



Legislation Passed July 14, 2015

The Tacoma City Council, at its regular City Council meeting of July 14, 2015, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 39234

A resolution appointing and reappointing individuals to the Planning Commission.
[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

Resolution No. 39235

A resolution awarding a contract to PPC Solutions, Inc., in the amount of \$468,262.50, sales tax not applicable, budgeted from the Municipal Building Operations Fund and Urban Development Action Grant Fund, to provide uniformed security guard services for the Tacoma Municipal Complex, for an initial two-year period, with the option to renew for three additional one-year periods, for a projected contract total of \$1,228,361.17 - Specification No. PW15-0260F.
[Justin E. Davis, Facilities Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Amended Resolution No. 39236

A resolution transmitting a ballot measure to the Pierce County Auditor to be placed on the ballot for the General Election on Tuesday, November 3, 2015, which reads:

CITY OF TACOMA
PROPOSITION NO. 3

The Tacoma City Council adopted Resolution No. 39236 concerning levy rate and gross earnings tax increases for street improvements. If passed, Proposition No. 3 would authorize the City to increase the City's regular property tax levy by \$0.20 per \$1,000 of assessed value for collection for ten years beginning in 2016, and levy an additional 1.5% earnings tax on natural gas, electric, and phone companies for ten years, beginning 2016, to fund street repair, maintenance and safety improvements for residential streets, arterials, and freight access, including resurfacing, pothole repair, pedestrian safety improvements, school crossing beacons, and sidewalk improvements.

Should this proposition be approved?

Yes []
No []

[Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39237

A resolution transmitting a ballot measure to the Pierce County Auditor to be placed on the ballot for the General Election on Tuesday, November 3, 2015, which reads:

CITY OF TACOMA INITIATIVE MEASURE NO. 1B
Concerns Establishing a Minimum Wage In The City Of Tacoma
As an alternative, the City Council has proposed
Initiative Measure No. 1B

The Tacoma City Council adopted Resolution No. 39237 concerning establishing a minimum wage. If passed by the voters, Initiative 1B would require employers to pay a minimum hourly wage to employees aged sixteen (16) and over performing work in Tacoma of not less than \$10.35 per hour beginning February 2016, \$11.15 beginning January 2017, and \$12.00 beginning January 2018, adjusted annually thereafter based on the Consumer Price Index (CPI) as calculated and used by the State of Washington at that time, and requiring that an impact assessment be conducted in 2018 and every two years thereafter.

Should either of these measures be enacted into law?

Yes []

No []

Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Measure No. 1 []

Or

Measure No. 1B []

[Andy Cherullo, Director, Finance]

Ordinance No. 28305

An ordinance amending Chapter 12.10 of the Municipal Code, relating to Water - Regulations and Rates, to revise rates with RockTenn CP, LLC.

[Sean Senescall, Rates and Financial Planning Manager; Linda McCrea, Water Superintendent]



RESOLUTION NO. 39234

1 BY REQUEST OF DEPUTY MAYOR BOE AND COUNCIL MEMBERS IBSEN
AND MELLO

2 A RESOLUTION relating to committees, boards, and commissions; appointing and
3 reappointing individuals to the Planning Commission.

4 WHEREAS vacancies exist on the Planning Commission, and

5 WHEREAS, at its meeting of June 24, 2015, the Infrastructure, Planning,
6 and Sustainability Committee conducted interviews and recommended the
7 appointment and reappointment of individuals to said commission, and
8

9 WHEREAS, pursuant to the City Charter Section 2.4 and the Rules,
10 Regulations, and Procedures of the City Council, the persons named on Exhibit "A"
11 have been nominated to serve on the Planning Commission; Now, Therefore,

12 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

13 That those nominees to the Planning Commission, listed on Exhibit "A" are
14 hereby confirmed and appointed or reappointed as members of such commission
15 for such terms as are set forth on Exhibit "A."
16

17
18 Adopted _____
19

20 _____
Mayor

21 Attest:

22 _____
23 City Clerk

24 Approved as to form:

25 _____
26 City Attorney



EXHIBIT "A"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

PLANNING COMMISSION

Appointing **Dorian Waller** to the District No. 2 position to serve a three-year term to expire June 30, 2018.

Appointing **Brett Santhuff** to the District No. 3 position to serve a three-year term to expire June 30, 2018.

Reappointing **Chris Beale** to the District No. 5 position to serve a three-year term to expire June 30, 2018.

Reappointing **Donald Erickson** to the Architecture, Historic Preservation, and Urban Design position to fill an unexpired term to expire June 30, 2016.



RESOLUTION NO. 39235

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and
2 the furnishing of services; authorizing the execution of a two-year contract
3 with PPC Solutions, Inc., in the amount of \$468,262.50, sales tax not
4 applicable, budgeted from the PWF Municipal Building Operations Fund and
5 CED UDAG Fund, to provide unarmed, uniformed security guard services
6 for the Tacoma Municipal Complex for an initial two-year period, with option
7 to renew for three additional one-year periods, for a projected contract total
8 of \$1,228,361.17, pursuant to Specification No. PW15-0260F.

9 WHEREAS the City has complied with all applicable laws and processes
10 governing the acquisition of those supplies, and/or the procurement of those
11 services, inclusive of public works, as is shown by the attached Exhibit "A,"
12 incorporated herein as though fully set forth, and

13 WHEREAS the Board of Contracts and Awards has concurred with the
14 recommendation for award as set forth in Exhibit "A"; Now, Therefore,

15 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

16 Section 1. That the Council of the City of Tacoma concurs with the Board of
17 Contracts and Awards to adopt the recommendation for award as set forth in the
18 attached Exhibit "A."

19 Section 2. That the proper officers of the City are hereby authorized to
20 enter into a two-year contract with PPC Solutions, Inc., in the amount of
21 \$468,262.50, sales tax not applicable, budgeted from the PWF Municipal Building
22 Operations Fund and CED UDAG Fund, to provide unarmed, uniformed security
23 guard services for the Tacoma Municipal Complex for an initial two-year period,
24
25
26



1 with option to renew for three additional one-year periods, for a projected contract
2 total of \$1,228,361.17, pursuant to Specification No. PW15-0260F, consistent with
3 Exhibit "A."
4

5 Adopted _____
6

7 _____
8 Mayor

9
10 _____
11 City Clerk

12 Approved as to form:
13 _____
14 City Attorney

15
16
17
18
19
20
21
22
23
24
25
26



RESOLUTION NO. 39236

1 BY REQUEST OF MAYOR STRICKLAND

2 A RESOLUTION providing for the submission of a proposition to the electors of
3 the City of Tacoma, at the General Election to be held on November 3,
4 2015, authorizing the City to levy an additional 1.5 percent earnings tax on
5 utility companies, and a levy lid lift of \$0.20/\$1,000 in assessed value over
6 a period of ten years, for the sole purpose of funding repair and
7 maintenance improvements for residential and arterial streets, freight
8 access, and bike and pedestrian mobility in the City of Tacoma; setting
9 forth the ballot proposition; requiring an annual progress report; and
10 directing the City Clerk to transmit to the Pierce County Auditor a certified
11 copy of this resolution.

12 WHEREAS the City Council has identified infrastructure improvement as
13 one of its Strategic Goals, and

14 WHEREAS adequate and dedicated funding to preserve and maintain City
15 streets continues to be a significant challenge for the City, and

16 WHEREAS the City Council and Council-appointed task forces have
17 consistently identified the issue of sustainable, dedicated funding for basic
18 maintenance of City and neighborhood streets and road safety upgrades, pothole
19 repairs, repaving of streets and arterials, safety improvements at intersections,
20 sidewalks and crosswalks near schools, and bridged maintenance and safety
21 repairs as a top priority, and

22 WHEREAS RCW 35.22.280 permits first-class cities to levy a tax on the
23 privilege of conducting utility businesses such as electrical energy, natural gas,
24 or telephone business, and RCW 35.21.870 limits imposition of such taxes to a
25 rate of six percent in the absence of approval by a majority of the voters of the
26 City, and



1 WHEREAS RCW 84.55.050 provides for the levy of regular property taxes
2 in an amount exceeding the limitations specified in Chapter 84.55 RCW if such
3 increased levy is authorized by a proposition approved by a majority of the voters
4 at the general election held within the taxing district (a “levy lid lift”), and
5

6 WHEREAS RCW 84.55.050 further provides that the proposition may limit
7 the time period and purpose for which the increased levy is to be made and that,
8 unless otherwise stated in the proposition, subsequent levies shall be computed as
9 if the proposition had not been approved and the City had made levies at the
10 maximum rates which would otherwise have been allowed, and
11

12 WHEREAS, if approved by the voters, the funds raised by a 1.5 percent
13 increase in the utility earnings tax and levy lid lift of \$0.20/\$1,000 in assessed
14 value over a period of ten years would be used exclusively to finance Citywide
15 street maintenance improvements and safety upgrades, and
16

17 WHEREAS the City Council deems it necessary to submit to the qualified
18 electors a proposed tax increase of 1.5 percent earnings tax on utility companies,
19 and a levy lid lift of \$0.20/\$1,000 in assessed value over a period of ten years, to
20 generate total revenues of \$130,000,000, for the sole purpose of funding street
21 maintenance improvements and safety upgrades as described herein, and
22

23 WHEREAS transparency and accountability of how funds are spent, the
24 budgets of the projects, leverage of funds achieved and demonstration of
25 progress made are critical to delivering the improvements promised to voters,
26 and



1 WHEREAS, if the voters approve this proposition, the City Manager is
2 directed to prepare an annual progress report to be made available to the public
3 through the Transportation Commission to ensure transparency and
4 accountability, and

