



Charter Review Committee Minutes

March 24, 2014

Chair Baarsma called the meeting to order at 7:03 p.m.

Committee Members Present: 14 Baker, Brackett, Edmonds, Farrell, Hahn (participated telephonically), Horne, Leighton, Martinez, Merritt, Messina, Miller, Ushka, Van Dyk and Chair Baarsma.

Committee Members Excused Absence: 1 Talton.

Approval of the minutes of the meeting of March 17, 2014

Approval of the minutes was removed from the agenda.

Public Comment

There was no one present wishing to address the Committee.

Reports by the Subcommittees

Form of Government

Chair Baarsma called upon Committee Member Miller, Chair of the Form of Government Subcommittee. Committee Member Miller stated this is the first report from the subcommittee and encouraged all to ask questions during this report. He recognized the staff support for the committee and two student interns from the University of Puget Sound. Committee Member Miller stated the Subcommittee heard testimony from at least 19 people, and has met six times to answer two questions: is the form of government sufficiently important that the City Council should place the issue before the voters? And if so, do we have a view as to which form of government is preferable? He stated some criteria used to research and analyze the issue were conceptual or philosophic while others were quantitative or factual. The 11 criteria are: diversity, power of the people, responsiveness/ accountability, organizational clarity, balance of power, geo-political considerations, fiscal accountability, corruption, business climate, demographics, and vision and strategic thinking. He reviewed the benchmark group of 86 cities with populations between 150,000 and 250,000, noting two-thirds have the Council/Manager form of government.

Committee Member Miller was asked to review the forms of government, Council/Manager, Mayor/Council, and Mayor/Council/Chief Administrative Officer (CAO). He explained the Council/Manager form is the form we have now, but it plays differently in places and can be modified or defined, but essentially is an elected City Council and an appointed City Manager. He stated the Mayor/Council form is what is sometimes referred to as a 'strong Mayor' in which there is an elected City Council, which constitutes as the legislative branch, and an elected Mayor who constitutes as the executive branch. He noted the Mayor in this model largely does what he or she chooses to and there is very little mandated consultation with the City Council. He noted the Mayor/Council/CAO form of government, according to the National Civil League, is a growing form. He explained it as a hybrid form in which the Charter and general practice create more collaboration between the elected Mayor and the elected City Council, and there is a third party, the Chief Administrative Officer, who usually has the same qualifications as a City Manager and serves under the authority of the Mayor but is approved by the City Council and serves both.

Committee Member Miller then stated, in using the criterion of diversity, the Subcommittee found that one form does not seem to have an advantage over others, either in terms of promoting demographic diversity or in promoting diversity in thought and approach. He stated, in looking at the power of the people, the Subcommittee believes that the Council/Manager form somewhat limits or diffuses the direct electoral power of the people; that the Mayor/Council form is perhaps the most empowering for the voters; and that the Mayor/Council/CAO form is somewhere between the two. He stated for the criteria of responsiveness/accountability, the Subcommittee found

the Council/Manager form to have some limits, the Mayor/Council form to be the most responsive and accountable, and the Mayor/Council/CAO form to fall somewhere between the two.

Committee Member Miller asked for feedback at this point in the report. Committee Member Baker stated she completely disagrees with the assessment on the power of the people, noting it takes four years to get rid of a Mayor and is much more difficult to remove an elected Mayor than a City Manager. Committee Member Van Dyk noted when the Subcommittee looked at power of the people it was about enabling the voters to have their voices heard, and the Subcommittee found the Mayor/Council form is the best way because the Mayor has more teeth and can carry the voters' message. Discussion ensued regarding the removal of an elected official from office and the recall process. Committee Member Miller stated the question goes beyond removal, the question is what do you do about a bad actor and what resources are available in any form of government to constrain a bad actor. He stated this issue is noted as something to continue to work on and understand and thanked Committee Member Baker for raising the question.

Committee Member Miller continued reviewing the criteria, noting organizational clarity is whether it is easy or intuitive to understand who does what, where the power lies, how decisions are made, and where responsibility and accountability lie. He stated the Subcommittee's conclusion was that in the Council/Manager form there is a risk that responsibility may be blurry and that either that the Mayor/Council or the Mayor/Council/CAO offer greater clarity. He stated, in terms of the balance of power, no form is inherently more or less balanced. Committee Member Brackett added it is how you define the authorities and checks and balances in each form of government that changes the balance of power.

Committee Member Miller stated in terms of geo-political considerations the Subcommittee tried to understand, either quantitatively or with logic or political theory, whether one form of government was superior to other forms in terms of dealing with political neighbors, with outside forces, and with potential investors. He stated the Subcommittee believes the Council/Manager form is somewhat weaker than the other forms in the dimension of geo-politics, noting that when an elected official from the City deals with officials from other governments, businesses, or stakeholders, that elected official is not operating with all the possible tools. He stated the other two forms, particularly in the Mayor/Council, there is clear leadership and accountability to deliver and to make deals. He noted this is a particularly important criterion as there is no way that Tacoma's future can be separate from those governments around and above the City. Chair Baarsma also noted that Tacoma is an international port city and outside the country people do not know what a City Manager is and assume the Mayor has the same authority as the City Manager, so it can create a lot of confusion.

