

**CITY OF RUSTON
REGULAR COUNCIL MEETING**

Tuesday, October 3, 2023

MEETING CALLED TO ORDER

At 7:01PM Mayor Hopkins called the regular Council Meeting to order. Councilmembers present were Councilmember Hedrick, Councilmember Kristovich, Councilmember Huson and Councilmember Jensen. Councilmember Syler was excused. Following the flag salute, Councilmember Hedrick moved to approve the Agenda, with a second from Councilmember Kristovich, passed 4-0.

MINUTES - Councilmember Hedrick moved to approve the minutes as amended for the Regular Council meeting of September 5, 2023 and the Regular Council meeting of September 19, 2023. Councilmember Jensen questioned the Regular Council meeting of September 19, 2023, under Mayor's time it was noted that the City hired a new City Clerk, Laurie Cassell, who would come on board December 2023. Councilmember Jensen thought the new position was for an Assistant City Clerk and wondered if the City would lose the current City Clerk. Mayor Hopkins confirmed that Laurie Cassell was hired as the new City Clerk and that the current City Clerk would stay to work parallel with Ms. Cassell and provide training. Mayor Hopkins noted that the Assistant City Clerk has been in the budget. Councilmember Jensen thanked Mayor Hopkins for the clarification, with a second from Councilmember Kristovich, passed 4-0.

STAFF REPORT – Nothing at this time.

GENERAL PUBLIC COMMENTS –

Ray Johnson – Wanted to thank Council for their consideration in adding Juneteenth as an additional holiday for employees to celebrate.

BUSINESS –

ORD 1572 – Repeal of Chapter 1.12 RMC Personnel Policy Manual Update (2nd Reading)

The City has expressed an interest in recognizing Juneteenth as a holiday for City employees. As proposed, this will either replace the Columbus Day holiday (Resolution 776-A) or retain Columbus Day while also adding Juneteenth holiday (Resolution 776-B). In order to implement this change, an update to the City's personnel policy manual is required. The most recent update was on March 15, 2022. At that time, the City adopted a new personnel policy manual by adoption of Ordinance No. 1557. Section 3 of Ordinance No. 1557 specified that it was not to be codified as it was for internal use only. Unfortunately, the code reviser codified Ordinance No. 1557 notwithstanding Section 3 of the Ordinance. Therefore, in order to update the manual, repeal of Ordinance No. 1557 and Chapter 1.12 of the Ruston Municipal Code is recommended. In addition, in order to avoid issues in the future, the personnel policy manual will be adopted by City Council Resolution going forward.

This Ordinance was on for Second Reading and Action. Resolution No.776-A or Resolution No. 776-B, adopting the updated personnel policy manual, was also coming forward on October 3, 2023. Councilmember Hedrick moved to approve Ordinance 1572, with a second from Councilmember Kristovich, passed 4-0.

ORD 1574 – Ruston Criminal Code Update (2nd Reading) – The Ruston criminal code has not been updated in many years and was in need of housekeeping amendments as well as a general update. State law permits the City to adopt by reference sections of Washington state statutes creating misdemeanor and gross misdemeanor crimes. In 1989 and 1990, the City Council adopted Ordinance Nos. 835 and 848 (codified as Chapter 9.20 RMC) which adopted by reference many different sections of Washington state statutes which constitute misdemeanor and gross misdemeanor crimes. In addition, some portions of the code are dated prior to those years. These were adopted under RCW 35.21.180 which was applicable to Towns. Since the adoption of the City’s criminal code, the Washington State Legislature has crafted new crimes, renumbered RCW sections, and repealed some statutes. Therefore, in order for Ruston to continue to prosecute all misdemeanor and gross misdemeanor crimes occurring within the city limits, the City must readopt Chapter 9.20 RMC to capture new state-created misdemeanor and gross misdemeanor criminal offenses added since the criminal code was adopted over 30 years ago. In June of 2023 the State passed new legislation known as SB 5536 (also known as the “Blake Fix”) which occupied the full field of regulation of drug paraphernalia and therefore, the City’s drug paraphernalia code needs to be repealed. Finally, the City does not have anti-camping regulations. This ordinance includes such regulations which are consistent with recent controlling federal case law. This Ordinance has been reviewed by the Police Department and the Department was supportive of this update. Mayor Hopkins noted that City Attorney Jennifer Robertson was unable to attend tonight’s meeting. Councilmember Jensen emailed earlier questions to the City Attorney Robertson and received a response to those questions. Councilmember Jensen had additional questions, which had not been emailed to the City Attorney, as she thought that City Attorney Robertson would be in attendance for discussion. Councilmember Jensen had issues with Ordinance 1574 and did not understand why the codes were brought forward and who suggested them. Councilmember Jensen had two weeks and two days to review Ordinance 1574 and noted that the Council was responsible for understanding this ordinance before adopting it. Councilmember Jensen expressed the need to take more time and gather citizen input prior to adoption. Councilmember Huson suggested that Councilmember Jensen make a motion. Councilmember Jensen moved to amend Ordinance 1574 repealing 9.20 and 9.21 to comply with the Blake Fix and replacing those with a new 9.20.040-9.20.170, which would bring the City into compliance with Washington State code. There was no second. Councilmember Hedrick stated he would be voting for Ordinance 1574 as is. Councilmember Hedrick trusted City Attorney Robertson in writing this ordinance. Councilmember Hedrick spoke to anti-camping in the City of Ruston, and until Supreme Court made their decision, Councilmember Hedrick would vote to pass law against anti-camping in the City of Ruston.

Councilmember Huson gave the Ruston Police Department three gold stars for keeping the City of Ruston free of graffiti and homelessness. Councilmember Huson does not want the City of Ruston to become Seattle. Driving to Seattle three times a week, Councilmember Huson noted Seattle was no longer a viable downtown with homelessness, drugs and garbage everywhere. Councilmember Huson was in favor of Ordinance 1574. Councilmember Jensen addressed that the anti-camping laws are currently unlawful and that she was concerned that the City would be liable if we arrested someone for camping. Councilmember Jensen's comments are attached. Councilmember Hedrick moved to approve Ordinance 1574, with a second from Councilmember Kristovich, passed 3-1.

RES 776A or **RES 776B – Personnel Policy Manual** - The City has expressed an interest in recognizing Juneteenth as a holiday for City employees. As proposed, this will replace the Columbus Day holiday (Resolution #776-A). In order to implement this change, an update to the City's personnel policy manual is required. If, instead, the Council would like to retain Columbus Day while also adding Juneteenth, the Council can choose to adopt Resolution #776-B. For ease of future updating, this will be accomplished by resolution going forward. The most recent update prior to Resolution No. 776 was on March 15, 2022 by Ordinance No. 1557. Ordinance No. 1572 is a companion to this resolution and repeals Ordinance No. 1557. The only update from that version to the current version is the change of this holiday and the adoption by resolution instead of by ordinance. Councilmember Jensen's comments are attached. Councilmember Hedrick moved to approve Resolution 776-B, retaining Columbus Day – Indigenous Peoples day and adding Juneteenth, with a second from Councilmember Kristovich, passed 4-0.

CLAIMS – Councilmember Hedrick moved to approve Claims for October 3, 2023, with a second from Councilmember Kristovich, passed 4-0.

MAYOR'S TIME – Mayor Hopkins spent time reviewing IT support services, as the City's current provider has struggled to meet expectations. Mayor Hopkins was exploring Amazon Web Services, which is web based, looking to migrate the City's server to the Cloud. The switch will provide better service and security. Last week the City closed out the 2020-2021 Financial and Accountability with the State Auditor's Office. It was a long audit and in closing the State Auditor did not produce any findings. Mayor Hopkins thanked staff and BIAS for all their hard work. Ruston Police Chief Bautista and Mayor Hopkins met with the Gary, the owner of the Chevron station, regarding two shooting at his location. The incidents occurred between midnight and 2AM. For the safety of his employees and the community, Gary was shifting his hours for liquor sales to midnight, which aligns with Safeway. By doing this Gary would realize an approximately \$10,000 reduction in revenue, which was what he was making between the hours of midnight and 2AM on liquor sales. Mayor Hopkins received an email from Representative Laurie Jenkins interested in giving the Council an update. Mayor Hopkins looked forward to her visit as it would be the first time since they attempted annexation into the City of Tacoma.

Councilmember Hedrick – Nothing at this time.

Councilmember Kristovich – Nothing at this time.

Councilmember Syler – Excused.

Councilmember Huson – Nothing at this time.

Councilmember Jensen – See comments attached.

MEETING AJOURNED – At 7:36PM Councilmember Hedrick moved to adjourn, with a second from Councilmember Kristovich, passed 4-0.