5 WHEREAS, in furtherance of transparency and accountability of how the
6 newly generated funds will be spent, it is the intent of the City to establish new
7 and separate funds to segregate the revenues collected as a result of this
8 measure, and to restrict the use of these funds for the purposes set forth in this
9 measure; Now, Therefore,

10
11 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

12 Section 1. That the Pierce County Auditor, as *ex officio* supervisor of
13 elections in Pierce County, Washington, is hereby requested to submit to the
14 qualified electors of the City of Tacoma, for their approval or rejection at the
15 General Election to be held on November 3, 2015, a proposition authorizing an
16 additional 1.5 percent earnings tax on utility companies, and a levy lid lift of
17 \$0.20/\$1,000 in assessed value over a period of ten years, to generate total
18 revenues of \$130,000,000, for the sole purpose of financing street maintenance
19 improvements and safety upgrades in the City of Tacoma.
20

21 Section 2. The City shall submit a proposition to the electorate of the City
22 of Tacoma in the form substantially as follows:
23
24
25
26



**CITY OF TACOMA
PROPOSITION NO. 3**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

The Tacoma City Council adopted Amended Resolution No. 39236 concerning levy rate and gross earnings tax increases for street improvements. If passed, Proposition No. 3 would authorize the City to increase the City’s regular property tax levy by \$0.20 per \$1,000 of assessed value for collection for ten years beginning in 2016, and levy an additional 1.5% earnings tax on natural gas, electric, and phone companies for ten years, beginning 2016, to fund street repair, maintenance and safety improvements for residential streets, arterials, and freight access, including resurfacing, pothole repair, pedestrian safety improvements, school crossing beacons, and sidewalk improvements.

Should this proposition be approved?

Yes.

No

Section 3. That, prior to August 4, 2015, the City Clerk shall send to the Pierce County Auditor, as *ex officio* supervisor of elections, a certified copy of this resolution, together with a proposition substantially in the form set forth above, for the November 3, 2015, General Election.

Section 4. That, should the voters approve this proposition, the City Manager is directed to work with the Public Works Department to deliver an annual progress report to the public through the Transportation Commission so that citizens may easily understand the improvements made and budget and leverage achieved, among other indicators, important for transparency and accountability of these public resources.

Section 5. That the City Manager is directed to bring forward an ordinance establishing dedicated and restricted funds to ensure that any revenue



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

generated as a result of this measure is used solely as outlined in the initiative proposal.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 39237

1 BY REQUEST OF MAYOR STRICKLAND

2 A RESOLUTION providing for the submission of an initiative to the electors of the
3 City of Tacoma as an alternative to City of Tacoma Citizens Initiative No. 1,
4 at the General Election to be held on November 3, 2015, relating to minimum
5 wage in the City of Tacoma; and directing the City Clerk to transmit to the
Pierce County Auditor a certified copy of this resolution.

6 WHEREAS an initiative petition ("Citizens Initiative No. 1") for the enactment
7 of an ordinance intending to establish a minimum wage in the City of Tacoma has
8 been signed by registered voters equal in number to at least 10 percent of the total
9 votes cast in the last preceding mayoral election and has been transmitted to the
10 City Council pursuant to the provisions of the City Charter, and
11 City Council pursuant to the provisions of the City Charter, and

12 WHEREAS, under the City Charter, the City Council may enact, reject, or
13 take no action on an ordinance proposed by the initiative process within 30 days,
14 and

15 WHEREAS the City Council has chosen not to take final action on Citizens'
16 Initiative No. 1, and to submit the proposal to the people at the November 3, 2015,
17 General Election, and

18 WHEREAS a Minimum Wage Task Force ("Task Force") was established on
19 May 5, 2015, through Resolution No. 39187, and Resolution No. 39194 increased
20 the Task Force membership to 15 members and two alternates, to consist of nine
21 City Council nominees intended to be geographically and culturally diverse to
22 represent the entire Tacoma community, six members representing business and
23 citizen groups, and two alternates, and
24
25
26



1 WHEREAS the Task Force met eight times between May 28, 2015, and
2 June 29, 2015, and, at the July 7, 2015, City Council meeting, the City Council
3 adopted Resolution No. 39231, accepting the Task Force's final report, which
4 contained two proposals (A and B), and

5 WHEREAS the Task Force members agreed that raising the minimum hourly
6 wage in Tacoma from \$9.47 to \$15 on January 1, 2016, would be unprecedented
7 and very difficult for small businesses and small non-profit organizations to
8 implement, and that raising the minimum wage should be done incrementally, in
9 phases or steps over time, and
10

11 WHEREAS, while the Task Force agreed on a number of elements of an
12 alternative proposal to the initiative that will appear on the November 2015 ballot, it
13 did not reach unanimous agreement on a single alternative, and ultimately offered
14 the Mayor and City Council two options for phasing in increases to the minimum
15 wage, and
16

17 WHEREAS Proposal A was endorsed by nine Task Force members, and
18 would achieve a minimum hourly wage of \$15 for everyone working in Tacoma by
19 2024, and, for businesses with 150 or more employees, the minimum hourly wage
20 for employees would be \$15 by 2020, and
21

22 WHEREAS Proposal B was endorsed by six Task Force members, and
23 would achieve a minimum hourly wage of \$12 for everyone working in Tacoma by
24 2019, and
25
26



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

WHEREAS the City Council discussed options at the July 7, 2015, Special Study Session, and Mayor Strickland agreed to bring forward an alternative for City Council consideration at the July 14, 2015, Council meeting, and

WHEREAS the City Council has decided to propose an alternative to Citizens Initiative No. 1 with a ballot title as required under RCW 29A.72.050, and

WHEREAS, if approved by the voters, the alternative proposal to Citizens Initiative No. 1B would establish minimum wage rates for employees aged 16 and over performing work in the City of Tacoma of not less than \$10.35 per hour beginning February 1, 2016; \$11.15 per hour beginning January 1, 2017; and \$12.00 per hour beginning January 1, 2018, adjusted annually thereafter based on the Consumer Price Index (CPI) as calculated and used by the state of Washington at that time, and requiring that an impact assessment be conducted in 2018 and every two years thereafter; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That the Pierce County Auditor, as *ex officio* supervisor of elections in Pierce County, Washington, is hereby requested to submit to the qualified electors of the City of Tacoma, for their approval or rejection at the General Election to be held on November 3, 2015, an alternative to Citizens' Initiative No. 1 as set forth in the attached Exhibit "A," establishing minimum wage rates for employees aged 16 and over performing work in the City of Tacoma of not less than \$10.35 per hour beginning February 1, 2016; \$11.15 beginning January 1, 2017; and \$12.00 beginning January 1, 2018, adjusted annually thereafter based on the Consumer Price Index (CPI) as calculated and used by the



state of Washington at that time, and requiring that an impact assessment be conducted in 2018 and every two years thereafter.

Section 2. The City shall submit an alternative to Citizens' Initiative No. 1 to the electorate of the City of Tacoma in the form substantially as follows:

CITY OF TACOMA INITIATIVE MEASURE NO. 1B

Concerns Establishing a Minimum Wage In The City Of Tacoma

As an alternative, the City Council has proposed Initiative Measure No. 1B

The Tacoma City Council adopted Resolution No. 39237 concerning establishing a minimum wage. If passed by the voters, Initiative 1B would require employers to pay a minimum hourly wage to employees aged sixteen (16) and over performing work in Tacoma of not less than \$10.35 per hour beginning February 2016, \$11.15 beginning January 2017, and \$12.00 beginning January 2018, adjusted annually thereafter based on the Consumer Price Index (CPI) as calculated and used by the State of Washington at that time, and requiring that an impact assessment be conducted in 2018 and every two years thereafter.

Should either of these measures be enacted into law?

Yes.

No

Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Measure No. 1.

Or

Measure No. 1B.

Section 3. That, prior to August 4, 2015, the City Clerk shall send to the Pierce County Auditor, as *ex officio* supervisor of elections, a certified copy of this



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

resolution, together with an initiative substantially in the form set forth above, for the
November 3, 2015, General Election.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

1 AN ORDINANCE relating to employment in Tacoma; amending the Tacoma
2 Municipal Code by adding thereto a new Chapter 18.20, entitled "Minimum
3 Wage," to establish the minimum hourly wage rates for employees
4 performing work in Tacoma; and prescribing remedies and enforcement
5 procedures.

6 WHEREAS, it would be in the best interest of the public health, safety and
7 welfare to enact the ordinance as set forth below; Now, Therefore,

8 BE IT ORDAINED BY THE VOTERS OF THE CITY OF TACOMA:

9 Section 1. Adding New Chapter 18.20 TMC (Minimum Wage). That the
10 Tacoma Municipal Code is hereby amended by the addition thereto of new
11 Chapter 18.20 to Title 18 of the Tacoma Municipal Code, entitled "Minimum Wage,"
12 establishing the minimum hourly wage rates for employees performing work in
13 Tacoma, and prescribing remedies and enforcement procedures, as set forth in the
14 attached Exhibit "A."

15 Section 2. Effective Date. That this ordinance shall take effect on
16 February 1, 2016.
17
18
19
20
21
22
23
24
25
26



EXHIBIT "A"

Chapter 18.20
MINIMUM WAGE

Sections:

- 18.20.010 Findings.
- 18.20.020 Authority.
- 18.20.030 Relationship to other requirements.
- 18.20.040 Definitions.
- 18.20.050 Application.
- 18.20.060 Minimum wage required.
- 18.20.070 Waivers; exemptions.
- 18.20.080 Review.
- 18.20.090 Exercise of rights protected; retaliation prohibited.
- 18.20.100 Notice and posting.
- 18.20.110 Employer responsibilities.
- 18.20.120 Enforcement.
- 18.20.130 Severability.

