

**GOODSTEIN
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July 21, 2016

VIA EMAIL

William A. Lemp, III
(William.lemp@pdc.wa.gov)
Lead Political Finance Investigator
State of Washington
Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908

RE: PDC Case 6626 – Request for Recusal/Motion for Disqualification
Port of Tacoma Response to Complaint

Dear Mr. Lemp:

We represent the Port of Tacoma (“Port”) and submit this request for recusal /Motion for Disqualification pursuant to RCW 34.05.425 and related legal authority, cited herein. For the reasons described below, we respectfully request that Executive Director Evelyn Fielding Lopez voluntarily recuse herself from any role in the review, assessment and processing by the Public Disclosure Commission (“Commission”) in PDC Case 6626, opened as a result of the Citizen Action Complaint (Complaint”) filed by Arthur West with the Washington State Attorney General’s Office (AG) on June 16, 2016. Alternatively, if Ms. Lopez declines to recuse, we submit this Motion for Disqualification.

The Port does not take lightly the action of filing this request and Motion. We embrace and share the PDC’s commitment to transparency and impartiality, and protecting the integrity of the ballot process. (“...the people shall be assured of the utmost integrity, honesty and fairness in the dealings of the officials in all public transactions and decisions.” RCW 42.17A.001, *Declaration of Purpose*.) Those same principles were a large motivation for the Port’s ultimate action to file the Declaratory Judgment action so an impartial court could rule on the validity of the two Save Tacoma Water Initiatives. It’s undisputed that a planned and now abandoned methanol plant was the incubation issue that prompted the two Save Tacoma Water (“STW”) Initiative drives. See **Exhibit 1**¹, STW Initiative 6, entitled “*Stop the Methanol Plant* and **Exhibit 2**, STW Initiative 5.

¹ “Residents of Tacoma, University Place, Ruston, Fife, Milton, Kent, Covington, Bonney Lake, Lakewood, Steilacoom, Federal Way, the Muckleshoot and Puyallup Reservations and portions of Des Moines and

It was with disappointment that the Port became aware of various public comments made by the Executive Director regarding the Port and Chamber, in the context of the now abandoned methanol plant, which issue is inextricably bound with the Initiative actions at the heart of this PDC case. The tenor, substance and fact of the Executive Director's several written public comments leaves the Port with the conclusion that recusal/disqualification of the Executive Director is needed for the PDC's process in this case to be fair, free from prejudice, and have the appearance of impartiality, as the law requires and as the Port deserves. We appreciate your consideration.

I. Relief Requested:

Petitioners request that PDC Executive Director Ms. Evelyn Fielding Lopez recuse herself and or be disqualified from any action on PDC cases 6626, 6627 and 6628, and the complaint, including its initial review and the resulting determination that a formal investigation be undertaken, be transferred to an appropriate substitute reviewing officer and be freshly and independently undertaken.

II. Basis for Relief: Violation of Appearance of Fairness Doctrine, Personal Interest and or Actual Bias.

Appearance of Fairness Doctrine. Wash. Rev. Code § 34.05.425(3) provides that a presiding officer is subject to disqualification for bias, prejudice, interest, or any other cause provided in that chapter or for which a judge is disqualified. The appearance of fairness doctrine requires that an administrative body must be fair, free from prejudice, and have the appearance of impartiality.

The appearance of fairness doctrine provides that “[m]embers of commissions with the role of conducting fair and impartial fact-finding hearings must, as far as practical, be open-minded, objective, impartial, free of entangling influences, capable of hearing the weak voices as well as the strong and must also give the appearance of impartiality.” *Narrowsview Pres. Ass'n v. City of Tacoma*, 84 Wn.2d 416, 420, 526 P.2d 897 (1974), as quoted in *Residents Opposed to Kittitas Turbines v. State Energy Facility Site Evaluation Council*, 165 Wn.2d 275, 197 P.3d 1153, 2008.

...the appearance of fairness doctrine certainly can be used to challenge an individual's participation as an administrative decision maker. *Kittitas Turbines* at 1160.

The doctrine applies only “as far as practical” to ensure fair and objective decision making by administrative bodies. *Id.* The practicality of the appearance of fairness will largely be determined by the procedures being applied. *Narrows View*.

Auburn are dependent on fresh water from Tacoma Public Utility. The proposed methanol refinery would use the same water source. The proposed methanol refinery is estimated to use 14 to 22 million gallons of water every day (this number keeps changing) equal to what 185,000 to 291,000 residents use daily (Tacoma 2015 Population: 198,397)”. Text from *STW Initiative 6 – Stop the Methanol Plant*.

Role of PDC Executive Director Requires Impartiality. WAC 390-37-010 sets forth the procedures for Commission adjudicative proceedings (enforcement hearings) in compliance cases under the commission's jurisdiction, and provide that the Commission procedures are also governed by RCW 42.17A.755, and the adjudicative proceedings provisions of chapter 34.05 RCW, the Administrative Proceedings Act. (APA). The APA contemplates that an administrative proceeding may involve both a presiding officer and a reviewing officer. The presiding officer oversees the hearing and initial order, while the reviewing officer reviews the initial order. The reviewing officer may be the agency head.

As applied to the PDC, WAC 390-37-060 codifies the role of the Executive Director as the reviewing officer.² The PDC Executive Director conducts the initial review of the complaint. An "initial review" is a preliminary investigation to determine whether the allegations are limited to minor or technical violations of chapter 42.17A or if there is sufficient ground indicating that a material violation of chapter 42.17A RCW may have occurred so as to warrant a formal investigation. The Executive Director is empowered to take various actions as a result of the initial review:

- return any complaint that is obviously unfounded or frivolous.
- resolve any complaint that alleges minor or technical violations
- resolve any complaint that alleges minor or technical violations of chapter 42.17A RCW, or
- initiate a formal investigation.

PDC/APA Standards for Disqualification. The APA allows for the disqualification and replacement of a reviewing officer. RCW 34.05.464(3) provides that RCW 34.05.425 and 34.05.455 apply to a reviewing officer "to the same extent that it is applicable to presiding officers." RCW 34.05.425(3) provides that a presiding officer "is

² Enforcement procedures—Alternative responses to noncompliance—Investigation of complaints—Initiation of adjudicative proceeding.

(1) Upon receipt of a complaint, the executive director will conduct an initial review of the complaint to determine what action will be taken. An initial review is a preliminary investigation to determine whether the allegations are limited to minor or technical violations of chapter 42.17A or if there is sufficient ground indicating that a material violation of chapter 42.17A RCW may have occurred so as to warrant a formal investigation.

(a) The executive director shall return any complaint that is obviously unfounded or frivolous. The executive director will inform the complainant why the complaint is returned.

(b) The executive director may resolve any complaint that alleges minor or technical violations of chapter 42.17A by issuing a formal written warning. If the resolution is conditioned upon the respondent reaching or maintaining compliance, specific expectations and any deadlines should be clearly explained in the written warning. A respondent's failure to meet conditions may result in a complaint being reopened.

(c) The executive director may use the complaint publication process set out in WAC 390-32-030 to resolve any complaint that alleges minor or technical violations of chapter 42.17A RCW.

(d) The director shall initiate a formal investigation whenever an initial review of a complaint indicates that a material violation of chapter 42.17A RCW may have occurred.

(2) If the executive director determines a formal investigation will require the expenditure of substantial resources, the executive director may request review and concurrence by the commission before proceeding.

subject to disqualification for bias, prejudice, interest, or any other cause provided in this chapter or for which a judge is disqualified."

In the administrative law context, the Washington Supreme Court has recognized that at least three types of bias call for disqualification.

"These are [1] prejudgment concerning issues of fact about parties in a particular case; [2] partiality evidencing a personal bias or personal prejudice signifying an attitude for or against a party as distinguished from issues of law or policy; and [3] ... an interest whereby one stands to gain or lose by a decision either way."³

The Supreme Court has applied the appearance of fairness doctrine "to administrative tribunals acting in a quasi-judicial capacity in two circumstances: (1) when an agency has employed procedures that created the appearance of unfairness and (2) when one or more acting members of the decision-making bodies have apparent conflicts of interest creating an appearance of unfairness or partiality."⁴ The test is whether "a disinterested person, having been apprised of the totality of a board member's personal interest in a matter being acted upon, [would] be reasonably justified in thinking that partiality may exist[.]"⁵

Generally, under the appearance of fairness doctrine, proceedings before administrative tribunals acting in a quasi-judicial capacity are valid only if "a reasonably prudent and disinterested observer would conclude that all parties obtained a fair, impartial, and neutral hearing." *Wash. Med. Disciplinary Bd. v. Johnston*, 99 Wn.2d 466, 478, 663 P.2d 457 (1983). The doctrine is intended to avoid the evil of participation in the decision-making process by a person who is personally interested or biased. *City of Hoquiam v. Pub. Employment Relations Comm'n*, 97 Wn.2d 481, 488, 646 P.2d 129 (1982).

