comparable replacement property by analyzing the probable rental rates of three or more comparable replacement properties.
- J. Any person aggrieved by a determination as to his eligibility for, method of determination, or the amount of payment authorized by RCW Chapter 8.26 or appropriate WAC Chapter 365-24 may have such determination reviewed and reconsidered by the head of the County having authority over the applicable program or project.
- K. Any person aggrieved by determination as to his eligibility for, method of determination, or the amount of payment authorized by RCW 8.26 or appropriate WAC Chapter 365-24 will be allowed to invoke an appeal; provided, that within 30 days following receipt of notification of the rejection of his claim by the County, he submits to the head of the County a notice of appeal. This will be a written statement of the facts pertinent to the case and including the decision that is in dispute.
- L. In order to ensure consistent and uniform administration of the relocation assistance program, the County will, if necessary, establish an administrative review board for preliminary review of appeals. In the event the matter cannot be resolved by the administrative review board, the County will appoint a qualified hearing officer under terms of WAC 365-34-850. His duties will be to administer the appeal of the aggrieved in an impartial and orderly manner in accordance with WAC Chapter 365-24.

(Ord. 85-42 § 2 (part), 1985; prior Code § 2.68.032)



## *Chapter 2.118*

### **EMERGENCY MANAGEMENT ORGANIZATION**

#### **Sections:**

- 2.118.010 Purpose.**
- 2.118.015 Emergency Management Policy.**
- 2.118.020 Definitions.**
- 2.118.030 Powers and Duties.**
- 2.118.040 Disaster and Emergency Powers of Director.**
- 2.118.042 Succession of Authority.**
- 2.118.045 Continuity of County Government.**
- 2.118.050 Penalties for Violations.**
- 2.118.060 Severability.**

**Cross-reference: Chapters 38.52, 42.14 RCW**

#### **2.118.010 Purpose.**

The declared purposes of this Chapter are to provide for the preparation and coordination of plans for emergency management within the County in the event of a disaster, for the exercise of emergency powers and for the continuity of County government, in a manner consistent with the Washington Emergency Management Act, Chapter 38.52 RCW, and the Continuity of Government Act, Chapter 42.14 RCW. Any expenditures made in connection with such emergency management activities, including mutual aid activities, shall be deemed conclusively to be for a general County purpose. (Ord. 2006-29s § 1 (part), 2006; Ord. 89-82 § 1 (part), 1989; Ord. 83-183 § 1 (part), 1984; prior Code § 11.02.010)

#### **2.118.015 Emergency Management Policy.**

It is the policy of Pierce County to make effective preparation and use of staff, resources, and facilities for dealing with any emergency or disaster that may occur. Disasters and emergencies by their very nature, may disrupt existing systems and the capability of Pierce County to respond to protect life, public health and public property. Therefore, citizens are encouraged to be prepared to be self-sufficient for up to five days should an emergency or disaster occur. (Ord. 2006-29s § 1 (part), 2006; Ord. 92-6 § 1, 1992)

#### **2.118.020 Definitions.**

- A. "Absent" means not present in the State of Washington for a period of 24 hours or more.
- B. "Director" means the Director of the Emergency Management Department.
- C. "Disaster" means actual or threatened natural, or man-caused public calamity, including, but not limited to, enemy attack, sabotage, hazardous material incident and extraordinary fire, flood, storm, pandemic, epidemic, lahar, tsunami and earthquake.
- D. "Emergency management" means the preparation for and the coordination of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters.
- E. "Executive Pro Tem" means the Councilmember designated pursuant to Section 3.40 of the Pierce County Charter to exercise the powers and duties of the Executive during such time as the Executive is absent or unavailable.

- F. "Unavailable" means either that a vacancy in the office exists or that the lawful incumbent of the office is absent or unable to exercise the powers and discharge the duties of the office.
- G. "Vacancy" means that an office of a County official is legally unoccupied due to the incumbent's death, incapacity, resignation or other reason as provided for in Section 4.70 of the Pierce County Charter.

(Ord. 2006-29s § 1 (part), 2006; Ord. 90-80 § 1 (part), 1990; Ord. 83-183 § 1 (part), 1984; prior Code § 11.02.020)

### **2.118.030 Powers and Duties.**

The Director is empowered:

- A. To request the Executive of Pierce County or in his/her absence, the Pro Tem, or in his/her absence, the Chair of the County Council to proclaim the existence or threatened existence of a disaster and termination thereof, or to issue such proclamation if the Executive, the Pro Tem, and the Chair are not available, subject to confirmation by the Executive at the earliest practicable time;
- B. To request the Executive of Pierce County or in his/her absence, the Pro Tem, or in his/her absence, the Chair of the County Council to request the Governor to proclaim a state of extreme emergency when, in the opinion of the Director, the resources of the area or region are inadequate to cope with the disaster, or to make such request to the Governor if the Executive, the Pro Tem, and the Chair, are not available, subject to confirmation by the Executive at the earliest practicable time;
- C. Whenever practicable, to consult with the Council prior to any request for a declaration of emergency or disaster under A. or B. above, or notify the Council within 24 hours of making a declaration.
- D. To organize, administer and operate the Department of Emergency Management for the accomplishment of the purposes of this Chapter, subject to the direction and control of the County Executive;
- E. To develop mutual aid agreements to be executed by the County Executive or designee.
- F. The Department of Emergency Management shall be the hazardous materials incident coordinating agency for Pierce County.