18.20.010 Findings.

A. Many persons employed in the City are paid wages which are insufficient to sustain minimum standards of living in the City.

B. Minimum standards of living in the City are higher than the minimum standards of living in many other areas of the state.

C. Minimum wage standards promote the general welfare, health, and prosperity of residents and businesses in Tacoma by ensuring that workers can better support and care for their families.

D. Minimum wage standards promote greater income equality.

E. Minimum wage standards in the City are necessary to:

- 1. promote the health and welfare of City residents;
- 2. safeguard employers and employees against unfair competition;
- 3. increase the stability of industry in the City;
- 4. increase the buying power of employees in the City; and
- 5. decrease the need for the City to spend public money for the relief of employees who also live in the City.

18.20.020 Authority.

This chapter is adopted pursuant to the powers vested in the City of Tacoma under the laws and Constitution of the State of Washington, including, but not limited to, the police powers vested in the City pursuant to Article XI, Section 11, of the Washington Constitution.



18.20.030 Relationship to other requirements.

1 This chapter provides for payment of a local minimum hourly wage and shall not be construed to
2 preempt or otherwise limit or affect the applicability of any other law, regulation, requirement,
3 policy or standard that provides for payment of higher or supplemental wages or benefits, or that
4 extends other protections; and nothing in this chapter shall be interpreted or applied so as to create
5 any power or duty in conflict with federal or state law. This chapter not be construed to preclude
6 any person aggrieved from seeking judicial review of any final administrative decision or order
7 made under this chapter affecting such person.

18.20.040 Definitions.

8 In construing the provisions of this chapter, the following definitions shall be applied. Words in the
9 singular number shall include the plural, and the plural shall include the singular. If specific
10 provisions of law, code, regulation, or rule referred to herein be renumbered or amended, then the
11 reference shall be read to refer to the renumbered and/or amended provision.

12 “Adverse action” means to discharge, suspend, discipline, transfer, demote, or deny promotion, or
13 threaten to do any of the prior listed actions, by an employer of an employee for any reason
14 prohibited by Section 18.20.090 of this chapter.

15 “Charging party” means the person aggrieved by an alleged violation of this chapter or the person
16 making a charge on another person’s behalf, or the Director, when the Director files a charge.

17 “City” means the City of Tacoma.

18 “Director” means the Finance Director, or designee.

19 “Employ” shall have the same meaning as that term is given pursuant to the Washington Minimum
20 Wage Act.

21 “Employee” shall have the same meaning as that term is given pursuant to the Washington
22 Minimum Wage Act.

23 “Employer” shall have the same meaning as that term is given pursuant to the “Washington
24 Minimum Wage Act”.

25 “Minimum Wage” or “Minimum Wage Rate” shall mean the minimum hourly rates of monetary
26 compensation for work as specified in this chapter.

“Nonprofit Corporation” means any organization recognized as a nonprofit corporation under the
provisions of Chapter 24.03 of the Revised Code of Washington (“RCW”), and exempt from the
Washington State business and occupation tax pursuant to RCW 82.04.3651.

“Party” includes the person charging or upon whose behalf a charge is made alleging a violation of
this chapter, the person alleged or found to have committed a violation of this chapter, and the
Director.

“Person” means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy,
trust, estate, firm, co-partnership, joint venture, club, company, joint-stock company, business trust,
municipal corporation, political subdivision of the state of Washington, corporation, limited
liability company, association, society, or any group of individuals acting as a unit, whether mutual,
cooperative, fraternal, nonprofit, or otherwise, and the United States or any instrumentality thereof.

“Tip” means a verifiable sum to be presented by a customer as a gift or gratuity in recognition of
some service performed for the customer by the employee receiving the tip.



1 “Wage” shall have the same meaning as that term is given pursuant to the “Washington Minimum Wage Act.” Tips and employer payments toward a medical benefits plan do not constitute wages for purposes of this Chapter.

2 “Washington Minimum Wage Act” shall mean Chapter 49.46 of the Revised Code of Washington (“RCW”).

3 **18.20.050 Application.**

4 Employees are covered by this chapter for each hour worked within the geographic boundaries of Tacoma, provided that an employee who performs work in Tacoma on an occasional basis is covered by this chapter only if the employee performs more than 80 hours of work in Tacoma within a calendar year. Time spent in Tacoma solely for the purpose of traveling through Tacoma from a point of origin outside Tacoma to a destination outside Tacoma, with no employment-related or commercial stops in Tacoma except for refueling or the employee’s personal meals or errands, is not covered by this chapter. An employee who is not covered by this chapter is still included in any determination of the size of the employer.

