



SUBSTITUTE
ORDINANCE NO. 28595

1 AN ORDINANCE relating to public safety; authorizing the creation of a public
2 development authority to be known as the South Sound 911 Public
3 Authority; approving a charter; amending Chapter 1.60 of the Tacoma
4 Municipal Code by the addition of a new Section 1.60.500 thereto, to be
known and designated as “South Sound 911”; and approving other matters
related thereto.

5 WHEREAS, in 2011, the City previously entered into an Interlocal
6 Agreement for Communications Services among the parties thereto (as
7 subsequently amended and restated in 2014, the “Original Interlocal Agreement”),
8 which created an emergency communications joint operations agency pursuant to
9 its terms and the terms of Chapter 39.34 of the Revised Code of Washington
10 (“RCW”), the Interlocal Cooperation Act, known as South Sound 911 (“Interlocal
11 Agency”), and
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13 WHEREAS the purpose of the Interlocal Agency is to serve as a consolidated
14 entity to provide public safety communications services to Pierce County and the
15 cities, fire protection districts, and other entities within Pierce County, and
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17 WHEREAS, after due consideration, the parties to the Original Interlocal
18 Agreement have determined that it would be in the best interest of the public and
19 the parties thereto for the Interlocal Agency to be reorganized as a public
20 development corporation chartered under the provisions of chapter 35.21 RCW
21 and to subsequently dissolve the Interlocal Agency, and
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23 WHEREAS, pursuant to the provisions of chapter 82.14 RCW, Pierce
24 County has imposed a countywide enhanced 911 excise tax, the proceeds of
25 which shall be used to fund emergency services communication systems, and
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1 WHEREAS, pursuant to the provisions of RCW 82.14.420, the voters of the
2 County approved the imposition of a 1/10th of 1 percent sales and use tax (“Sales
3 and Use Tax”), the proceeds of which will be used for the purpose of providing
4 funds for costs associated with the design, acquisition, construction, equipping,
5 operating, maintaining, remodeling, repairing, reequipping, improvement, and
6 financing of emergency communication systems and facilities, and

7 WHEREAS revenue received from the enhanced 911 excise tax, the Sales
8 and Use Tax, and other service fees, assessments, and sources of revenue will be
9 used by the new public development authority to fund costs of providing emergency
10 communication services previously provided by the Interlocal Agency, and
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12 WHEREAS the City has determined that chartering a public development
13 authority to oversee the delivery of emergency communications services within
14 Pierce County will create a highly focused and dedicated entity that will insure that
15 such emergency communication services are effective, efficient, affordable,
16 adaptable, and sustainable, all while ensuring appropriate public oversight and
17 accountability, and
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19 WHEREAS the City Council has been presented with a draft of a proposed
20 charter (“Charter”) for the establishment and chartering of a public development
21 authority to be known as the South Sound 911 Public Authority, which will have as
22 its purpose providing consolidated communications services pursuant to the terms
23 of this ordinance and the Charter, and
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25 WHEREAS it appears in the best interest of the City to approve the Charter
26 for the public development authority as now proposed; Now, Therefore,



BE IT ORDAINED BY THE CITY OF TACOMA:

1 Section 1. Authority Created—City Liability Limited.

2 A. Authority Created. The Council hereby authorizes the creation of a
3 public development authority pursuant to RCW 35.21.730(5). The public
4 development authority shall have all of the powers set forth in this ordinance,
5 RCW 35.21.730 through 35.21.755, and its Charter necessary to assume and
6 continue to provide all of the rights, powers, responsibilities, liabilities, assets, and
7 services previously provided by the Interlocal Agency. Such services include, but
8 are not limited to the following: (a) communication services, including 24-hour
9 dispatch for law enforcement and fire agencies, radio system operations, and other
10 communication services as approved by the governing board, (b) support services,
11 including law enforcement records, firearm licensing, fingerprinting, and any other
12 agency support services approved by the governing board, and (c) any other
13 function specified in this ordinance and the Charter.
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17 B. Name. The name of the public development authority shall be the
18 “South Sound 911 Public Authority” (d.b.a. “South Sound 911” and referred to
19 herein as “South Sound 911” or “Authority”).
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21 C. Seal. The corporate seal of the Authority shall carry its name.

22 D. Liability Limited. The Authority is an independent legal entity exclusively
23 responsible for its own debts, obligations and liabilities. Except as specifically
24 agreed in writing by the City or any other public or private entity, the Authority shall
25 take no action that might impose liability upon the City or any other public or
26 private entity. Pursuant to RCW 35.21.730(5), all liabilities incurred by the



1 Authority shall be satisfied exclusively from the assets, credit, and properties of the
2 Authority, and no creditor or other person shall have any right of action against or
3 recourse against the City, any public or private entity that may contract with the
4 Authority, or their assets, credit, or services, on account of any debts, obligations,
5 liabilities or acts or omissions of the Authority.