Mayor Bruce Hopkins

ATTEST:

Judy Grams

Ordinance 1574, Criminal Code Update

Questions:

- Can we separate out – pass the first half of this ordinance and be more thoughtful about the rest?
 - o Adopt State Criminal Code and comply with “Blake Fix” (Repeal our drug paraphernalia ordinance)
 - Repeal 9.20 and 9.21
 - Replace with new 9.20 including 9.20.040 – 9.20.170
 - o New sections related to anti-camping and other miscellaneous issues.
 - 9.20.180 – 9.20.330
- Are all our proposed new code sections associated with the anti-camping purpose (as our minutes say - “Recent controlling federal case law”)? I’d like to understand the pertinence of the following, or is this just a convenient time to include them:
 - o 9.20.270 Private alarm systems.
 - o 9.20.280 Prohibition of the conduct of social card games as a commercial stimulant to business.
 - o 9.20.290 Provoking assault.
 - o 9.20.300 State massage practitioner license required – Violation is misdemeanor – Inspections – Definitions. 9
 - o 9.20.310 Leaving child unattended in vehicle. (RCW 9.91.060 addresses?)
- 9.20.330 Un-lawful Public Camping: Lawful? Supreme Court has been asked to review.
 - o 9th Circuit court of appeals has ruled anti-camping laws unconstitutional; Supreme Court might agreed to hear the case – should we wait for outcome prior to adopting a series of ordinances that could be deemed unconstitutional? Why the push?
 - *“On September 25, 2023 the City of Tacoma joined the City of Seattle and City of Spokane – as well as the more than 22,000 governmental organizations comprising the National League of Cities and National League of Counties – in asking the U.S. Supreme Court to review the case of Johnson v. City of Grants Pass, 72 F.4th 868 (9th Cir. 2023) and restore the ability of local jurisdictions to establish local policies at the local level.”* [Seattle and Tacoma among cities pushing for Supreme Court review involving camping ban enforcement | KOMO \(komonews.com\)](#)
 - o We do not have shelter beds in our jurisdiction? Do we have an agreement with county or City of Tacoma?
 - *Johnson v. Grants Pass and Martin v. Boise*, the Ninth Circuit Court of Appeals, ruled people who are unhoused can't be punished for sleeping or camping on public property if alternatives aren't available. That means a shelter bed for every unhoused person *{in a jurisdiction}*. (Violates 8th amendment prohibition against cruel and unusual punishment) [Cal Cities urges SCOTUS to review ruling on anti-camping ordinances | Cal Cities](#)

Recommendation:

- Break ORD 1574 into two ordinances, first updating old code to match RCW (pass sections 9.20.040 – 9.20.170), create second ordinance dealing with anti-camping.

- Take more time and make concerted effort to gather citizen input on new ordinances while cleaning up old code.
 - o Break existing code into sections and have council members divide and review and make recommendations (Delete, keep, investigate update), then solicit input from City Lawyer

At Councilmembers Huson's Prompting I made the following Motion (which was not seconded)

- I move that we Break ORD 1574 into two ordinances, first updating old code to match RCW (pass sections 9.20.040 – 9.20.170), create second ordinance dealing with anti-camping.

In final comments after Hedrick's comments, Councilmember Jensen clarified her concern that the anti-camping laws put the city at risk of lawsuit, as happened to Grants Pass. The laws are currently deemed unconstitutional by the 9th district court.

Resolution 776A, Criminal Code Update

- Support adding June 19th as a holiday and deleting Columbus Day
- In line with Local and State holiday schedule – Pierce County, Tacoma, Washington do not have a holiday in October

Councilmember Time

- Budget season:
- 2024's budget I propose:
 - o Budget item for: **Website Training**; \$5000 for two 3 week courses for incoming staff member. (General Fund Item 511.60.41.00 – Other Professional Services)
 - Background:
 - I have endeavored to make website upgrades and changes as identified by staff and our working group. However, there are things I just don't know how to do.
 - I reached out to Proud City (our web designer and host) for updated training prices for website maintenance.
 - Bringing on a new staff member would be a perfect time to utilize this service. \$2500 would provide training over a 3-week period that would bring a new staff member up to speed on how to do basic maintenance on the site (this includes how to upload documents like minutes, agendas, newsletters as well as ordinances, etc). An additional course of \$2500 would coach that person to make site upgrades and improvements. Additional people could take the course at the same time at no extra cost.
 - o Budget item for **City Council Retreat**: Nominal amount to fund a meeting to build on May 2023 momentum, discuss goals and priorities for next year - \$2000 could cover lunch and a fee for towards a facilitator – City Lawyer was much appreciated in 2023 (General Fund Item 511 – Legislative)