

ORDINANCE NO. 1423

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATED TO THE PLANNING COMMISSION, DESIGN REVIEW BOARD, CIVIL SERVICE COMMISSION, SALARY COMMISSION, ARTS COMMISSION, PARKS COMMISSION, LODGING TAX ADVISORY COMMITTEE, AND BUILDING CODE ADVISORY BOARD; REVISING CHAPTERS 2.20, 2.21, 2.22, 2.23, 2.34, 2.49, 2.50, AND 15.02 AND CREATING A NEW CHAPTER 2.53 OF THE GIG HARBOR MUNICIPAL CODE, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

---

WHEREAS, the City Council desires to implement consistent terms of service and among its advisory boards and commissions; and

WHEREAS, the City Council desires to codify the Lodging Tax Advisory Committee as originally established in 1997 by Resolution No. 509; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 2.20.010 – Revised. Chapter 2.20.010 of the Gig Harbor Municipal Code related to the Planning Commission is revised to read as follows:

**2.20.010 Created – Terms of office.**

Pursuant to the authority conferred by Chapter 35.63 RCW, there is created a city planning commission consisting of seven members who shall be selected as follows: all seven members shall be appointed by the mayor and confirmed by a majority of the city council. All members shall be residents of the city. Members appointed to the planning commission before August 27, 2019, who live outside of the city may continue to serve until the expiration of their current term. Members of the planning commission shall serve terms of four years. Those members currently serving shall continue to serve for the remainder of their appointed terms. Terms shall be staggered. Terms expire on June 30th but members of the planning commission shall continue to serve until their successors are appointed and qualified. No member shall serve more than three consecutive full terms of office.

Section 2. Chapter 2.21.020 – Revised. Chapter 2.21.020 of the Gig Harbor Municipal Code related to the Design Review Board is revised to read as follows:

**2.21.020 Terms, qualifications and appointment of members.**

A. Members of the design review board shall serve terms of ~~four~~three years for all terms beginning on or after August 27, 2019. All members with active terms as of the date identified above shall serve the duration of the active term as designated at the time of appointment. The terms shall be staggered. Terms expire on July 1st but members~~All terms beginning on or after August~~

27, 2019 shall expire on September 30<sup>th</sup>. All terms which are active as of August 27, 2019 shall serve until the expiration designated at the time of appointment. Members of the design review board shall continue to serve until their successors are appointed and qualified. The city council shall appoint a new DRB member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term. No member shall serve more than three consecutive full terms of office.

B. Design review board members shall have qualifications, skills or demonstrated interest in urban design or historic preservation and must be able to demonstrate the ability to read and interpret site plans, elevation drawings, landscape plans, architectural details and other design details and specifications as may be depicted on plans. Preference will be given to city residents. Members shall be selected by the council from at least four of the following categories:

1. A licensed architect or professional building designer with demonstrated experience in urban or historic building design. (At least one member shall be selected from this category);
2. A city resident with demonstrated interest and knowledge of urban design (no more than one member shall be selected from this category);
3. A member from the Gig Harbor planning commission. (No more than one member shall be selected from this category);
4. A member with a professional background relating to urban design (e.g., a professional artist, a civil engineer, planner, building contractor or professional designer) as determined by the city council;
5. A member with demonstrated interest and knowledge of landscaping, horticulture, arboriculture or forestry;
6. An individual with a background in identifying, evaluating and protecting historic resources, selected from among the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation or landscape architecture, or related disciplines. (At least two members should be selected from this category.) Members in this category may participate in all applications reviewed by the DRB pursuant to Chapter 17.99 GHMC (Design Manual), but shall participate in applications received pursuant to Chapter 17.97 GHMC (Historic Preservation).

The DRB action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the required categorical positions, as long as there is a quorum, unless DRB action is related to meeting certified local government (CLG) responsibilities cited in the certification agreement between the city and the State Historic Preservation Officer on behalf of the mayor, and the State Historic Preservation Officer on behalf of the state.

C. Application for Design Review Board Appointment. Individuals wishing to serve, or to be reappointed to serve, on the design review board shall submit a letter of interest to the city clerk. The letter of interest shall state which category of subsection B of this section the individual wishes to serve under,

and shall cite personal experience or credentials in that category. The city council shall consider which individual has the most direct experience in that category and give weight in their decision to experience over general interest.

Section 3. Chapter 2.22.030 – Revised. Chapter 2.22.030 of the Gig Harbor Municipal Code related to the Civil Service Commission is revised to read as follows:

**2.22.030 Civil service commission created – Appointment – Term – Removal and quorum.**

- A. There is created in the city a civil service commission which shall be composed of three persons.
- B. The members of such commission shall be appointed by the mayor; provided, that the members of the civil service commission presently constituted shall be the initial commissioners of the newly created civil service commission and shall continue in office until the term of their current appointment expires. ~~Confirmation of the appointment or appointments of commissioners by the city council shall be required.~~
- C. The members of such commission shall serve without compensation.
- D. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of the city for at least ~~one~~three years immediately preceding such appointment, and an elector of the county. At the time of any appointment not more than two commissioners shall be adherents of the same political party.
- E. Except for the initial commission, the term of office of such commissioners shall be six years. All commission members' terms shall expire on March 31st and all successive terms shall commence on April 1st. Members may continue to serve past their term expiration if no replacement has been appointed. No member shall serve more than two consecutive full terms of office.
- F. Any member of such commission may be removed from office for incompetency, incompatibility or dereliction of duty or malfeasance in office, or other good cause; provided, however, that no member of the commission shall be removed until charges have been preferred, in writing, due notice and a full hearing held.
- G. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this chapter.
- H. Two members of such commission shall constitute a quorum and the votes of any two members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this chapter.

Section 4. Chapter 2.23.030 – Revised. Chapter 2.23.030 of the Gig Harbor Municipal Code related to the Salary Commission are revised to read as follows:

**2.23.030 Membership.**

- A. Number of Members. The salary commission shall consist of five members appointed by the mayor and approved by the city council.

- B. Compensation. The salary commission shall serve without compensation.
- C. Terms. Each member of the salary commission shall serve a term of ~~four~~ three years, except that the first five commission members shall be appointed for different terms, as follows: two members to serve for a period of ~~two~~ three years, and ~~three~~ two members to serve for a period of ~~four~~ two years, and one member to serve for a period of one year. All commission members' terms shall expire on September 30th and all successive terms shall commence on October 1st. Members appointed before August 27, 2019 shall have their terms extended to expire on September 30<sup>th</sup> of the year their current term was set to expire. All members of the salary commission shall serve until their successors are duly appointed by the mayor and approved by the city council.
- D. ~~Appointment. The mayor, with the approval of the city council, may shall appoint alternate independent salary commission members as the need arises. The city council shall annually appoint new members in March to fill the expiring terms on the independent salary commission.~~
- E. Term Limit. No member may be appointed to more than two terms on the salary commission whether or not those terms are held consecutively.
- F. Vacancy. If, for any reason, a vacancy occurs during the term of an independent salary commission member, the mayor shall appoint, with the approval of the city council, a new member to fill the unexpired term of that member.
- G. Removal. The city council may remove an independent salary commission member at any time for cause of incapacity, incompetence, neglect of duty, or malfeasance in office or for a disqualifying change of residence.

Section 5. Chapter 2.49.010 – Revised. Chapter 2.49.010 of the Gig Harbor Municipal Code related to the Arts Commission is revised to read as follows:

**2.49.010 Commission established – Membership.**

- A. The Gig Harbor arts commission, consisting of seven members appointed by ~~the mayor and confirmed by the vote of a majority of the members of the city council,~~ is established. The term of office shall be three years. Commission members shall be selected for staggered terms. Three commissioners or their successors will serve a one-, two- or the full three-year term based on the position. All subsequent appointments shall be for three years, or for the duration of an unexpired term in the case of an appointment to a vacancy. All commission members' terms shall expire on March 31st and all successive terms shall commence on April 1st. Members may continue to serve past their term expiration if no replacement has been appointed. No member shall serve more than ~~two~~ three consecutive full terms of office, ~~unless the vacancy cannot be filled by new applicant(s).~~
- B. Commission members shall be appointed upon the basis of demonstrated interest, knowledge and support of the arts. Members shall serve without salary or other compensation; provided, that members shall be reimbursed for necessary expenses actually incurred with prior administrative approval. Commissioners may be selected from the Gig Harbor community-at-large. Preference will be given to city residents.
- C. Prior to appointing initial members and filling each vacancy in the membership of the commission, public notice of available positions shall be

~~provided to the news media~~ posted on the city's website at least two weeks in advance of appointment. Applicants for vacant positions shall apply to the office of the ~~mayer~~ city clerk.

Section 6. Chapter 2.50.010 – Revised. Chapter 2.50.010 of the Gig Harbor Municipal Code related to the Parks Commission is revised to read as follows:

**2.50.010 Parks commission established.**

- A. The city of Gig Harbor parks commission, consisting of seven members, appointed by a vote of the majority of the city council, is hereby established.
- B. The purpose of the parks commission is to advise the mayor and city council on park and recreation facilities, open space acquisition and development, maintenance and operation of parks and recreation public facilities, operation of parks and recreation programs, and other matters as directed by the city council.
- C. Commission members shall initially be selected for staggered terms. Three commissioners or their successors will serve a one-, two- or three-year term based on the position, except that Position 7 shall initially serve a two-year term. All subsequent appointments shall be for three years, or for the duration of an unexpired term in the case of an appointment to a vacancy. All commission members' terms shall expire on March 31st and all successive terms shall commence on April 1st. Members may continue to serve past their term expiration if no replacement has been appointed.
- D. Commission Appointments.
  - 1. Appointments to the parks commission will be by the city council during a regularly scheduled meeting.
  - 2. Each member of the commission shall be a resident of the city of Gig Harbor ~~or residing within the city's urban growth area (UGA) at the time of appointment and throughout her or his time in office. At no time shall there be more than two residents of the UGA serving on the commission. When reviewing appointments to the parks commission, residents of the city of Gig Harbor will be given preference.~~ Members appointed to the parks commission before August 27, 2019, who live outside of the city may continue to serve until the expiration of their current term.
  - 3. The council shall seek the advice and input of the commission prior to making any commission appointments.
  - 4. No member shall serve more than three consecutive full terms of office.
- E. Vacancies occurring other than through the expiration of terms shall be filled by the council, in consultation with the parks commission, within 90 days of the vacancy, for the unexpired term.
- F. Members may be removed by the city council for any reason.

Section 7. Chapter 2.53 - Established. Chapter 2.53 of the Gig Harbor Municipal Code is hereby established to read as follows:

**Chapter 2.53**  
**LODGING TAX ADVISORY COMMITTEE**

**Sections:**

**2.53.010 Committee established.**

**2.53.020 Composition, rules and terms of office.**

**2.53.030 Authority and functions.**

**2.53.010 Committee established.**

There is hereby established a City of Gig Harbor Lodging Tax Advisory Committee, to serve the functions prescribed in Chapter 67.28 RCW.

**2.53.020 Composition, rules and terms of office.**

The membership of the Lodging Tax Advisory Committee shall consist of nine voting members, appointed by the city council. One member shall be an elected official of the City who shall serve as chair, four members shall be representatives of businesses required to collect the tax, and four members shall be persons involved in activities authorized to be funded by revenue received from the tax. Preference will be given to city residents. Appointments of all members shall be for 3 years. Initial appointments to the committee shall be made with one, two, or three years terms, so that no more than 3 members' terms expire in one year. All committee members' terms shall expire on September 30<sup>th</sup>. Members may continue to serve past their term expiration if no replacement has been appointed. Vacancies on the committee shall be filled by the city council. No member shall serve more than three consecutive full terms of office. The city council shall review the membership of the committee annually.

**2.53.030 Authority and functions.**

A. Lodging Tax Proposal Review. Not less than 45 days before taking final action on any lodging tax proposals enumerated in this subsection, the Gig Harbor city council shall submit to the Lodging Tax Advisory Committee, for its review and comment, proposals regarding the following:

1. The imposition of a tax under Chapter 67.28 RCW;
2. Any change in the rate of such tax;
3. Repeals or exemptions from such a tax; or
4. A change in the use of the revenue received from such a tax.

B. Report from the Lodging Tax Advisory Committee. Upon receiving a proposal from the Gig Harbor city council, the Lodging Tax Advisory Committee shall analyze the extent to which the proposal will accommodate activities for tourists, or increase tourism, and the extent to which the proposal will affect the long-range stability of the city fund created for the lodging tax revenues. The committee shall submit a written recommendation to the Gig Harbor city council within 45 days of receiving the proposal from the city council. The report shall be advisory to the Gig Harbor city council and shall not be binding upon the council. Failure of the committee to submit its report to the city

council in a timely fashion prior to passage of the proposal shall not prevent the city council from acting on the proposal.

- C. Tourism Promotion and Tourism-Related Facility Project Applications. The Lodging Tax Advisory Committee is authorized to perform initial review of applications for lodging tax funding and to make recommendations to the Gig Harbor city council regarding which projects the city should fund. If any expenditures will constitute an amendment to the city's annual budget, the request shall be submitted to the Lodging Tax Advisory Committee prior to final approval by the city council.

Section 8. Chapter 15.02.010 – Revised. Chapter 15.02.010 of the Gig Harbor Municipal Code related to the Building Code Advisory Board is revised to read as follows:

**15.02.010 Building code advisory board established – Membership.**

- A. The building code advisory board, consisting of ~~six~~ five members who are qualified by experience and training to pass upon matters of building construction and who are not employees of the city, is established.
- B. The board shall be comprised of at least one state licensed contractor, one architect and one engineer. At no time shall there be more than two state licensed contractors, two architects or two engineers on the board. ~~two state-licensed contractors, two architects, and two engineers all of whom~~ All members must be residents or employed in the Gig Harbor community, but not necessarily Gig Harbor residents. No member shall serve more than three consecutive full terms of office.
- C. The building code advisory board shall be appointed by the ~~mayor and approved by the city council~~ and shall hold office for a ~~four~~ three-year term. The terms shall not run concurrently, and the first selected board member's terms shall run for two, three, and four years, respectively. ~~The mayor may remove any board member at his/her pleasure and discretion.~~
- D. All board members' terms shall expire on March 31st and all successive terms shall commence on April 1st. Members may continue to serve past their term expiration if no replacement has been appointed.


Section 9. Repeal of Resolution No. 509. Resolution No. 509 is hereby repealed.

Section 10. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 11. Effective Date. This ordinance shall take effect and be in full force and effect five days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 12th day of August, 2019.

CITY OF GIG HARBOR

  
\_\_\_\_\_  
Mayor Kit Kuhn

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Molly M. Towstee, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Office of the City Attorney

FILED WITH THE CITY CLERK: July 30, 2019  
PASSED BY THE CITY COUNCIL: August 12, 2019  
PUBLISHED: August 22, 2019  
EFFECTIVE DATE: August 27, 2019  
ORDINANCE NO: 1423