

AGENDA
GIG HARBOR CITY COUNCIL STUDY SESSION
Thursday, July 17, 2025 - 3:00 PM
Community Rooms

This meeting may also be accessed through Zoom at <https://zoom.us/j/93216056382> or by calling (253) 215-8782 and entering Meeting ID 932 1605 6382.

CALL TO ORDER/ROLL CALL

DISCUSSION ITEMS

- 1. Introduction of Historic Preservation Commission Appointees:**
Gina Brais and Stephanie Lile
- 2. Utility Rate Study Discussion on Revenues and Rates**
Public Works Director Jeff Langhelm, PE
- 3. Council Guidelines Updates**
City Clerk Josh Stecker
- 4. Tourism Promotion Authority Restructure**
City Clerk Josh Stecker

ADJOURN

PUBLIC COMMENT & DECORUM

Public comment will not be accepted at this study session.

AMERICANS WITH DISABILITIES (ADA) ACCOMMODATIONS

ADA accommodations can be provided upon request. Those requiring special accommodations should contact the city clerk at cityclerk@gjgharborwa.gov or (253) 853-7613 at least 24 hours prior to the meeting.



**City of Gig Harbor
City Council Agenda Bill**

Meeting Date: July 17, 2025

SUBJECT: Utility Rate Study Discussion on Revenues and Rates

SUBMITTED BY: Public Works Director Jeff Langhelm, PE

DEPARTMENT: Public Works

PHONE: (253) 853-7630

SUGGESTED MOTION: None.

BACKGROUND INFORMATION: The revenues from the city's sewer, storm, and water utilities are necessary to support the operating and capital needs for each utility. As you may recall, since 2022, the city has prepared to complete a comprehensive utility rate study to set the city's sewer, storm, and water utility rates for six years.

However, due to other priorities and the passing of the city's previous utility financial consultant, the city instead elected to adopt Ordinances 1503 and 1533 to establish single-year rate increases across all three utilities effective January 1, 2023, and January 1, 2025. These single-year rate increases were only intended to be short term solutions to keep the city's utilities consistent with annual cost increases until a comprehensive utility rate study could be completed.

In March 2025, the city contracted with FCS Group to complete this comprehensive utility rate study. Since March, city staff and FCS have reviewed each utility's operating structure, financial condition, and existing and future operating expenses and capital costs. FCS Group has now prepared a presentation to review their initial findings with a proposal to adjust the three utility rates for the next six years. This will include a review of the revenue requirements, ratemaking approach, operating expenses, and capital expenses. The proposal will be presented by FCS Group at the July 17 study session.

Please note, city staff and FCS Group are also considering changes to the water utility rate structure to implement tiered water rates. However, the discussion on tiered water rates will occur at an upcoming study session later this summer.

FISCAL CONSIDERATION: The proposed item will present revenue options for the city's three utilities but does not require an expenditure by the city.

ATTACHMENTS:

1. Water Utility Rate Adjustment History_1987-2025
 2. Sewer Utility Rate Adjustment History_1987-2025
 3. Revenues and Rates Presentation
-

STRATEGIC PLAN PRIORITY: Strategic Plan Priority 2 - Ensure sustainable future for public services and facilities



Water Utility
Bi-Monthly Residential Base Rate History
1987 - 2025

Year	Base Rate	Percent Increase	Ordinance Number	Notes
1987	\$10.00	--	498	Not Incl. Tax
1988	\$10.00	0.0%		Not Incl. Tax
1989	\$10.00	0.0%		Not Incl. Tax
1990	\$10.00	0.0%		Not Incl. Tax
1991	\$10.00	0.0%		Not Incl. Tax
1992	\$13.80	38.0%	636	Not Incl. Tax
1993	\$13.80	0.0%		Not Incl. Tax
1994	\$13.80	0.0%		Not Incl. Tax
1995	\$13.80	0.0%		Not Incl. Tax
1996	\$13.80	0.0%		Not Incl. Tax
1997	\$13.80	0.0%		Not Incl. Tax
1998	\$13.80	0.0%		Not Incl. Tax
1999	\$13.80	0.0%		Not Incl. Tax
2000	\$13.80	0.0%		Not Incl. Tax
2001	\$13.80	0.0%		Not Incl. Tax
2002	\$15.94	15.5%	899	Not Incl. Tax
2003	\$18.16	13.9%	936	Incl. Tax
2004	\$18.16	0.0%		Incl. Tax
2005	\$18.16	0.0%		Incl. Tax
2006	\$19.06	5.0%	1024	Incl. Tax
2007	\$20.02	5.0%	1062	Incl. Tax
2008	\$22.02	10.0%	1119	Incl. Tax
2009	\$22.68	3.0%	1133	Incl. Tax
2010	\$24.94	10.0%	1178	Incl. Tax
2011	\$27.44	10.0%		Incl. Tax
2012	\$30.18	10.0%		Incl. Tax
2013	\$30.18	0.0%		Incl. Tax
2014	\$30.18	0.0%		Incl. Tax
2015	\$32.00	6.0%	1319	Not Incl. Tax
2016	\$33.92	6.0%		Not Incl. Tax
2017	\$35.60	5.0%		Not Incl. Tax
2018	\$37.38	5.0%		Not Incl. Tax
2019	\$38.88	4.0%		Not Incl. Tax
2020	\$40.44	4.0%		Not Incl. Tax
2021	\$40.44	0.0%		Not Incl. Tax
2022	\$40.44	0.0%		Not Incl. Tax
2023	\$42.46	5.0%	1503	Not Incl. Tax
2024	\$42.46	0.0%		Not Incl. Tax
2025	\$50.96	20.0%	1533	Not Incl. Tax
AVERAGE ADJUSTMENT PER YEAR =		4.6%		



Sewer Utility
Bi-Monthly Residential Base Rate History
1989 - 2024

Year	Base Rate	Percent Increase	Ordinance Number	Notes
1989	\$25.50	--	552	Not Incl. Tax, Min. Charge
1990	\$25.50	0.0%		Not Incl. Tax, Min. Charge
1991	\$25.50	0.0%		Not Incl. Tax, Min. Charge
1992	\$28.10	10.2%	637	Not Incl. Tax, Min. Charge
1993	\$28.10	0.0%		Not Incl. Tax, Min. Charge
1994	\$29.54	5.1%	661	Not Incl. Tax, Min. Charge
1995	\$29.54	0.0%		Not Incl. Tax, Min. Charge
1996	\$29.54	0.0%		Not Incl. Tax, Min. Charge
1997	\$31.00	4.9%	748	Not Incl. Tax, Min. Charge
1998	\$31.00	0.0%		Not Incl. Tax, Min. Charge
1999	\$32.56	5.0%	812	Not Incl. Tax, Min. Charge
2000	\$32.56	0.0%		Not Incl. Tax, Min. Charge
2001	\$32.56	0.0%		Not Incl. Tax, Min. Charge
2002	\$34.20	5.0%	900	Not Incl. Tax, Min. Charge
2003	\$32.34	--	935	Incl. Tax
2004	\$32.34	0.0%		Incl. Tax
2005	\$32.34	0.0%		Incl. Tax
2006	\$33.96	5.0%	1025	Incl. Tax
2007	\$37.36	10.0%	1063	Incl. Tax
2008	\$41.10	10.0%	1120	Incl. Tax
2009	\$47.26	15.0%	1134	Incl. Tax
2010	\$54.34	15.0%	1179	Incl. Tax
2011	\$63.58	17.0%		Incl. Tax
2012	\$69.94	10.0%		Incl. Tax
2013	\$69.94	0.0%		Incl. Tax
2014	\$69.94	0.0%		Incl. Tax
2015	\$67.14	4.5%	1320	Not Incl. Tax
2016	\$70.16	4.5%		Not Incl. Tax
2017	\$72.60	3.5%		Not Incl. Tax
2018	\$75.14	3.5%		Not Incl. Tax
2019	\$77.78	3.5%		Not Incl. Tax
2020	\$80.50	3.5%		Not Incl. Tax
2021	\$80.50	0.0%		Not Incl. Tax
2022	\$80.50	0.0%		Not Incl. Tax
2023	\$84.52	5.0%	1503	Not Incl. Tax
2024	\$84.52	0.0%		Not Incl. Tax
2025	\$89.60	6.0%	1533	Not Incl. Tax
AVERAGE ADJUSTMENT PER YEAR =		4.3%		



City of Gig Harbor Utility Rate Update



July 17, 2025



Agenda

- **Revenue Requirement:** Total amount of rate revenue needed to meet each utility's financial obligations, including capital, operating, and policy-driven commitments.
- Results will be the recommended across-the-board rate adjustment percentage.



Methodology



Key assumptions



Capital program & funding strategies



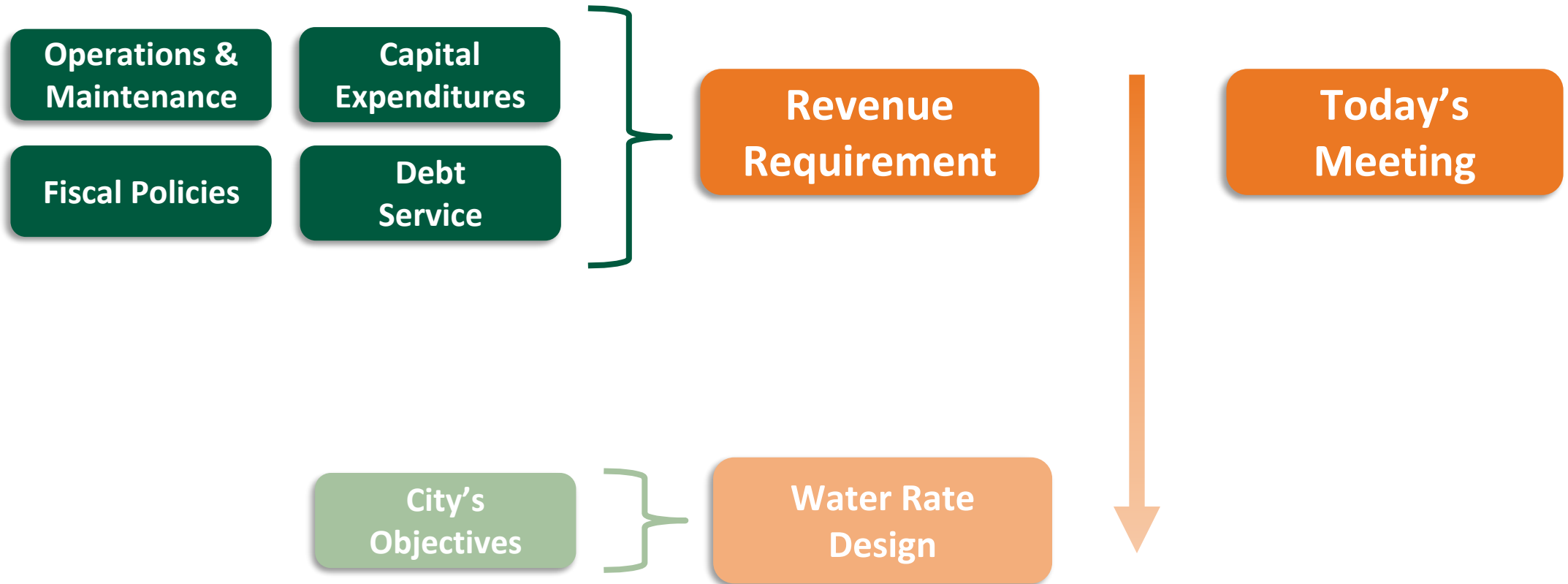
Revenue requirement forecast / scenarios



Feedback / tweaks welcome



Study Overview





Introduction to Ratemaking

- Rates are set to recover the cost of providing service

- Utility programs incur two primary types of costs

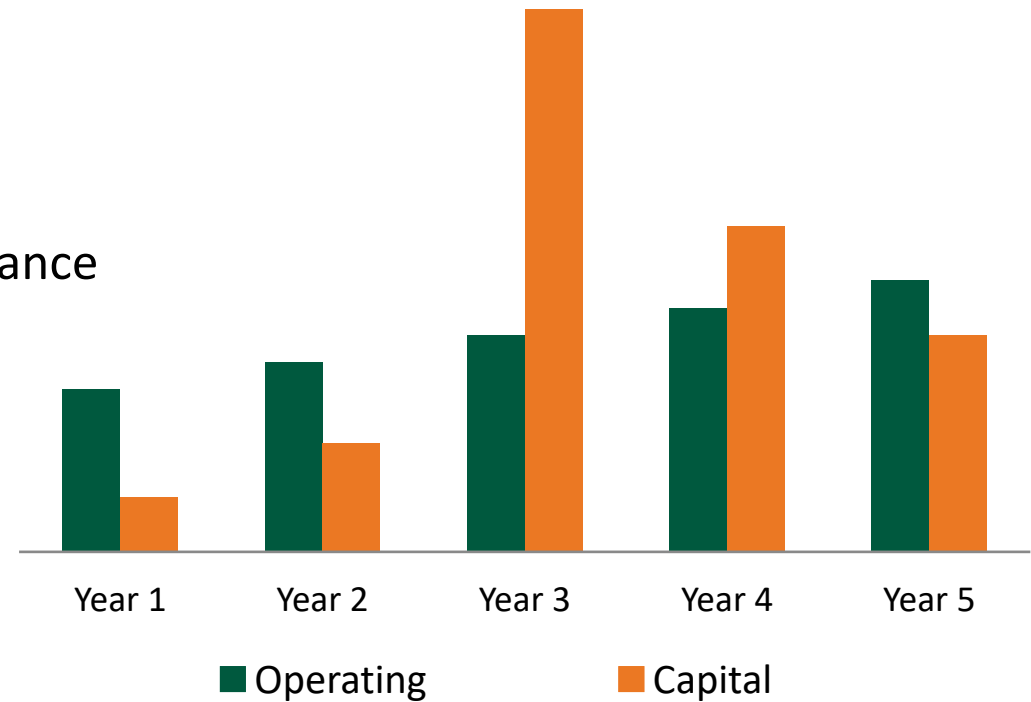
- **Operating costs (regular / ongoing)**

- » Employee salaries and benefits
- » Routine asset / equipment repair and maintenance
- » Supplies and materials
- » Regulatory compliance
- » Bill processing

- **Capital costs**

- » Repair and replacement
- » Capital improvement projects

EXAMPLE





Capital Funding Philosophy (after Outside Funding)



- **Cash (pay-as-you-go)**
 - » Higher near-term rates
 - » Existing customers pay 100% of costs



- **Debt**
 - » Lowest near-term rates...but interest cost
 - » Spreads cost between existing / future customers
 - » Execute projects sooner; reduce effects of inflation



- **Hybrid**
 - » Cash fund repair and replacement projects
 - » Debt fund large expansion projects



Financial Policies

Policy	Purpose	Policy Assumptions
Operating Reserve Minimum Balance	Accommodate variations in revenue & expenses.	60-90 days of annual budgeted expenses
Capital Reserve Minimum Balance	Used for emergency capital costs outside of typical contingency planning.	1% of the original cost of fixed assets (increases as capital is completed)
Debt Service Coverage	Compliance with existing debt covenants; Maintain credit worthiness	Target 1.5 to 2+ Typical legal minimum of 1.25



Economic & Financial Factors

Inflation Category	Annual Rate	Basis
General Cost	3.50%	10-year average of the Consumer Price Index for Urban Customers (West)
Construction Costs	3.50%	10-year average of the Engineering News-Record's 20-City Avg. CCI*
Labor Cost	4.00%	Set 0.50% higher than General Cost Inflation
Benefits Cost	5.00%	Set 1.00% higher than Labor Cost inflation
Account Growth	0.72%	Growth per Water System Plan (Table 3.1) – most conservative estimate
Investment Interest	4.70%	Most recent rate – modeled to decrease each year



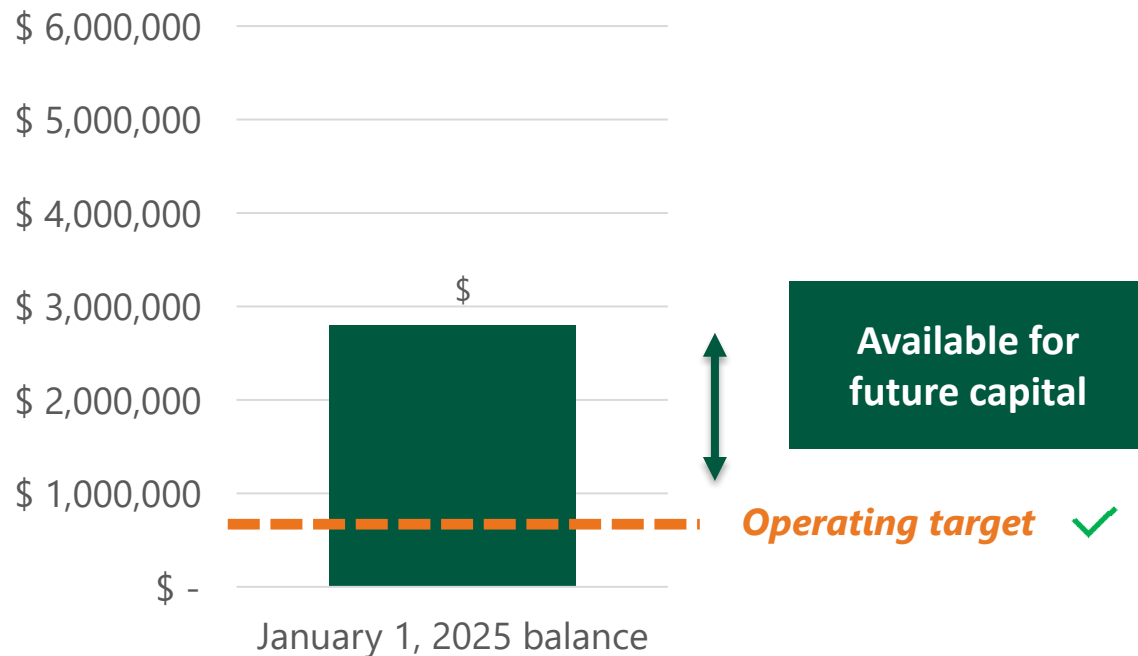
Water Revenue Requirement



Cash Balances – Water

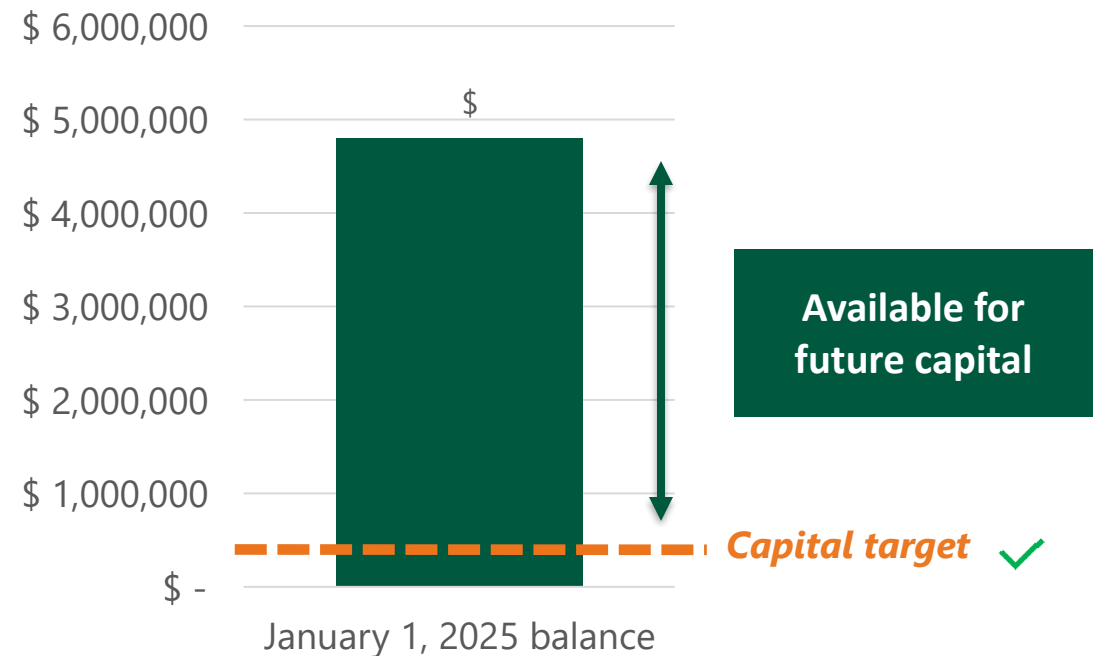
Water Operating Reserve

- Purpose: Working capital to meet daily operating and maintenance expenditures
- Target: 60 to 90 days of expenses (\$591,000 in 2025)



Water Capital Assets

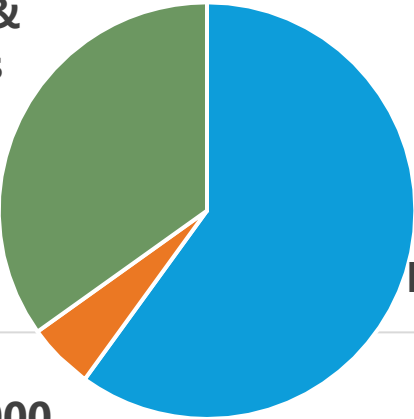
- Purpose: Emergency repairs, unanticipated capital, and project cost overruns
- Target: 1% of fixed assets (\$243,000 in 2025)