The common law rules that apply to judges regarding disqualification for conflict of interest also apply to administrative tribunals.⁶

RCW 34.05.425(3) and RCW 34.05.464(3) provide that a reviewing officer may disqualify for any reason "for which a judge is disqualified." Judges are governed by the Code of Judicial Conduct (CJC), which is applied by using "an objective test that assumes that 'a reasonable person knows and understands all the relevant facts.'" Canon 3(D) of the CJC provides that "[j]udges should disqualify themselves in a proceeding in which their impartiality might reasonably be questioned, including but not limited to instances in which . . . the judge has a personal bias or prejudice

³ *Ritter v. Bd. of Comm'rs of Adams County Pub. Hosp. Dist. No. 1*, 96 Wn.2d 503, 512, 637 P.2d 940 (1981) (alterations in original) (quoting *Buell v. City of Bremerton*, 80 Wn.2d 518, 524, 495 P.2d 1358 (1972)).

⁴ *City of Hoquiam v. Pub. Employment Relations Comm'n*, 97 Wn.2d 481, 488, 646 P.2d 129 (1982) (citation omitted).

⁵ *Id.* (quoting *Swift v. Island County*, 87 Wn.2d 348, 361, 552 P.2d 175 (1976)). RCW 34.05.455(1) and (2) also generally provide, subject to exceptions not pertinent here, that "a presiding officer may not communicate" with certain persons "regarding any issue in the proceeding."

⁶ *Hill v. Dep't of Labor & Indus.*, 90 Wn.2d 276, 279-80, 580 P.2d 636 (1978)

concerning a party"; the judge has "personal knowledge of disputed evidentiary facts concerning the proceeding"; or "the judge previously served as a lawyer or was a material witness in the matter in controversy."

Canon 3(A)(4) of the CJC provides generally that a judge may "neither initiate nor consider ex parte or other communications concerning a pending or impending proceeding." Similarly, RCW 34.05.455(1) and (2) generally provide, subject to exceptions not pertinent here, that "a presiding officer may not communicate" with certain persons "regarding any issue in the proceeding."

Further, Canons of Judicial Ethics (CJE) preclude a judge from hearing a case if the judge's impartiality may be reasonably questioned. CJE 3(C)(1); RCW 4.12.040.

Presumption & Burden. In the context of administrative proceedings, the appearance of fairness doctrine exists in tension with the presumption that public officials will properly perform their duties. *See Medical Disciplinary Bd. V. Johnston*, 99 Wash. 2d 466, 474-75, 663 P.2d 457 (1983) at 479.

The presumption is that public officers will properly and legally perform their duties until the contrary is shown.⁷

A judge or administrative agency is presumed not to be biased.⁸ A person alleging bias must make an affirmative showing to that effect.⁹ A party claiming an appearance of fairness violation is required to present specific evidence of a violation, not speculation.¹⁰

In order to show bias, the petitioner must make an affirmative showing of prejudice other than a general predilection toward a given result. *Medical Disciplinary Bd. V. Johnston*, 99 Wash. 2d 466, 474-75, 663 P.2d 457 (1983).

To overcome the presumption, a party invoking the appearance of fairness doctrine must come forth with evidence of actual or potential bias. *Org. to Preserve Agric. Lands v. Adams County*, 128 Wn.2d 869, 890, 913 P.2d 793 (1996) (evidence that commissioner received 63 phone calls during the prior year from a waste management company insufficient to demonstrate actual or potential bias because the commissioner had other matters pending with the company unrelated to the adjudicative proceeding); *State v. Post*, 118 Wn.2d 596, 619, 826 P.2d 172, 837 P.2d 599 (1992) (no appearance of unfairness where presentence report was prepared by an allegedly biased person because there was no evidence of the judge's actual or potential bias); *Magula v. Dep't of Labor & Indus.*, 116 Wn. App. 966, 972-73, 69 P.3d 354 (2003) (no appearance of unfairness where 6 electricians are among the 13 voting members deciding whether electrical work must be performed by electricians rather than general contractors).

⁷ *Id.* at 489 (quoting *Rosso v. State Pers. Bd.*, 68 Wn.2d 16, 20, 411 P.2d 138 (1966)).

⁸ *See id.* at 513.

⁹ *Id.* at 512.

¹⁰ *Sherman v. Moloney*, 106 Wn.2d 873, 883-84, 725 P.2d 966 (1986).

Bias has been found in situations in which the decision maker had a personal interest in the matter under consideration. *Chi., Milwaukee, St. Paul & Pac. R.R. v. Wash. State Human Rights Comm'n*, 87 Wn.2d 802, 557 P.2d 307 (1976) (appearance of unfairness where an appointed member of the hearing tribunal had a pending job application with one of the parties); *Buell*, 80 Wn.2d 518 (appearance of fairness violated where planning commission member had a personal financial stake in a rezone decision); *State ex rel. Beam v. Fulwiler*, 76 Wn.2d 313, 456 P.2d 322 (1969) (commission could not adjudicate the appeal of a civil service employee where four of the five commission members had engaged in a multi-faceted and "concerted effort" to have him removed from office).

Personal Interest Violates Appearance of Fairness. Here, there is evidence that the PDC Executive Director and reviewing officer had a personal interest in the STW Initiative proceedings. The Executive Director was a frequent user of social media on the issues of the Port, the Chamber, and the planned methanol plant which spawned the STW Initiatives. See **Exhibit 3** - Facebook entries dated December 20, 2015, January 22, 2016, February 1, 2016, and Ms. Lopez's quote in TNT News article March 10, 2016.

In a comment to a TNT editorial dated February 15, 2016, Ms. Lopez voiced opposition to the Supreme Court decision in *Spokane Entrepreneurial Ctr. v. Spokane Moves to Amend the Constitution*, 185 WA 2d. 97 (Feb. 4, 2016), the very case upon which the Port, EDB and Chamber's legal challenge was based. **Exhibit 4.** The Facebook-based comment has since been deleted; Petitioners are seeking to retrieve it, and requests that Ms. Lopez's Facebook Activity Log be maintained for this purpose.

Ms. Lopez's comments leave no doubt that her "impartiality may be reasonably questioned". On January 22, 2016 she wrote in a Facebook comment to a TBNT article: "Tacoma, we can't let the venal and irresponsible Port and Chamber continue this nonsense -- time for the real people of Tacoma to decide what is in the best interest of Tacoma". Emphasis added.

Under the appearance of fairness doctrine, it is not necessary to show that a decision-maker's bias actually affected the outcome, only that it could have. *Buell v. City of Bremerton*, 80 Wn.2d 518, 523, 495 P.2d 1358 (1972).

III. Conclusion:

Petitioner Port respectfully requests that PDC Executive Director Ms. Evelyn Fielding Lopez recuse herself, or by this Motion be disqualified from any action on PDC cases 6626, and that the Complaint in this matter, including its initial review and the resulting determination that a formal investigation be undertaken, be transferred to an appropriate substitute reviewing officer and review be freshly and independently undertaken.

Sincerely,
Goodstein Law Group PLLC
Carolyn A. Lake
Carolyn A. Lake
Enclosures: Exhibits 1-4
cc: John Wolfe, CEO, Port of Tacoma
Port of Tacoma Commissioners

STOP

the methanol refinery

Yes! on Initiative 6

RECEIVED
MAR 11 2016
CITY CLERK'S OFFICE

Residents of Tacoma, University Place, Ruston, Fife, Milton, Kent, Covington, Bonney Lake, Lakewood, Steilacoom, Federal Way, the Muckleshoot and Puyallup Reservations and portions of Des Moines and Auburn are dependent on fresh water from Tacoma Public Utility. The proposed methanol refinery would use the same water source. The proposed methanol refinery is estimated to use 14 to 22 million gallons of water every day (this number keeps changing) equal to what 185,000 to 291,000 residents use daily (Tacoma 2015 Population: 198,397).

City of Tacoma

Citizens' Initiative No. 6

Ballot Title

CONCISE STATEMENT OF ORDINANCE

This initiative adds a new section to Title 12 of the Tacoma Municipal code that would require new industries in Tacoma that are large fresh water users needing one (1) million gallons of fresh water a day to pay for a vote of the people and if approved their application for water service could be granted if all other application requirements are met.

INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE
To The City Council of Tacoma and Doris Sorum, City Clerk:

We, the undersigned registered and legal voters of Tacoma, Washington, respectfully propose and ask for the enactment of an ordinance of the measure known as Tacoma Initiative 6 entitled:

This Initiative shall be known as

"The People's Right to Water Protection Ordinance"

Should this measure be enacted into law?

Yes [] No []

a full, true and correct copy of which is printed on the reverse side of this petition, for submission of Initiative No. 6 to the legal voters of the City of Tacoma at the General Election to be held on the 8TH day of November, 2016; and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the City of Tacoma as written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once

PAID FOR BY

SAVE TACOMA WATER

OUR WATER OUR RESOURCES OUR VOICES

OUR VOICE

P.O. Box 8841

Tacoma, WA 98419

(253) 209-7988

www.SaveTacomaWater.org

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

PLEASE USE INK • PLEASE DO NOT CUT—INVALIDATES SIGNATURES

PLEASE USE INK • PLEASE DO NOT CUT—INVALIDATES SIGNATURES

TACOMA VOTERS PLEASE SIGN BELOW TO PLACE INITIATIVE 6 ON THE 2016 NOVEMBER BALLOT

					OPTIONAL
PLEASE SIGN YOUR NAME AS YOU ARE REGISTERED TO VOTE	FOR IDENTIFICATION PURPOSES	STREET AND NUMBER			VOLUNTEERS WELCOME! PLEASE FILL OUT THIS FIELD
SIGNATURE	PRINT NAME HERE	RESIDENCE ADDRESS	CITY & COUNTY	DATE	TELEPHONE / EMAIL
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					EXHIBIT 1
14					
15					
16					
17					
18					
19					
20					

SIGNATURE GOAL: 4,700 (3,160 REQUIRED FROM REGISTERED TACOMA VOTERS BY JUNE 15, 2016)

Most volunteers turn in 3 to 10 signatures, we need you to do that as fast as you can. We have just eight weeks to collect the necessary number of signatures from registered Tacoma voters to place this Initiative to the People on the 2016 November ballot.

VOLUNTEERS: Please read through each line with a signature on it. If it is readable and includes the address, count it as good and put the total of good signatures in the top half of the box. Thank you!

Tacoma Initiative 6

I will
volunteer!

YES



- ☐ Please send me more petitions QTY _____
- ☐ I have enclosed a SASE, please rush my petition(s) to me!
- ☐ I will donate ☐ \$5 ☐ \$10 ☐ \$25 ☐ \$50 ☐ \$100 ☐ \$500 ☐ Other \$ _____
- Make checks payable to: **Save Tacoma Water** NOT TAX-DEDUCTIBLE
- ☐ Collecting signatures at Farmer's Markets, running events and grocery stores
- ☐ Office work ☐ Data entry ☐ Register voters
- ☐ Yard sign ☐ Raising money
- ☐ I endorse this campaign, you may use my name/business name publicly

SIGNATURE _____ DATE _____

☐ Endorsement from my group or business _____

☐ Keep me informed, add me to your email list

For more information call Donna Walters at (253) 209-7988
or email the campaign at SaveTacomaWater@gmail.com or visit our web site
www.SaveTacomaWater.org

Fold petition and place in envelope and mail petition in as soon as you have the signatures you intend to collect - we hope the sheet is full with 20 signatures! Please do this ASAP but before the deadline: **June 15, 2016. We need 3,160 valid signatures** from City of Tacoma voters - our goal is 4,700 signatures to be sure we have enough.

Volunteers, please fill out below before mailing (*Thank you!*).

Name _____

Address _____

City _____ State _____ Zip _____

Contact number (_____) _____

Email _____

Save Tacoma Water
OUR WATER. OUR RESOURCES. OUR VOICES. OUR VOTE.
P.O. Box 8841
Tacoma WA 98419
ATTN Donna Walters, Treasurer

COMPLETE TEXT OF TACOMA INITIATIVE 6 - 2016

The People's Right to Water Protection Ordinance

WHEREAS, the Residents of Tacoma do not want to return to our polluted past; and

WHEREAS, since 1980, Tacoma has spent an immense amount of money, time and effort cleaning up the Superfund Sites left behind by the Asarco copper smelter, Occidental Chemical, Kaiser Aluminum and others; and

WHEREAS, City residents use almost half of the water produced by City-owned Tacoma Public Utilities; and

WHEREAS, the City of Tacoma is projecting, and preparing for, an increase in population of 127,000 more residents by 2040; and

WHEREAS, a 2009 state survey of public utilities shows that the Pierce County Large Water Users Sector is 13.7% while in King County the Large Water Users Sector is only 1.9%; and

WHEREAS, the City of Tacoma is responsible to the city's residents and small businesses first and must use all caution when issuing water utility services to any potential water user that wants to use more than one million gallons of water per day; and

WHEREAS, the Tacoma Public Utility gets water from the Green River Watershed and the concerns for the environmental impacts of large water users are valid as more increasing demands for water for people and community development must take into account droughts that will become more frequent in the Pacific Northwest as the result of climate change; and

WHEREAS, the people want policies and contractual requirements to make industry secondary to the human needs of the citizens and households, schools, hospitals, and homes for the aged, for fresh potable water should take priority except in the case of emergency fire fighting needs or any other natural disaster that cannot be reasonably forecasted; and

WHEREAS, the sustained availability of affordable and potable water for the residents and businesses of Tacoma must be paramount over considerations such as potential tax revenues or investor profits; and

WHEREAS, industrial users that would require excessive amounts of water to operate will have potential long-term negative impacts on the local and regional environment and future community development in the City of Tacoma; and

WHEREAS, residents and businesses of Tacoma have been asked in the recent past and may be required in the future to conserve water; and

WHEREAS, large water users pay discounted rates while residents as ratepayers carry an extra financial burden for the conservation, maintenance, protection and development of potable water sources; and

WHEREAS, industries that use large amounts of water

daily would place human, economic, environmental and homeland securities at risk; and

WHEREAS, the Citizens of Tacoma have recently shown a huge desire to be involved when our affordable fresh water is at risk; and

WHEREAS, the Citizens of Tacoma want to encourage clean and renewable energy industries operating in the City of Tacoma; and

WHEREAS, the Citizens of Tacoma find that a proposed methanol refinery does not meet the requirements of a clean, renewable and sustainable energy production facility; and

WHEREAS, the City of Tacoma Charter provides for Initiative and Referendum rights which provides the city's citizens the right to place this ordinance before the voters; and

WHEREAS, the people of the City of Tacoma possess an inherent and inalienable right to govern our own community as secured by the Declaration of Independence's affirmation of the right of people to alter or abolish their government if it renders self-government impossible, and this inherent right is reaffirmed in the Tacoma City Charter, the Washington State Constitution, and the United States Constitution;

Therefore be it ordained by the voters in the City of Tacoma:

That a new Ordinance is adopted and a new section of Tacoma Municipal Code Title 12 is hereby adopted, which deals with issuing water utility service to any applicant for one million gallons, or more, of water daily from the City of Tacoma, and is to be known as "The People's Right to Water Protection Ordinance":

A. People's Vote on Large Water Use Applications. The people of the City of Tacoma find that there is a compelling need to carefully consider the consequences of providing water utility service to an applicant that intends to use large amounts of fresh water. Before providing water utility service to any applicant for 1336 CCF (one million gallons), or more, of water daily from the City, the City shall place the applicant's request for water utility service before the voters on the next available General Election Ballot. The applicant shall pay for the costs of the vote of the people. Only if a majority of the voters approve the water utility service application and all other application requirements are met may the City provide the service. The vote by the people is binding, and not advisory. Any water users currently authorized to use 1336 CCF or more of water daily are grandfathered in, however, their water utility service is not transferable.

B. Limitations on Government Infringement of the People's Inviolable Right of Sustainable Water Protection. The people of the City of Tacoma protect their right to water through their inherent and inalienable right of local community self-government, and in recognition

that clean fresh water is essential to life, liberty, and happiness, and the City of Tacoma has a foundational duty to maintain a sustainable provision of water for the people. The People's Right to Water Protection vote provides a democratic safeguard, on top of the City's existing application process, to ensure that large new water users do not threaten the sustainability of the people's water supply. To prevent subsequent denial of the People's Right to Water Protection by state law preemption, all laws adopted by the legislature of the State of Washington, and rules adopted by any state agency, shall be the law of City of Tacoma only to the extent that they do not violate the rights or mandates of this Ordinance.

C. Water Protection supersedes Corporate Interests. As the People's Right to Water Protection is foundational to the people's health, safety, and welfare, and must be held inviolate, no government actor, including the courts, will recognize as valid any permit, license, privilege, charter, or other authorization, that would violate the rights or mandate of this Ordinance, issued for any corporation, by any state, federal, or international entity. In addition, corporations that violate, or seek to violate the rights and mandates of this Ordinance shall not be deemed "persons" to the extent that such treatment would interfere with the rights or mandates enumerated by this Ordinance, nor shall corporations possess any other legal rights, powers, privileges, immunities, or duties that would interfere with the rights or mandates enumerated by this Ordinance. "Rights, powers, privileges, immunities, and duties" shall include the power to assert international, federal, or state preemptive laws in an attempt to overturn this Ordinance, and the power to assert that the people of the City of Tacoma lacked the authority to adopt this Ordinance.

D. Enforcement. The City or any resident of the City may enforce this Ordinance through an action brought in any court possessing jurisdiction over activities occurring within the City of Tacoma, including, but not limited to, seeking an injunction to stop prohibited practices. In such an action, the City of Tacoma or the resident of the City of Tacoma shall be entitled to recover damages and all costs of litigation, including, without limitation, expert, and attorney's fees.

E. Severability and Construction. The provisions of this Ordinance shall be liberally construed to achieve the defined intent of the voters. The provisions of this Ordinance are severable, and the petitioners intend that all valid provisions of the initiative be placed on the ballot and enacted into law even if some provisions are found invalid. We – the people of Tacoma – support each of the provisions of this Ordinance independently, and our support for this Ordinance would not be diminished if one or more of its provisions were to be held invalid, or if any of them were adopted by the City Council and the others sent to the voters for approval.

F. Effect. This Ordinance shall take effect fifteen (15) days after either adoption or election certification. The City shall not accept any applications for water utility service for 1336 CCF or more between the adoption or election and the effective date of this Ordinance. -END-

ENDORSED BY
PARTIAL LIST

Puyallup Tribe of Indians
Senator Jeannie Darneille, 27TH District Democrat
Jim Merritt, former candidate for mayor of Tacoma
John Weymer, Tacoma Weekly Publisher
Jerry Gibbs, Pierce County
Building Referendum sponsor

Want to be
added to
this list?

Call Donna
(253) 209-7988

LOCATIONS
TO PICK UP PETITION SHEETS
OR SIGN PETITION

Partial list
visit www.SaveTacomaWater.org
for the most current list

Lincoln Hardware
3726 S G St • Tacoma
Purified Water To Go
5401 Sixth Ave K807 • Tacoma
7701 S Hosmer • Tacoma
2800 Milton Way Suite 21 • Milton
Tacoma Lamp Repair & Sales
1524 Tacoma Ave S • Tacoma

RECEIVED

MAR 11 2016

CITY CLERK'S OFFICE

Save Tacoma Water

OUR WATER. OUR RESOURCES. OUR VOICES. OUR VOTE.

P.O. Box 8841

Tacoma WA 98419

ATTN Donna Walters, Treasurer

(253) 209-7988 • SaveTacomaWater@gmail.com • www.SaveTacomaWater.org

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WHEREAS, City residents use almost half of the water produced by City-owned Tacoma Public Utilities; and

WHEREAS, the City of Tacoma is projecting, and preparing for, an increase in population of 127,000 more residents by 2040; and

WHEREAS, a 2009 state survey of public utilities shows that the Pierce County Large Water Users Sector is 13.7% while in King County the Large Water Users Sector is only 1.9%; and

WHEREAS, the City of Tacoma is responsible to the city's residents and small businesses first and must use all caution when issuing water utility services to any potential water user that wants to use more than one million gallons of water per day; and

WHEREAS, the Tacoma Public Utility gets water from the Green River Watershed and the concerns for the environmental impacts of large water users are valid as more increasing demands for water for people and community development must take into account droughts that will become more frequent in the Pacific Northwest as the result of climate change; and

WHEREAS, the people want policies and contractual requirements to make industry secondary to the human needs of the citizens and households, schools, hospitals, and homes for the aged, for fresh potable water should take priority except in the case of emergency fire fighting needs or any other natural disaster that cannot be reasonably forecasted; and

WHEREAS, the sustained availability of affordable and potable water for the residents and businesses of Tacoma must be paramount over considerations such as potential tax revenues or investor profits; and

WHEREAS, industrial users that would require excessive amounts of water to operate will have potential long-term negative impacts on the local and regional environment and future community development in the City of Tacoma; and

WHEREAS, residents and businesses of Tacoma have been asked in the recent past and may be required in the future to conserve water; and

WHEREAS, large water users pay discounted rates while residents as ratepayers carry an extra financial burden for the conservation, maintenance, protection and development of potable water sources; and

WHEREAS, industries that use large amounts of water daily would place human, economic, environmental and homeland securities at risk; and

WHEREAS, the Citizens of Tacoma have recently shown a huge desire to be involved when our affordable fresh water is at risk; and

WHEREAS, the Citizens of Tacoma want to encourage clean and renewable energy industries operating in the City of Tacoma; and

WHEREAS, the Citizens of Tacoma find that a proposed methanol refinery does not meet the requirements of a clean, renewable and sustainable energy production facility; and

WHEREAS, the City of Tacoma Charter provides for Initiative and Referendum rights which provides the city's citizens the right to place this ordinance before the voters; and

WHEREAS, the people of the City of Tacoma possess an inherent and inalienable right to govern our own community as secured by the Declaration of Independence's affirmation of the right of people to alter or abolish their government if it renders self-government impossible, and this inherent right is reaffirmed in the Tacoma City Charter, the Washington State Constitution, and the United States Constitution;

Therefore be it ordained by the voters in the City of Tacoma:

That a new Ordinance is adopted and a new section of Tacoma Municipal Code Title 12 is hereby adopted, which deals with issuing water utility service to any applicant for one million gallons, or more, of water daily from the City of Tacoma, and is to be known as "The People's Right to Water Protection Ordinance":

A. People's Vote on Large Water Use Applications. The people of the City of Tacoma find that there is a compelling need to carefully consider the consequences of providing water utility service to an applicant that intends to use large amounts of fresh water. Before providing water utility service to any applicant for 1336 CCF (one million gallons), or more, of water daily from the City, the City shall place the applicant's request for water utility service before the voters on the next available General

Election Ballot. The applicant shall pay for the costs of the vote of the people. Only if a majority of the voters approve the water utility service application and all other application requirements are met may the City provide the service. The vote by the people is binding, and not advisory. Any water users currently authorized to use 1336 CCF or more of water daily are grandfathered in, however, their water utility service is not transferable.

B. Limitations on Government Infringement of the People's Inviolable Right of Sustainable Water Protection. The people of the City of Tacoma protect their right to water through their inherent and inalienable right of local community self-government, and in recognition that clean fresh water is essential to life, liberty, and happiness, and the City of Tacoma has a foundational duty to maintain a sustainable provision of water for the people. The People's Right to Water Protection vote provides a democratic safeguard, on top of the City's existing application process, to ensure that large new water users do not threaten the sustainability of the people's water supply. To prevent subsequent denial of the People's Right to Water Protection by state law preemption, all laws adopted by the legislature of the State of Washington, and rules adopted by any state agency, shall be the law of City of Tacoma only to the extent that they do not violate the rights or mandates of this Ordinance.

C. Water Protection supersedes Corporate Interests. As the People's Right to Water Protection is foundational to the people's health, safety, and welfare, and must be held inviolate, no government actor, including the courts, will recognize as valid any permit, license, privilege, charter, or other authorization, that would violate the rights or mandate of this Ordinance, issued for any corporation, by any state, federal, or international entity. In addition, corporations that violate, or seek to violate the rights and mandates of this Ordinance shall not be deemed "persons" to the extent that such treatment would interfere with the rights or mandates enumerated by this Ordinance, nor shall corporations possess any other legal rights, powers, privileges, immunities, or duties that would interfere with the rights or mandates enumerated by this Ordinance. "Rights, powers, privileges, immunities, and duties" shall include the power to assert international, federal, or state preemptive laws in an attempt to overturn this Ordinance, and the power to assert that the people of the City of Tacoma lacked the authority to adopt this Ordinance.

D. Enforcement. The City or any resident of the City may enforce this Ordinance through an action brought in any court possessing jurisdiction over activities occurring within the City of Tacoma, including, but not limited to, seeking an injunction to stop prohibited practices. In such an action, the City of Tacoma or the resident of the City of Tacoma shall be entitled to recover damages and all costs of litigation, including, without limitation, expert, and attorney's fees.

E. Severability and Construction. The provisions of this Ordinance shall be liberally construed to achieve the defined intent of the voters. The provisions of this Ordinance are severable, and the petitioners intend that all valid provisions of the initiative be placed on the ballot and enacted into law even if some provisions are found invalid. We – the people of Tacoma – support each of the provisions of this Ordinance independently, and our support for this Ordinance would not be diminished if one or more of its provisions were to be held invalid, or if any of them were adopted by the City Council and the others sent to the voters for approval.

F. Effect. This Ordinance shall take effect fifteen (15) days after either adoption or election certification. The City shall not accept any applications for water utility service for 1336 CCF or more between the adoption or election and the effective date of this Ordinance.

-END-

Tacoma Charter Amendment 5

I will volunteer!

- Please send me more petitions QTY
- I have enclosed a SASE, please rush my petition(s) to me!
- I will donate \$5 \$10 \$25 \$50 \$100 \$500 Other \$
- Make checks payable to: Save Tacoma Water
- Collecting signatures at Farmer's Markets, running events and grocery stores
- Office work Data entry Register voters
- Yard sign Raising money
- I endorse this campaign, you may use my name/business name publicly

SIGNATURE DATE

Endorsement from my group or business

Keep me informed, add me to your email list

For more information call Donna Walters at (253) 209-7988 or email the campaign at SaveTacomaWater@gmail.com or visit our web site www.SaveTacomaWater.org

YES

Fold petition and place in envelope and mail petition in as soon as you have the signatures you intend to collect - we hope the sheet is full with 20 signatures! Please do this before June 15, 2016, to help us reach our signature goal of 9,000. Thank you! Volunteers, please fill out before mailing:

Name

Address

City State Zip

Contact number ()

Email

Save Tacoma Water

OUR WATER. OUR RESOURCES. OUR VOICES. OUR VOTE.

P.O. Box 8841

Tacoma WA 98419

ATTN Donna Walters, Treasurer

COMPLETE TEXT OF CHARTER AMENDMENT 5 - 2016

The People's Right to Water Protection Amendment

WHEREAS, the Residents of Tacoma do not want to return to our polluted past; and

WHEREAS, since 1980, Tacoma has spent an immense amount of money, time and effort cleaning up the Superfund Sites left behind by the Asarco copper smelter, Occidental Chemical, Kaiser Aluminum and others; and

WHEREAS, City residents use almost half of the water produced by City-owned Tacoma Public Utilities; and

WHEREAS, the City of Tacoma is projecting, and preparing for, an increase in population of 127,000 more residents by 2040; and

WHEREAS, a 2009 state survey of public utilities shows that the Pierce County Large Water Users Sector is 13.7% while in King County the Large Water Users Sector is only 1.9%; and

WHEREAS, the City of Tacoma is responsible to the city's residents and small businesses first and must use all caution when issuing water utility services to any potential water user that wants to use more than one million gallons of water per day; and

WHEREAS, the Tacoma Public Utility gets water from the Green River Watershed and the concerns for the environmental impacts of large water users are valid as more increasing demands for water for people and community development must take into account droughts that will become more frequent in the Pacific Northwest as the result of climate change; and

WHEREAS, the people want policies and contractual requirements to make industry secondary to the human needs of the citizens and households, schools, hospitals, and homes for the aged, for fresh potable water should take priority except in the case of emergency fire fighting needs or any other natural disaster that cannot be reasonably forecasted; and

WHEREAS, the sustained availability of affordable and potable water for the residents and businesses of Tacoma must be paramount over considerations such as potential tax revenues or investor profits; and

WHEREAS, industrial users that would require excessive amounts of water to operate will have potential long-term negative impacts on the local and regional environment and future community development in the City of Tacoma; and

WHEREAS, residents and businesses of Tacoma have been asked in the recent past and may be required in the future to conserve water; and

WHEREAS, large water users pay discounted rates while residents as ratepayers carry an extra financial burden for the conservation, maintenance, protection and development of potable water sources; and

WHEREAS, industries that use large amounts of water daily

would place human, economic, environmental and homeland securities at risk; and

WHEREAS, the Citizens of Tacoma have recently shown a huge desire to be involved when our affordable fresh water is at risk; and

WHEREAS, the Citizens of Tacoma want to encourage clean and renewable energy industries operating in the City of Tacoma; and

WHEREAS, the Citizens of Tacoma find that a proposed methanol refinery does not meet the requirements of a clean, renewable and sustainable energy production facility; and

WHEREAS, the City of Tacoma Charter provides for Initiative and Referendum rights which provides the city's citizens the right to place this Charter amendment before the voters; and

WHEREAS, the people of the City of Tacoma possess an inherent and inalienable right to govern our own community as secured by the Declaration of Independence's affirmation of the right of people to alter or abolish their government if it renders self-government impossible, and this inherent right is reaffirmed in the Tacoma City Charter, the Washington State Constitution, and the United States Constitution;

Therefore be it ordained by the voters in the City of Tacoma that:

(1) The people of Tacoma adopt the following amendments to the Tacoma City Charter, Article IV (Public Utilities):

Section 4.24 – The People's Right to Water Protection

(A) People's Vote on Large Water Use Applications. The people of the City of Tacoma find that there is a compelling need to carefully consider the consequences of providing water utility service to an applicant that intends to use large amounts of fresh water. Before providing water utility service to any applicant for 1336 CCF (one million gallons), or more, of water daily from the City, the City shall place the applicant's request for water utility service before the voters on the next available General Election Ballot, in a manner substantially conforming to the rules for Section 2.22 of this Charter. The applicant shall pay for the costs of the vote of the people. Only if a majority of the voters approve the water utility service application and all other application requirements are met may the City provide the service. The vote by the people is binding, and not advisory. Any water users currently authorized to use 1336 CCF or more of water daily are grandfathered in, however, their water utility service is not transferable.

(B) Sustainable Water Protection is an Inviolable Right that Government Cannot Infringe. The people of the City of Tacoma protect their right to water through their inherent and inalienable right of local community self-government, and in recognition that clean fresh water is essential to life, liberty, and happiness, and the City of Tacoma has a foundational duty to maintain a sustainable provision of water for the people. The People's Right to Water Protection

vote provides a democratic safeguard, on top of the City's existing application process, to ensure that large new water users do not threaten the sustainability of the people's water supply. To prevent subsequent denial of the People's Right to Water Protection by state law preemption, all laws adopted by the legislature of the State of Washington, and rules adopted by any state agency, shall be the law of City of Tacoma only to the extent that they do not violate the rights or mandates of this Article.

(C) Water Protection supersedes Corporate Interests. As the People's Right to Water Protection is foundational to the people's health, safety, and welfare, and must be held inviolate, no government actor, including the courts, will recognize as valid any permit, license, privilege, charter, or other authorization, that would violate the rights or mandate of this Article, issued for any corporation, by any state, federal, or international entity. In addition, corporations that violate, or seek to violate the rights and mandates of this Article shall not be deemed "persons" to the extent that such treatment would interfere with the rights or mandates enumerated by this Article, nor shall corporations possess any other legal rights, powers, privileges, immunities, or duties that would interfere with the rights or mandates enumerated by this Article. "Rights, powers, privileges, immunities, and duties" shall include the power to assert international, federal, or state preemptive laws in an attempt to overturn this Article, and the power to assert that the people of the City of Tacoma lacked the authority to adopt this Article.

(D) Enforcement. The City or any resident of the City may enforce this section through an action brought in any court possessing jurisdiction over activities occurring within the City of Tacoma, including, but not limited to, seeking an injunction to stop prohibited practices. In such an action, the City of Tacoma or the resident of the City of Tacoma shall be entitled to recover damages and all costs of litigation, including, without limitation, expert, and attorney's fees.

(2) In enacting this Charter Amendment through our Initiative Power, the people of Tacoma declare our intent that:

(A) The provisions of this Charter Amendment are severable, and the petitioners intend that all valid provisions of the initiative be placed on the ballot and enacted into law even if some provisions are found invalid.

(B) The provisions of this Charter Amendment be liberally construed to achieve the defined intent of the voters.

(C) We support each of the provisions of this section independently, and our support for this section would not be diminished if one or more of its provisions were to be held invalid, or if any of them were adopted by the City Council and the others sent to the voters for approval.

(D) This section shall take effect 15 (fifteen) days after election certification. The City shall not accept any applications for water utility service for 1336 CCF or more between the election and effective date.

—END—

ENDORSED BY

PARTIAL LIST

John Weymer, Tacoma Weekly Publisher

Jerry Gibbs, Pierce County Building Referendum sponsor

Want to be added to this list?

Call Donna (253) 209-7988

LOCATIONS TO PICK UP PETITION SHEETS OR SIGN PETITION

Partial list visit www.SaveTacomaWater.org for the most current list

Lincoln Hardware 3726 S G St • Tacoma

Purified Water To Go 5401 Sixth Ave K807 • Tacoma

7701 S Hosmer • Tacoma

2800 Milton Way Suite 21 • Milton

Tacoma Lamp Repair & Sales 1524 Tacoma Ave S • Tacoma

STOP the methanol refinery

Residents of Tacoma, University Place, Ruston, Fife, Milton, Kent, Covington, Bonney Lake, Lakewood, Steilacoom, Federal Way, the Muckleshoot and Puyallup Reservations and portions of Des Moines and Auburn are dependent on fresh water from Tacoma Public Utility, as well as the proposed methanol refinery. The proposed methanol refinery originally estimated needing to use 14 to 22 million gallons of fresh water every day (that number keeps changing), equal to what 185,000 to 291,000 residents use daily (Tacoma 2015 Population: 198,397).