9 **18.20.060 Minimum wage required.**

10 A. Beginning February 1, 2016, and until January 1, 2017, every employer shall pay to each employee who has reached the age of 16 years wages at a rate of not less than \$10.35 per hour.

11 B. Beginning January 1, 2017, and until January 1, 2018, every employer shall pay to each employee who has reached the age of 16 years wages at a rate of not less than \$11.15 per hour.

12 C. Beginning January 1, 2018, and until January 1, 2019, every employer shall pay to each employee who has reached the age of 16 years wages at a rate of not less than \$12.00 per hour.

14 D. Beginning January 1, 2019, and each following January 1st as set forth under subsection E, every employer shall pay to each employee who has reached the age of 16 years wages at a rate of not less than the applicable amount established under subsection E.

16 E. On September 30, 2018, and on each following September 30th, the Director shall calculate an adjusted minimum wage rate to maintain employee purchasing power by increasing the current year’s minimum wage rate by the rate of inflation. The adjusted minimum wage rate shall be calculated to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the 12 months prior to each September 1st as calculated by the United States Department of Labor and as used by the state of Washington at that time. Each adjusted minimum wage rate calculated under this Subsection E takes effect on the following January 1st.

20 **18.20.070 Waivers; exemptions.**

21 Employers issued special certificates pursuant to RCW 49.46.060 are exempt from the requirements of Section 18.20.060 of this chapter to pay minimum wage to those employees who are subject to the certificate(s); provided that, the employer is in compliance with the terms and conditions of the certificate(s) issued.

24 **18.20.080 Review.**

25 The City Manager is directed to prepare and present a proposal in year 2018, and every two years thereafter, to the City Council for a study to assess the impacts of the increase in the minimum wage upon, (a) small businesses, (b) minimum/low wage workers, and (c) the City’s economy in the context of Pierce County and the greater Puget Sound region. The assessment is intended to be used by the City and business, labor, and community partners to determine strategies and goals to



1 address the findings of the assessment, and for the City Council to consider adoption of identified
2 goals as policies to strengthen small, local businesses and others, to develop policies that are part of
3 the City’s comprehensive campaign to reduce poverty.

4 **18.20.090 Exercise of rights protected; retaliation prohibited.**

5 A. It shall be a violation for an employer or any other person to interfere with, restrain, or deny the
6 exercise of, or the attempt to exercise, any right protected under this chapter.

7 B. It shall be a violation for an employer to take adverse action against an employee because the
8 employee has exercised in good faith the rights protected under this chapter.

9 C. The protections afforded under this subsection shall apply to any person who mistakenly, but in
10 good faith, alleges violations of this chapter.

11 **18.20.100 Notice and posting.**

12 A. Employers shall give notice that employees are entitled to payment of minimum wage; the
13 current minimum wage rate and their rights under this chapter; that adverse action against
14 employees who exercise any right under this chapter is prohibited; and that each employee has the
15 right to file a charge if payment of minimum wage, as required by this chapter, is denied by the
16 employer or the employer takes an adverse action against an employee for exercising rights granted
17 under this chapter.

18 B. The Director shall create and make available to employers a model notice, hereinafter referred to
19 as the “Notice,” which contains the information required under paragraph A of this subsection for
20 their use in complying with this subsection. The Notice shall be printed in English and Spanish and
21 any other languages that the Director determines are needed to notify employees of their rights
22 under this chapter.

23 C. Employers may comply with this section by posting the Notice in a conspicuous and accessible
24 place in each establishment where employees are employed.

25 D. Employers may also comply with this section by including the Notice in employee handbooks or
26 other written guidance to employees concerning employee benefits or leave rights, or by
distributing a copy of the Notice to each new employee upon hiring. In either case, distribution may
be accomplished electronically.

18.20.110 Employer responsibilities.

A. Employers shall certify compliance with this chapter upon application for and renewal of their
City of Tacoma business license.

B. Employers shall retain records documenting hours worked by employees in the City of Tacoma,
and the wages paid to such employees. Employers shall retain such records for a period of three
years, and shall allow the Director access to such records, with at least five business days’ notice
and at a mutually agreeable time, to investigate potential violations and to audit compliance with
the requirements of this chapter. Employers shall make copies of these records available to
employees upon request and within a reasonable period of time.

C. Records and documents relating to medical certifications, recertifications, or medical histories
of employees or employees’ family members created for purposes of this chapter are required to be
maintained as confidential medical records in separate files and/or records from the usual personnel
files. If the Americans with Disabilities Act (“ADA”) applies, then these records must comply with
ADA confidentiality requirements.



18.20.120 Enforcement.

A. Powers and duties of Director.

1 1. The Director is authorized to enforce this chapter, and may promulgate rules and regulations
2 consistent with this chapter, provided that the Director shall hold one or more public hearings prior
3 to adoption of final rules and regulations.