(Ord. 2006-29s § 1 (part), 2006; Ord. 90-80 § 1 (part), 1990; Ord. 83-183 § 1 (part), 1984; prior Code § 11.02.050)

### **2.118.040 Disaster and Emergency Powers of Director.**

In the event of the proclamation of a disaster as provided in this Chapter, or the proclamation of a state of extreme emergency by the Governor or declaration of a Presidential Emergency, or Incident of National Significance, the Director is empowered:

- A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the Executive of Pierce County;
- B. With the approval of the County Executive or designee to obtain vital supplies, equipment and such other properties found lacking and needed for the protection of Pierce County property and the life of the residents thereof, and bind the County for the fair value thereof, and if required immediately, to commandeer the same for public use;

- C. To require emergency services of any County officer or employee and, in the event of the proclamation of a state of extreme emergency by the Governor in the region in which this County is located, to command the aid of as many citizens of this community as necessary in the execution of official duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered emergency workers.

(Ord. 2006-29s § 1 (part), 2006; Ord. 90-80 § 1 (part), 1990; Ord. 89-82 § 1 (part), 1989; Ord. 83-183 § 1 (part), 1984; prior Code § 11.02.060)

#### **2.118.042 Succession of Authority.**

- A. In the event the Executive is absent or unavailable, the powers and duties of the office of the Executive shall be exercised and discharged by the following officers in the following order:
  - 1. Executive Pro Tem
  - 2. Chair of the Council
  - 3. Vice Chair of the Council
  - 4. Remaining Councilmembers in order of seniority by consecutive years of service on the Council.
- B. Any Councilmember succeeding to the Office of the Executive on a temporary interim basis pursuant to this Section shall discharge the duties of that office until such time as the elected or appointed officer is available for duty or a regular successor is appointed by the ordinary means applicable to the Office of the Executive.
- C. Whenever practicable, the Executive or designee shall notify the Executive Pro Tem, succeeding official, and Director at least 72 hours prior to the Executive's absence.

(Ord. 2006-29s § 1 (part), 2006)

#### **2.118.045 Continuity of County Government.**

- A. In the event of a disaster, it is essential to assure continued operation of County government, to preserve and protect records essential to the continued functioning of County government, and to provide for the appointment of temporary interim successors to the elected and appointed offices of the County.
  - 1. If a declared disaster reduces the number of members of the County Council, then those members who are available for duty shall have full authority to act in all matters as the County Council. In the event no member of the County Council is available for duty, then those elected County officials other than judges of District or Superior Court, but including the Presiding Judge of Superior Court, as are available for duty shall jointly act as the County Council and shall possess by majority vote the full authority of the County Council.
  - 2. Elected County officers, other than the Executive and members of the County Council, are authorized and directed to designate one or more temporary interim successors to the office of such officer in the event the officer is unavailable for duty during an emergency caused by a declared disaster.
  - 3. The County Executive shall, subject to such rules as the Executive may adopt, permit each appointed County officer to designate one or more temporary interim successors of such officer in the event the officer is unavailable for duty during an emergency caused by a declared disaster.

- B. Any County officer succeeding to an office on a temporary interim basis pursuant to this Section shall discharge the duties of that office until such time as the elected or appointed officer is available for duty or a regular successor is appointed by the ordinary means applicable to the office.
- C. Whenever it becomes impracticable, due to disaster, to convene the Council in the County seat, the Council may convene in any of the following alternate branch offices, designated pursuant to Section 1.40(2) of the Pierce County Charter:
  - 1. Emergency Management  
(Emergency Operations Center)  
2501 South 35th  
Tacoma, Washington 98409  
(253) 798-7470
  - 2. Public Works Frederickson Central Maintenance Facility  
4812 196<sup>th</sup> Street  
Spanaway, WA 98387  
(253) 798-6061
  - 3. Environmental Services Building  
9850- 64th Street W  
University Place WA 98467  
(253) 798-4050

If it becomes impracticable or unsafe for members of the Council to convene in person during a declared emergency, the Council may convene by teleconference or any other reasonable means. After any emergency relocation, the business of the Council shall be lawfully conducted at such alternate site or sites for the duration of the emergency.

- D. Essential Records Preservation. All departments of Pierce County shall identify records essential for continuity and preservation of government and provide for their protection according to the guidelines set by the State Archivist (Secretary of State's Office, RCW 40.10.010).

(Ord. 2009-13 § 1, 2009; Ord. 2006-29s § 1 (part), 2006)

### **2.118.050 Penalties for Violations.**

It is a misdemeanor for any person during a disaster:

- A. To willfully obstruct, hinder or delay the enforcement of any lawful rule or regulation issued pursuant to this Chapter, or the performance of any duty imposed by virtue of this Chapter;
- B. To do any act forbidden by any lawful rules or regulations issued pursuant to this Chapter, if such act is of such a nature as to give, or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this County, or to prevent, hinder or delay the defense or protection thereof;
- C. To wear, carry or display, without authority, any means of identification specified by the Emergency Management Agency of the State or Pierce County.

(Ord. 90-80 § 1 (part), 1990; Ord. 89-82 § 1 (part), 1989; Ord. 83-183 § 1 (part), 1984; prior Code § 11.02.070)

### **2.118.060 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. 90-80 § 1 (part), 1990; Ord. 89-155 § 4, 1989)



*Chapter 2.120*

**COUNTY LIABILITY FOR OFFICERS AND EMPLOYEES**

**Sections:**

**2.120.010 Duty to Defend.**

**2.120.020 Request of Defense.**

**2.120.030 Duty of County Officer, Employee or Volunteer.**

**2.120.040 Payment of Claims.**

**2.120.050 Determination of Scope of Employment.**

**2.120.060 Scope of Protection.**

**2.120.070 Application to Volunteers.**

**2.120.010 Duty to Defend.**

- A. Pierce County agrees, as a condition of employment or acceptance of services to defend upon proper request, all civil claims or civil actions for damages brought or maintained against its officers, employees and/or volunteers arising out of the acts, errors or omissions in the performance or good faith attempt to perform, the official duties of said officer, employee or volunteer.
- B. For the purposes of this Chapter, "officers, employees and/or volunteers" includes the spouse of each such person if such spouse is made a party to an action for damages solely because of the existence of the marital community.
- C. The Pierce County Council may, in its discretion, provide for the defense of its officers or employees in a criminal action arising out of the acts, errors or omissions in the performance or good faith attempt to perform, the official duties of said officer or employee.

(Ord. 85-59 § 1, 1985; Ord. 84-57 § 1 (part), 1984; prior Code § 4.03.010)

**2.120.020 Request of Defense.**

To properly request such a defense, the officer, employee or volunteer shall make written request of defense to the Risk Manager and to the Prosecuting Attorney within seven days of receipt of notice of the filing of said claim or action. The written request shall include the following:

- A. Identification of all Pierce County officers, employees and/or volunteers involved in the incident;
- B. Information regarding the time, place and circumstances of the incident;
- C. Names and addresses of all injured parties and known witnesses;
- D. Copies of every demand, notice, summons or other process relating to said incident received by the officer, employee, volunteer or his representative.

(Ord. 84-57 § 1 (part), 1984; prior Code § 4.03.012)

**2.120.030 Duty of County Officer, Employee or Volunteer.**

- A. Upon a determination by the County Executive or Prosecuting Attorney, as set forth in Section 2.120.050, that the alleged acts, errors or omissions of the officer, employee or volunteer did in fact arise out of the performance or good faith attempt to perform their official duties, the County shall commence its defense of the claim or action. However,

the continuation of the defense shall be contingent upon the cooperation of the officer, employee or volunteer with the Risk Manager, Prosecuting Attorney, or their agents or designees. The officer, employee or volunteer shall:

1. Assist in making settlements;
  2. Assist in the conduct of actions and enforcement of claims against any person or organization who may be liable, in whole or in part, for the loss arising out of the incident;
  3. Attend interviews, depositions, hearings and trials;
  4. Assist in securing and giving evidence and obtaining the attendance of witnesses.
- B. If the County agrees to defend said action, the officer, employee or volunteer shall not be required to make any payment, assume any legal obligation or incur any expense arising out of the defense or in settlement of the claim or action.
- C. In the event that any such officer, employee or volunteer fails or refuses to cooperate as specified above, or elects, without the consent of the Prosecuting Attorney, to provide his or her own legal representation with respect to the claim or action, the County shall have no duty to:
1. Defend;
  2. Pay or reimburse for any costs incurred in the defense; or
  3. Pay or reimburse for any damages for which the officer, employee or volunteer becomes legally obligated.