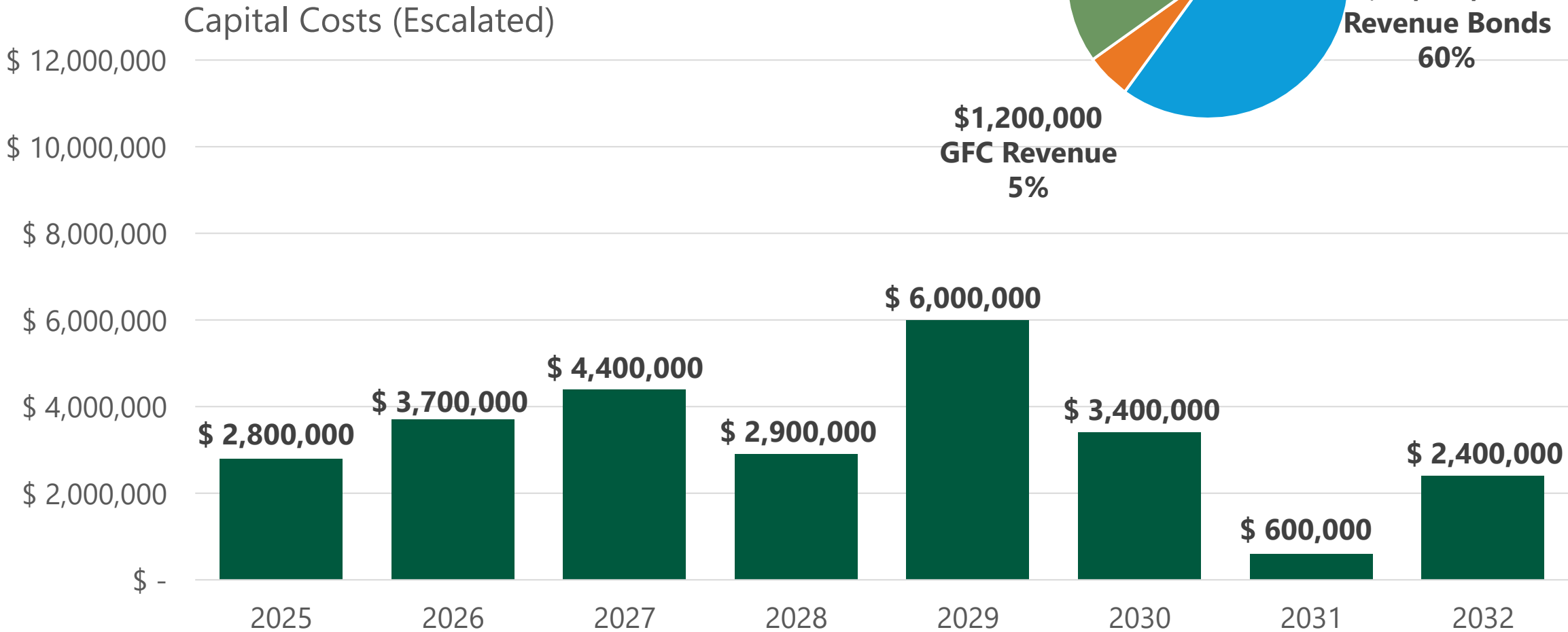
Capital Forecast – Water

Rate Revenue &
Fund Balances
35%



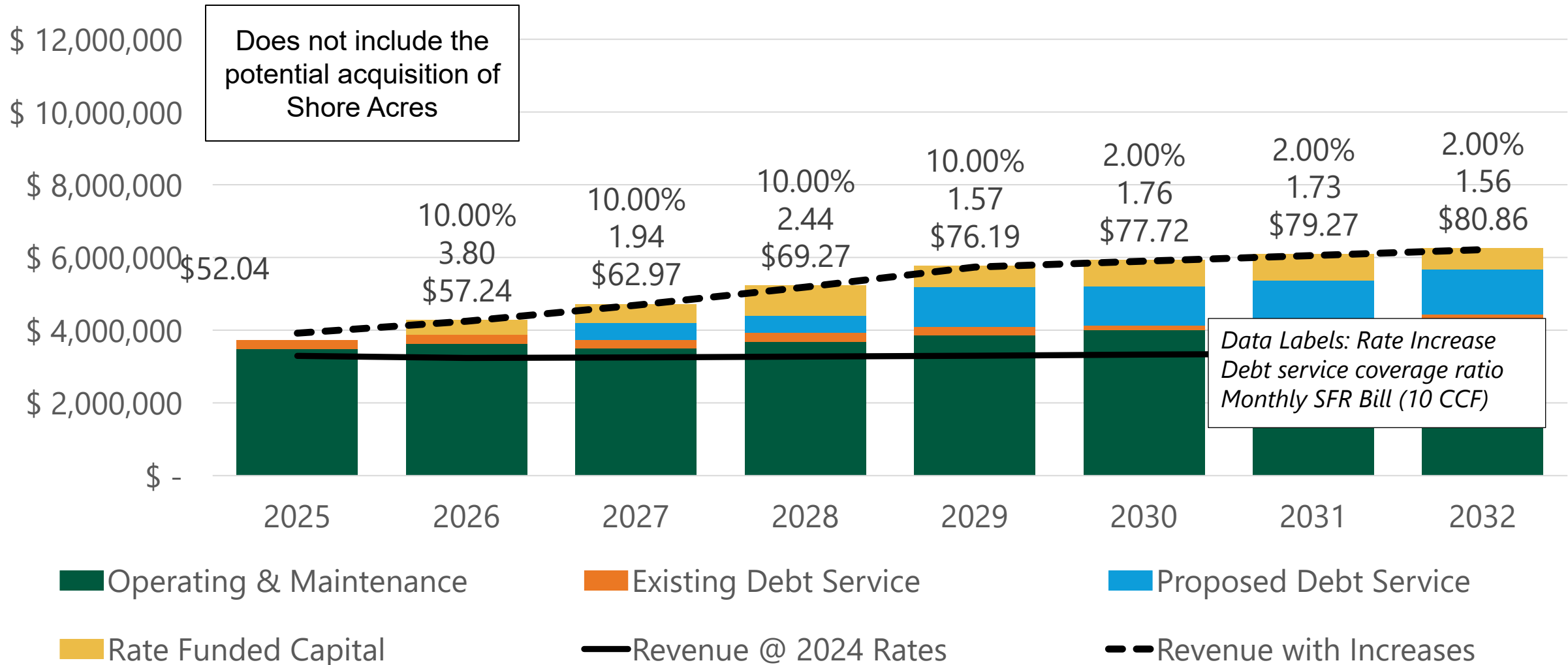
\$13,900,000
Revenue Bonds
60%

\$1,200,000
GFC Revenue
5%



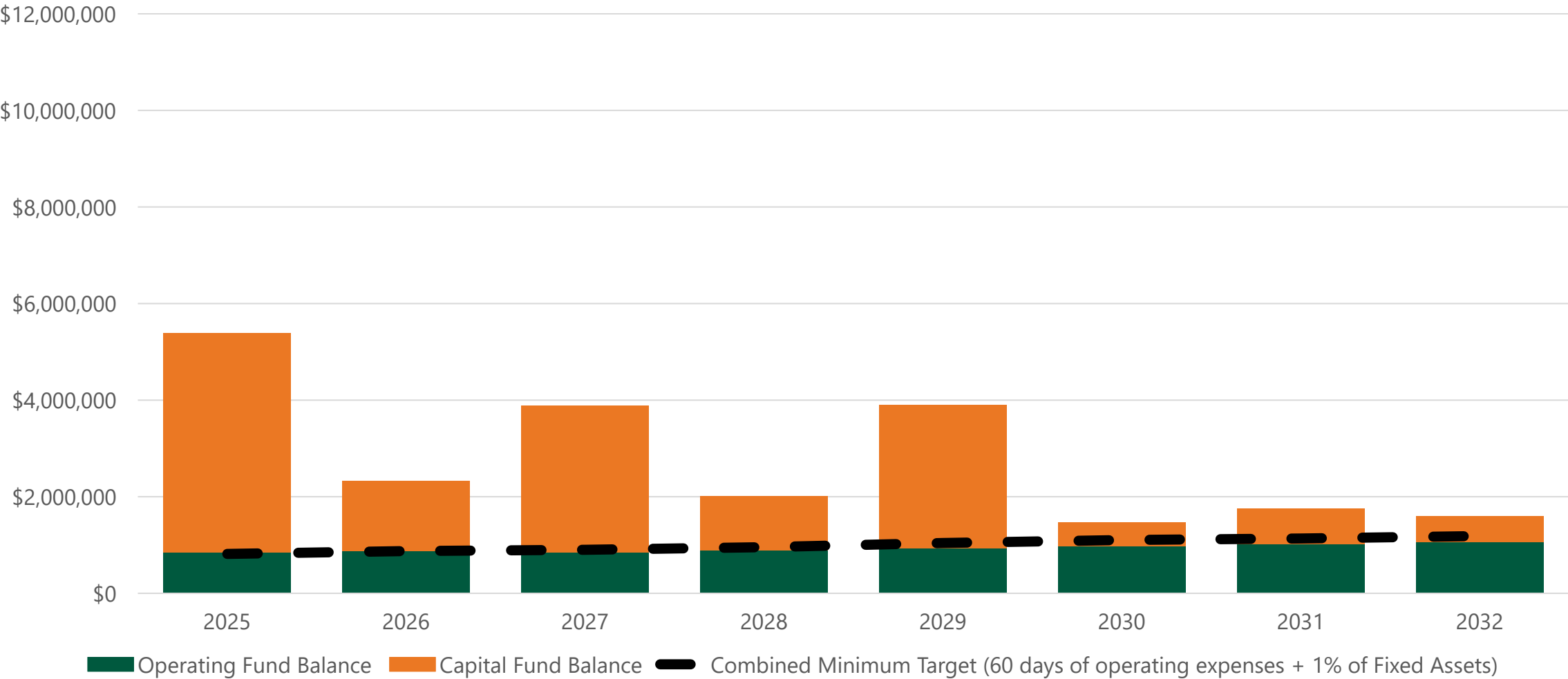


Revenue Requirement – Water



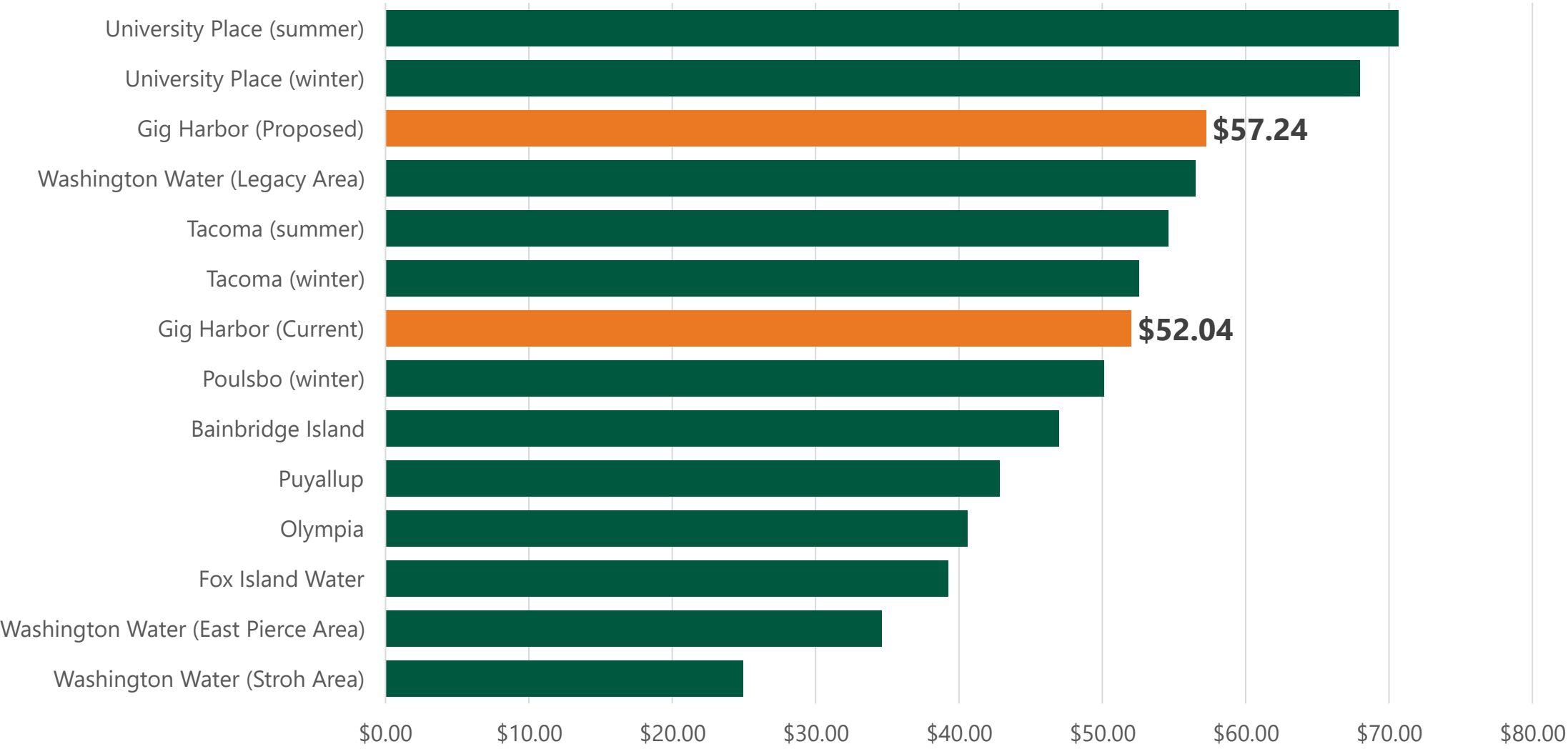


Fund Balances – Water





Monthly Water Bill Survey (SFR, 8 CCF)





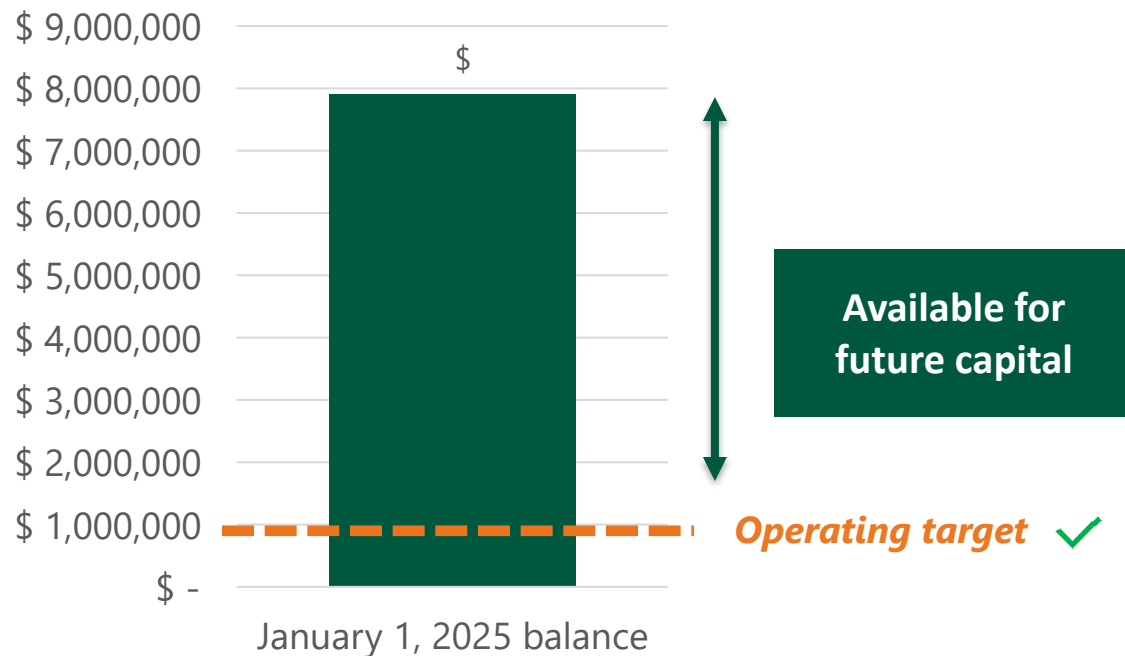
Sewer Revenue Requirement



Cash Balances – Sewer

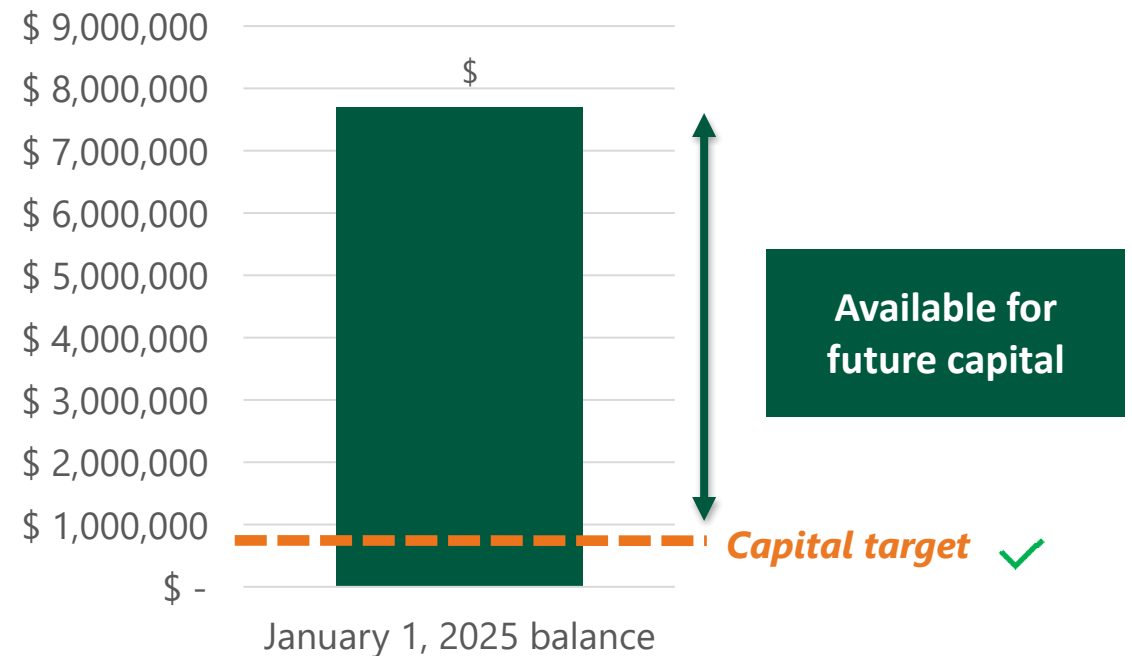
Sewer Operating Reserve

- Purpose: Working capital to meet daily operating and maintenance expenditures
- Target: 60 to 90 days of expenses (\$915,000 in 2025)



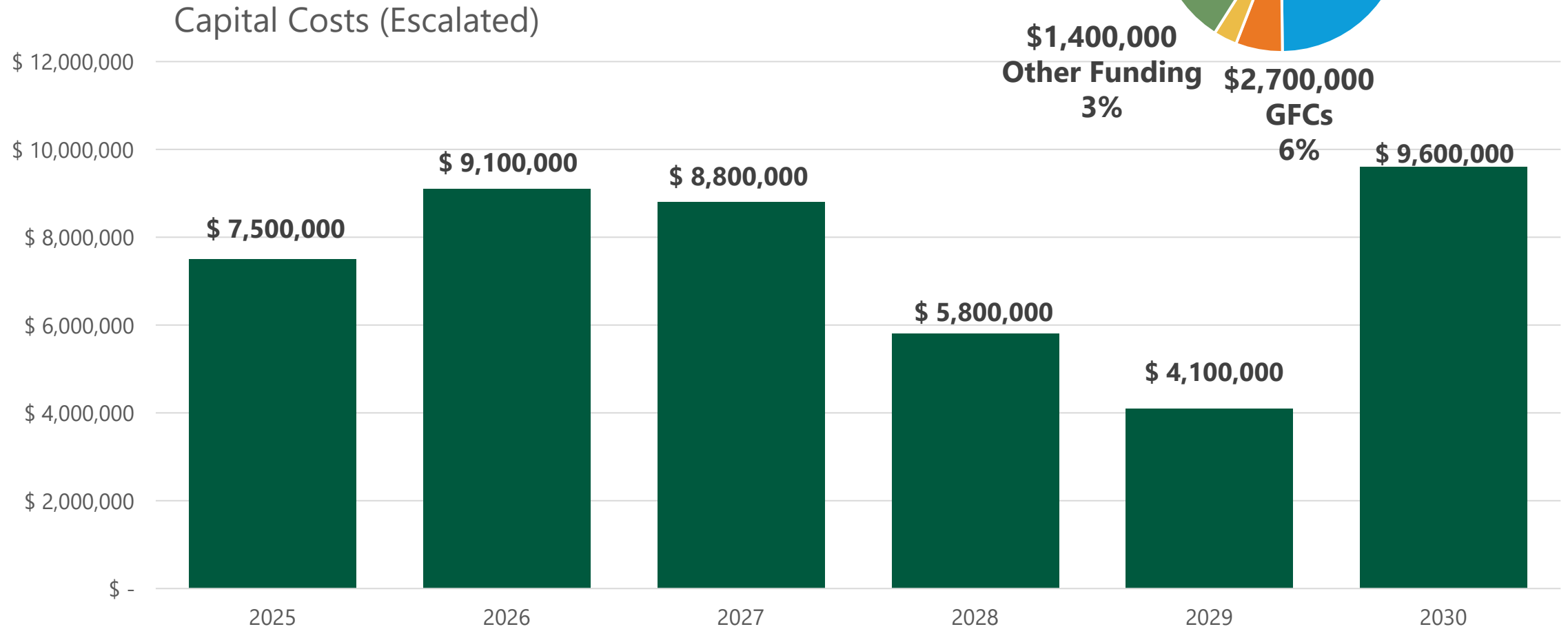
Sewer Capital Assets

- Purpose: Emergency repairs, unanticipated capital, and project cost overruns
- Target: 1% of fixed assets (\$799,000 in 2025)