Yes! on 5

AMENDMENT

CHARTER AMENDMENT PETITION FOR SUBMISSION TO THE PEOPLE

To The City Council of Tacoma and Doris Sorum, City Clerk:

We, the undersigned registered and legal voters of the City of Tacoma, State of Washington, respectfully propose an Amendment to the City Charter that would require new industries in Tacoma that are large fresh water users needing one (1) million gallons or more of fresh water per day to pay for a vote of the people and if approved their application for water service could be granted if all other application requirements are met. This Charter Amendment shall be entitled:

The People's Right to Water Protection Amendment.

A full, true and correct copy of the proposed charter amendment is included herein and we petition that the City Council submit it to the qualified electors of the City of Tacoma for approval or rejection at the next regular election to be held on the 8TH day of November, 2016. Each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the City of Tacoma as written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

PAID FOR BY

SAVE TACOMA WATER

OUR WATER. OUR RESOURCES.
OUR VOICES. OUR VOTE.

P.O. Box 8841
Tacoma, WA 98419
(253) 209-7988

www.SaveTacomaWater.org
SaveTacomaWater@gmail.com

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

TOP 10 LARGE FRESH WATER USERS

The proposed methanol refinery is actually a job loser as the data shows. Currently, 2,190 workers are employed locally by large fresh water businesses and this proves that far more jobs than 260 could be supported with the same amount of fresh water.

Company	Water Usage Per Day (MGD)	Employees	Water Usage Per Day per Employee
WestRock (Simpson)	15.52	400	38,800
US Oil & Refining Co	0.62	160	3,875
Graymont Western US Inc	0.38	35	10,857
Port of Tacoma	0.30	250	1,200
G. P. Gypsum	0.15	175	857
The Geo Group	0.08	300	267
General Metals of Tacoma	0.06	110	545
Darling International Inc	0.05	35	1,429
Manke Lumber Co Inc	0.05	375	133
McFarland Cascade Pole & Lumber	0.03	350	86
Proposed Methanol Facility (High)	22	260	84,615
Proposed Methanol Facility (Low)	14	260	53,846
Tacoma Residents	14.63	198,397	74
Top 10	17.24	2,190	7,872
Top 2-10	1.72	1,790	961

MILLIONS OF GALLONS PER DAY (MGD)

PLEASE USE INK • PLEASE DO NOT CUT — INVALIDATES SIGNATURES

PLEASE USE INK • PLEASE DO NOT CUT — INVALIDATES SIGNATURES

ONLY REGISTERED CITY OF TACOMA VOTERS MAY SIGN THIS PETITION

I WANT TO HELP ✓

DATE SIGNED	PLEASE SIGN YOUR NAME AS YOU ARE REGISTERED TO VOTE PETITIONER'S SIGNATURE	FOR IDENTIFICATION PURPOSES PRINT NAME HERE	STREET AND NUMBER RESIDENCE ADDRESS	CITY & COUNTY	OPTIONAL INFORMATION FOR VOLUNTEERS TELEPHONE / EMAIL
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RECEIVED

MAR 07 2016

CITY CLERK'S OFFICE



Evelyn Fielding Lopez · No Water for Methanol
December 20, 2015 ·

We are still cleaning up from our past environmental damage. This proposal is not the future I would envision for Tacoma.

Like

Comment

Share

1



Write a comment...



Justin D. Leighton · Executive Director at Washington State Transit Association

I am certain we could use less of this "key ingredient" in our lives. <https://www.washingtonpost.com/.../by-2050-there-will-be.../>

Like · Reply · 3 · Jan 22, 2016 4:14pm



Wade Neal · Assistant Executive Director at The Grand Cinema

If the writer does not know "the facts" why is he clearly for the plant?

Like · Reply · 8 · Jan 22, 2016 3:50pm



Evelyn Fielding Lopez · Tacoma, Washington

This may be the most ridiculous explanation I've read lately: "It's new because it's environmentally advanced." Talk about Wyle E. Coyote and Acme products--that line is right out of an Acme products advertisement! Tacoma, we can't let the venal and irresponsible Port and Chamber continue with this nonsense--time for the real people of Tacoma to decide what is in the best interest of our city.

Like · Reply · 7 · Jan 22, 2016 3:01pm



Ladymae Walters

If environmental agencies permit this catastrophic disaster in the making they are not doing their job . They are the first ones to shout about climate change , less snow cap , receding glaciers .

Warm water low water in our rivers .

If they permit this in the heart of a city .

They've been bought !

It's not rocket science to know it's not a good idea ...

Save Our Water says recall Port Commissioners asap .

Like · Reply · 5 · Jan 19, 2016 9:20pm



Kathlyn Neal · Psychotherapist, Clinical Social Worker at Kathlyn Neal LICSW

In addition to the health and safety concerns of the proposed methanol plant to current Tacoma residents and the depletion of our natural resources, I wonder how many corporations/businesses will pass over Tacoma as their future home should it be built. This is not an effective way to attract future commerce. In fact, it seems contrary to attracting future business. I hear a lot of talk about how cutting edge and less polluting this plant would be...compared to what? Older, more polluting technology? FACT: This methanol plant will cause more pollution to our land and waters and people than if it were not built.

Like · Reply · 9 · Jan 18, 2016 9:19pm



Ladymae Walters

Look at the big players involved with Northwest innovations ..

It says it all .

Sad day for Tacoma if this is approved .

Like · Reply · 5 · Jan 18, 2016 8:29am



Nancy McFarland · Tacoma Community College

I've read about this methanol plant to to understand why there is so much public outcry; this is really not a good deal for Tacoma. Let's not lose sight of the environmental concerns because we are excited about desperately needed jobs. Yes, we need more jobs in Tacoma, but we do not need this methanol plant! I am sure there are many other corporations in the United States that would be interested in Tacoma if they were given some incentives.

COMMENTS

7 Comments

Sort by: Newest



Add a comment...

**Gavin Guss**

I'm pleased to see all the good ideas and intelligent comments on this thread. It still confounds me how opaque our elected representatives remain when the issue requires direct and immediate dialog.

Like · Reply · 3 · Feb 2, 2016 2:17pm

**Brett Oglin** · Works at Westcoastbiasedsports.com

warehouses, manufacturing, glant hotel and casino (sorry that's me being selfish) all sound better to me than toxic gas emitting time bomb.

Like · Reply · 3 · Feb 1, 2016 10:30am

**Evelyn Fielding Lopez** · Tacoma, Washington

The idea of placing warehouses on the Tideflats is interesting. If freeway access were improved, that might be a better option than converting good farmlands into warehouses in Fife and Puyallup. There should be a comprehensive discussion about what we want the future of Tacoma to look like--rather than leasing land to the first suitor without any critical thought or discussion. I remain deeply disappointed in the Port Commissioners, but maybe we can use the scoping and EIS process to have those critical discussions. I expect our City leaders to participate as well--what is the point of having vision exercises like Tacoma 2025 if you don't do anything to help those positive goals and visions become reality?

Like · Reply · 3 · Feb 1, 2016 9:30am

**Ladymae Walters**

The visions project ...

About \$ 225 , 000 another waste of tax dollars

Like · Reply · Feb 2, 2016 7:24pm

**Alvarita Allen** · Tacoma, Washington

Read the article in Time Magazine on methanol facilities. They are leaking in many locations throughout the world, including the U.S.A. Will Tacoma and the Port guarantee to buy my home at the "former" value when the methanol facility here leaks? If NOT, then this plant should not be built.