(Ord. 84-57 § 1 (part), 1984; prior Code § 4.03.014)

#### **2.120.040 Payment of Claims.**

The provisions of Section 2.120.010 shall not modify existing procedures or requirements of law for processing and payment of claims, to which the County is a responsible party defendant; provided, that such claims, lawsuits and judgments against officers, employees or volunteers of the County shall be handled in all respects in the same manner as those in which a claim is filed or a lawsuit brought against the County. Notwithstanding any other provisions of this Chapter, Pierce County shall have no duty to defend and/or pay any claims or actions against any County official, employee or volunteer arising out of the operation of a vehicle of said officer, employee or volunteer if said vehicle is neither owned nor leased by the County. (Ord. 84-57 § 1 (part), 1984; prior Code § 4.03.020)

#### **2.120.050 Determination of Scope of Employment.**

The determination of whether said officer, employees or volunteers were acting or making a good faith attempt to act within the scope and course of their duties of employment by the County, shall be made by the Executive, or, in the case of any elected official of the County other than the Prosecuting Attorney, by the Prosecuting Attorney. (Ord. 84-57 § 1 (part), 1984; prior Code § 4.03.030)

#### **2.120.060 Scope of Protection.**

The provisions contained in Sections 2.120.010 through 2.120.050 shall apply to claims and actions arising out of current or past accidents, events or occurrences that are not excluded by the provisions of this Code. (Ord. 84-57 § 1 (part), 1984; prior Code § 4.03.040)

**2.120.070 Application to Volunteers.**

The provisions of Sections 2.120.010 through 2.120.050 shall apply to all volunteers who perform assigned or authorized duties for Pierce County when they are performing or making a good faith attempt to perform those assigned or authorized duties. (Ord. 84-57 § 1 (part), 1984; prior Code § 4.03.050)



*Chapter 2.121*

**COUNTY INDEMNIFICATION OF LIMITED LEGAL EXPENSES  
FOR JUDICIAL DISCIPLINARY PROCEEDINGS  
REGARDING THE COMMISSION ON JUDICIAL CONDUCT**

**Sections:**

**2.121.010 Definitions.**

**2.121.020 Duty to Indemnify.**

**2.121.040 Selection of Attorney and Payment of Expenses.**

**2.121.010 Definitions.**

As used in this Chapter, the following terms have the meaning indicated unless the context clearly requires otherwise:

- A. "Actual legal expenses" means all reasonable fees and expenses billed to the indemnitee by a licensed attorney other than the indemnitee for legal services rendered in the defense of a judicial disciplinary proceeding.
- B. "Judge" means any judge of the Pierce County Superior Court or the Pierce County District Court, and any commissioner or judge pro tempore of either such court.
- C. "Judicial disciplinary proceeding" means a proceeding before the Commission on Judicial Conduct or other entity established by constitutional provision, statute, ordinance, or court rule to investigate, review, or impose disciplinary sanctions for misconduct of the indemnitee in the indemnitee's capacity as a judge. Such proceedings which involve two or more entities shall be considered one judicial disciplinary proceeding.
- D. "Indemnitee" means the individual Judge protected by this Chapter.

(Ord. 98-58 § 1 (part), 1998; Ord. 87-137 § 1 (part), 1987)

**2.121.020 Duty to Indemnify.**

Subject to the provisions of this Chapter, if the alleged misconduct was related to a judge's good faith performance of or good faith attempt or ability to perform his or her duties, Pierce County shall indemnify each judge for the actual legal expenses incurred by that judge in connection with the defense of a judicial disciplinary proceeding. If there is a question as to whether or not the alleged misconduct was related to the good faith performance of or good faith attempt or ability to perform the judge's duties, the Prosecuting Attorney shall refer that question to the Attorney General or to the prosecuting attorney of another county for an opinion. (Ord. 98-58 § 1 (part), 1998; Ord. 87-137 § 1 (part), 1987)

**2.121.040 Selection of Attorney and Payment of Expenses.**

The selection of an attorney to represent the indemnitee in a judicial disciplinary proceeding shall be made by the indemnitee subject to the approval of the Pierce County Prosecuting Attorney prior to the occurrence of any actual legal expense. The indemnitee shall forward to the Pierce County Prosecuting Attorney an itemized statement from the attorney selected by the indemnitee which sets forth the actual legal expenses incurred on the indemnitee's behalf. After such statement is approved by the Prosecuting Attorney, he/she shall forward same to the Risk Management and Insurance Department for payment subject to the maximum limits established by this Chapter. (Ord. 87-137 § 1 (part), 1987)



*Chapter 2.122*

***SURETY BONDS FOR COUNTY EMPLOYEES***

**Sections:**

**2.122.010 Purpose.**

**2.122.030 Bond for Prosecuting Attorney.**

**2.122.040 Bonds for Sheriff.**

**2.122.050 Bonds for Other County Employees.**

**2.122.010 Purpose.**

The purpose of this Chapter is to set forth the amount and form of surety bonds for County employees. (Ord. 81-32 § 1 (part), 1981; prior Code 4.07.010)

