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NO. 89723-9

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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

BF FOODS, LLC, FILO FOODS, LLC, ALASKA AIRLINES, INC., and
WASHINGTON RESTAURANT ASSOCIATION,
Respondents/Cross-Appellants,

v.

CITY OF SEATAC, KRISTINA GREGG, CITY OF SEATAC CLERK,
Appellants/Cross-Respondents,

and the

PORT OF SEATTLE,
Respondent,

and

SEATAC COMMITTEE FOR GOOD JOBS,
Appellant/Cross-Respondent.

**APPELLANT/CROSS-RESPONDENT SEATAC COMMITTEE
FOR GOOD JOBS' STATEMENT OF SUPPLEMENTAL
AUTHORITIES**

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 ORIGINAL

STATEMENT OF SUPPLEMENTAL AUTHORITIES

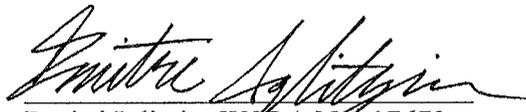
Appellant/Cross-Respondent SeaTac Committee for Good Jobs files this Statement of Supplemental Authorities under RAP 10.8.

Attached as Exhibit A is a true and correct copy of Chapter 38 of Session Laws, 1961, "Port Districts – Police Regulations – Enforcement," entitled "An Act relating to port districts; and providing for the promulgation and enforcement of police regulations governing public use of port district properties and facilities," enacted in February of 1961. This session law is relevant to the discussion in the briefs of Appellant/Cross-Respondents SeaTac Committee for Good Jobs and City of SeaTac, Respondents/Cross-Appellants Filo Foods, *et. al.*, Respondent Port of Seattle, and Amici Curiae Attorney General of Washington and Washington Public Ports Association regarding the extent to which, under Washington State law, a city that encompasses an airport operated by a port district has the authority to exercise its regulatory police powers regarding private businesses and their employees engaged in activity on the premises of that airport.

Attached as Exhibit B is a true and correct copy of Revised Code of Washington § 53.08.220. This statute, which is the codification of Chapter 38 of Session Laws, 1961, as currently in effect, is relevant to the arguments made by the Port of Seattle at page 29 of its Brief of

Respondent and page 17 of its Answer to the Brief of Amicus Curiae Attorney General of Washington relating to its purported regulatory police power to enact employment standards applicable to persons employed by private companies at Sea-Tac Airport. A small fragment of RCW 53.08.220, but not the entire operative language, was quoted by the Port in notes 33 and 19 of those briefs, respectively.

RESPECTFULLY SUBMITTED this 23rd day of June, 2014.



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DECLARATION OF SERVICE

I, Jennifer Woodward, declare under penalty of perjury under the laws of the State of Washington that on June 23, 2014, I caused the foregoing Appellant/Cross-Respondent SeaTac Committee For Good Jobs' Statement of Supplemental Authorities to be filed via email with the Clerk of the Supreme Court, and a true and correct copy of the same to be delivered via email, and placed in the US First Class mail, per agreement of counsel, to:

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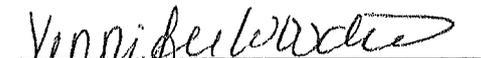

Jennifer Woodward, Paralegal

Exhibit A

CHAPTER 38.

[H. B. 40.]

PORT DISTRICTS—POLICE REGULATIONS—
ENFORCEMENT.

AN ACT relating to port districts; and providing for the promulgation and enforcement of police regulations governing public use of port district properties and facilities.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. A port district may formulate all needful regulations for the use by tenants, agents, servants, licensees, invitees, suppliers, passengers, customers, shippers, business visitors and members of the general public of any properties or facilities owned or operated by it, and request the adoption, amendment or repeal of such regulations as part of the ordinances of the city or town in which such properties or facilities are situated, or as part of the resolutions of the county, if such properties or facilities be situated outside any city or town. The port commission shall make such request by resolution after holding a public hearing on the proposed regulations, of which at least ten days' notice shall be published in a legal newspaper of general circulation in the port district. Such regulations must conform to and be consistent with federal and state law. As to properties or facilities situated within a city or town, such regulations must conform to and be consistent with the ordinances of the city or town. As to properties or facilities situated outside any city or town, such regulations must conform to and be consistent with county resolutions. Upon receiving such request, the governing body of the city, town or county, as the case may be, may adopt such regulations as part of its ordinances or resolutions, or amend or repeal such regulations in accordance with the terms of the request. Any violation of such regulations shall constitute a misdemeanor

Regulations governing public use of port district facilities.

Violation, misdemeanor.

which shall be redressed in the same manner as other police regulations of the city, town or county, and it shall be the duty of all law enforcement officers to enforce such regulations accordingly.

Motor vehicle
or police regu-
lation in port
districts—
Plat filed.

SEC. 2. A port district may at its option file with the county auditor a plat of any of its properties or facilities, showing thereon such private streets, alleys, access roads, parking areas, parks and other places as the port district may wish to have treated as public for purposes of motor vehicle or other police regulations. Such plat may be amended at any time by the filing of an amendatory plat, and may be vacated at any time by the filing of a resolution of vacation. So long as any such plat or amendatory plat is on file and not vacated, the motor vehicle or other police regulations of the state, and the motor vehicle regulations of the city, town or county, as the case may be, in which the areas described in the plat are situated, shall apply to such areas as though they were public streets, alleys, access roads, parking areas, parks or other places, and it shall be the duty of all state and local law enforcement officers to enforce such regulations accordingly.

Passed the House February 16, 1961.

Passed the Senate February 15, 1961.

Approved by the Governor February 21, 1961.

Exhibit B

53.08.220

Regulations authorized — Adoption as part of ordinance or resolution of city or county, procedure — Enforcement — Penalty for violation.

(1) A port district may formulate all needful regulations for the use by tenants, agents, servants, licensees, invitees, suppliers, passengers, customers, shippers, business visitors, and members of the general public of any properties or facilities owned or operated by it, and request the adoption, amendment, or repeal of such regulations as part of the ordinances of the city or town in which such properties or facilities are situated, or as part of the resolutions of the county, if such properties or facilities be situated outside any city or town. The port commission shall make such request by resolution after holding a public hearing on the proposed regulations, of which at least ten days' notice shall be published in a legal newspaper of general circulation in the port district. Such regulations must conform to and be consistent with federal and state law. As to properties or facilities situated within a city or town, such regulations must conform to and be consistent with the ordinances of the city or town. As to properties or facilities situated outside any city or town, such regulations must conform to and be consistent with county resolutions. Upon receiving such request, the governing body of the city, town, or county, as the case may be, may adopt such regulations as part of its ordinances or resolutions, or amend or repeal such regulations in accordance with the terms of the request.

(2)(a) Except as otherwise provided in this subsection, any violation of the regulations described in subsection (1) of this section is a misdemeanor which shall be redressed in the same manner as other police regulations of the city, town, or county, and it shall be the duty of all law enforcement officers to enforce such regulations accordingly.

(b) Except as provided in (c) of this subsection, violation of such a regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction.

(c) Violation of such a regulation equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

[2003 c 53 § 286; 1979 ex.s. c 136 § 103; 1961 c 38 § 1.]

OFFICE RECEPTIONIST, CLERK

To: Jennifer Woodward
Cc: Dmitri Iglitzin
Subject: RE: Case No. 89723-9 (BF Foods et al. v. City of SeaTac): Statement of Supplemental Authorities

Received 6-23-14

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Jennifer Woodward [mailto:woodward@workerlaw.com]
Sent: Monday, June 23, 2014 1:45 PM
To: OFFICE RECEPTIONIST, CLERK
Cc: Dmitri Iglitzin
Subject: Case No. 89723-9 (BF Foods et al. v. City of SeaTac): Statement of Supplemental Authorities

Good Afternoon,

Attached for filing in case no. 89723-9 (BF Foods et al. v. City of SeaTac) is Appellant/Cross-Respondent SeaTac Committee For Good Jobs' Statement of Supplemental Authorities.

Please let me know if you have any difficulty with the attachment.

Sincerely,

Jennifer Woodward

Jennifer Woodward | Paralegal | Schwerin Campbell Barnard Iglitzin & Lavitt LLP | 206.285.2828 x 6016 | www.workerlaw.com
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