Like · Reply · 4 · Feb 1, 2016 8:22am

**Pamela Taylor** · Works at CEO Taylor Household

Anyone remember the superfund clean up!? Such a colossal waste of money and time to only turn around and do this. Oh and whoever is operating here. They should know that in the event of an earthquake 6.8 or higher, break out the surfboard and prepare for the 12 foot high wall of water that will be coming for them

https://en.m.wikipedia.org/wiki/Tacoma_Fault

POLITICS & GOVERNMENT

MARCH 10, 2016 5:58 PM

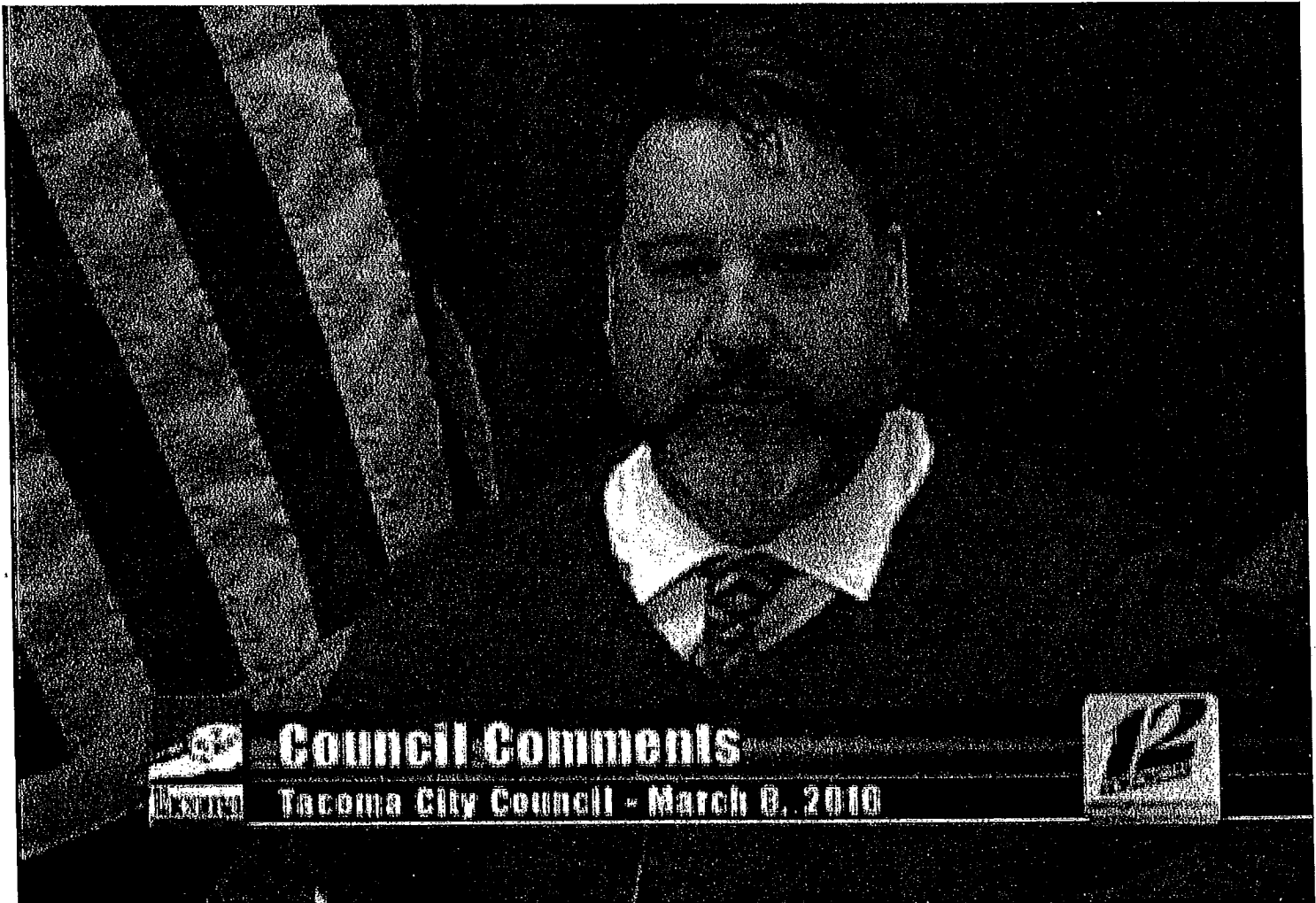
Fashion statement or political message? Tacoma councilman's sweater joins methanol debate

HIGHLIGHTS

Dozens of methanol plant opponents wore red at City Council meeting

Protesters viewed Councilman Campbell's sweater as a sign of solidarity

Council members say they want to raise questions, but not influence study



Her caution made sense to her colleagues, who seconded her remarks at last month's meeting. Some of them have raised questions about the project, including Councilman Ryan Mello, who submitted a two-page letter detailing the issues he hopes the city planning department will consider in its review.

Not present at last month's meeting was Councilman Robert Thoms, who wrote a guest column in Sunday's News Tribune that advocated for a less industrial future at the port.

"My vision is of a city that is less industrial than its past," Thoms wrote. "We can have jobs and commerce and quality of life, but we also must have a better understanding of what the parcels in the port and surrounding area are able to handle, and what are the right projects and zoning to create the future we want."

To some outside city government, that was the first sign that the council was breaking its perceived silence on the project.

Evelyn Fielding Lopez, an attorney and chairwoman of the state Public Disclosure Commission who lives in Tacoma, said she thought the council was being too cautious with the stance its members articulated last month.

"They have a really important role because they represent the citizens of the city, and if they engage, great, but to stand on the sidelines and say 'We can't be involved whatsoever,' that's not great," Lopez said.

Three council members reached by The News Tribune this week would not describe the legal advice they received regarding how they could talk about the methanol proposal.

They said their decisions were informed both by their experiences navigating past controversial projects and by the regular guidance they receive on maintaining the appearance of fairness as elected officials.

City Attorney Elizabeth Pauli also declined to describe the advice she gave to the council regarding the project. But she did say no law or precedent prohibits council members from discussing a topic like the methanol plant.

"There's no such thing," Pauli said. "There are some different concepts that have probably led to caution with regard to what they can and can't say and when."


Other elected bodies in the state have opened themselves to pricey lawsuits when they've either taken gifts from a project applicant or abruptly put up obstacles to projects that otherwise would have complied with local zoning rules. In one case, the city of Spokane had to pay hundreds of

sell it back to the US at a profit.

5. No one has addressed the possible explosion hazard.

6. All this for 250 jobs?


And the TNT appears to support this?

Like · Reply ·  7 · Apr 24, 2016 9:18am



Evelyn Fielding Lopez · Tacoma, Washington

City and Port leaders should embrace the notion that they are elected to serve the people. Yes, use social media. Yes, ask the community what their vision for Tacoma and the Port might be. Yes, find out what industrial use is forward looking and resource appropriate. Yes, have a public discussion before the lease is signed. More asking, more consulting, less telling. Be respectful of the people you serve. This is not easy--but we will all benefit. It is a very good thing to have an engaged and active community--use that resource.


Like · Reply ·  6 · Apr 24, 2016 9:10am



Jerry Bauer

"If you have a community that's against everything, it's awfully hard to recruit businesses that want to come here," Port Commissioner Don Johnson

I'm pretty sure no one would have been against either of the other two options you guys nixed


Like · Reply ·  5 · Apr 24, 2016 8:53am



Debby Herbert

The politticking has already begun for the next boondoggle, "If you have a community that's against everything, it's awfully hard to recruit businesses that want to come here," Port Commissioner Don Johnson said

The issue was the largest methanol plant in the world being built in the middle of town. Obvious twisting of the conversation. Hundreds and thousands of residents have sent letters to the port and officials insisting on sustainable jobs and industry. Selling off our limited natural resources of barely breathable air, water and power to the highest bidder is not sound in any way, including economically, when all accounted for. We just barely dodged a bullet and we have to stay involved to not let this happen again.

Like · Reply ·  10 · Apr 24, 2016 10:23pm · Edited



Ladymae Walters


Save Tacoma Water

Amendment 5 Initiative 6

The People's Right to Water Protection Ordinance .

Will not get to the ballot box without City of Tacoma registered voters signing the petitions .


SaveTacomaWater.org.

Like · Reply ·  4 · Apr 24, 2016 8:17am



Marba Armstrong Cowan · St. Martin's University

Hemp production for biodegradable plastics and earth friendly textiles. Who knows what other petroleum based products could be replaced?

Like · Reply ·  3 · Apr 24, 2016 6:51am



Veronica Niechajczyk

EDITORIALS FEBRUARY 15, 2016 3:43 PM

Court ruling might hinder methanol foes

HIGHLIGHTS

State Supreme Court kills citizen initiative in Spokane before it's voted on

Case offers possible guidance for adversaries fighting chemical plant in Tacoma

Final public "scoping" meeting on methanol facility set for Feb. 24



FROM THE EDITORIAL BOARD

Opponents of a methanol plant in Tacoma — and there are many — have gone searching for public officials willing to throw their weight against the proposed \$3.4 billion natural-gas conversion facility on the Tideflats.

The results have been mixed. While methanol-haters have found some friends in the Legislature and Federal Way City Hall, they've had little luck enlisting the Tacoma City Council and mayor, who say they have no power over a Port of Tacoma lease. And critics would be foolish to think they could sway port commissioners, who unanimously approved the lease in 2014 and aren't hardwired to reject 1,000 temporary and 260 full-time jobs.