Committee Member Miller defined the fiscal accountability criterion as whether it was clear how money is being spent and if there financial honesty and integrity. He stated the Subcommittee found no reason to think there is a difference in the forms of government. He then stated the Subcommittee found no credence to the charge that the Mayor/Council form is more subject to corruption. He noted in the past the past the City Manager system was an antidote for corruption but today there is no reason to think there is a distinction. He stated the Subcommittee looked at the benchmark cities using Department of Justice data and found virtually no difference between the forms of government and corruption. He stated the Subcommittee was also not able to determine a distinction between the forms of government and the business climate, noting part of the problem is how data is collected on a metro basis rather than purely a city basis and part is trying to make sense of what are the most important measures of a business climate. He stated the Subcommittee thinks there is intangible value to a clear leader who is able to marshal political capital, noting it creates an opportunity for a leader to step forward and do things in the business climate.

Committee Member Miller stated the Subcommittee looked at demographics, including the poverty rate, the percentage of the population that is white, college education, and party affiliation, and noted with one exception there is no difference in the forms of government. He stated the only exception is that all cities in the benchmark group with more than 30 percent of their residents having college degrees or higher have Council/Manager forms of government. He stated overall, demographically a Council/Manager or Council/Mayor city cannot be typecast. He then reviewed the criterion of vision and strategic thinking, noting it is one of the most pivotal criterion for the Subcommittee. He demonstrated this criterion by asking which was a better tool, a hammer or a screwdriver, and answering that it depends on the job you want done. He stated the Council/Manager form has an emphasis on operational effectiveness, getting on the job done for the lowest cost. He stated the Mayor/Council form

emphasizes vaulting progress and offers the opportunity to marshal political capital and to set ambitious strategic goals in a way that appears to be challenging in a Council/Manager form. He stated the Mayor/Council/CAO form maximizes the benefits of both – strong operational effectiveness and more strategic thinking and action.

Committee Member Ushka inquired if there was any information on the fiscal impact of the change of government. Committee Member Miller stated the fiscal questions were not answered as it was unclear which Subcommittee had that level of responsibility and who should be reviewing that issue. Chair Baarsma stated the Mayor/Council/CAO form suggests there is a measurable difference in fiscal impact from a full-time Council with staff to support and hiring of a Chief Administrative Officer. He noted the interns are going to look at Tacoma and Spokane, but he believed the difference is de minimis, but it will be reviewed. Brief discussion ensued on the difference between the use of effectiveness or efficiency in the vision and strategic thinking criterion and on bond ratings in the fiscal accountability criterion.

Committee Member Miller stated the Form of Government Subcommittee decided not to take formal action on the form of government but wanted to bring this forward for discussion rather than a formal motion. Committee Member Baker stated the question on form of government should only go to the voters if the Committee is recommending a change. Committee Member Miller stated the Subcommittee does support a change, at least on a majority basis, that the larger Committee think through how to recommend a Mayor/Council/CAO form to the City Council. He was asked to clarify that the majority in this instance was six of the seven members in the Subcommittee. He stated there are lots of details in terms of how the Mayor/Council/CAO form is scripted out, noting the Subcommittee did not presume the details and decisions, such as a full-time Council, how many seats on the Council, salaries, or term limits. He stated all of those items need work if the rest of the full Committee agrees with the recommendation. Chair Baarsma pointed out administrative and legislative handouts and how the systems work and the theories behind them, noting there are fundamental differences.

Committee Member Miller asked for input from Committee Members who did not serve on the Form of Government Subcommittee. Discussion ensued regarding leadership, vision, the Chief Administrative Officer function, the size of the City, whether to move this to a vote of the people, making a stance on the issue without seeing a full package of the administrative and legislative details, how to move forward on this issue, and whether there is enough time to complete this body of work. Committee Member Miller noted there appears to be sufficient acceptance of the recommendation to plan work to explore both the legislative and executive branches and to answer the questions raised tonight, along with many others. He stated that needs to be done before this Committee can decide its point of view. Chair Baarsma suggested using the City of Spokane's Charter as a model and recommended the Committee read Spokane's Charter and understand the nature of the Chief Administrative Officer and how it works in Spokane. He stated there should be a subcommittee to go through each section and come up with options and specific language for Tacoma's Charter.

Committee Member Miller concluded his report by stating there are three possible recommendations to the City Council: make no change in form of government, modify the current form in a few specific ways to be determined through the Committee's work, or recommend a change to the Mayor/Council/CAO form of government. He stated the City Council has several options as well.

Committee Member Leighton inquired if the other subcommittees should look at two alternatives: how would the article change to fit with a Mayor/Council/CAO form of government, and what changes would be recommended if there is no change in form of government. Discussion ensued regarding the Mayor/Council/CAO form of government, subcommittee work, majority and minority reports, what information and options should be presented to the City Council, and the possibility of a new subcommittee.

Article 2 Legislative

Chair Baarsma called upon Committee Member Leighton, Chair of the Legislative Subcommittee.

Committee Member Leighton stated the Subcommittee is working on a number of topics and will meet for two hours on Wednesday. He stated the topics being worked on include: the number of Council districts, residency for office, a part-time or full-time City Council, term limits, Council vacancies, meeting time requirements, confirmation of directors, moratorium regarding publishing, the Council having the ability to amend an initiative, Council staff, and Neighborhood Council work. He noted if other subcommittees are looking at issues on Neighborhood Councils to please work with Committee Member Merritt.

Article 3 Administrative

Chair Baarsma called upon Committee Member Hahn, Chair of the Administrative Subcommittee. Committee Member Hahn stated the Subcommittee concluded the analysis on the City Attorney and is still working on the remaining parts of Article 3. Committee Member Ushka stated there are items related to the City Attorney and items related to the City Manager, but there are also small housekeeping items that have not been sent to the Human Resources Subcommittee yet. She stated the Subcommittee would do that in their meeting tomorrow. She noted in the discussion on the City Attorney the Subcommittee looked at what would happen in different forms of government.

Article 4 Public Utilities

Chair Baarsma called upon Committee Member Martinez, Chair of the Public Utilities Subcommittee. Committee Member Martinez stated at the last meeting the Subcommittee prioritized the recommendations into five groups and members have been assigned tasks to bring information and recommendations within those groups at the next meeting, which will be next Thursday.

Human Resources Subcommittee

Chair Baarsma called upon Committee Member Baker, Chair of the Human Resources Subcommittee. Committee Member Baker stated the Subcommittee handed out recommendations for Charter changes that are ready to be approved for this group, noting they are housekeeping and one minor. She stated the Subcommittee was briefed by the Pierce County Auditor on all of the changes she wanted.

Committee Member Baker stated the minor change, as recommended by the Auditor, is to delete Section 5.6. She stated the City is currently part of the Pierce County voters' pamphlet but our Charter has different requirements. She stated this change will make it less confusing to the voters and the City will lose the \$50 printing fee and the requirement for ten sponsors to run for office, but those were considered insignificant.

Committee Member Baker moved to delete Section 5.6 and send the recommendation forward. Seconded by Committee Member Van Dyk. Voice vote was taken and carried. The motion was adopted.

Committee Member Baker stated the rest of the changes are housekeeping, which means even if the City does not change the language, nothing changes as the City still has to comply.

Committee Member Baker moved to approve the remaining seven and send them forward. Seconded by Committee Member Farrell. Chair Baarsma stated the motion is to approve the recommendation relating to Section 5.3. Voice vote was taken and carried. The motion was adopted.

Discussion ensued regarding the intent of the motion that was adopted. Committee Member Baker remade the motion.

Committee Member Baker moved that the next seven amendments be approved by the Committee. Seconded by Committee Member Farrell.

Discussion continued regarding the intent of the motion and whether this package of amendments could be held over to March 31, 2014.

Committee Member Leighton moved to table the motion currently on the floor to approve all seven housekeeping recommendations.

Committee Member Baker stated that motion has already been approved and is not on the table. Chair Baarsma stated his understanding of the motion was that the Committee was recommending Section 5.3, which he restated before the vote, but in fact the maker of the motion intended to forward all seven recommendations.

Committee Member Baker withdrew her motion. Seconded by Committee Member Farrell.

Chair Baarsma stated he would like the recommendations tabled and brought forward at the next meeting. Discussion ensued and it was clarified that this does not include Section 5.6, which was voted on previously.

Committee Member Ushka moved to reconsider the housekeeping package as submitted by the Human Resources Subcommittee and bring it as the first item for consideration at the next meeting on March 31, 2014. Seconded by Committee Member Martinez. Voice vote was taken and carried. The motion was adopted.

Discussion ensued regarding the creation and membership of a new Drafting Subcommittee.

Committee Member Ushka moved to allow the chair to contact Committee Members to be on a new Drafting Subcommittee. Seconded by Committee Member Martinez. Voice vote was taken and carried. The motion was adopted.

Communications

None.

Other Business/Unfinished Business

Charter Review Committee Liaison Jeanne Harris presented a flowchart for the procedure for the submittal and approval of amendments. She stated a template for amendments has been created and is available, as well as a Word version of the current City Charter. She then reported she is working on setting a public hearing for April 9, 2014, and a telephone town hall meeting. She suggested holding April 17 as the date for that meeting. Discussion ensued regarding a direct mailing to advertise both meetings, the telephone town hall meeting, and associated costs.

Committee Comments

Chair Baarsma stated on March 27, 2014, the Tacoma Historical Society's exhibit and research center will have a grand opening. He invited everyone to attend.

Adjournment

Committee Member Farrell moved to adjourn the meeting. Seconded by Committee Member Leighton. On proper motion, the meeting was adjourned at 8:50 p.m.



Bill Baarsma, Chair



Jeanne Harris, Charter Review Committee Liaison