4 2. The Director shall attempt to conciliate and settle by agreement, any alleged violation or failures
5 to comply with the provisions of this chapter.

B. Charge filing.

6 1. A charge alleging a violation of this chapter shall be in writing, on a form or in a format
7 determined by the Director and signed by or on behalf of a charging party, and shall describe the
8 violation complained of and shall include a statement of the dates, places, and circumstances and
9 the persons responsible for the alleged violation.

10 2. A charge alleging a violation of this chapter may also be filed by the Director whenever the
11 Director has reason to believe that any person has been engaged or is engaging in a violation of this
12 chapter.

C. Citations and Notices of Assessment, Determinations of Compliance, and Civil Penalties.

13 1. The Director shall issue either (a) a citation and notice of assessment or (b) a determination of
14 compliance no later than 60 calendar days after receipt of the charge, unless the Director extends
15 the response date. Notice of the extended date will be provided by the Director to the parties in
16 writing.

17 2. The citation and notice of assessment or determination of compliance shall be delivered in
18 writing to all parties by personal delivery or first-class mail.

19 3. If the Director determines that a violation has occurred and issues a citation and notice of
20 assessment, the assessment shall include a determination of all unpaid wage amounts that are due,
21 plus interest of 1 percent per month. The assessment may not include any amounts owed more than
22 three years before the date the charge was filed.

23 4. If the Director finds any violation of this chapter, the Director may issue a civil penalty in the
24 amount of \$250, provided the Director may waive or reduce the civil penalty if the employer comes
25 into compliance within ten calendar days of the notice or shows that its failure to comply was due
26 to reasonable cause and not willful neglect. If the Director finds a willful violation of this chapter
which results in a citation and notice of assessment, the Director may issue a civil penalty that shall
not be less than \$250 or an amount equal to two times the total value of unpaid leave the employer
failed to credit or pay the employee, whichever is greater, provided the Director may waive or
reduce the civil penalty if the employer has not previously been found by the Director to have
willfully violated this chapter, and the employer provides payment to the employee of all amounts
of unpaid wages and interest due, all as determined in the citation and notice of assessment, within
ten business days of receipt of the citation and notice of assessment.

5. Payment by the employer, and acceptance by the employee of all unpaid wages and interest
assessed by the department in a citation and notice of assessment shall constitute full and complete
satisfaction by the employer of all payment requirements in the citation and notice of assessment.

6. Nothing in this chapter shall be construed as creating a private cause of action for employees to
file suit against an employer.



D. Administrative Review by Director.

1. General.

A person to whom a Citation and Notice of Assessment (“Citation”) or a Determination of Compliance (“Determination”) or civil penalty (“Penalty”) is assessed may request an administrative review of the Citation, Determination, or Penalty.

2. How to request administrative review.

A person may request an administrative review of the Citation, Determination, or Penalty by filing a written request with the Director within ten calendar days from the date of the Citation, Determination, or Penalty. The request shall state, in writing, the reasons the Director should review the Citation, Determination, or Penalty. Failure to state the basis for the review in writing shall be cause for dismissal of the review. Upon receipt of the request for administrative review, the Director shall review the information provided.

3. Decision of Director.

After considering all of the information provided, the Director shall determine whether a violation has occurred and shall affirm, vacate, suspend, or modify the Citation, Determination, or Penalty.

The Director’s decision shall be delivered, in writing, to all parties by first-class mail.

E. Appeals to the Hearing Examiner of Director’s Decision.

Appeal of the Director’s decision shall be made within ten calendar days from the date of the Director’s decision by filing a written notice of appeal, clearly stating the grounds that the appeal is based upon, with the Hearing Examiner, which appeal shall be governed by TMC 1.23. The Hearing Examiner shall notify all parties, by mail, of the time and place of hearing.

18.20.110 Severability.

If any provision or section of this chapter shall be held to be void or unconstitutional, all other parts, provisions, and sections of this chapter not expressly so held to be void or unconstitutional shall continue in full force and effect.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26



ORDINANCE NO. 28305

1 AN ORDINANCE relating to the Department of Public Utilities, Water Division
2 (dba "Tacoma Water") amending Section 12.10.400 of the Tacoma
Municipal Code to revise water regulations and rates.