**2.122.030 Bond for Prosecuting Attorney.**

An individual public official bond shall be maintained for the Prosecuting Attorney in the amount of \$50,000.00. (Ord. 2008-116 § 1 (part), 2008; Ord. 81-32 § 1 (part), 1981; prior Code § 4.07.030)

**2.122.040 Bonds for Sheriff.**

A public official bond in the amount of \$50,000.00 shall be maintained for the Sheriff. (Ord. 2008-116 § 1 (part), 2008; Ord. 81-32 § 1 (part), 1981; prior Code § 4.07.040)

**2.122.050 Bonds for Other County Employees.**

A blanket public employees faithful performance of duty bond in the amount of \$600,000.00 shall be maintained for the County Executive, members of the County Council, Auditor, District Court Judges, Assessor-Treasurer, and all other County employees except the Prosecuting Attorney and Sheriff. (Ord. 2008-116 § 1 (part), 2008; Ord. 81-32 § 1 (part), 1981; prior Code § 4.07.050)





*Chapter 2.123*

**COUNTY INDEMNIFICATION OF LIMITED LEGAL EXPENSES OF COUNTY ATTORNEYS IN PROFESSIONAL DISCIPLINARY PROCEEDINGS**

**Sections:**

**2.123.010 Definitions.**

**2.123.020 Duty to Indemnify.**

**2.123.030 Limit of Liability.**

**2.123.040 Selection of Attorney and Payment of Expenses.**

**2.123.010 Definitions.**

As used in this Chapter, the following terms have the meaning indicated unless the context clearly requires otherwise:

- A. "Actual legal expenses" means all reasonable fees and expenses billed to the indemnitee by a licensed attorney other than the indemnitee for legal services rendered in the defense of a professional disciplinary proceeding.
- B. "County attorney" means any attorney employed full-time by Pierce County, but does not include any special deputy prosecutor, temporary deputy prosecutor, member of the private bar appointed to represent an indigent criminal defendant, or other attorney who is not a regularly salaried employee of Pierce County.
- C. "Professional disciplinary proceeding" means a proceeding before the Disciplinary Board of the Washington State Bar Association, Hearing Officer or Hearing Panel thereof, or other entity established by constitutional provision, statute, ordinance or court rule to investigate, review or impose disciplinary sanctions for misconduct of the indemnitee in the indemnitee's capacity as an attorney. Such proceedings which involve two or more entities shall be considered one professional disciplinary proceeding.
- D. "Indemnitee" means the individual County attorney protected by this Chapter.

(Ord. 91-4 § 1 (part), 1991)

**2.123.020 Duty to Indemnify.**

Subject to the provisions of this Chapter, if the Prosecuting Attorney determines that the alleged misconduct arose out of the County attorney's performance or good faith attempt to perform his or her official duties, Pierce County shall indemnify such County attorney for the actual legal expenses incurred by that County attorney in connection with the defense of a professional disciplinary proceeding, provided such indemnification shall not exceed \$15,000.00 for each claim, and shall not exceed an aggregate of \$45,000.00 for any such County attorney.

(Ord. 91-4 § 1 (part), 1991)

**2.123.030 Limit of Liability.**

The liability of Pierce County under this Chapter shall not exceed the lesser of \$15,000.00 or the actual legal expense for each professional disciplinary proceeding, and the total liability of Pierce County to any individual County attorney shall never exceed the \$45,000.00 aggregate. The bringing of professional disciplinary proceedings by more than one person shall not operate to increase the liability of Pierce County. Two or more professional disciplinary proceedings arising out of a single event or a series of related events shall be treated as a single disciplinary proceeding for purpose of determining the limit of liability under this Chapter. (Ord. 91-4 § 1 (part), 1991)

**2.123.040 Selection of Attorney and Payment of Expenses.**

The selection of an attorney to represent the indemnitee in a professional disciplinary proceeding shall be made by the indemnitee subject to the approval of the Pierce County Prosecuting Attorney prior to the occurrence of any actual legal expense. The indemnitee shall forward to the Pierce County Prosecuting Attorney an itemized statement from the attorney selected by the indemnitee which sets forth the actual legal expenses incurred on the indemnitee's behalf. After such statement is approved by the Prosecuting Attorney, he/she shall forward same to the Risk Management and Insurance Department for payment subject to the maximum limits established by this Chapter. (Ord. 91-4 § 1 (part), 1991)

*Chapter 2.124*

***MOTOR POOL VEHICLE ASSIGNMENT AND USE***

**Sections:**

**2.124.010 Car Program for Executive Branch.**

**2.124.020 Rules and Regulations.**

**2.124.030 Courts and Prosecuting Attorney.**

**2.124.040 Council and Its Employees.**

**2.124.050 Alternative for Councilmembers.**

**2.124.010 Car Program for Executive Branch.**

The Executive is authorized to establish administrative rules and regulations for the most efficient use of County vehicles or reimbursement for use of personal vehicles. The Executive shall designate an employee to be responsible for the overall fleet management and accountability. (Ord. 81-48 § 1 (part), 1981; prior Code § 2.18.010)