A new Washington Supreme Court decision suggests opponents might not find much support in the judicial branch, either.

The court issued a ruling this month against Envision Spokane, a group that has tried since 2013 to place a measure on the city ballot allowing voters to block developments they don't like. Through their Community Bill of Rights, the activists sought to protect the local water source by declaring that the Spokane River has "a right to exist and flourish." And they want to deny the legal rights of corporations that violate their manifesto.

What does this have to do with a would-be Chinese-backed methanol plant 300 miles across the state? Possibly quite a lot.

The Tacoma project's foes already attempted to file one city ballot measure asking voters: "Do you want the largest methanol production refinery in the world emitting toxic byproducts that would pollute our air and water located in the Port of Tacoma?" The city attorney rejected the RedLine Tacoma plan, saying Tacoma's charter doesn't allow for non-binding advisory votes.

Implacable as ever, opponents have started gathering the 3,160 signatures needed for a different initiative. More rebel ballot-box efforts presumably could follow.

The Supreme Court, however, delivered a clear reminder about local initiatives: They are limited because they don't have the heft of constitutionally sanctioned state initiative powers. Many cities have granted voters authority to petition their government — Tacoma, Lakewood and Puyallup, to name a few — but city charters only go so far.

Justice Susan Owens summed up the ruling against Envision Spokane by saying the group's initiative "attempts to regulate a variety of subjects outside this scope of authority, including administrative matters, water law and constitutional rights."

The court felt so strongly that it took the rare step of killing the Spokane initiative before it went to the ballot. Moreover, the justices joined in a unanimous decision.

There's no question Tacoma's methanol opposition includes smart people, and they're learning as they go. Their latest initiative, which they're calling the "large water user ordinance," would require voters to approve all requests for water permits requiring 1 million gallons or more per day. (The Northwest Innovations plant would use a whopping 10.4 million gallons daily.) This time, critics are taking a safer route by trying to amend city code, allowed under Tacoma's charter.

But as the court highlighted in the Spokane case, things get complicated where water law and long-settled water rights are concerned.

Anti-methanol forces have every right to use all legal arrows in their quiver, including the initiative system. It's understandable that they may feel like part of a "rear-guard action," as a letter writer says today — what with the lease signed and many influential people supporting the refinery.

But right now, nothing is more pivotal to the fate of the project than the city's lengthy environmental scoping process, which must precede approval of all permits. The last of three public meetings was rescheduled to Feb. 24 at the Greater Tacoma Convention & Trade Center. Doors open at 5 p.m. The meeting starts at 6:30 p.m.

Participation in this fact-finding mission is a good idea for all Tacomans, whether for or against local methanol production — and certainly for those scrupulous searchers who have yet to make up their minds.



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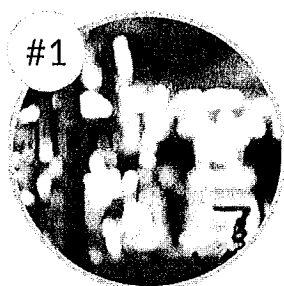
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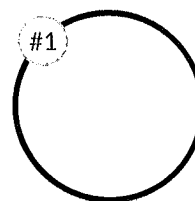
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44.7%

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14 Comments

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**Michael Pellegrini** · Longshoreman at Port of Tacoma

The one pertinent question, is: "Do you want to face the very real prospect of water rationing here in Tacoma, simply so we can gain a couple hundred jobs?"

Last summer, we came within a hairs breadth of going on rationing. The city was watering only some parks - those with athletic fields. People were voluntarily letting their lawns die. You do recall that, right? It was a really, really close thing. We barely escaped.

It was a warm winter and the snowpack was low, all coupled with a warm, dry summer. Well if we had added another huge industrial customer like this methanol plant last year -... [See More](#)

Like · Reply · 14 · Feb 16, 2016 6:22am

**Ahigail Mullinax**



Wade Neal

This. Of all the reasons this is a terrible idea, this ONE should be reason enough not to build this plant.

Like · Reply · 6 · Feb 16, 2016 6:44am



Gavin Guss

ah, the rights of poor, trampled, maligned corporations! perhaps tnt should give up all pretense of serving the community and change their format to a business journal.

we have the law on our side:

<http://app.leg.wa.gov/RCW/default.aspx?cite=19.27.097>

Like · Reply · 7 · Feb 16, 2016 10:39am



Gavin Guss

zoning of the port is controlled by the tacoma municipal code. we need another initiative, for an ordinance redefining usage of our Port Maritime and Industrial District as per

<http://cms.cityoftacoma.org/.../Title13...>

Like · Reply · 7 · Feb 16, 2016 11:12am · Edited



Wade Neal · Assistant Executive Director at The Grand Cinema

Why no mention of state senator Darnielle, UP Mayor, Puyallup tribe, CHB...the list is growing, yet?

Like · Reply · 10 · Feb 16, 2016 1:01am



Teodora Weisdepp

The rights of corporations? So long as our form of government is called a democracy, rights belong to people and the majority, not corporations. And since when does anyone have the right to pollute and hog a community's natural resources? Laws give the power to do so, but not the right.

Like · Reply · 5 · Feb 16, 2016 5:52pm



Teodora Weisdepp

I might also ask why the authors of this piece are afraid to disclose their names/ stand by this opinion if it's not a popular majority you are afraid of. Hiding behind the "editorial board"? Who makes up the editorial board? Nobody knows because nobody reads your paper....

Like · Reply · 2 · Feb 17, 2016 12:54pm



Spooner Clarke

I, for one, welcome our Chinese overlords, and offer my services in any way the Communist Party of the People's Republic of China deem fit to exploit.

Like · Reply · 5 · Feb 16, 2016 12:37pm



Jason Crick

Lol

Like · Reply · Feb 16, 2016 9:35pm



Michael Lafreniere · University of Oregon

So in other words, one day soon we may find that China-backed consortiums have more power in our democracy than do our own people, thanks to the local electeds of our community who serve their interests. Do I have that right, editors? Because it sounds like you're okay with that.

Like · Reply · 3 · Feb 17, 2016 5:35am · Edited

Like · Reply · Feb 17, 2016 9:00am · Edited

**Deborah Hill**

In addition to all of the excellent points made regarding the outrageous use of Tacoma's water, the dangers of earthquakes, flooding/tsunamis, and lahars, and the explosion potential in relation to the proposed methanol plant, I would add another question: What happens the day after if this thing gets built? We cannot even get any accountability regarding the signing of the lease or the proposal for the plant as it stands right now.. How on earth would we get any accountability and action on safety, infrastructure maintenance, and operations given the usual business model of cutting costs of same to increase profits? There are too many cases of finger pointing and buck passing AFTER some disaster happens. This time, let's do something different and not even give this plant a chance to become a disaster. It must not be built at all.

Like · Reply · 2 · Feb 17, 2016 7:02pm

**Jason Crick**

Why are we even considering this when China is mounting surface to air misses in international waters

Like · Reply · 1 · Feb 16, 2016 7:36pm

**Ladymae Walters**

I believe there is more than meets the eye going on behind the scene than we will ever know .. After much research I'm amazed at the heavy hitters in this made for T. V. Movie

Like · Reply · 1 · Feb 17, 2016 8:35am

**Tatyana Mikeladze**

Since City of Tacoma adopted SEPA role, SEPA substantive authority [WAC 197-11-660] gives all levels of government the ability to condition or deny a proposal based on environmental impacts. City of Tacoma is in fact a Decision Maker.

Like · Reply · 10 · Feb 15, 2016 11:26pm

**John Bartley**

So what is the Tribune's opinion of using this amount of water? I'd like to know.

Like · Reply · 7 · Feb 16, 2016 7:54am

**John Sherman** · Am still living at Retired

Tacoma meets its SEPA EIS obligation by making a FEIS for Methanol facility.

We need to know what hazards are introduced into our Tacoma Community environment, but not hidden in some hundreds of pages FEIS report. Therefore, the U.S. EPA needs to complete and publish a Community Right-to-Know report about all hazards introduced by natural gas industry(s) in Tacoma Community.

<http://johnsherman.com/.../public-interest-what-is-the.../>

Like · Reply · 4 · Feb 16, 2016 8:16am

**Morf Morford** · English & Writing instructor at Bates Technical College

<http://postdefiance.com/m-morford-on-the-methanol-plant.../>

Like · Reply · 2 · Feb 16, 2016 2:49pm

**Deborah Hill**



Deborah Finn

Really well-written and compelling piece here, Morf Morford!

Like · Reply · 1 · Feb 17, 2016 6:47pm



Ladymae Walters

It's time for citizens to take control of our own destiny .
Our elected officials have lost their way .

Like · Reply · 1 · Feb 17, 2016 1:20am



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