3 WHEREAS Resolution No. 36675, adopted October 18, 2005, authorized
4 the Department of Public Utilities, Water Division (dba "Tacoma Water") to enter
5 into a water supply contract with Simpson Tacoma Kraft Company ("Simpson") to
6 serve the Tacoma pulp and paper mill, commencing January 1, 2006, and ending
7 on July 31, 2015, which agreement included an option for two, five-year extensions
8 upon mutual agreement of the parties ("Agreement"), and
9

10 WHEREAS RockTenn, CP LLC ("RockTenn"), a wholly-owned subsidiary of
11 Rock-Tenn Company, acquired substantially all of Simpson's assets through a
12 2014 purchase agreement, and the Public Utility Board, through Resolution
13 No. U-10686, consented to the assignment of the Agreement from Simpson to
14 RockTenn, and
15

16 WHEREAS two significant changes have occurred during the period that the
17 parties were engaged in discussions regarding a renegotiated water supply
18 agreement: (1) the Simpson Tacoma Kraft mill was purchased by RockTenn in
19 May 2014; and (2) a merger between RockTenn and MeadWestvaco was
20 announced in January 2015 and is currently pending, and
21

22 WHEREAS, in May 2014, the U.S. Environmental Protection Agency
23 announced regulatory standards affecting cooling water intakes, which could
24 significantly affect the mill's two existing saltwater intakes in Commencement Bay,
25 and
26



1 WHEREAS RockTenn requires time to comprehensively evaluate its water
2 supply needs in the context of recent ownership transitions and pending federal
3 regulations, and

4 WHEREAS, pursuant to Section 9 of the Agreement, the City Council
5 delegated authority to the Public Utility Board to approve Tacoma Water and
6 RockTenn's request that the Agreement be extended for an additional five-year
7 period, from July 31, 2015, through July 31, 2020, to enable the parties to
8 collaboratively develop solutions to the mill's future water supply needs in a
9 manner that accounts for joint environmental and financial sustainability objectives,
10 and work in good faith toward a renegotiated agreement, and

11 WHEREAS RockTenn pulp and paper mill is the largest customer of Tacoma
12 Water, paying \$5.8 million for 16.6 million gallons per day of water in 2014, which
13 represents 8.3 percent of Tacoma Water's service revenues and nearly 33 percent
14 of all water deliveries by volume, and

15 WHEREAS, in accordance with the terms and conditions of the Agreement, it
16 is necessary to amend Section 12.10.400 of the Tacoma Municipal Code to revise
17 regulation language, extend existing water rates through December 31, 2015, and
18 provide for an increase of 4 percent for said rates beginning January 1, 2016, and

19 WHEREAS the extended Agreement will benefit Tacoma Water by allowing it
20 to reliably project the stream of revenue derived from the Agreement, and

21 WHEREAS the Public Utility Board considered and approved the extension
22 of the Agreement and proposed rate adjustments at its meeting of June 17, 2015;

23 Now, Therefore,
24
25
26



BE IT ORDAINED BY THE CITY OF TACOMA:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

That Section 12.10.400 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "A" and as required to implement the extension of the Agreement.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-10784



EXHIBIT "A"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

12.10.400 Rates – Inside and outside City limits.

* * *

I. ~~Simpson Tacoma Kraft Company~~RockTenn Contract. The rates, terms, and conditions in the contract between the City and ~~Simpson Tacoma Kraft Company~~RockTenn CP, LLC (“RockTenn”); ~~formally assigned to RockTenn CP, LLC (“RockTenn”) on May 16, 2014,~~ are applicable, except as modified by this section. ~~The current assigned contract with RockTenn expires on July 31, 2015, and in the absence of a revised or extended contract after this date, the rate applicable to RockTenn will be the Commercial and Industrial – Large Volume rate schedule as described herein.~~

For a nominated contract demand, the water rate will be based on a monthly distribution charge and the daily supply charge. If the monthly water use exceeds 103% of the contract demand or the daily water use exceeds 109% of the contract demand, an excess water usage charge will be applied. The excess water usage charge will be either the daily excess water use charge or the monthly excess water use charge, whichever is greater.

- 1. Water use within the range of contract demand plus 3 percent: The charge will consist of a monthly distribution charge and daily supply charge per ccf metered as stated below.
- 2. Daily water use greater than one hundred and nine percent (109%) of the contract demand: The charge will consist of a monthly distribution charge, daily supply charge, plus a Daily Excess Water Usage Charge (based upon the commercial and industrial-large volume rate) for water metered daily in excess of the contract demand plus 9 percent as stated below.
- 3. Monthly water use greater than one hundred and three percent (103%) of the contract demand: The charge will consist of a monthly distribution charge, daily supply charge, plus a Monthly Excess Water Usage Charge (based on the commercial and industrial-large volume rate) for water metered during a month in excess of the contract demand plus 3 percent, as stated in the following table.

Billing Components	Commencing	
	4/1/15 <u>7/31/15</u>	<u>1/1/16</u>
Distribution Charge per Month	\$71,377.26	<u>\$74,232.35</u>
Supply Charge/CCF	\$0.6609151	<u>\$0.6873517</u>
Daily or Monthly Excess Water Usage Charge (Commercial and Industrial - Large Volume Rate) per CCF	\$1.510	<u>\$1.557</u>

4. The Superintendent is hereby authorized to execute a contract with RockTenn to provide additional terms and conditions of service and other provisions consistent with this ordinance.

* * *