

Article III

THE ADMINISTRATIVE BRANCH

The City Manager

Section 3.1 - The Council shall appoint a chief administrative officer of the city government who shall be entitled City Manager, and who shall serve at the pleasure of the Council. Both his appointment and removal shall require the affirmative vote of five members of the Council. The Manager shall be selected on the basis of his training, experience, and other administrative qualifications for the office and without regard to his place of residence at the time of appointment, but during his tenure of office he shall reside within the city limits. The Council shall review the City Manager's performance annually and every two years shall vote on whether to reconfirm the appointment of the City Manager, with the affirmative vote of at least five members of the Council in a public meeting necessary to effect such reconfirmation. Neither the Mayor nor any councilman shall be eligible for the position of City Manager within two years after the expiration of his latest term. The Council may directly retain the services of an individual or organization to assist the Council in conducting a search for a City Manager and conducting performance reviews of the City Manager. (Amendment approved by vote of the people September 18, 1973 and November 2, 2004.)

Council-Manager Relationships

Section 3.2 – The Manager shall be responsible to the Council for the administration of all units of the city government under his jurisdiction. Except for the purpose of inquiry, the Council and its members shall deal with administrative officers and employees under jurisdiction of the Manager solely through the Manager. Neither the Council nor any member thereof shall give orders to the Manager's subordinate or otherwise interfere with managerial functions through such means as directing or requesting the appointment or removal of any of the Manager's subordinates, or the making of particular purchases from or contracts with any specific individual or organization. The Manager shall have the right to attend all meetings of the Council and to take part in the discussion of matters coming before the Council, but not the right to vote.¹²

¹² RCW 42.30.110(g) allows the Council to exclude the City Manager from executive sessions when the City Manager's performance is discussed.

Section 3.3 – The Manager shall supervise and be responsible for the effective management of the administrative affairs of the City. He shall give general direction to the programs and activities of all city departments and offices, except those removed from his jurisdiction by this charter, and shall be responsible for the proper execution of the policies set by the Council and the enforcement of all laws and ordinances. He shall keep the Council informed of the conditions and needs of the City and shall make such reports and recommendations as he may deem desirable or as may be requested by the Council. (Amendment approved by vote of the people September 18, 1973.)

Section 3.4 – The Manager shall have the power to appoint and remove, subject to the civil service provisions of this charter and except as otherwise provided in this charter or by state law, all officers and employees of the city under his jurisdiction, or may at his discretion authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office.

City Attorney

Section 3.5 – The City Manager shall appoint a City Attorney, who shall be an attorney admitted and qualified to practice in the Supreme Court of the State of Washington and who shall have practiced his profession within the State of Washington for not less than five years next preceding his appointment. The City Attorney shall have power to appoint and remove, subject to the approval of the Manager, his professional assistants who shall also be attorneys admitted and qualified to practice in the Supreme Court of the State of Washington.

Section 3.6 – The City Attorney shall be legal advisor to the City Council, Manager, and all officers, departments, and boards of the city in matters relating to city affairs. He shall represent the city in litigations in which the city is interested; shall provide written legal opinion on official matters when requested by the Council, Manager, commissions, boards, or other city officers; shall review for legal correctness contracts, bonds, franchises, and other instruments in which the city is concerned; and perform such other duties as may be prescribed for him by ordinance or otherwise by law.

City Clerk

Section 3.7 – The City Manager shall appoint a City Clerk who shall (a) attend all meetings of the Council and keep a permanent journal of its proceedings, (b) record and certify all ordinances and resolutions, (c) serve as custodian of the city seal and official city records, (d) prescribe and furnish sample forms for petitions provided for by this charter, (e) serve as registrar of voters for the city, and (f) perform such other duties as may be prescribed by the Manager, state law, this charter, or by ordinance. The City Clerk with the approval of the City Manager may designate one clerk in his office as his deputy, who shall have all the powers and perform all the duties of the City Clerk in his absence.

City Planning Commission¹³

Section 3.8 – There shall be a Planning Commission, composed of nine (9) members, with such powers and duties as are provided by ordinance. The nine members shall be residents of the City of Tacoma and be appointed and confirmed by the City Council for terms of three (3) years each. One member shall be appointed by the City Council for each of the five council districts. The Council shall appoint to the four remaining positions an individual from each of the following: (a) the development community; (b) the environmental community; (c) public transportation, and (d) a designee with background of involvement in architecture, historic preservation, and/or urban design. A majority of the voting members of such Commission shall constitute a quorum for the transaction of business. The Commission shall be authorized to adopt rules for the transaction of business not inconsistent with this charter or ordinances of the City of Tacoma. Said Planning Commission members shall serve without pay. (Amendments approved by vote of the people September 18, 1973 and November 3, 1992.)

Tacoma Public Library¹⁴

Section 3.9 – The Tacoma Public Library shall be administered by a board of trustees in the manner provided by state law or city ordinance not inconsistent therewith.

Tacoma Humane Society

Section 3.10 – The City Council is hereby authorized to enter into a contract with the Tacoma Humane Society, or any other agency or agencies performing similar duties and functions, granting to said society,

agency, or agencies the control and operation of all city pounds and delegating certain duties and responsibilities with reference to the control of animals. Such contract(s) shall provide, among other things, that said society or agency (agencies) shall faithfully operate said pounds, shall pay all expenses in connection therewith, shall receive all licenses, fines, penalties and proceeds of every nature connected therewith, and such other sums as may be legally appropriate therefor, subject only to accounting as provided by law. The Council is further authorized, notwithstanding the provisions hereof, to determine that the City shall operate its own city pounds or detention facility and otherwise regulate and control animals within its corporate limits. Any contract entered into pursuant to the authority hereof shall be subject to cancellation by the City for good cause. (Amendment approved by vote of the people September 18, 1973.)

Administrative Organization¹⁵

Section 3.11 – Within the framework established by this charter, the administrative service of the city government shall be divided into such offices, departments, and divisions as provided by ordinance upon recommendation of the City Manager. Such ordinance shall be known as the “Administrative Code.”

Section 3.12 - The City Council may remove any appointed member of any City board, commission, or board of trustees, for cause, after notice and public hearing, if that member is found to have knowingly violated the oath of office he or she took under this charter (Section 6.4) or has committed any acts specified in state law as grounds for the recall and discharge of an elective public officer. The City Council, in its discretion, may allow a hearings examiner to hear such a matter. Recommendation of a hearings examiner shall be subject to review by the City Council. The City Council’s final decision shall be based on the evidence in the record. A record of the proceedings shall be made. (Amendment approved by vote of the people November 2, 2004.)¹⁶

¹³ See Chapter 13.02 - Planning Commission

¹⁴ See Chapter 1.16 - Library

¹⁵ See Chapter 1.06

¹⁶ Section 3.12 renumbered November 2, 2004, to maintain consistency throughout the Charter.