**2.124.020 Rules and Regulations.**

The administrative rules and regulations established by the Executive shall as a minimum set forth the following:

- A. Criterion for when vehicles are personally assigned (taken home at night), departmentally assigned (personally assigned, but not taken home at night or departmental pool), motor pool, or reimbursement for use of personal vehicles;
- B. Procedures for acquisition, maintenance, rental, disposition, parts and storage warehouse support;
- C. A cost accounting system with reports at periodic intervals;
- D. Designated County locations where fuel and maintenance will be available and when and where it is appropriate to purchase fuel and maintenance from private vendors;
- E. Policy on use of County gasoline credit cards;
- F. Appropriate marking of vehicles when required by state law;
- G. Designated locations at County facilities for parking vehicles;
- H. Develop a vehicle rotation system where appropriate;
- I. Develop a system for periodically reviewing vehicles assignment and use;
- J. Procedures for review of employee misuse or abuse related to vehicles or reimbursement.

(Ord. 81-48 § 1 (part), 1981; prior Code § 2.18.020)

**2.124.030 Courts and Prosecuting Attorney.**

The Superior and District Courts and Prosecuting Attorney shall comply with rules and regulations for vehicle use consistent with those established and adopted by the County Executive. (Ord. 81-48 § 1 (part), 1981; prior Code § 2.18.030)

**2.124.040 Council and Its Employees.**

Councilmembers and employees are authorized to use their private vehicles in performance of their official duties and shall be allowed reimbursement as follows:

- A. Reimbursement at the standard rate per mile for all miles driven on official and necessary County business as provided in Section 3.92.030 of this Code; provided further, reimbursement for mileage shall not exceed the round-trip coach airfare of a common carrier, and reimbursement shall be prohibited for travel between the official or employee's place of residence and the office of the Council. Councilmembers may as an alternative, use County motor pool vehicles when traveling on business beyond the boundaries of Pierce County or, for emergencies only, within Pierce County. All Councilmembers and employees shall attempt to carpool, either in a motor pool vehicle, their personal vehicle or public transit, whenever feasible. Council employees shall only utilize their personal vehicle when a motor pool vehicle is unavailable.

(Ord. 81-48 § 1 (part), 1981; prior Code § 2.18.040)

**2.124.050 Alternative for Councilmembers.**

- A. Effective January 1, 2007, or thereafter, as an alternative to Section 2.124.040, Councilmembers may collect a \$575.00 per month allowance in lieu of reimbursement/usage provided under Section 2.124.040, provided if an emergency requires use of a motor pool vehicle, the Councilmember shall reimburse the County at the standard rate charged departments for use of motor pool vehicles. The monthly car allowance for Councilmembers as set forth in this Section shall be recalculated annually based on the Consumer Price Index – Seattle-Tacoma-Bremerton, WA, as published by the Bureau of Labor Statistics.
- B. In addition, for those Councilmembers exercising the option set out in subsection A. of this Section, reimbursement for mileage will be made for any authorized out-of-state travel; provided further, reimbursement for such mileage shall not exceed the round-trip coach airfare of a common carrier.

(Ord. 2006-116s2 § 2, 2006; Ord. 85-219 § 1, 1985; Ord. 84-216 § 1, 2, 1984)

*Chapter 2.126*

**COUNTY-CITY BUILDING PARKING**

**Sections:**

- 2.126.010 Definitions.**
- 2.126.020 Limited Parking Areas.**
- 2.126.030 Parking Regulations.**
- 2.126.040 Public Parking.**
- 2.126.050 Restricted Area.**
- 2.126.060 Alley Parking.**
- 2.126.070 Speed Limit.**
- 2.126.080 Assigned Vehicle Parking.**
- 2.126.090 Revenue and Expenditure.**
- 2.126.100 Penalty for Violations.**

**2.126.010 Definitions.**

For the purpose of this Chapter the words and phrases used herein, unless the context clearly indicates to the contrary, shall have the following meanings:

- A. "Assigned parking stall" means any parking stall visibly marked by painted lines and located within an area designated as assigned parking on a posted sign.
- B. "Assigned vehicles" means those vehicles owned by the County and/or city or private automobiles displaying a parking lot permit duly issued by the County which permits the vehicles to be parked in certain areas which are designated by the County.
- C. "Authorized officer or agent" means any officer, agent, employee or independent contractor authorized by the Executive to enforce the provisions of this Chapter and in addition, includes any police officer or deputy sheriff authorized by law to execute criminal process or to make arrest for the violations of the statutes of the state or ordinances of the County, upon property subject to this Chapter.
- D. "Impoundment-in-place" means the prevention of free movement of a motor vehicle by the installation on such motor vehicle of a "vehicle immobilizer."
- E. "Motor vehicle" means every vehicle capable of being moved, upon or by which any person or property is or may be transported or drawn.
- F. "Operator" means every person who drives or is in actual physical control of a motor vehicle.
- G. "Owner" means any person who holds a title of ownership of a vehicle or who is named or designated as registered owner thereof on the registration certificate issued by proper state authorities, or who is in lawful possession of the vehicle, pursuant to the terms of a lease, contract or agreement.
- H. "Parking" means the standing of a motor vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.
- I. "Public parking stall" means any parking stall visibly marked with painted lines and located in any area not designated as "assigned parking," or designated for any other special purpose.
- J. "Traffic devices" means any sign, signal, marking and device placed or erected by authority of a public body having jurisdiction, for the purpose of regulating, warning or guiding traffic.

K. "Vehicle immobilizer" means any device capable of being physically attached to a motor vehicle thereby impounding it in place.  
(Ord. 85-145 § 1 (part), 1985; Res. 22234-B 2 (part), 1980; prior Code § 2.12.010)

**2.126.020 Limited Parking Areas.**

Within the boundaries of the County-City Building property described as follows:

From the northwest corner of South Tacoma Avenue and South 11th Street westerly, along the north boundary of South 11th Street to the center of the alley between South 11th and Nollmeyer Lane; thence northerly to the northern boundary of Nollmeyer Lane; thence westerly to the east boundary of South Yakima Avenue; thence northerly to the southern boundary of South 9th Street; thence easterly to the western boundary of South Tacoma Avenue; thence southerly to the northwest corner of South Tacoma Avenue and South 11th Streets, to the point of beginning.

No motor vehicle shall park, stand or stop except to avoid conflict with other traffic, except in accordance with rules and regulations promulgated by the Pierce County Executive governing the use of the above-described property. No motor vehicle other than assigned vehicles parking in assigned areas shall be parked anywhere within the above-described property, except within public parking stalls so designated in accordance with the rules and regulations promulgated by the Pierce County Executive.

(Ord. 85-145 § 1 (part), 1985; Res. 22234-B § 2 (part), 1980; prior Code § 2.12.020)

**2.126.030 Parking Regulations.**

The Pierce County Executive is authorized to promulgate rules and regulations governing parking within the County-City Building property, including the regulation of public parking, the use of assigned or designated parking areas, charges for the use of public parking, together with regulations for the enforcement of such regulations, including towing or impoundment in place of vehicles in violation of those regulations or of other provisions of this Chapter. Rules governing impoundment or towing of vehicles shall comply with Chapter 377, 1985 Laws of Washington as now existing or hereafter amended. Charges for parking, impoundment, towing or release set by regulations of the Pierce County Executive shall not be effective until approved by the County-City Building Committee established by that certain lease and agreement dated July 17, 1958, as amended or hereafter amended, and shall seek to maximize short-term access by the public to the County-City Building and to minimize long-term parking for any purpose.

(Ord. 85-145 § 1 (part), 1985; Res. 22234-B § 2 (part), 1980; prior Code § 2.12.030)

**2.126.040 Public Parking.**

The Pierce County Executive is authorized to construct, operate, maintain and collect rentals for public parking facilities upon County-City Building property not currently devoted to assigned parking stalls. The Executive is authorized to employ or contract with independent contractors for such purposes with funds made available for that purpose in the County-City Building budget approved pursuant to that certain agreement between Pierce County and the City of Tacoma dated July 17, 1958, as the same now exists or is hereafter amended. (Ord. 85-45 § 1 (part), 1985; Res. 22234-B § 2 (part), 1980; prior Code § 2.12.040)

**2.126.050 Restricted Area.**

It is unlawful for any vehicle to drive, operate or otherwise be moved over, along, across or to park or stand within the area north of a line between the northwest portion of the west wing of the County-City Building and the curb along the north boundary of east Nollmeyer Lane, except for assigned vehicles or vehicles authorized to use portions thereof by the Sheriff or Tacoma Police Department, and except that authorized vehicles engaged in loading or unloading supplies or equipment for the County-City Building may use the loading dock on the north side of the west wing of the County-City Building in such a manner as not to unreasonably disrupt traffic to the jail facility. (Ord. 85-145 § 1 (part), 1985; Res. 22234-B § 2 (part), 1980; prior Code § 2.12.050)

**2.126.060 Alley Parking.**

No person shall stand or park his vehicle on the east side of the alley between South 11th Street and South 10th Street behind the State Armory. (Ord. 85-145 § 1 (part), 1985; Res. 22234-B § 2 (part), 1980; prior Code § 2.12.060)