6 The Charter of the Authority shall provide that it is organized pursuant to this
7 ordinance and RCW 35.21.730 through 35.21.755 and state as follows: “[A]ll
8 liabilities incurred by South Sound 911 shall be satisfied exclusively from the
9 assets and properties of South Sound 911 and no creditor or other person shall
10 have any right of action against the City of Tacoma or any other public or private
11 entity or agency on account of any debts, obligations, or liabilities of South
12 Sound 911 unless explicitly agreed to in writing by such public or private entity or
13 agency.” Such statement shall be displayed in a prominent location in the principal
14 office or other offices of the Authority. It shall also be printed or stamped on all
15 contracts and other documents that may entail any debt or liability by the Authority.
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18 The Charter of the Authority shall provide that it is organized pursuant to
19 this ordinance and RCW 35.21.730 through 35.21.755 and state as follows: “[A]ll
20 liabilities incurred by South Sound 911 shall be satisfied exclusively from the
21 assets and properties of South Sound 911 and no creditor or other person shall
22 have any right of action against the City of Tacoma or any other public or private
23 entity or agency on account of any debts, obligations, or liabilities of South
24 Sound 911 unless explicitly agreed to in writing by such public or private entity or
25 agency.” Such statement shall be displayed in a prominent location in the
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1 principal office or other offices of the Authority. It shall also be printed or stamped
2 on all contracts and other documents that may entail any debt or liability by the
3 Authority.

4 Section 2. Powers – Generally. Except as otherwise limited by Washington
5 State law, this ordinance, or the Charter, the Authority shall have and exercise all
6 lawful powers necessary or convenient to affect the purposes for which the
7 Authority is organized and to perform authorized corporate functions as provided in
8 its Charter.

9 Section 3. Limitation of Powers. The activities and transactions of the
10 Authority shall be limited as provided in its Charter.

11 Section 4. Charter. The Charter of the Authority is hereby approved in
12 substantially the form set forth at Exhibit A, with such changes as determined to
13 be necessary by the City Manager to accomplish the provisions of this ordinance.
14 The Charter shall be issued in duplicate originals, each signed by the City
15 Manager and bearing the City seal attested by the City Clerk. One original shall
16 be filed with the Tacoma City Clerk and filed as a public record. A duplicate
17 original shall be provided to the Authority. The Charter may be amended as
18 provided therein.

19 Section 5. Effect of Issuance of Charter. The Authority shall commence its
20 existence effective upon issuance of its Charter, appointment and confirmation of
21 the initial board of directors (“Board”) as provided below, and the first
22 organizational meeting of the initial Board is held. Except as against the state or
23 the City in a proceeding to cancel or revoke the Charter, delivery of a duplicate
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original Charter shall conclusively establish that the Authority has been established in compliance with the procedures of this ordinance.

Section 6. Board of Directors; Officers. A Board is hereby established to govern the affairs of the Authority. The initial Board of the Authority shall consist of eleven members appointed pursuant to the formula provided in the Charter. The initial Board shall be comprised of representatives of the following city, county and fire district agencies as follows:

Relative size of most recent approved Communications Assessment	Number of Board Seats	Appointing Authority	Name/Title of Appointee
As among City and County Contract Agencies			
1st largest communications assessment	2	Tacoma City Council	Council Member Lillian Hunter; Council Member Robert Thoms
2nd Largest communications assessment	2	Pierce County Council	Executive Bruce Dammeier; Council Member Doug Richardson
3rd largest communications assessment	1	Lakewood City Council	Council Member Michael Brandstetter
4th largest communication assessment	1	Puyallup City Council	Council Member Julie Door
5th, 6th and 7th largest communications assessments	2	Joint resolution of legislative authorities of Fife, Sumner, and Bonney Lake;	City of Fife: Council Member Tim Curtis; City of Sumner: Mayor Bill Pugh
As among Fire District Contract Agencies			
1st largest communications assessments	1	Central Pierce Fire District Board of Commissioners	Commissioner Matt Holm
2nd largest communications assessment	1	West Pierce Fire District Board of Commissioners	Commissioner Dan Rankin
All Fire District Contract Agencies with small communications assessments	1	Pierce County Fire Commissioners Association Board	Commissioner Pat McElligott



1 Successor Board members shall be appointed and serve their terms as
2 provided in the Charter. All corporate powers of the Authority shall be exercised by
3 or under the authority of the Board, and the business, property, and affairs of the
4 Authority shall be managed under the supervision of the Board, except as may be
5 otherwise provided by law or in the Charter. The Board shall have officers as
6 provided in the Charter.

7 Section 7. Meeting. Within ninety (90) days after the effective date of
8 this ordinance, the current Executive Director of the Interlocal Agency, or
9 designee, shall call an organizational meeting of the initial Board, giving at least
10 ten (10) days' advance written notice to each, unless waived in writing. At such
11 meeting, the Board shall organize itself, appoint initial officers, select its place of
12 business, and adopt a code of ethics policy. All Board meetings, including
13 executive, all other permanent and ad hoc committee meetings, shall be open to
14 the public to the extent required by chapter 42.30 RCW.