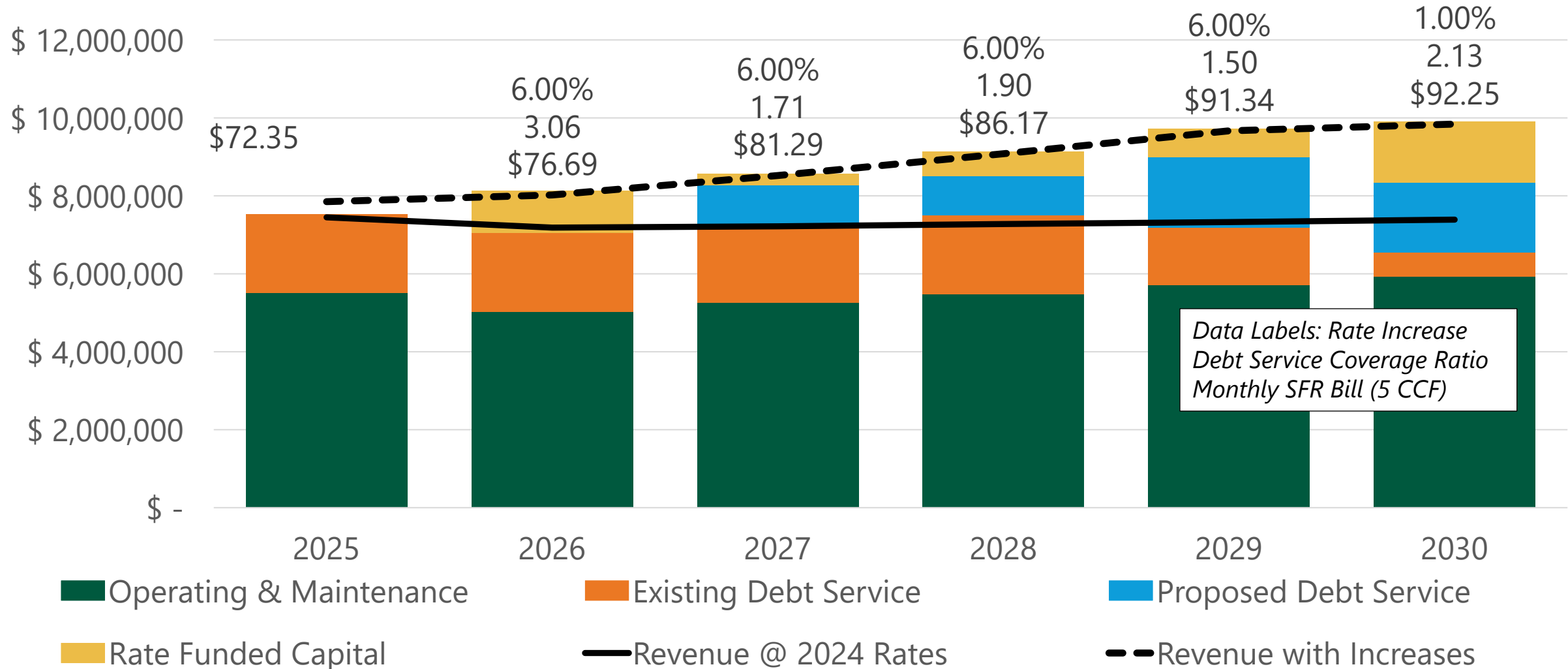


Capital Forecast – Sewer



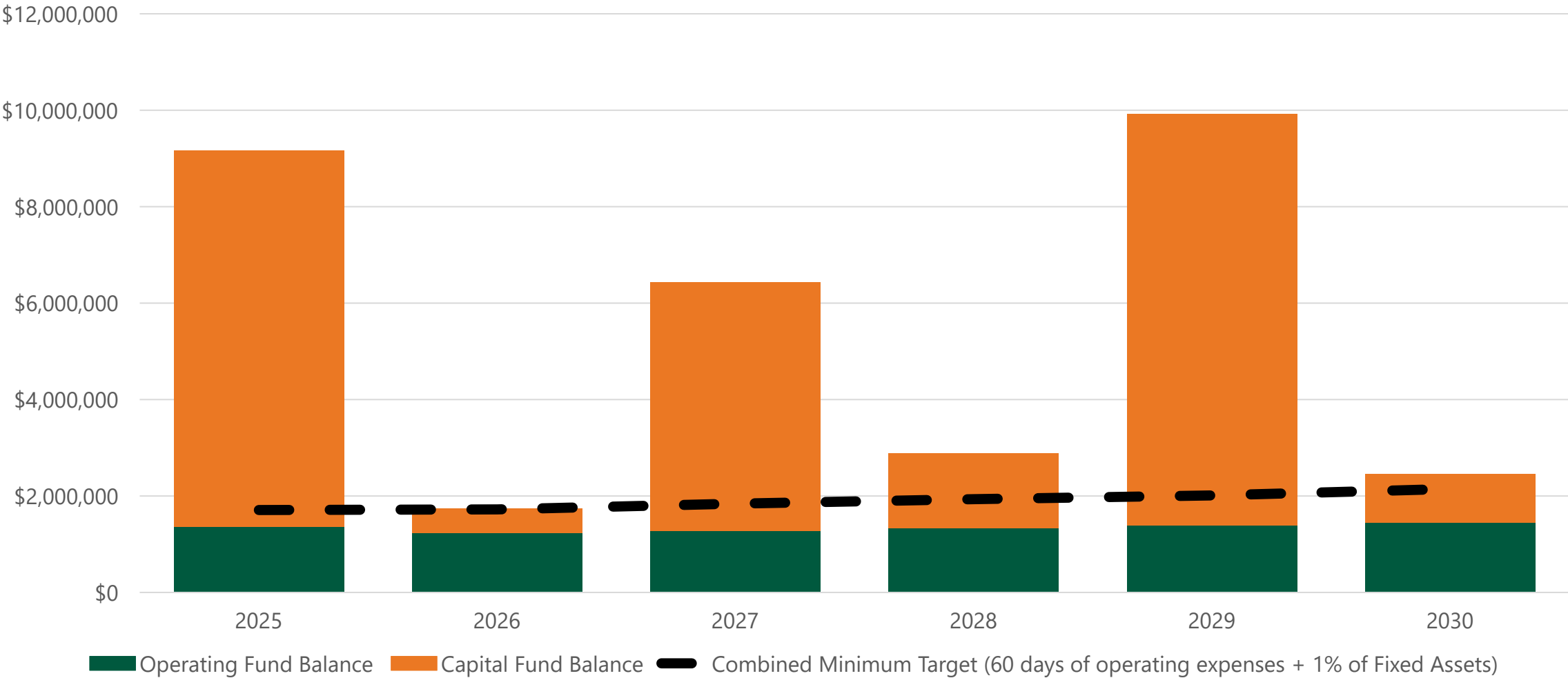


Revenue Requirement – Sewer



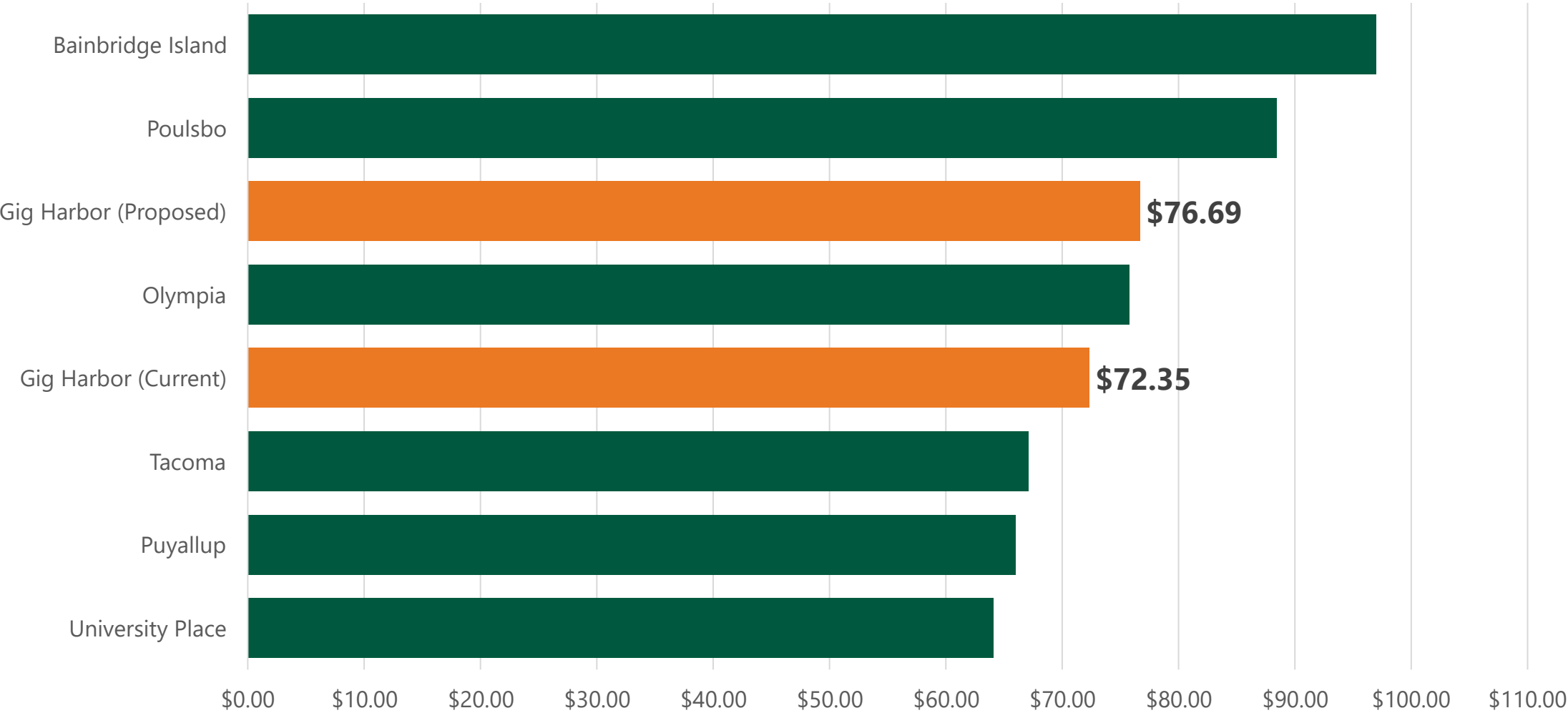


Fund Balances – Sewer





Monthly Sewer Bill Survey (SFR, 5 CCF)



The background of the slide is a grayscale photograph of a coastal landscape. In the foreground, there is a body of water with small, dark ripples. In the middle ground, a dark, silhouetted mountain range stretches across the horizon. The sky above is filled with soft, layered clouds, creating a moody and atmospheric scene. A large, dark green arrow-shaped graphic points from the left towards the right, serving as a backdrop for the title text.

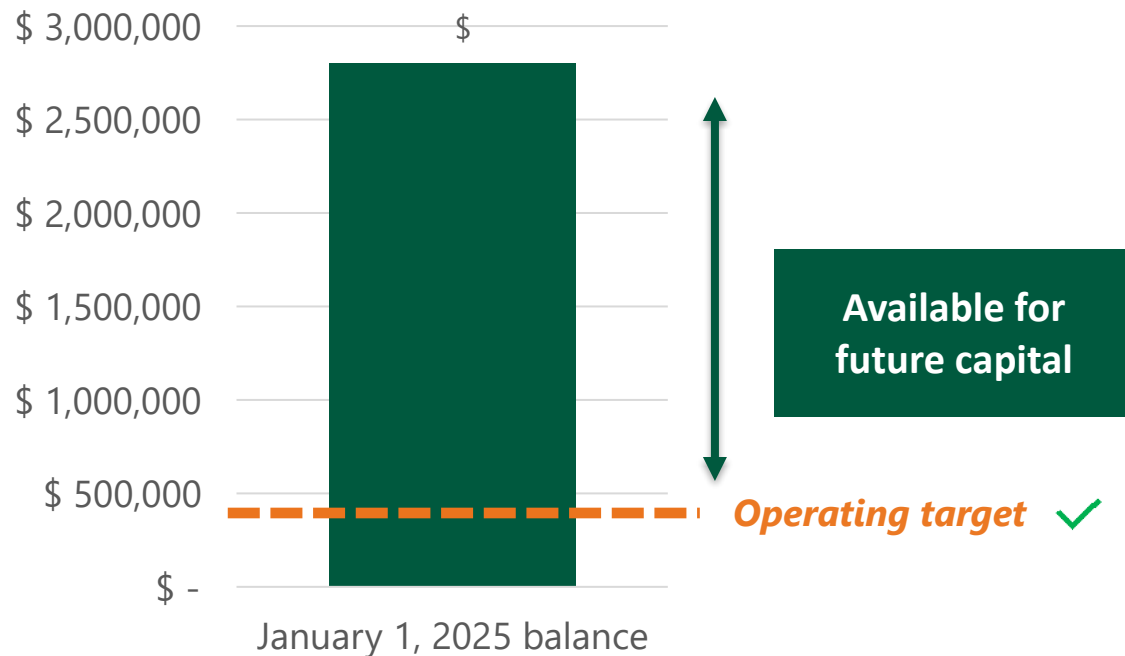
Stormwater Revenue Requirement



Cash Balances – Stormwater

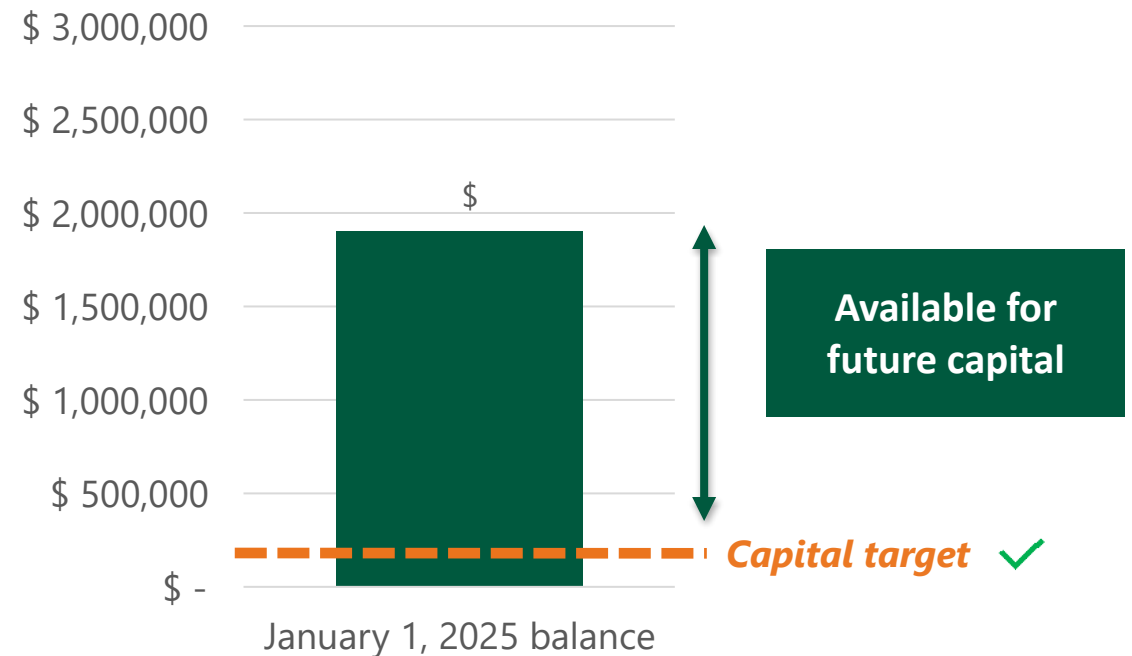
Sewer Operating Reserve

- Purpose: Working capital to meet daily operating and maintenance expenditures
- Target: 60 to 90 days of expenses (\$308,000 in 2025)



Sewer Capital Assets

- Purpose: Emergency repairs, unanticipated capital, and project cost overruns
- Target: 1% of fixed assets (\$82,000 in 2025)

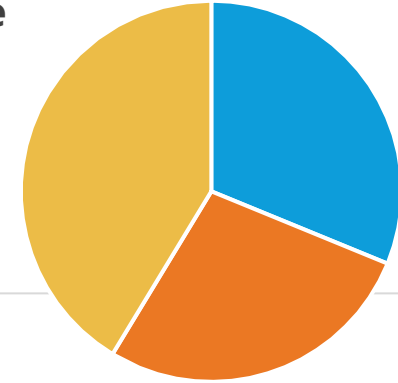




Capital Forecast – Stormwater

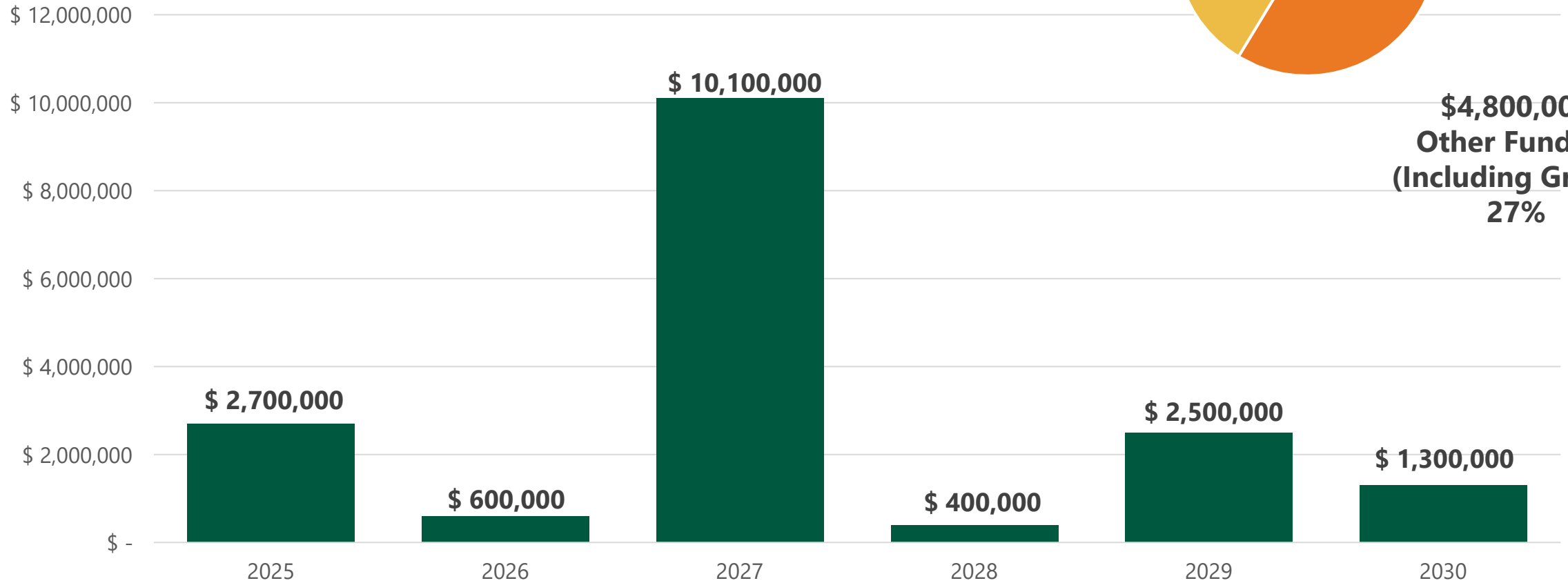
\$7,300,000
Rate Revenue
& Fund
Balances
41%

\$5,500,000
Revenue
Bonds
31%



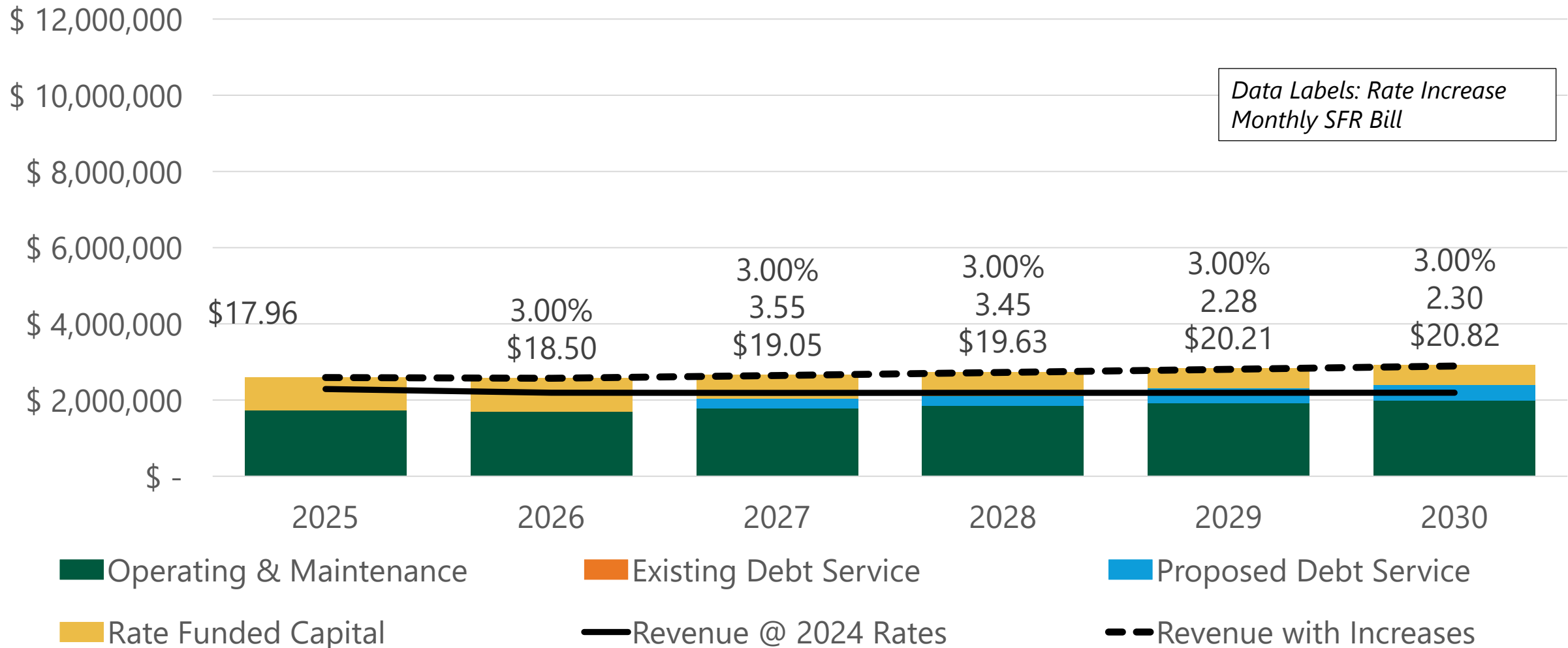
\$4,800,000
Other Funding
(Including Grants)
27%

Capital Costs (Escalated)



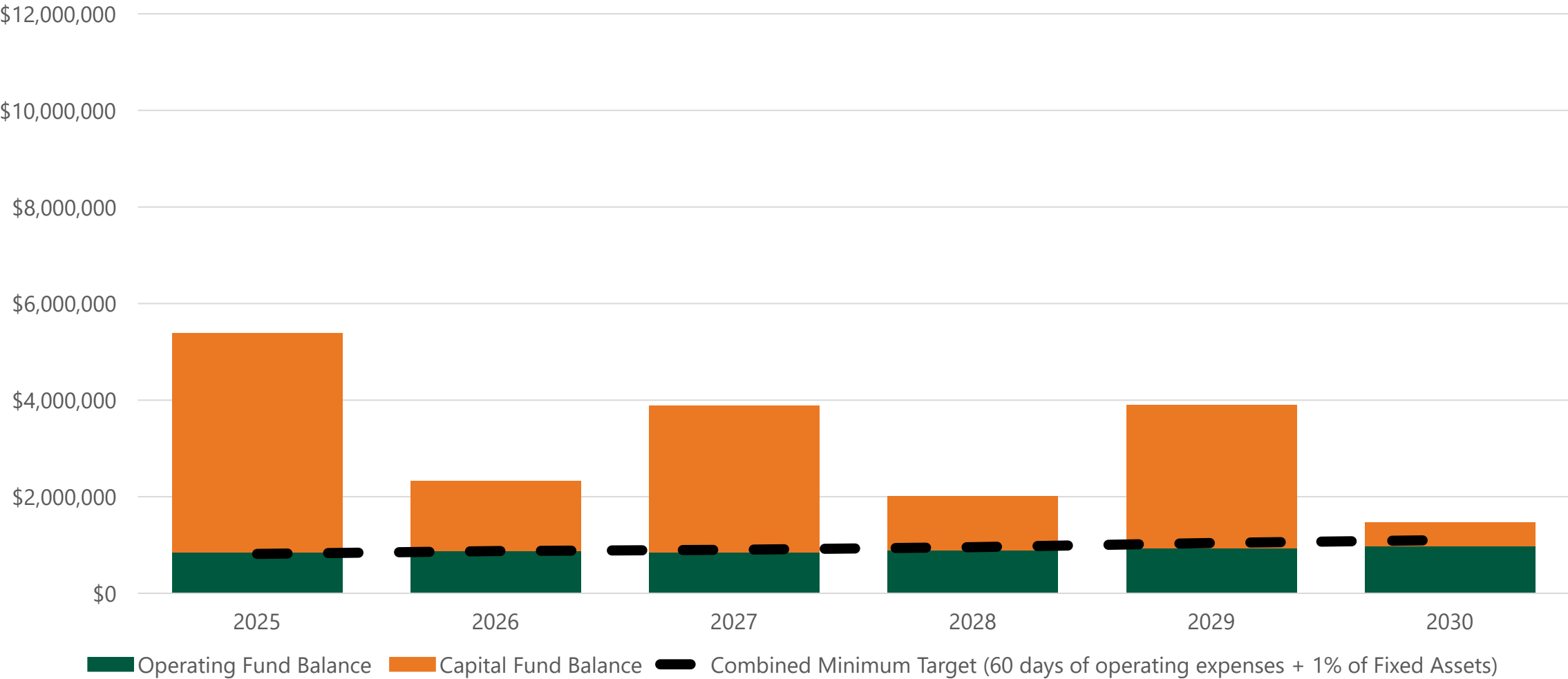


Revenue Requirement – Stormwater



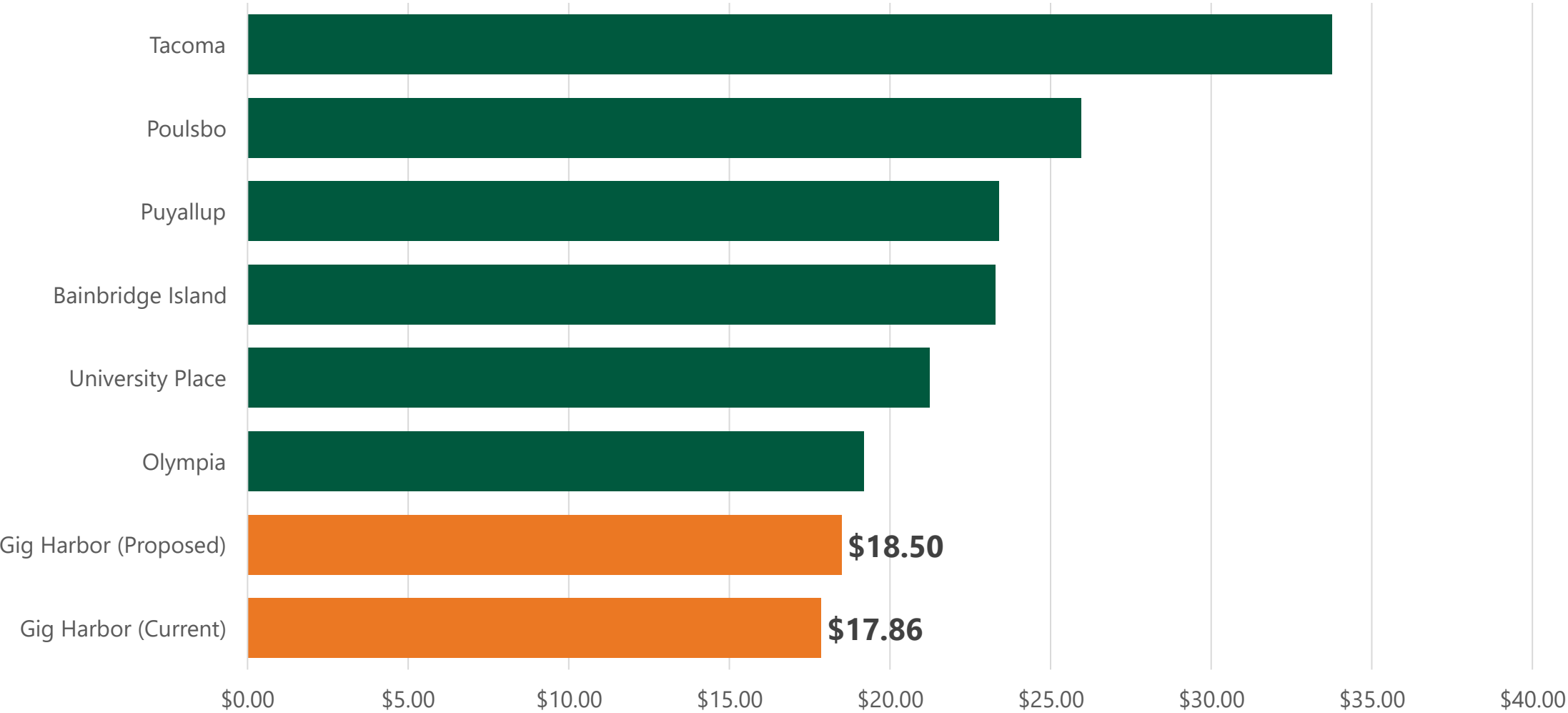


Fund Balances – Stormwater





Monthly Stormwater Bill Survey (One EDU)





Next Steps

- **Revise and/or prepare scenarios**
- **Water rate design alternatives**

Thank you!

Questions?

John Ghilarducci, Principal
(425) 336-1865
johng@fcsgroup.com

www.fcsgroup.com





**City of Gig Harbor
City Council Agenda Bill**

Meeting Date: July 17, 2025

SUBJECT: Council Guidelines Updates

SUBMITTED BY: City Clerk Josh Stecker

DEPARTMENT: Administration

PHONE: (253) 853-7613

SUGGESTED MOTION: None.

BACKGROUND INFORMATION: Council last reviewed and updated its guidelines and procedures in April 2024. Over the past year a few revisions have been proposed or recommended for council's consideration:

- Page 8: Defining meetings held at alternate locations as special meetings.
- Page 8: Requiring public comment to be accepted at study sessions.
- Page 10: Asking residents to provide their address or their connection to the issue they are commenting on.
- Page 12: Moving presentations to before the consent agenda at council meetings and limiting presentation time to 10 minutes.
- Page 31: Adding the communications manager to the recipient list of the mayorandcouncil email distribution.

Staff is looking for direction from council on these changes and other changes council may wish to propose. The updated guidelines will be adopted by council by resolution at a future council meeting.

FISCAL CONSIDERATION: N/A

ATTACHMENTS:

1. Council Guidelines Procedures - 2025 update

STRATEGIC PLAN PRIORITY: Strategic Plan Priority 1 - Foster a healthy city organization



CITY OF GIG HARBOR

COUNCIL GUIDELINES & PROCEDURES

REVISED ~~APRIL 8, 2024~~xxxxx

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ARTICLE 1 – PURPOSE & SCOPE

The City Council Guidelines & Procedures should be considered a means to an end, and not an end in themselves. If used well, guidelines of procedure will advance fundamental goals and principles. They will help council spend its time well and make good decisions on behalf of the community. The guidelines should not become the master and the primary focus for the meeting. The "horse" (the principles) should come before the "cart" (the guidelines).

These guidelines of procedure are adopted for the sole benefit of the members of the city council and the mayor to assist in the orderly conduct of council business. These guidelines of procedure do not grant rights or privileges to members of the public or third parties. Failure of the city council to adhere to these guidelines shall not result in any liability to the city, its officers, agents, and employees, nor shall failure to adhere to these guidelines result in invalidation of any council act. The city council may implicitly or by a majority vote determine to temporarily waive any of the guidelines. Council action taken in disregard or non-conformity with these guidelines shall be construed as an implicit waiver.

The purpose of this document is to state shared values and workflows that emulate to the Gig Harbor community that the city council is dedicated to service with civility, accountability, public confidence, and respect. The city council understands that in order for the city to run efficiently and transparently, there must be a set of rules and procedures that are regularly followed. The city council, by adoption of this document, seeks to inspire public confidence in the city government.

The city council has a responsibility to set the policies for the city. In doing so, certain types of conduct are beneficial while others are destructive. The city council is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all choose to serve in public office and, therefore, have the obligation to preserve and protect the well-being of the community and its citizens. In all cases, this common goal should be acknowledged, and the council must recognize that certain behavior is counterproductive, while other behavior will lead to success.

STATEMENT OF ETHICS

Gig Harbor city councilmembers shall:

- Be dedicated to the concepts of effective and democratic government.
- Affirm the dignity and worth of the services rendered by government and maintain a sense of social responsibility.
- Be dedicated to the highest ideals of honor and integrity in all public and personal relationships.
- Recognize that the chief function of local government at all times is to serve the best interest of all the people.

- Keep the community informed on municipal affairs and encourage communications between the citizens and all municipal officers.
- Emphasize friendly and courteous service to the public and each other; seek to improve the quality of public service and confidence of citizens.
- Seek no favor; do not personally benefit or profit by confidential information or by misuse of public resources.
- Conduct business of the city in a manner which is not only fair in fact, but also in appearance.

PUBLIC SERVICE AGREEMENTS

1. Disagreement and difference of opinion is an honored and respected feature of government in Gig Harbor. Councilmembers will acknowledge and respect other councilmembers' perspectives. In areas of disagreement with another councilmember, every attempt will be made to have a private conversation outside of a council meeting first.
2. Councilmembers will take special care to listen and hear other councilmembers' perspectives. Communication will be done respectfully, kindly, and directly. Councilmembers will refrain from directing disrespectful gestures and using intimidating behavior toward each other.
3. Public input is paramount to crafting City policy. Councilmembers will actively listen and seek to understand citizen feedback.
4. Councilmembers will base their decisions on facts, but reconsider decisions if changing circumstances warrant reconsideration.
5. Councilmembers will not seek out the media to vent feelings when on the losing end of a vote.
6. Councilmembers will not criticize those who voted against their position on issues.
7. Once the council has adopted a policy or an issue is passed/defeated by majority vote, remaining councilmembers will not work against the decision.
8. Once a vote has been taken on an issue, councilmembers will support the policy/vote of the council.
9. When asked about an issue that has been decided by the council, councilmembers will state the city council's position, and that they support the body's decision. If asked, councilmembers may give their individual views on the issue.

ADHERENCE TO GUIDELINES

Each councilmember shall have the duty and obligation to review these guidelines and procedures and be familiar with its provisions.

During city council discussions, deliberations, and proceedings, the mayor will be primarily responsible to ensure that the city council, staff, and members of the public adhere to the council's adopted guidelines and procedures.

Knowing and/or willful failure to adhere to the provisions of guidelines and procedures may subject a councilmember to enforcement and sanctions, as follows:

- 1) Prior to undertaking any further steps, a councilmember who believes that a failure to adhere to these guidelines and procedures has been committed by a fellow councilmember must first reach out individually to that councilmember and express their concern(s) and provide an opportunity for the offending councilmember to remedy the failure to adhere.
- 2) Upon determining that there is credible evidence that a councilmember has, or may have, engaged in knowing and/or willful action or omission that constitutes failure to adhere to the provisions of these guidelines and procedures, a councilmember may call upon the council to determine whether such knowing and/or willful action or omission has occurred, and the sanctions, if any, to be imposed. This conversation may be held in executive session in accordance with RCW 42.30.100(1)(f). However, upon the request of the councilmember against whom the complaint is brought, this conversation must be held in open session;
- 3) A majority of the city council shall vote on whether to hold a hearing to determine the existence of an act or omission constituting a failure to adhere to these guidelines and procedures and the sanctions, if any, that may be considered. If such hearing is approved by the council, the hearing shall be held at the time and place specified in the motion approving such hearing, no sooner than 12 days following approval of the motion.
- 4) Prior to conducting any hearing on an alleged failure to adhere to the provisions of these guidelines and procedures, the city administrator shall provide written notice to the councilmember alleged to have engaged in such failure to adhere to these guidelines and procedures at least ten calendar days prior to the hearing. The written notice shall identify the specific provisions of these guidelines with which the councilmember is alleged to have failed to adhere and the facts supporting such allegation, as presented by the councilmember(s) calling for the hearing.
- 5) At such hearing, council shall determine whether there is sufficient evidence indicating that a councilmember has knowingly and/or willfully acted or failed to act in a manner constituting a failure to adhere to the provisions of these guidelines and procedures. The councilmember alleged to have failed to adhere to the provisions of these guidelines and procedures shall have the right to present evidence and testimony. A finding of the existence of such knowing and/or willful failure to adhere shall be determined by motion approved by a majority of the city council plus one.
- 6) Upon finding that a knowing and/or willful failure to adhere to the provisions of these guidelines and procedures has occurred, the city council shall proceed to determine whether the sanctions, if any, should be imposed. Appropriate sanctions may include, but are not limited to, the following:
 - i. public censure by resolution of the city council

- ii. removal of appointment to community boards, committees, or commissions; and
- iii. removal of appointment to council boards or committees

ARTICLE 2 – CITY COUNCIL MEETINGS

2.1 City Council Meetings Defined

A city council meeting is any meeting comprised of four or more councilmembers where city business is conducted. All city council meetings are subject to all provisions of the Open Public Meetings Act (OPMA).

Types of city council meetings include:

- **Regular and Official Meetings** – The city council meets in regular session on the second and fourth Mondays of each month at 5:30 p.m., as established in GHMC Chapter 2.04. In the event any of the regular and official meeting days fall upon a legal holiday, the regular and official meeting day shall be on the Tuesday following the second and fourth Monday of each month. During the months of August and December, the mayor is directed to cancel the second regular meeting of the month, unless the mayor or city council determines that it is necessary to hold these meetings to conduct essential city business.
- **Special Meetings** – Special meetings are any meetings which are not regular and official city council meetings and may be called by the mayor or a majority of council. Council may take final action on items published on the agenda of a Special Meeting. Any meeting held at a location other than the Gig Harbor Civic Center is a special meeting.
- **Study Sessions** – Study sessions provide council with the opportunity to discuss and explore issues before moving the matter to a regular and official meeting for final action. Council may direct the mayor to direct staff by motion or consensus at study sessions, but council may not take final action on any matters. In order to encourage discussion, study sessions are intended to be less formal in nature than regular meetings. It is appropriate for councilmembers to address each other informally during these meetings while still maintaining civility and decorum. Public comment will be accepted at the beginning of each study session on agenda items only, consistent with the Section 2.3 of these guidelines.
- **Council Retreats** – Annually, or as needed, council may hold retreats to discuss work plans and visioning for future action. Similar to study sessions, council may direct the mayor to direct staff by motion or consensus, but council may not take final action on any matters.
- **Workshops** – Workshops are utilized to provide training or procedural guidance to council on the role and function of council and other city governance matters.
- **Emergency Meetings** – An emergency meeting may be called without noticing requirements. An emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage when time requirements of a 24-hour notice would make notice impractical and increase the likelihood of such injury or damage.

Emergency meetings may be called by the mayor or a majority of council. The minutes will indicate the reason for the emergency.

- **Remote Meetings** – Any of the preceding meetings may be designated as a remote meeting during a state of emergency declared by the city, state, or federal government at the discretion of the mayor, or by a quorum of the city council if allowed by law. A remote meeting is a meeting of the city council during which a quorum or more of councilmembers appear or attend entirely by phone, the internet, or via other electronic means that allow real-time verbal communication during which all participants are simultaneously able to hear each other. Final action may be taken during remote meetings. Remote meetings are subject to all requirements of the Open Public Meetings Act. The public shall be provided with access and notice for all meetings as required by the Open Public Meetings Act.

At all council meetings, a majority of the council shall constitute a quorum for the transaction of business.

All city meetings will be broadcast live using the Zoom meetings platform (or another similar platform at the discretion of the city clerk) to allow residents to attend the meetings remotely. Public comment will be accepted by remote attendees at the appropriate portions of the meeting as defined in these guidelines.

Councilmembers and the mayor may appear at a council meeting by remote connection. Councilmembers intending to attend a meeting remotely should notify the mayor and city clerk in advance of the meeting. In instances when the mayor is remotely attending a meeting, the mayor will still function as the presiding officer. These remote attendance guidelines do not apply to remote meetings as defined above.

The city clerk or assistant city clerk shall attend all council meetings. If the city clerk and the assistant city clerk are absent from any council meeting, the city administrator shall appoint a clerk for that meeting.

Any city employee shall attend a city council meeting when requested by the mayor or city administrator for clarification or explanation of agenda items.

2.2 Rules of Order

All city council meetings shall be guided by the most recent edition of *Robert's Rules of Order*, as published by Scott, Foresman and Company. A quick reference chart of the most common "Rules of Order" questions is attached as **Exhibit A**. The city clerk shall act as parliamentarian during all meetings of the city council.

The mayor shall be addressed as "Mayor (surname)." Councilmembers shall be addressed as "Councilmember (surname)."

Councilmembers should speak to the issues in a civil manner, respecting the viewpoints of others, and focus on the issue at hand, sharing their own motives and reasons for supporting or not supporting an item for discussion in a polite manner towards each other and the public. Respect should be shown to present and past councilmembers, the mayor, and staff. If a motion is on the table, councilmember comments should speak to the motion. If an amendment to a motion is on the table, councilmember comments should speak only to the amendment.

The purpose of council discussion is to make known a councilmember's stance on a particular issue. Councilmembers should not use their comments in an attempt to debate their fellow councilmembers. Comments should be concise, succinct, and to the point. Rather than repeating other councilmembers' comments, councilmembers should simply express agreement with prior comments. Councilmembers may call a "point of order" if another councilmember persists in providing comment that is not germane to the issue.

Councilmembers may not email, text, or call anyone during a council meeting, except in an emergency. Councilmembers may not record or broadcast council meetings, aside from the city's authorized recording.

Councilmembers shall be seated in a manner acceptable to council. If there is a dispute, the council will decide by vote.

2.3 Public Comment

The city council desires to allow a maximum opportunity for public comment. However, the business of the city must proceed in an orderly, timely manner. The purpose of a council meeting is to conduct the city's business.

The city council will accept oral public comments at its regular and official council meetings and study sessions. Oral comments may be made in person or by remote connection using the Zoom (or similar) meetings platform. All persons giving oral public comment will be asked to state their name and ~~whether or not they reside within Gig Harbor city limits~~address and/or their connection to the issue they are commenting about. Oral comments are not accepted at all other city council meetings, unless specifically noticed on the agenda for the meeting.

The city council will accept written comments on all agenda items when sent to mayorandcouncil@gigharborwa.gov.

During regular meetings, speakers will be allotted 3 minutes per individual, unless revised by the mayor. The mayor may allocate 5 minutes to speakers speaking on behalf of groups in attendance at the meeting.

In-person comments shall be made from the microphone. No in-person comments shall be made from any other location, and anyone making “out of order” comments may be subject to removal from the meeting.

All remarks shall be addressed to the council as a body and not to any specific councilmember. The City Council requests that all speakers be courteous in their language and deportment and not engage in discussion or comment on personalities or indulge in derogatory remarks or insinuations with regard to any councilmember, the mayor, or any member of the staff or the public.

There will be no demonstrations during or at the conclusion of any public comment. These guidelines are intended to promote an orderly system for holding a public meeting, to give every person an opportunity to be heard, and to ensure that no individuals are embarrassed by voicing their opinions.

2.4 Role of the Mayor in Council Meetings

It shall be the duty of the mayor to:

- Call the meeting to order.
- Call the roll of councilmember attendance.
- Keep the meeting to its order of business.
- Control discussion in an orderly manner.
- Give every councilmember who wishes an opportunity to speak when recognized.
- Permit audience participation at the appropriate times.
- Require all speakers to speak to the question and to observe the rules of order.
- State each motion before it is voted upon.
- Put motions to a vote and announce the outcome.
- Decide all questions of order, subject to the right of appeal to the council by any councilmember.
- Attend all council meetings. In the event that the mayor is unable to attend a council meeting, the mayor pro tempore shall preside. In the event that both mayor and mayor pro tempore are unable to attend, council may pick a member to preside for that meeting.

The mayor has the authority to preserve order at all meetings of the council, to cause removal of any person from any meeting for disorderly conduct, and to enforce these guidelines. The mayor may command assistance of any peace officer to enforce all lawful orders of the mayor to restore order at any meeting.

The mayor shall have the authority to interpret and determine the application of these guidelines to any particular situation occurring during the course of that meeting, subject to an appeal and second by a councilmember, which places the matter before the full council.

2.5 City Council Regular Business Meeting Agendas

Consistent with Gig Harbor Municipal Code Chapter 2.04.030, the agenda for regular business meetings of the council shall be set by the mayor and city administrator. Any one of the city's elected officials may place an item on the agenda as long as the item is submitted to the city administrator a minimum of five working days prior to the council meeting. Other parties desiring to place an item on the agenda shall submit the item to the city administrator or mayor at least five calendar days prior to the council meetings. The city administrator and the mayor shall solely determine whether items submitted by other parties shall appear on any city council agenda.

The accepted order of business for the regular business meetings of the council shall be transacted as follows. The city administrator or mayor may rearrange items on the agenda to conduct the business before the council more expeditiously.

I. CALL TO ORDER / ROLL CALL

The mayor (or mayor pro tempore in the absence of the mayor) shall call to order the meeting of each city council meeting. The mayor shall call the names of each councilmember who will respond in the affirmative if present.

Councilmembers not present at roll call of a meeting shall be declared "excused" (if an acceptable reason for the absence was provided in advance of the meeting) or "absent" by the mayor. Council may reverse the mayor's declaration by a majority vote. Councilmembers arriving late to the meeting shall be recorded as "present" at the meeting with their arrival time noted in the minutes.

II. PLEDGE OF ALLEGIANCE

The mayor shall lead the council, staff, and all others present in reciting the pledge of allegiance at the beginning of each regular business meeting.

III. LAND ACKNOWLEDGMENT

At the beginning of each regular business meeting of the city council, the mayor shall read the following land acknowledgment: "Before we begin this council meeting we would like to recognize that we are gathered on not only the ancestral and traditional lands of the s̓x̓wəbəc̓ band of the Puyallup Tribe of Indians, but also on the site of one of the largest and longest standing historic villages of their people, the original inhabitants of the Gig Harbor area."

IV. CHANGES TO THE AGENDA

Councilmembers or the mayor may make suggested changes to the agenda. Councilmembers wishing to bring up new items for discussion

should do so at this time. Changes to the agenda will be approved by a majority vote of the council.

V. PRESENTATIONS

This portion of the meeting is reserved for presentations from individuals or organizations outside of city government. Presentations will be added to the agenda at the discretion of the mayor and city administrator or at the request of individual councilmembers.

Presentations should strive to be no longer than 1510 minutes in length, not including questions from council.

- VI. PUBLIC COMMENT ON CONSENT AGENDA ITEMS** Public comment on consent agenda items shall be accepted in accordance with Section 2.3 of these guidelines. Speakers at all times must confine their remarks to those facts which are germane and relevant, as determined by the mayor, to the matters included within the consent agenda.

VII. CONSENT AGENDA

Each agenda shall include a “consent agenda” in the order of business. When the city administrator and mayor determine that any item of business requires action by the council, but is of a routine and noncontroversial nature, they may cause such item to be presented at a regular meeting of the council as part of the consent agenda.

The reference material for all matters listed within the consent agenda shall be distributed to each member of the city council for their review prior to the meeting. Matters on such consent agenda shall be considered to be routine and may be enacted by a single motion of the council with no separate discussion unless removed from the consent agenda as hereinafter provided.

If separate discussion of any consent agenda item is desired, that item may be removed from the consent agenda at the request of any individual councilmember. At the conclusion of passage of the consent agenda, those items removed at the request of any individual councilmember shall either be discussed and acted upon before proceeding to the next item of business on the agenda or shall be set to a later position on the agenda for that meeting.

Approval of the motion to approve the consent agenda shall be fully equivalent to approval, adoption, or enactment of each motion, resolution, or other item of business thereon, exactly as if each had been acted upon individually.

~~VIII. PRESENTATIONS~~

~~This portion of the meeting is reserved for presentations from individuals or organizations outside of city government. Presentations will be added to the agenda at the discretion of the mayor and city administrator or at the request of individual councilmembers.~~

~~Presentations should strive to be no longer than 15 minutes in length, not including questions from council.~~

IX. MAYOR'S REPORT

X. CITY ADMINISTRATOR'S REPORT

XI. BUSINESS ITEMS

The sequence of steps for considering business items shall be:

- a) Staff report
- b) Clarifying questions from council
- c) Public comment
- d) Council deliberation and action

Public comment will be allowed on all business agenda items unless the matter was previously considered under a formal public hearing and the hearing has been closed, or if the matter is governed by ordinance or statute that prohibits the receipt of public comment.

Public comment on business items shall be accepted in accordance with Section 2.3 of these guidelines. Speakers at all times must confine their remarks to those facts which are germane and relevant, as determined by the mayor, to the questions or matter under discussion.

Councilmembers should refrain from making motions until the step for council deliberation and action, after taking public comment.

XII. STAFF REPORTS

This portion of the meeting is reserved for presentations from city staff only. Staff reports will be added to the agenda at the request of staff and/or at the discretion of the mayor and city administrator, or at the request of individual councilmembers. Actions taken during this portion of the meeting should be limited to providing guidance and direction to the mayor to direct staff.

XIII. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Public comment on items not on the agenda shall be accepted in accordance with Section 2.3 of these guidelines.

During public comment, the mayor may recognize any councilmember or city staff for the limited purpose of providing a brief response, comment, or summary of expected action. No debate of the merits of the item should occur at this time. Any councilmember may indicate that he or she desires to discuss the matter further under Councilmember Reports & Comments.

XIV. COUNCILMEMBER REPORTS & COMMENTS

This portion of the meeting is reserved for reports from the council committee chairs and other general comments from councilmembers. This portion of the meeting is the time for councilmembers to introduce new items for consideration. Councilmembers may bring up suggestions and ideas and, with majority of council concurrence, may direct the mayor to direct staff to analyze and prepare a brief report on the issue.

XV. ANNOUNCEMENT OF UPCOMING MEETINGS

A list of upcoming meetings with proposed agenda items shall be included in each packet along with the city council's strategic plan.

XVI. EXECUTIVE SESSION

The council may hold executive sessions from which the public may be excluded, for those purposes set forth in RCW 42.30.110.

Before convening an executive session, the mayor shall announce the purpose of the session, the anticipated time when the session will be concluded, and if any business or action is anticipated to be conducted by council after the executive session. Should the executive session require more time, a public announcement shall be made that the executive session is being extended.

Councilmembers must keep confidential all written materials and verbal information provided to them during executive session, to ensure that the city's position is not compromised. Confidentiality also includes information provided to councilmembers outside executive session when the information is considered to be exempt from disclosure under state law. State statute prohibits both the disclosure of confidential information and its use for personal gain or benefit.

If the council, in executive session, has given direction or consensus to city staff on proposed terms and conditions for any type of issue, all contact with the other party shall be done by the designated city staff representative handling the issue. Prior to discussing the information with anyone other than fellow councilmembers, the city attorney, or city staff designated by the city administrator, councilmembers should review such potential discussion with the city administrator. Any councilmember having such contact or discussion shall make full disclosure to the city administrator and/or the city council in a timely manner.

XVII. ADJOURN

Meetings shall be adjourned by a motion, second, and majority vote of the council.

2.6 Voting

Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any councilmember, a roll call vote shall be taken by the mayor.

The passage of any ordinance, grant, or revocation of franchise or license, any resolution for the payment of money, and any approval of warrants shall require the affirmative vote of at least a majority of the whole membership of the council.

The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity or violence of nature or riot or insurrection or war, and provisions for a lesser emergency, such as a budget amendment, shall require the affirmative vote of at least a majority plus one of the whole membership of the council.

The passage of any motion or resolution shall require the affirmative vote of at least a majority of the membership of the council who are present and eligible to vote, unless otherwise required by provisions of state law, the Gig Harbor Municipal Code, or these guidelines.

In the situation where the city attorney states that a councilmember's participation would violate, or appears to be violating, the appearance of fairness doctrine by failure to recuse, a super majority (majority plus one of members present) of the nonaffected councilmembers may vote to require the affected member not to participate in a particular proceeding and, if so, the affected councilmember's vote shall not be counted and the affected councilmember shall not participate in the proceeding.

Councilmembers who are board members with an outside agency that is being considered for funding with the city may not put a motion forward or vote on the motion. If a councilmember could secure special privileges or exemptions for himself, herself, or others from a particular council discussion and/or action, that councilmember must recuse himself or herself from voting on that issue.

A motion by a councilmember to "call the question" allows a vote on the pending motion to immediately take place. Prior to the vote on the motion to call the question, the Mayor will inform council of the number of councilmembers still waiting to speak.

All votes on final actions taken by the city council will be recorded in the city council vote tracker posted on the city's website.

2.7 Enacted Ordinances, Resolutions and Motions

An enacted ordinance is a legislative act prescribing general, uniform, and permanent rules or regulations relating to the operation and corporate affairs of the municipality. Council action shall be taken by ordinance when required by law, or where such conduct is enforced by penalty.

An enacted resolution is an administrative act, which is a formal statement of policy concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired.

An enacted motion is a form of action taken by the council to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law, and where such motion is not in conflict with existing state or federal statutes, city ordinances, resolutions, or these guidelines.

On occasion, council may give direction or express its intention by consensus. Consensus is achieved when a direction is provided and receives stated approval with no objections raised by councilmembers. To avoid ambiguity that can arise from consensus decision-making, and to provide staff with concise directions, council should formalize their intent by motion whenever possible.

2.8 Reconsideration

Any action of the council shall be subject to a motion to reconsider. Reconsideration can be requested only by motion of a member of the prevailing side of the original motion. A motion to reconsider must be made at the next regular meeting after the meeting in which the original motion was considered. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter shall be added to the agenda of the next regular meeting.

2.9 Meeting Packets

The city clerk shall prepare the meeting packet for all council meetings containing the agenda, all reports of council committees, all documentary materials upon which council action is to be taken, and copies of all minutes to be approved. The agenda and packet shall be published on the City's website before 5:00 p.m. five calendar days before the meeting date. Items may be revised or added to the agenda after publication, subject to the mayor's discretion. Presentation materials (i.e., PowerPoint files) will be added to the online meeting packet as soon as they are available in advance of the meeting.

Councilmembers and affected staff should read the agenda material and ask clarification questions prior to the council meeting, when possible. Printed copies

of the meeting packet will be provided to the mayor, councilmembers, and staff upon request.

2.10 Minutes

Minutes of city council meetings shall be recorded and signed by the city clerk or their designee. Minutes of city council business meetings shall be approved by council at the subsequent regular business meeting. Minutes of city council study sessions and council committees shall be submitted to council as part of the consent agenda at a subsequent regular business meeting.

In order to maximize personnel resources in a cost-effective and efficient manner, and to preserve an accurate and concise record, minutes of all city meetings shall be recorded as “action minutes” and shall include the following:

- Name of the body.
- Date, hour, and place of the meeting.
- The names of members in attendance and members absent. If a member arrives late or departs before adjournment, the minutes should reflect the time of arrival and/or departure at that point in the minutes.
- Whether it is a regular, adjourned, or special meeting.
- Time the meeting commenced. Time of meeting recess (if any).
- Topics of business.
- Actions taken on each business item.
- Record of motions and votes.
- Direction given to staff by general consensus.
- Oral communications/public comment need only reference the name of the person, subject matter addressed, and direction given from council (if any).
- Adjournment time and, if applicable, whether the meeting was adjourned to another time prior to the next regular meeting.
- Signature block for the city clerk.

ARTICLE 3 – COUNCIL COMMITTEES

3.1 Council Committees Defined

Council may form *ad hoc* committees to address specific issues as needed.

Each council committee shall have a designated staff person assigned by the city administrator who will assist the committee with scheduling meetings, preparing packet materials, and taking action minutes of the meetings.

3.2 Committee Meetings

All council committee meetings shall be subject to all provisions of the OPMA. Committees shall meet during regular working hours unless an emergency exists. Meeting agendas shall be posted five calendar days prior to the committee meeting unless an emergency exists.

It shall be the right and responsibility of each department head to make their position known to the council committee on each matter for council action affecting the department referred to the committee.

3.3 Duties of the Chair

Each council committee shall have an elected chair. The chair of the respective Council Committees shall have the following responsibilities:

- Schedule and attend meetings of the committee, which shall be open to members of the public.
- Determine the need to cancel a scheduled committee meeting.
- Determine the need to call a meeting of the committee.
- Work with other committee members, the mayor, and city staff to develop the agenda for each meeting.
- Ensure that the committee adheres to the defined scope of business for that committee.
- Determine the appropriateness of accepting public comment during committee meetings.

3.4 Actions Taken by the Committees

The chief duty of council committees is to take up matters referred to them by the city council. Motions made at a committee meeting should be phrased as recommendations to council on specific actions to be taken.

Council committees do not have the authority to take action on behalf of council. Council committees may not direct the mayor or staff. Council committees may make recommendations to the mayor on administrative actions within the scope of the committee, but these recommendations should be informal; the mayor is not obligated to adhere to these recommendations. Council committees cannot terminate an action or request by staff or the public. They can only provide council a recommendation on the topic.

ARTICLE 4 – MAYOR PRO TEMPORE

4.1 Appointment

Pursuant to RCW 35A.12.065 and consistent with GHMC Chapter 2.14, annually at the second regular business meeting in January, council shall elect from their number a mayor pro tempore who shall hold office at the pleasure of council. Council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. The mayor pro tempore shall have such powers and authority, in the absence or temporary disability of the mayor, as specified in these guidelines.

4.2 Authority

The mayor pro tempore shall have authority to preside over meetings of council, sign warrants and written contracts, and perform other administrative duties of the mayor, but only for such period of time as the mayor is absent or temporarily disabled, as defined herein, and only to the extent necessary for the efficient conduct of the business of the city.

The mayor pro tempore shall have the authority to act as the mayor in the mayor's absence only when the mayor is away and cannot perform duties that cannot await their return or that cannot be performed by telephone or other type of communications link. The authority of the mayor pro tempore to act under authority of these guidelines shall end upon the mayor's return or the removal of any temporary disability. The mayor pro tempore shall not delegate the authority herein granted to another city official.

The mayor pro tempore shall not in any case have the authority to appoint or remove city officers and employees, to veto ordinances, to adopt or repeal administrative procedures, or to reorganize the administration of the city.

4.3 Absence or Temporary Disability of the Mayor Defined

For purposes of these guidelines, the "absence or temporary disability of the mayor" shall mean that due to absence or illness, the mayor is unable to perform the regular duties of their office. In application of the foregoing definition, the following shall apply:

- The mayor shall not be deemed temporarily disabled if, due to illness, he or she is unable to perform some of the duties, such as attending a council meeting, if he or she is able to perform other duties of the office on an ongoing basis.
- During such times as city offices are closed, the mayor pro tempore shall have authority to act in the mayor's absence only with respect to such emergencies that require the mayor's presence.

4.4 Mayor's Salary for the Mayor Pro Tempore During Extended Absence or Disability of the Mayor

The mayor pro tempore shall not receive the mayor's salary during the extended absence or disability of the mayor, provided, the council may by ordinance provide for such compensation for the mayor pro tempore.

ARTICLE 5 – ADVISORY BOARDS, COMMISSIONS, & COMMITTEES

5.1 Purpose and Application

The purpose of this section is to establish general provisions applicable to all Advisory Boards. The provisions of this article govern advisory boards unless otherwise specifically provided by ordinance, motion, or resolution of the city council, or as may be required by state law.

An “advisory board” means any board, committee, or commission created by the city council to give advice on subjects and perform such other functions as prescribed by the city council. Advisory boards also include task forces, informal committees, or working groups formed by city council resolution for short periods of time or for specific tasks.

The City of Gig Harbor’s advisory boards are fundamental to encouraging the use of citizen talent and interest in affairs of the city. Our residents have enjoyed a long tradition of participation in city government. Through representation on boards and commissions, Gig Harbor residents are offered an important avenue to help create effective and equitable policies. Resident involvement contributes to the success of government and the quality of life enjoyed by everyone in the community.

5.2 Formation of Advisory Boards

All standing advisory boards shall be established in the Gig Harbor Municipal Code. Current standing advisory boards include:

- Arts Commission
- Civil Service Commission
- Design Review Board
- Historic Preservation Commission
- Lodging Tax Advisory Committee
- Parks Commission
- Planning Commission
- Salary Commission

Council may also create *ad hoc* advisory boards, such as blue ribbon work groups and task force groups, by resolution. Such advisory boards are subject to the same provisions of this article.

5.3 Scope of Work

Each advisory board, when it is formed, will have a specific statement of purpose and function, which will be re-examined periodically by the city council to determine its effectiveness. This statement of purpose, as well as other information regarding duties and responsibilities, will be made available to all members when appointed.

The city council may determine any specific guidelines or tasks to be referred to the advisory board by motion or resolution.

Each advisory board may develop an annual work plan, within the jurisdiction and area of responsibility assigned to the board in the Gig Harbor Municipal Code. All work plans must be approved by the city council and carried out under the direction of the mayor.

5.4 Membership and Residency Requirements

The number of members and any specific qualifications of each standing advisory board shall be set forth in the Gig Harbor Municipal Code.

Unless otherwise specifically provided in the Gig Harbor Municipal Code, or as may be required by state law, each person at the time of nomination, and continuing uninterrupted thereafter while serving on an advisory board, shall be a resident of the greater Gig Harbor area within Pierce County (west of the Tacoma Narrows Bridge and east of the Purdy Bridge). Persons living outside of the greater Gig Harbor area may be appointed to an advisory board if they work full-time within Gig Harbor city limits in a position which qualifies them for appointment (i.e. lodging tax collectors or receivers or design review professionals).

5.5 Appointment Process

Appointments to Advisory Boards shall be made by the mayor as specified in the Gig Harbor Municipal Code.

The city clerk shall be responsible for recruiting applicants for advisory board vacancies. Upcoming vacancies will be noticed on the city's website and through various other outreach methods, as appropriate. The city clerk will establish an application form and application deadlines to facilitate timely appointment of candidates.

All interested candidates must submit an advisory board application on the city's website to be eligible for consideration. Current members seeking reappointment are required to submit an application.

Following selection for appointment by the mayor, candidates will be introduced to council at a study session. Candidates shall be deemed appointed and shall commence service after confirmation by the city council on the consent agenda of a regular city council meeting.

5.6 Appointment Terms

Each appointee shall be assigned a specific numbered position on each Advisory Board. Each confirmation motion by the council shall include an ending date and term for the position to which the person is appointed and such information shall be entered into the council minutes.

Unless otherwise specified in the Gig Harbor Municipal Code or by state law, all appointment terms shall be for a period of three years.

At the expiration of a member's term, the member may hold over and continue to serve as a member until the member or a successor is appointed and confirmed by the council.

5.7 Vacancies

Vacancies shall be filled for the unexpired term in the same manner as the original appointment. Membership vacancies shall be filled for the unexpired term.

Any member may be removed by the mayor, if, in the mayor's determination, that removal is in the best interest of the city. Removal should not occur for disagreement with an official recommendation of the board or its members. The mayor may also remove any member who has violated the provisions of these guidelines or the Gig Harbor Municipal Code. The mayor may also remove members who have three or more consecutive unexcused absences from regular advisory board meetings.

5.8 Expectations of Advisory Board Members

It is imperative that board members recognize they are in a critical position to shape and influence board decisions and actions. It is important that each member keeps informed and up to date on issues and statutes affecting their board.

Regular attendance is essential so that decisions will represent the opinions of the board as a whole. In addition, regular attendance enables board members to keep abreast of board concerns and helps ensure that issues are examined from a variety of perspectives. A person may forfeit their position on the board as a result of poor attendance.

Effective board members will:

- Attend all board meetings and be well prepared for meetings.
- Recognize that serving the public interest is the top priority.
- Recognize that the board must operate in an open and public manner.
- Be knowledgeable about the legislative process and issues affecting the board.
- Examine all available evidence before making a judgment.
- Communicate well and participate in group discussions.
- Remain aware that authority to act is granted to the board as a whole, not to individual members.
- Exhibit a willingness to work with the group in making decisions.
- Recognize that compromise may be necessary to reach consensus.

- Prioritize equity and inclusivity by ensuring that personal feelings or biases towards fellow board members or staff do not impede their ability to make fair and unbiased decisions.
- Positively promote the mission, vision, and values of the city and the board.
- Continuously exemplify the city's commitment to fostering an inclusive culture that embraces diversity and promotes equity for all.
- Treat every individual with a commitment to respect, courtesy, thoughtfulness, and genuine appreciation for the unique experiences and perspectives each person brings, recognizing and valuing their diverse identities and backgrounds.

If a member is unable to complete their term, they should inform the City Clerk's Office and the staff liaison for the board. An email or letter of resignation should be sent to the City Clerk indicating the date the resignation is effective and whether the member is able to serve until a replacement is named.

5.9 Chair and Vice Chair - Identification and Election

Each advisory board shall elect from its membership a presiding officer who shall be referred to as chair, and such officer shall serve for one year. Each advisory board shall also elect from its membership a vice chair who shall perform the duties of the chair in the absence of the chair, and such officer shall serve for one year. Elections should be held at the first regular meeting of each year.

The Chair shall:

- Work with staff liaison to prepare agendas
- Preside at all meetings
- Call the meeting to order at the scheduled time
- Verify the presence of a quorum
- "Process" all motions (state the motion prior to discussion, restate the motion just prior to the vote, announce the result of the vote)
- Facilitate meetings by staying on track and adhering to time constraints
- Rule on any points of order using Roberts Rules of Order as guidance
- Conduct the meeting in a fair and equitable manner
- Maintain neutrality to facilitate debate
- Serve as official representative of the commission or designate another commissioner

The Vice Chair shall:

- In the absence of the chair, assume the role of the chair
- Preside at any meeting where the chair is absent
- Work in partnership with the chair

5.10 Quorums, Transacting Business

A majority of the appointed members of the advisory board shall constitute a quorum for the transaction of business. An affirmative vote of the majority of a quorum in attendance at any meeting shall be necessary to transact business or carry any proposition.

5.11 Conflicts of Interest

If any members of an advisory board conclude that they have a conflict of interest or an appearance of fairness problem with respect to a matter pending before the advisory board so that they cannot discharge their duties on such an advisory board, they shall disqualify themselves from participating in the deliberations and the decision-making process with respect to the matter.

5.12 Liaisons and Representatives

The mayor shall designate a staff person to function as the primary support person for each advisory board. The designated staff person will serve as the liaison between the Advisory board and the city council, other advisory boards, and city staff. The designated staff liaison may request the assistance of the chair or vice chair in relaying advisory board matters to other bodies.

The primary function of the staff liaison is to carry out the rules, policies, and programs developed by the board. In addition, staff members notify board members of pertinent issues and legislative activity. They also arrange meetings, prepare meeting materials, compile background information, and conduct research.

5.13 Procedures, Records, and Minutes

Rules of order not specified by statute, ordinance, or council resolution shall be guided by the principles of Robert's Rules of Order. Advisory boards should not allow strict adherence to Roberts Rules of Order to impede the board in conducting its business.

The city clerk shall provide for the taking of action minutes, as defined in Section 2.10 of these guidelines, and maintaining the records of all regular and special meetings.

5.14 Meetings

Each advisory board shall hold regular public meetings at such times and places as determined by the advisory board with the concurrence of the mayor. All meetings of an advisory board shall be subject to all requirements of the Open Public Meetings Act (OPMA). All members of governing bodies must complete OPMA training. Training must be completed within 90 days of assuming duties.

Advisory boards are required to take oral public comment at each of their regular meetings. Oral comments may be made in person or by remote connection using

the Zoom (or similar) meetings platform. Comments are subject to a 3-minute time limit and the other provisions of Section 2.3 of these guidelines.

Advisory Boards may request special meetings to deal with specific matters. Special meetings may only be held with the consent of the mayor.

5.15 Subcommittees

Advisory boards may form subcommittees to address specific tasks or issues assigned to an advisory board. All subcommittees must be approved by the mayor and all meetings of subcommittees are subject to the Open Public Meetings Act.

5.16 Communications with City Council

Expressions of an advisory board's position, recommendation, or request for any action shall be in the form of a motion or other written communication, setting forth the reasons, facts, policies, and/or findings of the body supporting the communication, and shall be directed to the city council. Such communications shall be conveyed to council by the staff liaison designated to support the advisory board. Staff liaisons shall regularly report to the city council on board activities.

Advisory board members are appointed by the city council on the basis of their expertise or passion for the subject matter of each advisory board. As such, councilmembers should not attempt to influence or persuade advisory board members on matters referred to the advisory board. Councilmembers should not attend advisory board meetings in person in order to not unduly influence advisory board deliberations.

Similarly, advisory board members should not reach out individually to councilmembers to seek direction or guidance. Communications between the city council and an advisory board should be conducted through the designated staff liaison for each advisory board.

5.17 Communications with the Public

In general, advisory board communication with the public should be restricted to the staff liaison assigned to each advisory board. Members should not represent themselves as advisory board members unless they have specifically been directed to do so by the advisory board in consultation with the staff liaison.

5.18 Communications with Other Advisory Board Members

Advisory board members should not communicate directly with other members of the same advisory board on official advisory board business outside of their meetings. Such communications should be directed toward staff liaisons who can inform other board members as necessary in advance of the next meeting.

Communications between individual board members can easily lead to “serial meetings” which violate the Open Public Meetings Act. A serial meeting occurs when a majority of members have a series of smaller gatherings or communications that results in a majority of the body collectively discussing board matters, even if a majority is never part of any one communication.

5.19 Lobbying Efforts

Advisory boards shall not lobby on legislative or political matters unless specifically directed or authorized to do so by the city council or the mayor. A member of the advisory board is not authorized to speak for the board, unless the board has expressly authorized the member’s communication and no board member is authorized to speak on behalf of the city. An individual member is free to voice a position, oral or written, on any issue as long as it is made clear that the member is not speaking as a representative of the city or as a member of an advisory board.

5.20 Compensation and Reimbursement of Expenses

Members of advisory boards shall serve without compensation. Members shall be reimbursed for authorized travel expenses incidental to that service, which are authorized in advance by the mayor.

ARTICLE 6 – COUNCILMEMBER COMMUNICATIONS

6.1 General Communications

All city-related correspondence from councilmembers should come from the councilmember's city-assigned email account. Personal email accounts and texting from personal phones shall not be used when communicating with each other, staff, or residents on city business. If personal devices are used for city business or contain city records, those personal devices may need to be searched in order to fully respond to public records requests and may eventually be subpoenaed as evidence in public records disclosure cases. Further, any city document contained on a personal device must be retained according to the State prescribed retention schedules.

6.2 Communications with Other Councilmembers

When communicating with each other outside of city council meetings, councilmembers should be mindful of avoiding creating a serial meeting in violation of the Open Public Meetings Act (OPMA). It is important to remember that serial meetings are not limited to simple email chains. They can be created by a combination of personal conversations, text messages, emails, or other forms of communication.

Emails sent to the entire council should be strictly *informational* in nature. Opinions should be withheld from emails and should be shared during a noticed public meeting. Once one councilmember has stated their opinion on a group email, all other councilmembers are thereafter prevented from stating their own opinions on the matter via email. The spirit of the OPMA is that councilmembers should express their ideas and opinions openly and transparently in a public meeting. City council meetings and study sessions are the appropriate time to make known opinions and discuss ideas amongst council.

6.3 Communications with the Public

Councilmembers are free to discuss their ideas and opinions with residents. When stating an opinion or preference, councilmembers should be clear that they are not speaking on behalf of the city or the city council, unless council has formally stated a position or direction. Councilmember communications with the public should be consistent with the purpose and scope outlined in Article 1.

6.4 Communications with Staff

The city administrator is the primary point of contact between city council and staff. Councilmembers may contact department directors to inquire about issues and/or seek information. Department directors are responsible to notify the city administrator of this conversation for administrative purposes.

Staff time is a valuable resource for the city. Councilmembers should be considerate of staff members' time. If a councilmember is requiring too much

staff attention, the mayor may take measures to reduce the amount of time staff spends responding to the councilmember's requests.

Similarly, the city attorney is available to address questions and concerns raised by councilmembers. The city attorney will treat conversations with councilmembers with discretion and maintain confidentiality, unless the city attorney determines it is in the best interest of the city to share the details of the conversation with the mayor or city administrator. Councilmembers should not share the content of any conversation with the city attorney with anyone else, with the exception of other councilmembers and senior staff, as that communication may be protected as attorney-client privileged communication.

Councilmembers may not direct staff in any manner. Suggestions for staff direction must be directed to the mayor or city administrator. Ideas and proposals that may impact the city's budget or staff time should first be brought up with the city administrator.

Whenever possible, councilmembers will contact the staff member noted on the agenda bill or study session memorandum in advance of council meetings with key questions. This will allow staff to be prepared at the meeting and lead to enhanced council/staff relationships. The city council should respect the professional advice from staff.

Governance of the city relies on the cooperative efforts of elected officials who set policy and the city staff who implement and administer the council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community.

Councilmembers shall treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable.

Councilmembers shall never demean or personally attack an employee regarding the employee's job performance in public. All employee performance issues shall be forwarded to the city administrator through private correspondence or conversation.

Councilmembers should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, collection of petition signatures, etc.) from city staff. City staff may, as private citizens within their constitutional rights, support political candidates, but all such activities must be done away from the workplace. Photographs of uniformed city employees shall not be used in political ads.

In order to provide equal employment and advancement opportunities to all individuals, employment decisions of the city are based on merit, qualifications,

and abilities. The city does not discriminate in employment opportunities or practices on the basis of race, color, religion, gender, national origin, sexual orientation, age, disability, or any other characteristic protected by law. This governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. Councilmembers shall treat employees and each other in a manner consistent with this city policy to prevent unlawful discrimination and promote an inclusive positive work environment and working relationships.

6.5 Lobbying Efforts

Councilmembers shall not lobby on behalf of the city on state legislative or political matters, unless the city council has formally taken a position on the matter. A councilmember is not authorized to speak for the council, unless the council has expressly authorized the member's communication. An individual councilmember is free to voice a position, oral or written, on any issue as long as it is made clear that the councilmember is not speaking as a representative of the city.

Per RCW 42.17A, councilmembers and other city officials are not allowed to encourage residents to call legislators or the legislative hotline to comment on legislation.

6.6 Responding to Emails Sent to mayorandcouncil@gigharborwa.gov

The city maintains the email address mayorandcouncil@gigharborwa.gov as a convenience for residents to email the mayor and all councilmembers at once. the city administrator, [communications manager](#), city clerk, and assistant city clerk are copied on all emails sent to this address.

It is the responsibility of the mayor to acknowledge and address each email sent to this address. The mayor may delegate the acknowledgement and response to the city administrator or another appropriate staff member. Councilmembers will be copied on all responses to these emails. The mayor maintains the discretion to not respond to any email when a response is not warranted or when responding would not be an appropriate use of staff time.

Councilmembers are free to individually respond to any email sent to this email address. Councilmembers should not "reply all" to any emails sent to this address.

ARTICLE 7 – PROCLAMATION POLICY

It is the policy of the city to consider requests to proclaim certain events or causes when such proclamations pertain to a Gig Harbor event, person, organization, or cause with local implications. The city will consider requests that are timely, have potential relevance to a majority of Gig Harbor's population, and either forward positive messages or call upon the support of the community.

The following guidelines and requirements apply to requests for consideration of proclamations which are read at council meetings:

- The person(s) or organization making the request must submit a completed application requesting a city proclamation. The city clerk shall be responsible for developing a request form and collecting applications. the request should be made at least three weeks in advance of the requested council meeting.
- The mayor, in consultation with the city administrator, city attorney, and other appropriate staff, shall approve or reject proclamation requests in accordance with the intent of this policy. The mayor has the discretion to modify, edit, or otherwise amend the proposed proclamation. The mayor retains the right to decide if the proclamation will or will not be issued. If not approved, the applicant will be notified of the decision and the reason(s) for the decision.
- Once approved, the proclamation will be included on the appropriate council agenda. Council will make no more than two proclamations at a council meeting.
- Either the person making the request or a representative of the organization making the request must be present at the council meeting to accept the proclamation.

The mayor may issue proclamations consistent with this policy without receiving an application from a person or organization. Councilmembers may individually submit requests for proclamations under the same guidelines and procedure listed above. The city council may, by majority vote, direct the mayor to prepare a resolution in lieu of a proclamation to be read at a future meeting.

If a person or organization requests a proclamation for an event or presentation and does not request it be read at a council meeting, the same policy will apply. The requestor must arrange with the city clerk's office to either pick up the proclamation or have it mailed. Upon request, the mayor (or a councilmember or staff person designated by the mayor) may attend an event to read a proclamation.

ARTICLE 8 – COUNCIL VACANCIES

8.1 Declaration of Council Vacancy

In the event of a vacancy in a councilmember office, the city council shall, by majority vote, choose and appoint a councilmember to fill said vacancy. Pursuant to state law, a vacancy on the city council shall be filled to serve the remainder of the unexpired term.

A council position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in RCW 42.12.010, including resignation, recall, forfeiture, written intent to resign, or death of a councilmember. The councilmember who is vacating his or her position cannot participate in the appointment process.

the city council shall direct staff to begin the councilmember appointment process and establish an interview and appointment schedule so that the position is filled at the earliest opportunity.

8.2 Procedure to Recruit Applicants to Fill a Council Vacancy

The city clerk's office shall prepare and submit notice to the city's official newspaper, with courtesy copies to other local media outlets, which announces the vacancy consistent with the requirements necessary to hold public office: that the applicant (a) be a registered voter of the City of Gig Harbor, and (b) have a one-year residency in the City of Gig Harbor. This display advertisement shall be published once each week for two consecutive weeks. This display advertisement shall contain other information, including but not limited to, time to be served in the vacant position, election information, salary information, councilmember powers and duties, the deadline date and time for submitting applications, interview and appointment schedules, and such other information that the city council deems appropriate. Notice of the vacancy will be provided to current members of the city's advisory boards.

The city clerk's office shall prepare an application form which requests appropriate information for city council consideration of the applicants. Applications will be available online and at the civic center. Applications received by the deadline date and time will be copied and circulated by the city clerk's office to the mayor and city council.

8.3 Council Applicant Interviews

The city clerk's office shall publish public notice(s) for the meeting scheduled for interviewing applicants for consideration to the vacant position. This meeting may be a regularly scheduled city council meeting, or a special city council meeting. The city clerk's office shall notify applicants of the location, date, and time of city council interviews.

At the beginning of the interview meeting, each applicant will be provided three minutes to introduce themselves and state the reasons for their candidacy. Following these introductory statements, councilmembers will identify by paper ballot the unranked names of four applicants they would like to interview for the vacancy. The name of the councilmember and the names of their four selected applicants shall be read aloud by the city clerk. The four applicants who receive the most selections will be interviewed in an open forum. In the event of a tie, councilmembers shall vote for their preferred applicant by paper ballot to be read aloud by the city clerk.

Prior to the date and time of the interview meeting, the mayor shall accept one interview question from each councilmember. Interview questions will be collected, modified, and edited to eliminate redundancy. These questions will be asked of each applicant selected for an interview in a forum setting with all four applicants present. Applicants will alternate the order of answering questions so that applicants take turns being the first to respond. Each applicant will have two minutes to answer each question.

Following the predetermined interview question period, councilmembers may ask follow-up questions of individual applicants.

8.4 Voting and Appointment of a New Councilmember

Upon completion of the interviews, councilmembers may convene into executive session to discuss the qualifications of the applicants. However, all interviews, deliberations, nominations, and votes taken by the council shall be in open public session.

Following the interviews, the mayor shall ask for nominations from the councilmembers for the purpose of creating a group of candidates to consider. No second is needed. Nominations are closed by a motion, second, and majority vote of the council. Councilmembers may deliberate on such matters as criteria for selection and the nominated group of candidates.

The mayor shall poll councilmembers to ascertain that councilmembers are prepared to vote. The city clerk shall pass out polling slips and instruct each councilmember to write their name on the top of the slip, and the name of their preferred candidate on the bottom. The city clerk will then collect all slips and read the results into the record. If no applicant receives four or more votes, then a second written poll is conducted, but with the nominee(s) who received the fewest votes on the first vote removed from consideration. Voting will continue until a nominee receives a majority vote of the remaining councilmembers. At any time during the election process, the city council may postpone elections until a date certain or regular meeting if a majority vote has not been received.

Nothing in this policy shall prevent the city council from reconvening into executive session to further discuss the applicant/candidate qualifications.

The mayor shall declare the nominee receiving the majority vote as the new councilmember and shall be sworn into office by the city clerk at the earliest opportunity or no later than the next regularly scheduled city council meeting.

If the city council does not appoint a qualified person to fill the vacancy within 90 days of the declared vacancy, the Revised Code of Washington delegates appointment powers to Pierce County.

ARTICLE 9 - DELEGATION OF PURCHASING AUTHORITY

The mayor is authorized to enter into purchasing agreements, public works contracts, professional services contracts, and interlocal agreements up to \$100,000, provided that the expenditure is identified in the current city budget and the contract does not exceed the amount identified in the current city budget.

The mayor is further authorized to enter into purchasing agreements, public works contracts, professional services contracts, and interlocal agreements *which are not identified in the current city budget or that exceed the amount specified in the current city budget* up to \$100,000, provided that:

- a) The city administrator has determined that the expenditure falls within the normal functions of the city and is an implied or anticipated expense within the current city budget.
- b) The finance director has determined that such expenditure will not require a future amendment to the current city budget.

The mayor is authorized to enter into agreements where no expenditure is incurred to facilitate cooperative arrangements with other local agencies in support of normal functions of the city.

The mayor is authorized to submit grant applications on the city's behalf in support of any budgeted objectives or the routine functions of the city. The mayor is authorized to accept grant awards, provided that the acceptance of a grant award does not commit the city to any expenditure which is not delegated to the mayor in this article.

The city administrator will ensure that council is informed about all agreements signed under this delegation of authority by verbal staff reports at a council meeting and/or written department update reports.

The provisions of this article supersede the approval authority provisions of Resolution 1066 (adopted January 23, 2017). The purchasing and contracting procedures of Resolution 1066 remain in place and unchanged by this article.

EXHIBIT A – PARLIAMENTARY PROCEDURE AT A GLANCE

To do this:	You say this:	May you interrupt speaker?	Must be seconded?	Is motion debatable?	Vote required
Introduce business	"I move that ..."	NO	YES	YES	MAJORITY
Amend a motion	"I move to amend this motion"	NO	YES	YES	MAJORITY
Request information	"Point of information"	YES	NO	NO	NO VOTE
Suspend further discussion	"I move we table it"	NO	YES	NO	MAJORITY
End debate	"I call the question ..."	NO	YES	NO	2/3 VOTE
Postpone discussion	"I move we postpone this matter until..."	NO	YES	YES	MAJORITY
Have something further studied by a committee	"I move we refer..."	NO	YES	YES	MAJORITY
Ask for a vote count to verify a voice vote	"I call for a roll call vote"	NO	NO	NO	NO VOTE
Object to considering some matter	"I object to consideration of this"	YES	NO	NO	2/3 VOTE
Take up a matter previously tabled	"I move to take from the table..."	NO	YES	NO	MAJORITY
Reconsider something already disposed of	"I move we reconsider action on ..."	YES	YES	YES	MAJORITY
Consider something in unscheduled order	"I move we suspend the guidelines and ..."	NO	YES	NO	2/3 VOTE
Vote on a ruling by the chair	"I appeal the chair's decision"	YES	YES	YES	MAJORITY
Object to procedure or personal affront--chair decides	"Point of order"	YES	NO	NO	NO VOTE
Complain about noise, room temperature, etc.	"Point of privilege"	YES	NO	NO	NO VOTE
Recess the meeting	"I move that we recess until ..."	NO	YES	NO	MAJORITY
Adjourn the meeting	"I move that we adjourn"	NO	YES	NO	MAJORITY



**City of Gig Harbor
City Council Agenda Bill**

Meeting Date: July 17, 2025

SUBJECT: Tourism Promotion Authority Restructure

SUBMITTED BY: City Clerk Josh Stecker

DEPARTMENT: Administration

PHONE: (253) 853-7613

SUGGESTED MOTION: None.

BACKGROUND INFORMATION: The city has been approached by Visit Pierce County and its consultant, Civitas, about proposed changes to the Pierce County Tourism Promotion Area (TPA). The TPA is a per-night surcharge placed on stays at larger hotels. The revenue collected is used to fund Visit Pierce County in their role as the Direct Marketing Organization (DMO) for all of Pierce County.

The current TPA was formed by an interlocal agreement approved by the city council in 2010. At that time, surcharge rates were established at tiered rates with Tacoma hotels charging \$2.00 per night and Gig Harbor hotels charging \$0.50 per night. This charge is an assessment that is paid directly by lodgers on their hotel bill.

These rates have remained unchanged since 2010. In the meantime, the state has amended the TPA RCWs to impose surcharges up to \$5.00 per night. Rate changes can only be made by a revised or new interlocal agreement between the county and the cities included in the original interlocal. Visit Pierce County is proposing a new tiered rate structure where Tacoma hotels would collect the maximum \$5.00 per night and Gig Harbor hotels would collect \$3.00 per night. These rate changes would provide Visit Pierce County with the revenue it needs to support the region's growing tourism industry.

There are two hotels in Gig Harbor which are affected by this change--the Inn at Gig Harbor and the Best Western Wesley Inn. Representatives from the Best Western have relayed to Visit Pierce County that they do not support the rate increase and would prefer that Gig Harbor be removed from the TPA.

Removal from the TPA would mean a decrease in services provided by Visit Pierce County. Visit Pierce County has been a valued partner of the city's tourism programs both when the tourism program was a city program and now that the Chamber of Commerce is functioning as the city's DMO. Reduced support from Visit Pierce County would have a negative economic impact on the city.

Visit Pierce County is finalizing a petition and interlocal agreement to distribute to participating cities and hotels. Before this can happen, they need to set the boundaries of the TPA which includes determining if Gig Harbor wishes to remain in the TPA or not. The choice is up to the city council and the TPA would like to know if council is supportive of being included in the next TPA or not.

FISCAL CONSIDERATION: N/A

ATTACHMENTS:

1. 2010 Pierce County TPA Interlocal Agreement
-

STRATEGIC PLAN PRIORITY: Promote and enhance a dynamic and robust economy

**INTERLOCAL AGREEMENT
FOR ESTABLISHMENT OF
PIERCE COUNTY TOURISM PROMOTION AREA**

THIS AGREEMENT ("Agreement") dated this day by and among PIERCE COUNTY, a political subdivision of the State of Washington (herein referred to as "County"); the CITY OF TACOMA, a municipal corporation of the State of Washington ("Tacoma"); the CITY OF PUYALLUP, a municipal corporation of the State of Washington ("Puyallup"); the CITY OF FIFE, a municipal corporation of the State of Washington ("Fife"); the CITY OF GIG HARBOR, a municipal corporation of the State of Washington ("Gig Harbor"); the CITY OF LAKEWOOD, a municipal corporation of the State of Washington ("Lakewood"); the CITY OF DUPONT, a municipal corporation of the State of Washington ("DuPont"), and the CITY OF SUMNER, a municipal corporation of the State of Washington ("Sumner") (herein referred to collectively as the "Cities" or separately as "City") pursuant to the authority of the Interlocal Cooperation Act, RCW 39.34. et seq. and the Tourism Promotion Areas Act, RCW 35.101 et seq. authorizing the establishment of a Tourism Promotion Area to levy Special Assessments to fund tourism promotion.

WHEREAS, the Legislature of the State of Washington by Chapter 35.101 RCW authorizes a County to establish a Tourism Promotion Area to permit the levy of Special Assessments to be expended exclusively for tourism promotion; and,

WHEREAS, the Operators of Lodging Businesses located within the County of Pierce have presented an Initiation Petition to the Pierce County Council seeking to have the Pierce County Council establish a Pierce County Tourism Promotion Area, specifically including the areas within the jurisdiction of the Cities pursuant to the terms of the Tourism Promotion Areas Act; and,

WHEREAS, the Initiation Petition submitted to the Pierce County Council, Exhibit "A" attached to this Agreement, included:

- (1) A description of the boundaries of the proposed Pierce County Tourism Promotion Area, including the areas within the jurisdiction of Tacoma, Puyallup, Fife, Gig Harbor, Lakewood, Dupont and Sumner; and,
- (2) The proposed uses and projects for which the proposed revenue from the Special Assessments should be dedicated and the total estimated cost of such uses and projects; and,
- (3) The estimated rate for the Special Assessments to be levied on Lodging Businesses in various Zones within the Pierce County Tourism Promotion Area with a proposed breakdown by class of Lodging Business if such classification is to be used; and
- (4) The signatures of the persons who operate Lodging Businesses in the proposed Pierce County Tourism Promotion Area who would pay sixty percent (60%) or more of the proposed Special Assessments; and,

WHEREAS, the parties are authorized by virtue of RCW 39.34 and by virtue of RCW 35.101 to enter into this agreement to establish a Tourism Promotion Area, pursuant to the provisions of the Initiation Petition received from the Operators of Lodging Businesses, to include, within the boundaries of the proposed Pierce County Tourism Promotion Area, the area within the jurisdiction of the Cities; and,

WHEREAS, on the 9th day of March, 2009, the Clerk of the Pierce County Council received an Initiation Petition authorized by RCW 35.101.020 from the Operators of Lodging Businesses located within the County of Pierce requesting the conduct of a public hearing by the Pierce County Council, pursuant to the authority of the Tourism Promotion Areas Act, for the purposes of considering the establishment of a Pierce County Tourism Promotion Area to provide funds for tourism promotion in the County of Pierce; and,

WHEREAS, on the 19th day of May, 2009, the Pierce County Council adopted a resolution entitled "A Resolution of the Pierce County Council Providing Notice of the Intent to Establish a Tourism Promotion Area," for the promotion of tourism within the County of Pierce, describing the boundaries of the proposed Pierce County Tourism Promotion Area, the proposed uses and projects that the proposed revenues from Special Assessments levied within the Pierce County Tourism Promotion Area would be dedicated and setting the proposed rates for the Special Assessments to be levied on Lodging Businesses to fund the uses and projects of the Pierce County Tourism Promotion Area, estimating the total cost for the proposed activities and programs for the use of funds received by the Pierce County Tourism Promotion Area, fixing the date, time and place of a public hearing to be held by the Pierce County Council to consider the establishment of such a Pierce County Tourism Promotion Area, and directing the giving of notice of such public hearing; and,

WHEREAS, Resolution No. R2009-32, entitled "A Resolution of the Pierce County Council Providing Notice of the Intent to Establish a Tourism Promotion Area" for the promotion of tourism and convention business within the County of Pierce was duly published, and copies thereof were mailed to each Lodging Business in the proposed Pierce County Tourism Promotion Area, as provided by law; and

WHEREAS, the Cities have by appropriate legislative action, authorized or will authorize the execution of an Interlocal Agreement with Pierce County to permit the establishment of a Pierce County Tourism Promotion Area to include collection of Special Assessments from Lodging Businesses within their respective jurisdictions.

NOW, THEREFORE, for and in consideration of the promises set forth hereafter, Pierce County and the Cities hereby agree as follows:

1. Purpose. The purpose of this Agreement is to promote tourism in Pierce County by permitting the establishment of a Pierce County Tourism Promotion Area ("TPA") pursuant to RCW 35.101, which when created, will permit collection of Special Assessments from Lodging Businesses located within Pierce County to fund tourism promotion and to memorialize the agreement between the parties relating to this TPA.

2. Definitions. As used in this Agreement, the following terms, unless the context otherwise dictates, shall have the following meanings:

2.1 “Agreement” shall mean this Interlocal Cooperation Agreement entered into among Pierce County, and the Cities, for the establishment of a Pierce County Tourism Promotion Area by Pierce County as authorized by RCW 35.101.040(2).

2.2 “Annual Budget” shall mean the Pierce County Tourism Promotion Area budget for a fiscal year, as adopted or amended by the Pierce County Council, after the receipt of a recommendation from the Pierce County Tourism Promotion Area Hotel Commission, identifying all estimated revenue from Special Assessments for the fiscal year, and providing for all proposed uses of Special Assessment revenue for the purpose of providing tourism promotion in Pierce County for the ensuing fiscal year.

2.3 “Lodging Business” means a business which is located within the Pierce County Tourism Promotion Area that furnishes lodging taxable by the state under RCW 82.08 that has forty (40) or more lodging units. Lodging facilities with fewer than 40 rooms are not considered “Lodging Businesses” for the purpose of this Agreement and are exempt from any fees imposed under RCW 35.101.

2.4 “Operator” means the Operator of a Lodging Business, whether in the capacity of owner, general manager, lessee, sub lessee, mortgagee in possession, licensee or any other similar capacity.

2.5 “Pierce County Lodging Association” or “PCLA” means the Pierce County Lodging Association, Inc., a Washington non-profit corporation.

2.6 “Pierce County Tourism Promotion Area Hotel Commission” means the Pierce County Tourism Promotion Area Hotel Commission, established by Pierce County, whose members shall be selected by the Pierce County Council from a list of nominees prepared by the Pierce County Lodging Association, to provide recommendations to the Pierce County Council on proposed uses and projects of the Pierce County Tourism Promotion Area; pursuant to the provisions of RCW 35.101.130 (1) as provided in this Agreement.

2.7 “Pierce County Metropolitan Area” means the entire geographic boundary of Pierce County, including the entire areas within the jurisdiction of the Cities and the unincorporated area of Pierce County.

2.8 “Pierce County Tourism Promotion Area” or “TPA” means the Tourism Promotion Area created by the resolution of the Pierce County Council pursuant to the authority of the Tourism Promotion Areas Act, RCW 35.101, as authorized or as will be authorized by the resolutions of each of the respective City Councils of the Cities adopting the terms of this Agreement.

2.9 “Room Revenues” means the gross per-night charge (nights of stay) imposed for the rental of a room or combination of rooms for Lodging.

2.10 “Special Assessment” means the levy (charge) imposed by Pierce County on the Operators of a Lodging Business within the Pierce County Tourism Promotion Area and subsequently passed on to the guests of the Lodging Business, under the authority of

RCW 35.101 for the purpose of providing for funding of tourism promotion in Pierce County.

2.11 “TPA Manager” shall mean a tourism destination marketing organization or other similar organization employed by the Pierce County Council to administer the operation of the Tourism Promotion Area.

2.12 “Tourism Promotion” means activities and expenditures designed to increase tourism and convention business, including but not limited to, advertising, publicizing, or otherwise distributing information for the purpose of attracting and welcoming tourists, and operating tourism destination marketing organizations.

2.13 “Transient Basis” means the rental of a room or rooms for dwelling, lodging, or sleeping purposes by the Operator of a Lodging Business for a period of thirty (30) consecutive calendar days or less, counting a portion of a day as a full calendar day.

2.14 “Zone” or “Zones” means the distinct geographic subarea or subareas within the Pierce County Tourism Promotion Area as established by resolution of the Pierce County Council and as set forth in Exhibit “B” attached to this Agreement.

3. Tourism Promotion Area to be Established by Pierce County

- A. It is hereby understood and agreed by Pierce County, and the Cities, that Pierce County, pursuant to the authority of RCW 35.101.040 (2), shall establish a “Tourism Promotion Area” designated the Pierce County Tourism Promotion Area to include the unincorporated area of Pierce County and the entire area within the corporate limits of the Cities.
- B. It is hereby understood and agreed by Pierce County, and the Cities, that the purpose of permitting the Pierce County Council to form the Pierce County Tourism Promotion Area under RCW 35.101.040 (2) is to provide revenue to fund tourism promotion that will benefit the Operators of Lodging Businesses in, and the tourism industry of, unincorporated Pierce County and the Cities.

4. Levy of Special Assessments on Lodging Businesses within the Pierce County Tourism Promotion Area.

- A. The Pierce County Council will impose Special Assessments on the Operators of Lodging Businesses within the Pierce County Tourism Promotion Area in accordance with the zones and levels of Special Assessments as set forth in Resolution No. R2009-32.
- B. Pierce County shall contract with the State Department of Revenue for the administration and collection of such Special Assessments pursuant to RCW 35.101.090.
- C. It is understood and agreed by and between Pierce County, and the Cities, that the Pierce County Tourism Promotion Area shall include the following four (4) zones:

Zone A. Zone A encompasses those Lodging Businesses located within the area of the incorporated city limits of the City of Tacoma.

Zone B. Zone B encompasses those Lodging Businesses located within the area of the incorporated city limits of Puyallup and Lakewood.

Zone C. Zone C encompasses all Lodging Businesses located outside Zones A and B, but within the unincorporated area of Pierce County or within the area of the incorporated city limits of Gig Harbor, DuPont, Fife and Sumner.

Zone D. Zone D encompasses Lodging Businesses located within the Tourism Promotion Area, as that term is addressed in WAC 458-20-166 as it presently exists or may be hereinafter amended, other than hotels, motels, and bed and breakfast facilities. Lodging Businesses within this zone, as addressed in WAC 458-20-166, would include only (i) trailer camps and recreational vehicle parks which charge for the rental of space to transients for locating or parking house trailers, campers, recreational vehicles, mobile homes, and tents; (ii) educational institutions which sell overnight lodging to persons other than students; (iii) private lodging houses, dormitories and bunkhouses operated by or on behalf of businesses and industrial firms or schools solely for the accommodation of employees of such firms or students which are not held out to the public as a place where sleeping accommodations may be obtained; and (iv) guest ranches or summer camps which, in addition to supplying meals and lodging, offer special recreational facilities and instruction in sports, boating, riding and outdoor living.

- D. It is understood and agreed by and between Pierce County, and the Cities, that the Operators of Lodging Businesses within the Pierce County Tourism Promotion Area operating in the above-described zones will be subject to Special Assessments to be levied as follows:

Zone A:	\$1.50 per room/day
Zone B:	\$1.00 per room/day
Zone C:	\$0.50 per room/day
Zone D:	\$0.00 per room/day

- E. Any change in the Special Assessment rates for any zone as set forth hereinabove shall be made only by amendment of the resolution by Pierce County Council, with the approval of each of the respective City Councils of the Cities. No change in the Special Assessment rates for any zone or change in the boundaries of any zone shall be made by the Pierce County Council except upon the unanimous affirmative recommendation of the Pierce County Tourism Promotion Area Hotel Commission.

- F. It is understood and agreed by the parties, that the Special Assessments imposed under this section are not a tax on the "sale of lodging" for the purposes of RCW 82.14.410 and are not applicable to temporary medical housing exempt under RCW 82.08.997.

- G. It is understood and agreed by the parties, that the Special Assessments imposed under this Agreement are in addition to the special assessments that may be levied under RCW 35.87A.

5. Administration and Collection of Special Assessments.

- A. It is understood and agreed that in accordance with RCW 35.101.090, the Washington State Department of Revenue shall administer the Special Assessments authorized under this

Agreement and shall deposit the Special Assessments collected into the local tourism promotion account created in the custody of the state treasurer under RCW 35.101.100.

- B. It is understood and agreed that in accordance with RCW 35.101.100, the state treasurer has the authority to distribute the money from the tourism promotion account to the Pierce County Council on a monthly basis.

6. Use of Special Assessment Revenues For the Promotion of Tourism and Convention Business in Pierce County.

- A. It is understood and agreed that all of the revenues derived from Special Assessments shall be allocated by the Pierce County Council in accordance with the Annual Budget for the Pierce County Tourism Promotion Area. The Pierce County Tourism Promotion Area Hotel Commission shall make a recommendation to the Pierce County Council on all Annual Budgets. The Pierce County Council shall have the ultimate authority to set and approve all Annual Budgets.
- B. The revenues derived from the Special Assessments shall be used only for the following purposes:
 - (1) The general promotion of tourism within Pierce County as specified in the TPA business plan to be adopted annually; and,
 - (2) The marketing of convention and trade shows that benefit local tourism and the Lodging Businesses in the Pierce County Tourism Promotion Area; and,
 - (3) The marketing of Pierce County to the travel industry in order to benefit local tourism and the lodging businesses in the Pierce County Tourism Promotion Area; and,
 - (4) The marketing of Pierce County to recruit sporting events in order to promote local tourism and to benefit the Lodging Businesses and tourism industry within the Pierce County Tourism Promotion Area.
 - (5) Direct administration costs associated with management and maintenance of the TPA program, including but not limited to staff costs, public notice advertising, accounting and auditing, as approved by the Pierce County Tourism Promotion Area Hotel Commission and the Pierce County Council, provided no funds will be used for the general operations of the TPA Manager or other costs not directly related to operation of the Tourism Promotion Area.

7. Establishment of the Pierce County Tourism Promotion Area Hotel Commission.

- A. It is understood and agreed that the Pierce County Council shall, pursuant to the authority of RCW 35.101.130, (1) create a Pierce County Tourism Promotion Area Hotel Commission to advise the Pierce County Council on the expenditure of Special Assessment revenues to fund tourism promotion within Pierce County. The Pierce County Tourism Promotion Area Hotel

Commission shall have no less than 8 members and no more than a total of 16 members, including ex officio members.

- B. The Pierce County Council shall select voting Members of the Pierce County Tourism Promotion Area Hotel Commission from a list of nominees prepared by the Pierce County Lodging Association. All nominees for membership on the Pierce County Tourism Promotion Area Hotel Commission must be Operators of Lodging Businesses within Pierce County or employed by the Operator of such a Lodging Business.
 - C. The Pierce County Council shall appoint up to three members of the Pierce County Tourism Promotion Area Hotel Commission representing Tacoma, up to two members representing Fife, and up to one each representing Puyallup, Lakewood, Gig Harbor, Dupont, Sumner and Pierce County. Any vacancy on the Pierce County Tourism Promotion Area Hotel Commission arising from a resignation or other cause, shall be filled by the appointing agency, from a list of nominees prepared by the Pierce County Lodging Association, within 30 days from the date the "vacancy occurs." Appointed members 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 of a lodging business within Pierce County through the remainder of the vacated term.
 - D. The Pierce County Council may appoint up to one *ex officio* member of the Commission from the members of the Pierce County Council or Pierce County at large. Pierce County Council may appoint up to four *ex officio* members of the Commission from cities located in Pierce County participating in the inter-local agreement. The *ex officio* members of the Pierce County Tourism Promotion Area Hotel 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.
 - E. It is understood and agreed that the initial members of the Pierce County Tourism Promotion Area Hotel Commission shall serve staggered terms, with three members serving a one-year term; four members serving for two-year terms, and four members serving for three-year terms. The length of the term for each individual member of the initial Pierce County Tourism Promotion Area Hotel Commission shall be chosen by lot at the first meeting of the Commission, unless members of the Commission unanimously agree to a different method of choosing initial lengths of term. Thereafter, all members subsequently appointed to the Pierce County Tourism Promotion Area Hotel Commission shall serve for three-year terms.
8. Contract for Management of Pierce County Tourism Promotion Area.
- A. The Pierce County Tourism Promotion Area Hotel Commission shall contract with a TPA Manager. The contract shall be awarded consistent with all applicable Pierce County laws, ordinances, and regulations. The contract shall require the TPA Manager to comply with all applicable provisions of law, including RCW 35.101 et seq. and with all Pierce County resolutions and ordinances as well as all regulations lawfully imposed by the state auditor or other state agencies.

- B. The TPA Manager will be responsible for administering the activities and programs of the Pierce County Tourism Promotion Area and to prepare an Annual Budget for the Pierce County Tourism Promotion Area to be reviewed and approved by the Pierce County Tourism Promotion Area Hotel Commission and submitted to the Pierce County Council on or before July 31st of each year, except in the first year after creation of the Tourism Promotion Area 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 TPA Manager shall also act as staff to the Pierce County Tourism Promotion Area Hotel Commission in conjunction with assisting it in determining what activities and programs to recommend for funding from the Special Assessments.
- C. The Annual Budget for the Pierce County Tourism Promotion Area shall consist of:
- (1) A list of the Lodging Businesses subject to Special Assessments and an estimate of the revenue to be received from all such Lodging Businesses; and,
 - (2) A statement of the proposed budget for all Pierce County Tourism Promotion Area activities and programs recommended by the Pierce County Tourism Promotion Area Hotel Commission to be funded from Special Assessments during the ensuing fiscal year.
- D. All Special Assessments that Pierce County has imposed and receives from the Washington State Treasurer and any interest therein shall be deposited by Pierce County in a special account. Payments to the TPA Manager will be made as provided for in the agreement between the Pierce County Tourism Promotion Area Hotel Commission and the TPA Manager. Provided, however, no Special Assessment shall be dispersed in any fiscal year until after the adoption of that fiscal year's Annual Budget. Provided further that Pierce County shall not expend in any fiscal year Special Assessments in excess of the approved fiscal year's Annual Budget.
- E. The parties hereto acknowledge and agree that funds derived from the TPA Special Assessment are intended to enhance and extend existing tourism marketing efforts, and are not intended to supplant existing funding for the Tacoma/Pierce County Convention and Visitors Bureau (the "CVB"), the Pierce County Sports Commission, or any other tourism marketing organization, as set forth in prior agreements. The parties agree that a reduction in funds to the CVB or other tourism marketing organization by a party to this Agreement may impact that party's ability to receive the benefits intended by participation in this Agreement
9. Modification or Disestablishment of the Pierce County Tourism Promotion Area.
- A. The Pierce County Council, by appropriate action, may modify the provisions of the ordinance establishing the TPA after adopting a resolution of intention to such effect. Such resolution of intention shall describe the change or changes proposed, and shall state the time and place of a public hearing to be held by the Pierce County Council to consider the proposed action.

- B. The Pierce County Council may, by ordinance, disestablish the TPA after conducting a hearing to receive public comment regarding the disestablishment of the TPA. Upon receipt of a petition indicating a desire to disestablish the TPA, with the signatures of the persons who operate lodging businesses in the TPA who pay forty percent (40%) or more of the total special assessments, the Pierce County Council shall adopt a resolution of intention to disestablish the TPA, and shall state the time and place of a public hearing to be held by the Pierce County Council to consider the proposed action, provided the public hearing will be at least fifteen (15) days prior to consideration of the proposed action. If at said hearing a petition objecting to the disestablishment is presented, with the signatures of the persons who operate lodging businesses in the TPA who pay fifty-one percent (51%) or more of the total special assessments, the TPA shall not be disestablished. If such petition objecting to the disestablishment is not presented at said hearing, the County Council shall disestablish the TPA.

10. Miscellaneous Provisions.

- A. Duration and Termination of this Agreement. This Agreement shall continue in full force and effect until such time as the Pierce County Tourism Promotion Area is disestablished by action of the Pierce County Council as provided in Section 9 above. Following termination of this Agreement, Pierce County shall be responsible for utilizing any remaining unallocated revenue from Special Assessments for tourism promotion within Pierce County.
- B. Waiver. No officer, employee, or agent of Pierce County, or the Cities, has the power, right or authority to waive any of the conditions or provisions of this Agreement. No waiver of any breach of this Agreement by Pierce County, or the Cities, shall be held to be a waiver of any other or subsequent breach. Failure of Pierce County, or the Cities, to enforce any of the provisions of this Agreement or to require performance of any of the provisions herein, shall in no way be construed to be a waiver of such conditions, nor in any way effect the validity of this Agreement or any part hereof, or the right of Pierce County, and the Cities, to hereafter enforce each and every such provision.
- C. Records. All records prepared, owned, used or retained by the TPA Manager in conjunction with operating or administering the activities and programs of the Pierce County Tourism Promotion Area as provided for under the terms of this Agreement shall be deemed records of Pierce County, and the Cities, and shall be made available by the TPA Manager upon request to Pierce County, or the Cities, State Auditor, or their authorized representatives. Records shall be retained according to Pierce County records retention schedules.
- D. Property and Equipment. Pierce County shall be the owner of all property and equipment purchased by the TPA Manager from Special Assessment Revenues. Provided, however, in the event of the termination of the Agreement with the TPA Manager, Pierce County agrees to make the property and/or equipment available to the successor TPA Manager for its use in conjunction with providing similar services. Provided further, in the event of disestablishment of the Pierce County Tourism Promotion Area, all property and equipment purchased by the TPA Manager from Special Assessment Revenues shall be retained by Pierce County and used for any lawful purposes.

- E. Integration. This Agreement contains all of the terms and conditions agreed upon by Pierce County, and the Cities, concerning the establishment of the Pierce County Tourism Promotion Area by the Pierce County Council and the collection of Special Assessments from Operators of Lodging Businesses within the entire area, including the area within the incorporated city limits of the Cities. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto. The parties have read and understand all of this Agreement, and now state that no representation, promise, or agreement not expressed in this Agreement has been made to induce the officials of Pierce County or the officials of the Cities to execute this Agreement.
- F. Severability. In the event any provision of this Agreement shall be declared by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, the validity, legality and enforceability of the remaining provisions shall have full force and affect.
- G. Execution of Agreement. This Agreement shall become effective immediately after it is duly adopted by the Pierce County Council, the City Council of the City of Tacoma, the City Council of the City of Puyallup, the City Council of the City of Fife, the City Council of the City of Gig Harbor, the City Council of the City of Lakewood, the City Council of the City of Dupont, and the City Council of the City of Sumner and shall be filed with the County Auditor of Pierce County, the City Clerks of Tacoma, Puyallup, Fife, Gig Harbor, Lakewood, Dupont and Sumner, and the Secretary of State of the State of Washington.
- H. Indemnification and Defense. The County shall defend, indemnify, and save harmless each City, its officers, employees, and agents from any and all costs, claims, judgments, or awards of damages, arising out of this Agreement and resulting from the acts or omissions of the County, its officers, employees, or agents associated with this Agreement. In executing this Agreement, the County does not assume liability or responsibility for or in any way release each City from any liability or responsibility which arises in whole or in part from the existence or effect of the respective City's ordinances, rules, regulations, resolutions, customs, policies, or practices. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such City ordinance, rule, regulation, resolution, custom, policy or practices is at issue, each City shall defend the same at its sole expense, and if judgment is entered or damages are awarded against such City, the County, or both, the City shall satisfy the same including all chargeable cost and attorney's service fees.

Each City shall defend, indemnify, and save harmless the County, its officers, employees, and agents from any and all costs, claims, judgments, or awards of damages, arising out of this Agreement and resulting from the acts or omissions of the City, its officers, employees, or agents associated with this Agreement. In executing this Agreement, none of the Cities assumes any liability or responsibility for or in any way releases the County from any liability or responsibility which arises in whole or in part from the existence or effect of County ordinances, rules, regulations, resolutions, customs, policies, or practices. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such County ordinance, rule, regulation, resolution, custom, policy or practices is at issue, the County shall defend the same at its sole expense, and if judgment is entered or damages are awarded against the County, such City, or both

the County and the City in question, the County shall satisfy the same including all chargeable costs and attorney's service fees.

- I. No real Property Acquisition. This interlocal Agreement does not provide for the acquisition, holding, or disposal of real property.
- J. Notice. Any formal notice or communication to be given among the County and the Cities under this Agreement shall be deemed properly given, if delivered, or if mailed postage prepaid and addressed to:

City of DuPont
1700 Civic Drive
DuPont, WA 98327
ATTN: City Administrator

City of Fife
5411 23rd Street East
Fife, WA 98424
ATTN: City Manager

City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335
ATTN: City Administrator

City of Lakewood
6000 Main Street SW
Lakewood, WA 98499-5027
ATTN: City Manager

City of Puyallup
333 S. Meridian Street
Puyallup, WA 98371
ATTN: City Manager

City of Sumner
1104 Maple Street
Sumner, WA 98390
ATTN: City Administrator

City of Tacoma
747 Market Street
Tacoma, WA 98402
ATTN: City Manager

Pierce County Economic Development
Division
950 Pacific Ave., Suite 720
Tacoma, WA 98402
ATTN: Economic Development Manager

- K. Filing. Copies of this Interlocal Agreement, together with the resolution of the Pierce County Council and the Councils of each City approving and ratifying this Agreement, shall be filed with the Clerk for each City, the Pierce County Auditor, and the Secretary of State of Washington after execution of the Agreement by each party. Provided as an alternative, this Agreement may be listed by subject on the County's website or the Cities' websites or other electronically retrievable public source.
- L. Non-Discrimination. The County and the Cities certify that they are Equal Opportunity Employers.
- M. Amendment. Provisions within this Agreement may be amended with the mutual consent of the parties hereto. No additions to or alteration of, the terms of this Agreement shall be valid unless made in writing, formally approved and executed by duly authorized agents of all parties.

IN WITNESS WHEREOF, the City of Tacoma, the City of Puyallup, the City of Fife, the City of Gig Harbor, the City of Lakewood, the City of Dupont, the City of Sumner, and Pierce County have executed this Agreement by their duly authorized officials pursuant to all requirements of law.

~~PIERCE COUNTY COUNCIL~~

By: [Signature] Manager 12.15.09
Economic Development Division

By: [Signature] 12.15.09
Risk Management Department

By: [Signature]
Budget and Finance

By: [Signature] 1/4/10
County Executive

By: _____

By: _____

By: _____

Attest: _____
Clerk of the Board

Approved as to form:
[Signature]
Deputy Prosecuting Attorney

IN WITNESS WHEREOF the parties have executed this Agreement as of the day and year first above written.

CITY OF TACOMA

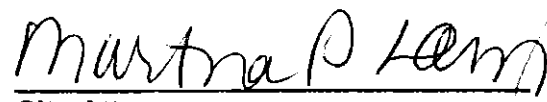


Eric Anderson
City Manager

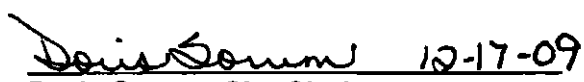
Countersigned:


Community and Economic Development
Director
Ryan Petty
Robert K. Biles, Director
Finance Department
Debbie Dahlstrom, Risk Manager

Approved as to form and legality:

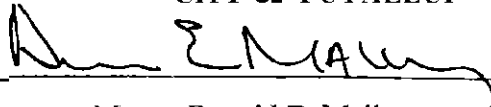

City Attorney

Attest:


Doris Sorum, City Clerk

Approved by City Council September 29, 2009

CITY OF PUYALLUP

By: 

Mayor Donald E. Malloy

By: _____

By: _____

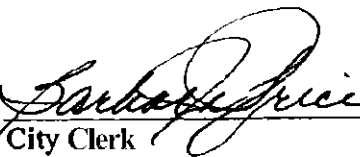
By: _____

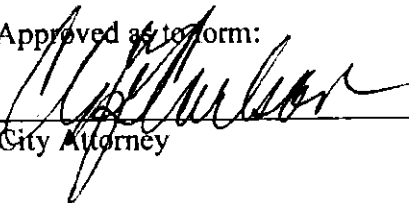
By: _____

By: _____

By: _____

By: _____

Attest: 
City Clerk

Approved as to form: 
City Attorney



CITY OF PUYALLUP

City Clerk's Office

CERTIFICATION

I, MARY E. KITTO, Administrative Clerk of the City of Puyallup, Washington, do hereby CERTIFY: That I am Acting City Clerk of the City of Puyallup, Pierce County, Washington; and further certify that the attached is a true **and** correct copy of Resolution No. 2140 relating to approval of an Interlocal Agreement establishing a Tourism Promotion Area, adopted by the City Council on September 29, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Puyallup this 30th day of November, 2009.



Mary E. Kitto, Administrative Clerk
Puyallup, Washington

RESOLUTION NO. **2140**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUYALLUP, WASHINGTON, approving an Interlocal Agreement between the City of Puyallup and Pierce County; and the City of Tacoma, City of Fife, City of Gig Harbor, City of **Lakewood**, City of Dupont, and City of Sumner (the "Cities").

WHEREAS, RCW **39.34**, the Interlocal Cooperation Act, allows local governmental units to make the most **efficient** use of their powers by enabling them to cooperate and enter into agreements with each other; and

WHEREAS, RCW **39.34.080** and other Washington law, as amended, authorizes any city to contract with other jurisdictions to perform any governmental service, activity or undertaking which each contracting jurisdiction is authorized by law to perform; and

WHEREAS, the Legislature of the State of Washington by Chapter **35.101** RCW authorizes a County to establish a Tourism Promotion Area to **permit** the levy of Special Assessments to be expended exclusively for tourism promotion; and

WHEREAS, the Operators of Lodging Businesses located within the County of Pierce have presented an Initiation Petition to the Pierce County Council seeking to have the Pierce County Council establish a Pierce County Tourism Promotion Area; and

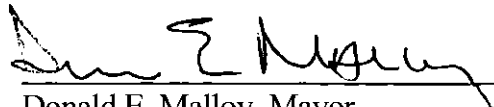
WHEREAS, the Puyallup City Council finds that it is in the public interest to authorize the City Manager to execute such Interlocal Agreement;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Puyallup as follows:

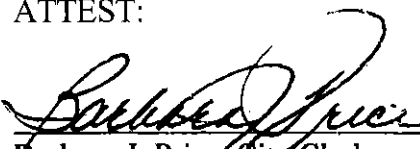
Section 1. The City Council approves the Interlocal Agreement between the City of Puyallup, Pierce County and the Cities, and incorporated herein as though fully set forth; and

Section 2. The proper **officers** of the City are hereby authorized to sign the Interlocal Agreement on behalf of the City of **Puyallup**, said agreement to be substantially in a form as approved by the City Attorney.

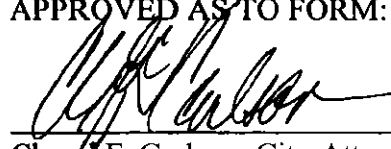
~~Approved at a regular meeting of the Puyallup City Council on September 29, 2009.~~


Donald E. Malloy, Mayor

ATTEST:


Barbara J. Price, City Clerk

APPROVED AS TO FORM:


Cheryl F. Carlson, City Attorney

CITY OF EBE

By:

By:

By:

By:

By:

By:

By:

By:

Attest:

City Clerk

Approved as to form:

City Attorney

CITY OF GIG HARBOR

By: Paul J. Hunter

By: Paul J. Hunter

By: Paul J. Hunter

By: Paul J. Hunter

By: Kenneth A. Mearns

By: Kenney S. Mearns

By: Kenney S. Mearns

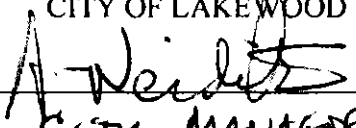
By: Kenney S. Mearns

Attest: Mally M. Jowles
City Clerk

Approved as to form:

Angela Helburn
City Attorney

CITY OF LAKEWOOD

By: 

CITY MANAGER

By: _____

By: _____

By: _____

By: _____

By: _____

By: _____

Attest:



City Clerk

Approved as to form:



City Attorney

CITY OF DUPONT

By: Penelope Coffey
Penelope Coffey
By: Deputy Mayor

By: _____

By: _____

By: _____

By: _____

By: _____

By: _____

Attest: Erin Larsen
City Clerk

Approved as to form: _____
City Attorney



STATE OF WASHINGTON
COUNTY OF Pierce
I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF A
DOCUMENT IN THE POSSESSION OF Deputy Mayor
AS OF THIS DATE 9/22/09
NOTARY PUBLIC Erin D. Larsen
NAME PRINTED Erin D. Larsen
MY APPOINTMENT EXPIRES 2-10-11

CITY OF SUMNER

By: Dallan

By: _____

By: _____

By: _____

By: _____

By: _____

By: _____

By: _____

Attest: Jean Bony
City Clerk

Approved as to form:

B. E.
City Attorney

Exhibit A

COUNTY OF PIERCE
INITIATION PETITION TO ESTABLISH
A TOURISM PROMOTION AREA

RECEIVED

MAR 09 2009

PIERCE COUNTY COUNCIL
By: _____

WHEREAS, the 2003 State Legislature of the State of Washington has recognized the importance of tourism promotion in the State of Washington and passed Engrossed Substitute Senate Bill 6026, now codified as Revised Code of Washington 35.101, which authorized the establishment of a Tourism Promotion Area to levy special assessments to fund tourism promotion as defined therein; and

WHEREAS, the Lodging Businesses within the County of Pierce desire now to present an Initiation Petition seeking to have the County Council of the County of Pierce establish a Tourism Promotion Area pursuant to the terms of RCW35.101; and

WHEREAS, pursuant to RCW 35.101.020, the Initiative Petition submitted to the Board of County Council must contain the following:

1. A description of the boundaries of the proposed Tourism Promotion Area;
2. The proposed uses and projects to which the proposed revenue from the Special Assessments should be dedicated and the total estimated costs of such uses and projects;
3. The estimated rate for the Special Assessments to be levied on Lodging Businesses in various Zones within the Tourism Promotion Area with a proposed breakdown by class of lodging business if such classification is to be used; and
4. The signatures of the persons who operate lodging businesses in the proposed area who would pay sixty percent or more of the proposed Special Assessment.

NOW THEREFORE, the Lodging Businesses located within the County of Pierce do hereby petition the County Council of the County of Pierce as follows:

1. The boundaries of the Tourism Promotion Area shall be all of Pierce County.
2. The revenue from the Special Assessments collected from the Operators of Lodging Businesses within the Tourism Promotion Area shall be dedicated to the following uses and projects:

- a. The general promotion of tourism within Pierce County as specified in the TPA business plan to be adopted annually;
- b. The marketing of convention and trade shows that benefit local tourism and the Lodging Business in Pierce County;
- c. The marketing of Pierce County to the travel industry in order to benefit local tourism and the Lodging Businesses in Pierce County;
- d. The marketing of Pierce County to recruit sporting events in order to benefit local tourism and the Lodging Businesses in Pierce County.

For the purpose of the Petition, the term "Pierce County" shall mean all of Pierce County including incorporated and unincorporated areas.

3. The total estimated costs of such uses and projects are as follows: The Pierce County Lodging Association estimates that, on an annual basis, the revenue from the special assessments collected from the operators of Lodging Businesses within the Tourism Promotion Area shall be approximately between \$1,100,000 and \$2,700,000 with no limit. This amount will vary from year to year depending upon the fluctuating occupancy rates, the number of hotel rooms in the area and the amount charged per day of Lodging Businesses in Pierce County.
4. The rate of the Special Assessment to be imposed in support of the functions of the Tourism Promotion Area is as follows:

The Special Assessments to be imposed on the operators of those Lodging Businesses situated within the Pierce County Tourism Promotion Area, regardless of the specific location is as follows:

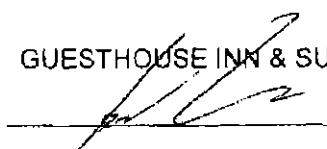
Zone A	Tacoma	\$1.50 per room/day
Zone B	Fife, Puyallup, Lakewood	\$1.00 per room/day
Zone C	Gig Harbor, DuPont & Pierce County	\$.50 per room/day
Zone D	*Zone D	\$.00 per room/day

Zone D. *Zone D encompasses Lodging Business located within the Pierce County Tourism Promotion Area as that term is addressed in WAC 458-20-166, as it presently exists or may be hereinafter amended, other than hotels, motels and bed and breakfast facilities. Lodging Businesses within this zone, as addressed in WAC 458-20-166 would include only (i) trailer camps

and recreational vehicle parks which charge for the rental of space to transients for locating or parking house trailers, campers, recreational vehicles, mobile homes, and tents; (U) educational institutions which sell overnight lodging to persons other than students; (Ui) private lodging houses, dormitories and bunkhouses operated by or on behalf of businesses and industrial firms or schools solely for the accommodation of employees of such firms or students which are not held out to the public as a place where sleeping accommodations may be obtained; and (iv) guest ranches or summer camps which, in addition to supplying meals and lodging, offer special recreational facilities and instruction in sports, boating, riding, outdoor facilities and instruction in sports, boating, riding, and outdoor living.

This Petition is hereby presented by the following persons who operate Lodging Businesses in the proposed Tourism Promotion Area and will pay sixty percent or more of the proposed Special Assessments.

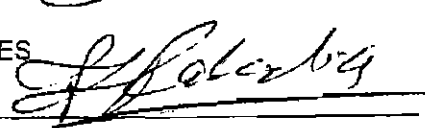
GUESTHOUSE INN & SUITES-DUPONT

 Jian Locke

LIBERTY INN

 DEBORAH KERNER

ECONO LODGE INN & SUITES

 Ramesh Rabadia

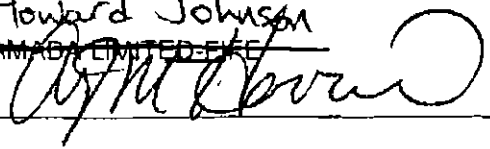
EMERALD QUEEN HOTEL & CASINO

Debbie Dymarkowski OR
DOREEN VITEK

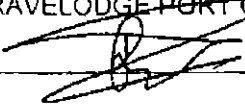
EXTENDED STAY AMERICA FIVE

* KINGS MOTOR INN

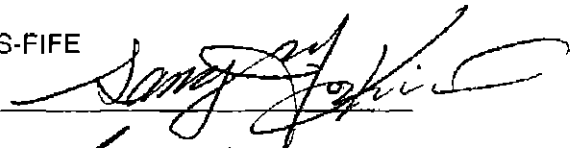
MOTEL 6 - FIFE

Howard Johnson
~~RAMADA LIMITED-FIFE~~


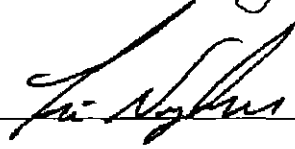
TRAVELODGE PORT OF TACOMA

 DARSHAN RANDHAWA

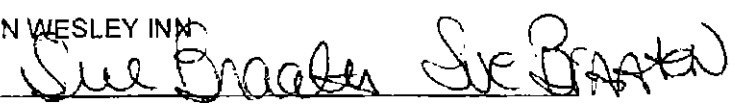
GUESTHOUSE INN & SUITES-FIFE

 Sang Y. Kim

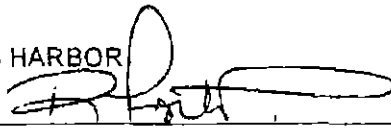
DAYS INN - FIFE

 Tim Nyhus

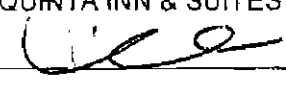
BEST WESTERN WESLEY INN

 Sue Bracken

INN AT GIG HARBOR

 RANDY FOLTIER

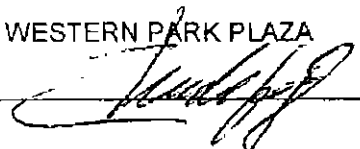
LA QUINTA INN & SUITES

 TASHA BISITOP

BEST WESTERN LAKEWOOD MOTOR INN

SOUTH TACOMA BUDGET INN

BEST WESTERN PARK PLAZA

 Chuck Valley

CROSSLAND ECONOMY STUDIOS

HOLIDAY INN EXPRESS HOTEL & SUITES-PUYALLUP

MOTEL PUYALLUP

NORTHWEST MOTOR INN

BEST WESTERN TACOMA DOME HOTEL

Brandie Hesson-Bullard

COMFORT INN - TACOMA

Jian Locke

COURTYARD BY MARRIOTT - TACOMA

Michael J. Gomi MICHAEL J. GOMI

CROSSLAND ECONOMY STUDIOS

DAYS INN - TACOMA

ECONO LODGE - TACOMA

Steve Teixeira STEVE TEIXEIRA

EXTENDED STAY AMERICA TACOMA

HAMPTON INN & SUITES

Aimee Tylor AIMEE TYLOR

HOLIDAY INN EXPRESS-TACOMA

Tasha Bishop TASHA BISHOP

HOMETEL INN

KING OSCAR MOTEL & CONVENTION CENTER

Elaine Ashley Elaine Ashley

KING OSCAR-TACOMA INN

Elaine Ashley Elaine Ashley

KNIGHTS INN

LA QUINTA INN TACOMA

2000 - Rod DeRan

MOTEL 6 - TACOMA

QUALITY INN - TACOMA

QUALITY INN - TACOMA/PACIFIC HWY

RED LION HOTEL TACOMA

Ryan Kang

SHERATON TACOMA

SHILO INN-TACOMA

Laurie Beck Laurie Beck

SILVER CLOUD INN - TACOMA

Reece A. King REECE A. KING

Naureen Williams
Sunshine Motel

Phil DeLong

PHIL DELONG

HOLLOA INN EXPRESS POTTERUP

Jeffrey Carey
Holladay Inn Express: Candlewood Summer

JEFFREY CAREY

Rodeway Inn

Steve Trivelpiece GM

STEVE TRIVELPIECE

MURANO

17

Sponsored by: Councilmember Shawn Bunney
Requested by: Pierce County Council

RESOLUTION NO. R2009-32

A Resolution of the Pierce County Council Providing Notice of the Intent to Establish a Tourism Promotion Area (TPA) Pursuant to Chapter 35.101 of the Revised Code of Washington (RCW); Providing Notice that the Council Shall Conduct a Public Hearing in Accordance with RCW 35.101.070 on June 9, 2009; Identifying the Proposed Boundaries of the TPA; Identifying the Proposed Use of Revenues Generated by the TPA; and Specifying the Estimated Lodging Charge by Classification.

Whereas, the Legislature of the State of Washington has recognized the importance of tourism in the State of Washington and passed Engrossed Substitute Senate Bill No. 6026 which is codified as the Tourism Promotion Area Act, Chapter 35.10 RCW, which authorizes the establishment of a Tourism Promotion Area to levy special assessments to fund tourism promotion as defined therein; and

Whereas, Lodging Businesses within Pierce County have presented a petition pursuant to the terms of RCW 35.101 to initiate the establishment of a Pierce County Tourism Promotion Area herein after referred to as the "Initiation Petition"; and

Whereas, the Initiation Petition contained all required elements pursuant to RCW 35.101.020 including:

1. A description of the boundaries of the proposed Pierce County Tourism Promotion Area;
2. The proposed uses and projects to which the proposed revenue from the special assessments should be dedicated and the total estimated costs of such uses and projects;
3. The estimated rate for the special assessments to be levied on Lodging Businesses in various Zones within the Pierce County Tourism Promotion Area with a proposed breakdown by class of Lodging Business if such classification is to be used; and
4. The signatures of the persons who operate lodging businesses in the proposed Pierce County Tourism Promotion Area who would pay sixty percent or more of the proposed special assessment; and



DISTRIBUTION:

Pat McCarthy, County Executive ✓X
Pierce County Library ✓X
Municipal Research and Services Center ✓X
Law Library ✓X
State Examiner ✓X
Susan Long, Code Revisor ✓X
Council Record Book ✓X
Patrick Kenney, Director, Budget and Finance ✓X
Denise Dyer, Economic Development ✓X
Rob Allen, Economic Development ✓X
Dale Washam, Assessor-Treasurer ✓X

5/28/2009 pm8
Date/initials

1 **Whereas**, having received the Initiation Petition, the Pierce County Council is
2 required pursuant to RCW 35.101.030 to adopt a resolution providing notice of the
3 intention to establish a Tourism Promotion Area, containing specific information
4 regarding the proposed Tourism Promotion Area, and setting the time and place of a
5 public hearing by the Council to hear protests and receive evidence for or against the
6 proposed action; **Now Therefore**,

7
8 **BE IT RESOLVED by the Council of Pierce County:**

9
10 Section 1. Having received an Initiation Petition to establish a Tourism
11 Promotion Area pursuant to RCW 35.101, the Pierce County Council hereby provides
12 notice of the intent to establish the Pierce County Tourism Promotion Area and hereby
13 provides notice that the Pierce County Council will conduct a public hearing at 3:00 P.M.
14 or as soon as possible thereafter on June 9, 2009, at the Council Chambers, located in
15 Room 1045, County-City Building, 930 Tacoma Avenue South, Tacoma, Washington
16 98402. The purpose of said hearing is to hear all protests and receive all evidence for
17 or against the establishment of the Pierce County Tourism Promotion Area which, if
18 established, shall have legal authority to impose a charge on the provision of lodging by
19 Lodging Businesses located within the Pierce County Tourism Promotion Area. The
20 proceeds collected from the charge shall be used solely to fund tourism promotion. For
21 purposes of the Tourism Promotion Area, a Lodging Business means a person that
22 furnishes lodging taxable by the State of Washington under RCW 82.08 that has 40 or
23 more lodging units.

24
25 Section 2. Consistent with the requirements of state law, the following
26 information is being provided in conjunction with the public hearing:

- 27
28 A. The boundaries of the proposed Pierce County Tourism Promotion Area
29 will include all properties lying within the City of Tacoma, City of DuPont,
30 City of Fife, City of Gig Harbor, City of Lakewood, City of Sumner, City of
31 Puyallup and the unincorporated areas of Pierce County. Provided,
32 however, prior to the adoption of any Ordinance establishing the Pierce
33 County Tourism Promotion Area, the City of Tacoma, City of DuPont, City
34 of Fife, City of Gig Harbor, City of Lakewood, City of Sumner, City of
35 Puyallup and the Pierce County must execute an Interlocal Agreement as
36 required by RCW 35.101.040.
37
38 B. The revenues from the special assessments levied on the operators of
39 Lodging Businesses situated within the Pierce County Tourism Promotion
40 Area shall be used for the following purposes only:
41 (1) The general promotion of tourism within Pierce County as specified
42 in the TPA business plan to be adopted annually;
43 (2) The marketing of convention and trade shows that benefit local
44 tourism and the Lodging Businesses in the Pierce County Tourism
45 Promotion Area;



- (3) The marketing of Pierce County to the travel industry in order to benefit local tourism and the Lodging Businesses in the Pierce County Tourism Promotion Area; and
- (4) The marketing of Pierce County to recruit sporting events in order to benefit local tourism and the Lodging Businesses situated within the Pierce County Tourism Promotion Area.

C. The total estimated costs of the proposed uses and projects to which the proposed revenues of the special assessment shall be dedicated are estimated by the Pierce County Lodging Association, on an annual basis, to be approximately between \$1,100,000 and \$2,700,000 with no limit. This amount will vary from year to year depending upon the fluctuating occupancy rates, the number of hotel rooms in the area and the amount charged per day of Lodging Businesses in Pierce County.

D. The Special Assessments to be imposed on the operators of those Lodging Businesses with room revenues during the preceding calendar year are as follows:

ZONE A	Tacoma	\$1.50 per occupied room/day
ZONE B	Fife, Puyallup, Lakewood	\$1.00 per occupied room/day
ZONE C	City of Sumner, Gig Harbor, DuPont & Pierce County	\$.50 per occupied room/day
ZONE D	Zone D	\$.00 per occupied room/day

Zone A. Zone A encompasses those Lodging Businesses located within the area of the incorporated city limits of the City of Tacoma.

Zone B. Zone B encompasses those Lodging Businesses located within the areas of the incorporated city limits of the Cities of Fife, Puyallup and Lakewood.

Zone C. Zone C encompasses those Lodging Businesses located within the areas of the incorporated city limits of Sumner, Gig Harbor, DuPont, and also areas of unincorporated Pierce County.

Zone D. Zone D encompasses those Lodging Businesses located within the Pierce County Tourism Promotion Area as that term is addressed in WAC 458-20-166, as it presently exists or may be hereinafter amended, other than hotels, motels, and bed and breakfast facilities. Lodging Businesses within this Zone, as addressed in WAC 458-20-166 would include only (i) trailer camps and recreational vehicle parks which charge for the rental of space to transients for locating or parking house trailers, campers, recreational vehicles, mobile homes, and tents; (ii) educational



1 institutions which sell overnight lodging to persons other than students; (iii)
2 private lodging houses, dormitories and bunkhouses operated by or on
3 behalf of businesses and industrial firms or schools solely for the
4 accommodation of employees of such firms or students which are not held
5 out to the public as a place where sleeping accommodations may be
6 obtained; and (iv) guest ranches or summer camps which, in addition to
7 supplying meals and lodging, offer special recreational facilities and
8 instruction in sports, boating, riding, outdoor facilities and instruction in
9 sports, boating and outdoor living.

10
11 The Special Assessments imposed under this section are not a tax on the
12 "sale of lodging" for the purposes of RCW 82.14.410.
13

14 Section 3. Any person may appear at the time, place, and date set forth in
15 Section 1. above and present testimony on the Pierce County Council's intention to
16 establish the Pierce County Tourism Promotion Area as described herein above. The
17 Pierce County Council's intention to establish the Pierce County Tourism Promotion
18 Area shall terminate if protests are made by Lodging Businesses in the proposed
19 Tourism Promotion area which would pay a majority of the charges. If sufficient
20 protests are not made by Lodging Businesses in the proposed Pierce County Tourism
21 Promotion Area which would pay the majority of the proposed charges, the Pierce
22 County Council may adopt an ordinance establishing the Pierce County Tourism
23 Promotion Area and other matters related thereto as provided by law.
24

25 ADOPTED this 19th day of May, 2009.
26

27 ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

28
29
30 Denise D. Johnson

31 **Denise D. Johnson**
32 Clerk of the Council
33

Roger Bush

Roger Bush
Council Chair