**2.126.070 Speed Limit.**

It is unlawful for any person to operate, drive or otherwise move a vehicle at a speed in excess of ten miles per hour upon any portion of the County-City Building property, unless otherwise posted. (Ord. 85-145 § 1 (part), 1985; Res. 22234-B § 2 (part), 1980; prior Code 2.12.070)

**2.126.080 Assigned Vehicle Parking.**

All assigned vehicles shall park in their assigned stalls. It is unlawful for employees of the County or of the City of Tacoma having an assigned parking stall to park in other than their assigned stall. (Ord. 85-145 § 1 (part), 1985; Res. 22234-B § 2 (part), 1980; prior Code § 2.12.080)

**2.126.090 Revenue and Expenditure.**

Proceeds of public parking received from independent contractors authorized by the Pierce County Executive to operate or maintain public parking facilities or from charges collected by employees of the County shall be deposited in the County-City Building fund to be budgeted and used pursuant to that certain lease and agreement dated June 17, 1958 between the County and the City of Tacoma as the same has been now or hereafter amended to construct, maintain, operate and collect rentals for parking facilities for the County-City Building. (Ord. 85-145 § 1 (part), 1985; Res. 22234-B § 2 (part), 1980; prior Code 2.12.090)

**2.126.100 Penalty for Violations.**

Any violation or failure to comply with any of the provisions of this Chapter or with any rule or regulation promulgated by the Executive and posted upon the premises shall, in addition to any charges set forth in the regulations of the Executive or collected for impoundment or removal of offending vehicles, constitute a traffic infraction, the penalty for which shall be the maximum penalty authorized for other parking infractions. (Ord. 85-145 § 1 (part), 1985; Res. 22234-B § 2 (part), 1980; prior Code 2.12.100)





*Chapter 2.128*

***EMERGENCY EVACUATION PLAN***

**Sections:**

**2.128.010 Adoption.**

**2.128.020 Inspection and Copies.**

**2.128.010 Adoption.**

The Emergency Disaster Plan as adopted by Resolution No. 19441, 1977, and as subsequently amended, is hereby adopted as the Emergency Evacuation Plan for the County-City Building, Tacoma, Washington. (Ord. 89-189 § 1 (part), 1989; Ord. 89-92 § 1 (part), 1989)

**2.128.020 Inspection and Copies.**

The most recent version of the Emergency Evacuation Plan shall be available for inspection and copying at the Pierce County Risk Management Department Office during normal business hours. Copies may be purchased for the cost of printing.

Copies of the most recent version of the Emergency Evacuation Plan shall be distributed to all departments and elected officials of County government.  
(Ord. 89-189 § 1 (part), 1989; Ord. 89-92 § 1 (part), 1989)



**DIVISION V. COUNTY EMPLOYEES AND AGENTS**

*Chapter 2.140*

***AUTHORITY OF SHERIFF TO  
COMMISSION CHAPLAINS AND COUNSELORS***

**Sections:**

**2.140.010 Authorization.**

**2.140.020 Rights and Limitations.**

**2.140.010 Authorization.**

The Pierce County Sheriff is authorized to commission chaplains or counselors to assist the Department in spiritual guidance or counseling of victims of crimes, drug and alcohol abuse, and others in times of crisis or need. (Prior Code § 3.06.010)

**2.140.020 Rights and Limitations.**

The commissioned or authorized chaplains or counselors shall have the right to use the Pierce County Sheriff's equipment and vehicles as deemed necessary by the Department. The chaplains or counselors shall serve without pay for the period as determined by the Sheriff and shall not be deemed to be agents or employees of Pierce County, but are volunteers who are authorized to use Pierce County vehicles, equipment and uniforms as is deemed necessary by the Sheriff. (Prior Code § 3.06.020)



*Chapter 2.141*

***AUTHORITY OF SHERIFF TO  
COMMISSION VOLUNTEER RESERVE DEPUTY SHERIFFS***

**Sections:**

**2.141.010 Authorization.**

**2.141.020 Rights and Limitations.**

**2.141.010 Authorization.**

The Pierce County Sheriff is authorized to commission volunteer Reserve Deputy Sheriffs in accordance with the Revised Code of Washington, to augment regular employed Deputy Sheriffs. (Ord. 96-49 § 1 (part), 1996)

**2.141.020 Rights and Limitations.**

The commissioned volunteer Reserve Deputy Sheriffs shall have the right to use the Pierce County Sheriff's equipment and vehicles as deemed necessary by the Department. The volunteer Reserve Deputy's commission shall be valid only when on official duty as part of an assigned shift or detail. The volunteer Reserve Deputy Sheriffs shall serve without pay for the period as determined by the Sheriff and shall not be deemed to be agents or employees of Pierce County, but are volunteers who are authorized to use Pierce County vehicles, equipment, and uniforms as is deemed necessary by the Sheriff. (Ord. 96-49 § 1 (part), 1996)