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17 Section 8. Funds of the Authority. All money belonging to or collected for
18 the use of the Authority coming into the hands of any officer thereof shall
19 immediately be deposited with the treasurer or other legal depository consistent
20 with Washington State law to the credit of the Authority for the benefit of the funds
21 to which they belong. The use of funds of the Authority for any purpose not
22 authorized by law by any officer having possession or control thereof is prohibited.

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24 Section 9. Discrimination Prohibited. Membership to the Board shall not be
25 directly or indirectly based upon or limited by age, sex, marital status, sexual
26 orientation, race, creed, color, national origin, honorably discharged veteran or



1 military status, or the presence of any sensory, mental, or physical disability or the
2 use of a trained dog guide or service animal by a person with a disability.

3 Furthermore, the Authority shall not discriminate in any matter related to
4 employment because of age, sex, marital status, sexual orientation, race, creed,
5 color, national origin, honorably discharged veteran or military status, or the
6 presence of any sensory, mental, or physical disability or the use of a trained dog
7 guide or service animal by a person with a disability. The Authority shall, in all
8 solicitation or advertisements for employees placed by or on behalf of the
9 Authority, if any, state that all qualified applicants will receive consideration for
10 employment without regard to age, sex, marital status, sexual orientation, race,
11 creed, color, national origin, honorably discharged veteran or military status, or the
12 presence of any sensory, mental, or physical disability or the use of a trained dog
13 guide or service animal by a person with a disability.
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15 Section 10. Dissolution. The Authority is formed to provide an essential
16 public purpose of providing emergency communication services within Pierce
17 County. The City recognizes that dissolution of the Authority without a successor
18 public safety answering point authorized to assume its duties would have a
19 significant impact on the local governments, customers, and individuals that the
20 Authority is intended to serve. Dissolution of the Authority shall be permitted as
21 provided in the Charter.
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23 Section 11. Insurance. The Authority shall maintain in full force and effect
24 public liability insurance in an amount sufficient to cover potential claims for bodily
25 injury, death, or disability and for property damage, which may arise from or be
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1 related to projects and activities of the Authority, and covering the City as to such
2 activities of the Authority.

3 The insurance required under this section may be fulfilled by acquiring
4 excess liability or umbrella liability coverage. However, in all cases, certificates of
5 insurance must be filed with the City.

6 Section 12. Annual Reports. The Authority shall promptly, after it is
7 available, provide its audited financial statements to the City Finance Director. If,
8 prior the end of nine months after the end of its fiscal year, the audited financial
9 statements are not available, the Authority shall file a copy of its unaudited
10 financial statements with the City Finance Director, to be promptly followed by
11 audited information. The Authority shall also file, promptly after it is available, with
12 the City Finance Director a copy of the operating budget once it is approved by the
13 Board. Any person shall have access to the financial statements of the Authority to
14 the extent required by Washington State law. The Authority shall also answer fully
15 and within a reasonable time any written inquiries by City or other public officials in
16 the course of their duties about its finances, organization or activities.

17 Section 13. Access to Records. To the extent required by Washington
18 State law, the Authority shall keep an official record of the minutes of proceedings
19 at all meetings of the Board and any meetings of any membership and the
20 resolutions of the Board. Any person shall have access to records and information
21 of the Authority to the extent required by Washington State law.
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Section 14. Public Corporation. The Authority is a public development authority created pursuant to RCW 35.21.730 through 35.21.755 as a separate legal entity from the City.

Section 15. Amendment to Tacoma Municipal Code. The Chapter 1.60 of the Tacoma Municipal Code is hereby amended by the addition thereto of a new Section 1.60.500, to be known and designated as “South Sound 911,” reading as follows:

**Chapter 1.60
Public Corporations**

Sections:
* * *

1.60.490 Ratification of prior acts.
1.60.500 South Sound 911.

* * *
1.60.500 South Sound 911. Notwithstanding anything in this chapter to the contrary, nothing in this chapter shall prevent the City Council from establishing, by ordinance, a public corporation that is not subject to the terms of this chapter. Upon the establishment and chartering of such public corporation, the ordinance authorizing such public corporation shall state that the public corporation is formed pursuant to its formation ordinance and charter and not pursuant to Chapter 1.60 of the Tacoma Municipal Code.

Section 16. Formation of the Authority. The Authority shall be established and chartered pursuant to this ordinance and its charter, and shall not otherwise be subject to the terms of Chapter 1.60 of the Tacoma Municipal Code.

Section 17. Ancillary Authority; Ratification. The City Manager, the City Manager’s designee, and other appropriate officers of the City are authorized to take any actions and to execute documents as in their judgment may be necessary or desirable in order to carry out the terms of, and complete the transactions contemplated by, this ordinance. All acts taken pursuant to the authority of this ordinance but prior to its effective date are hereby ratified.



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Section 18. Liberal Construction. This ordinance shall be liberally construed so as to effectuate its purposes and the purposes of RCW 35.21.730 through 35.21.755.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney