Legislation Passed July 15, 2014

The Tacoma City Council, at its regular City Council meeting of July 15, 2014, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

**Resolution No. 38946**
A resolution awarding a contract to The CEI Group, Inc., in the amount of $450,000, plus sales tax, budgeted from various departmental funds, for vehicle accident management services, for an initial contract term of three years, with the option to renew for two additional one-year terms, for a projected contract total of $750,000 - Specification No. UF13-0744F.

[Justin Davis, Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

**Resolution No. 38947**
A resolution relating to the Multi-Family Property Tax Exemption Program; authorizing the execution of a Multi-Family Housing 8-Year Limited Property Tax Exemption Agreement with Encompass Property Management, LLC, for the development of 35 market-rate rental housing units to be located at 219 and 223 North J Street in the Stadium Mixed-Use Center.

[Debbie Bingham, Program Development Specialist; Ricardo Noguera, Director, Community and Economic Development]

**Resolution No. 38948**
A resolution and proposition amending multiple sections of Articles II, III, V, and VI, of the City Charter to bring election-related provisions in conformance with state law and City practice.

[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

**Resolution No. 38949**
A resolution and proposition amending multiple sections of Articles II, III, IV, V, VI, VII, IX, and X of the City Charter to replace gender-specific language with gender-neutral language, and deleting or replacing obsolete terms and provisions.

[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

**Resolution No. 38950**
A resolution and proposition amending Article VI, Section 6.7, of the City Charter to add color, ancestry, gender-identity, sexual orientation, familial status, honorably discharged veteran, and military status to the list of classes protected from discrimination in City employment.

[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]
Resolution No. 38951
A resolution and proposition amending Article II, Section 2.13, of the City Charter to allow emergency ordinances to take effect immediately upon passage rather than after publication.
[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

Amended Resolution No. 38952
A resolution and proposition amending Article III, Section 3.4, of the City Charter to require City Council confirmation for appointment of department heads.
[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

Resolution No. 38953
A resolution and proposition amending Article IV, Section 4.18, of the City Charter to require City Council confirmation of the appointment of the Director of Utilities by the Public Utility Board, with reconfirmation by the City Council every two years following annual performance reviews by the Public Utility Board.
[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

Amended Resolution No. 38954
A resolution and proposition amending Article III of the City Charter by adding a new Section 3.13, to require a Landmarks Preservation Commission.
[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

Amended Resolution No. 38955
A resolution and proposition amending Article II, Section 2.35, of the City Charter regarding term limits, by allowing a person to serve two full consecutive terms as a Council Member and two full consecutive terms as Mayor.
[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

Amended Resolution No. 38956
A resolution and proposition amending Article II, Section 2.3, of the City Charter to add a Citizen Commission on Elected Salaries to determine the compensation and salary of the Mayor and Council.
[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

Resolution No. 38957
A resolution and proposition amending Article IX of the City Charter by removing the prohibition against new cemeteries, mausoleums, or crematories within the City of Tacoma.
[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

Resolution No. 38958
A resolution and proposition amending Article VI, Section 6.6, of the City Charter to allow City employees to contract for utility services and participate in conservation, environmental, and other programs available to the public generally and as otherwise allowed by state law.
[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]
Resolution No. 38959
A resolution and proposition amending Article VI, Section 6.3, of the City Charter by removing citizenship and City residency as requirements of eligibility for City employment.
[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]
RESOLUTION NO. 38946

A RESOLUTION related to the purchase of materials, supplies or equipment, and the furnishing of services; authorizing the execution of a contract with The CEI Group, Inc., in the amount of $450,000, plus sales tax, budgeted from various departmental funds, for vehicle accident management services, for an initial contract term of three years, with the option to renew for two additional one-year terms, for a projected contract total of $750,000, plus sales tax, pursuant to Specification No. UF13-0744F.

WHEREAS the City has complied with all applicable laws and processes governing the acquisition of those supplies, and/or the procurement of those services, inclusive of public works, as is shown by the attached Exhibit "A," incorporated herein as though fully set forth, and

WHEREAS the Board of Contracts and Awards has concurred with the recommendation for award as set forth in Exhibit "A"; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That the Council of the City of Tacoma concurs with the Board of Contracts and Awards to adopt the recommendation for award as set forth in the attached Exhibit "A."

Section 2. That the proper officers of the City are hereby authorized to enter into a contract with The CEI Group, Inc., in the amount of $450,000, plus sales tax, budgeted from various departmental funds, for vehicle accident management services, for an initial contract term of three years, with the option to renew for two one-year terms, for a projected contract total of $750,000, plus sales tax, pursuant to Specification No. UF13-0744F.
to renew for two additional one-year terms, for a projected contract total of
$750,000, plus sales tax, pursuant to Specification No. UF13-0744F, consistent
with Exhibit “A.”

Adopted ____________________________

____________________________________
Mayor

Attest:

____________________________________
City Clerk

Approved as to form:

____________________________________
City Attorney
TO: Board of Contracts and Awards
FROM: Kurtis D. Kingsolver, P.E., Public Works Director/City Engineer
       Justin Davis, Facilities Division Manager
COPY: City Council, City Manager, City Clerk, SBE Coordinator, LEAP Coordinator, and
       Richelle Krienke, Finance/Purchasing
SUBJECT: Accident Management Services
DATE: June 20, 2014

SUMMARY:
The Public Works Department recommends a contract be awarded to The CEI Group, Inc., Trevose, PA, in the amount of $450,000.00, plus applicable sales tax, for vehicle accident management services, for an initial contract term of three years plus the option for two additional one-year renewal periods, for a projected award amount of $750,000.00, plus applicable sales tax.

STRATEGIC POLICY PRIORITY:
- Strengthen and maintain a strong fiscal management position.
- Encourage and promote an open, effective, results-oriented organization.

This contract aligns with the City’s Loss Control Program established in September 2013 and will provide complete accident management services including a 24/7 toll free number at the time of the accident, vehicle repair estimates, repair of the vehicle, through return of the vehicle. These services are provided on an as-needed basis.

BACKGROUND:
This contract provides vehicle accident management services to General Government, Fleet Services. It includes auto repair estimates, independent appraisals, auto repairs, vendor monitoring, insurance recovery service, centralized billing for payment to one vendor, claims review and web-based reports in real time. General Government, Fleet Services partnered with Tacoma Public Utilities (TPU), Fleet Services on the request for proposal. TPU, Fleet Services will be establishing a separate contract through their board for similar services.

ALTERNATIVES:
The alternative to contracting with a vehicle accident management service would be to hire internal staff to manage vehicle accidents. This option is not recommended due to the fact that the numbers of auto accidents are not predictable or consistent in any given year. Having an as-needed contract is a more efficient use of City resources and aligns Fleet with the City’s Loss Control Program.

COMPETITIVE SOLICITATION: Request for Proposals Specification No. UF13-0744F was opened February 11, 2014. Two companies were invited to bid in addition to normal advertising of the project. Two submittals were received.

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Location (city and state)</th>
<th>Rank or Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>The CEI Group, Inc.</td>
<td>Trevose, PA</td>
<td>98%</td>
</tr>
<tr>
<td>Fleet Response</td>
<td>Cleveland, OH</td>
<td>60%</td>
</tr>
</tbody>
</table>
Pre-bid Estimate: $150,000.00 annually

CONTRACT HISTORY: New contract.

SUSTAINABILITY: The CEI Group, Inc. is almost entirely paperless. Every action they make is done electronically via internal or web-based applications and customers can view all claims activity through the web-based claims application. CEI has also developed a portal for body shops to send estimates and photos direct to CEI’s system electronically.

SBE/LEAP COMPLIANCE: Not applicable.

RECOMMENDATION:
The Public Works Department recommends a contract be awarded to The CEI Group, Inc., Trevose, PA, in the amount of $450,000.00, plus applicable sales tax, for vehicle accident management services, for an initial contract term of three years plus the option for two additional one-year renewal periods, for a projected award amount of $750,000.00, plus applicable sales tax.

FISCAL IMPACT:
The fiscal impact for a three year contract term is estimated to be $450,000.00, plus applicable sales tax. The full fiscal impact for a five year contract term is estimated to be $750,000.00, plus applicable sales tax. The current biennial impact is estimated to be $75,000.00, plus applicable sales tax. The expenditures and revenues are budgeted in various General Government funds, dependent upon which department owns the vehicle, and used on an as-needed basis per accident occurrence.

EXPENDITURES:

<table>
<thead>
<tr>
<th>FUND NUMBER &amp; FUND NAME *</th>
<th>COST OBJECT (CC/WBS/ORDER)</th>
<th>COST ELEMENT</th>
<th>TOTAL AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Various</td>
<td></td>
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<td>$750,000</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$750,000</strong></td>
</tr>
</tbody>
</table>

* General Fund: Include Department

REVENUES:

<table>
<thead>
<tr>
<th>FUNDING SOURCE</th>
<th>COST OBJECT (CC/WBS/ORDER)</th>
<th>COST ELEMENT</th>
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<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$750,000</strong></td>
</tr>
</tbody>
</table>

FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: $75,000.00 (six months)

ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? Yes

IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED.
Expenses are budgeted and covered.
RESOLUTION NO. 38947

A RESOLUTION relating to the multi-family property tax exemption program; authorizing the execution of a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with Encompass Property Management, LLC, for the development of 35 market-rate, multi-family rental housing units to be located at 219 and 223 North J Street in the Stadium Mixed-Use Center.

WHEREAS the City has, pursuant to chapter 84.14 of the Revised Code of Washington, designated several Residential Target Areas for the allowance of a limited property tax exemption for new multi-family residential housing, and

WHEREAS the City has, through Ordinance No. 25789, enacted a program whereby property owners in Residential Target Areas may qualify for a Final Certificate of Tax Exemption which certifies to the Pierce County Assessor-Treasurer that the owner is eligible to receive a limited property tax exemption, and

WHEREAS the Director of Community and Economic Development has reviewed the proposed property tax exemption and recommends that a conditional property tax exemption be awarded for the properties located at 219 and 223 North J Street, as more particularly described in the attached Exhibit “A”; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That the City Council does hereby approve and authorize a conditional property tax exemption, for a period of eight years, to Encompass Property Management, LLC, for the properties located at 219 and 223 North J Street, as more particularly described in the attached Exhibit “A.”
Section 2. That the proper officers of the City are authorized to execute a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with Encompass Property Management, LLC, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted ____________________________

______________________________ Mayor

Attest:

______________________________ City Clerk

Approved as to form: Legal description approved:

______________________________ Deputy City Attorney

______________________________ Chief Surveyor

______________________________ Public Works Department
EXHIBIT “A”

Legal Description

Tax Parcel Numbers: 2032190011, 2032190012

Lot 1 and 2, Block 3219, MAP OF NEW TACOMA, W.T., according to Plat recorded February 3, 1875, records of Pierce County Auditor;

TOGETHER WITH the Southwesterly 10 feet of alley abutting thereon, vacated by Ordinance No. 1889 of the City of Tacoma;

Situate in the County of Pierce, State of Washington.

Lots 3 and 4, Block 3219, MAP OF NEW TACOMA, W.T., according to Plat recorded February 3, 1875, records of Pierce County Auditor;

TOGETHER WITH the Southwesterly 10 feet of alley abutting thereon, vacated by Ordinance No. 1889 of the City of Tacoma;

Situate in the County of Pierce, State of Washington.
RESOLUTION NO. 38948

A RESOLUTION AND PROPOSITION to amend Article II, Sections 2.4, 2.7, 2.19, 2.20; Article III, Section 3.7; Article V, Sections 5.1, 5.2, 5.3, 5.5, and 5.6; and Article VI, Section 6.11(b), of the Tacoma City Charter to bring election-related provisions in conformance with state law and City practice.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That Article II, Section 2.4, of the Tacoma City Charter be amended to read as follows:

The Mayor

Section 2.4 – On the date prescribed by state law for the general municipal elections, commencing in the year 1973, the Mayor shall be elected for a term of four (4) years. The Mayor shall, by virtue of his/her election, become a member and presiding officer of the City Council with the right to speak and vote as any other Council member. The Mayor shall be the official head of the City government for purposes of ceremony and military law and upon declaration of an emergency or disaster which constitutes an event or set of circumstances which demands immediate action to preserve public health, protect life, protect public property, or which reaches such a dimension or degree of destructiveness that exceeds the resources of the City of Tacoma to respond to the situation.¹

The Mayor shall authenticate by his/her signature such instruments as may be required by law, ordinance, or this charter. He/She shall have such appointive and other powers, duties, and authority as may be conferred upon him/her by law, ordinance, or this charter; provided, however, that all appointments where

¹ RCW 35.22.205 establishes the authority of the Mayor upon the declaration of an emergency or disaster when necessary to allow immediate action to preserve public health, protect life, and protect public property.
not in conflict with state law shall be made by majority vote of the Council.

Members from nominees whose names are presented in writing to the Council
by the Mayor or by any three members of the Council. This provision shall
supersede and prevail over any other provision or ordinance or of the charter
inconsistent with or in conflict herewith. A candidate for the office of Mayor shall
not be ineligible by reason of holding the office of Council Member; provided
that, if elected, the Councilmanic office of any such candidate shall, upon
his/her taking office as Mayor, be and become vacant. The compensation to be
paid to the Mayor for the performance of his/her duties as such shall be fixed by
ordinance, which sum shall be inclusive of his/her compensation as a Council
Member. Except as otherwise provided herein, all provisions relating to the
office of Council Member shall relate also to the office of Mayor. Vacancies in
the office of Mayor shall be filled by appointment by the City Council for a term
expiring at the time his/her successor has been elected and qualified as
hereinafter provided. In the event such a vacancy occurs during the first or
second year of the Mayor’s term of office and not less than five (5) days
preceding the last day permitted for filing for office in the next primary election to
be held for City Council positions, then the office of Mayor shall also be placed
upon the ballot for the primary and general elections. The Mayor elected at such
general election shall be elected for a full four-year term and shall take office at
the same time as City Council members elected at said general election. In the
event that the vacancy occurs subsequent to such time for filing, the appointment
shall be for the unexpired term.
Section 2. That Article II, Section 2.7, of the Tacoma City Charter be amended to read as follows:

Councilmanic Vacancies

Section 2.7 – Whenever a vacancy occurs in the office of Councilman, the Council shall fill such vacancy by appointment by a majority vote of its remaining members until the commencement of the term of office of municipal officials succeeding the next general municipal election occurring after the date of such appointment, and if any unexpired term remains, it shall be filled by election; provided if such vacancy occurs when there remains less than five (5) full days for filing as a candidate at the primary election for such unexpired term, then the Council shall appoint a qualified person to fill the full unexpired term; provided, however, that in the event a majority of the Council fails to make an appointment to fill a vacancy on the Council within a period of sixty (60) days from the date the vacancy occurs, then the Mayor shall make the appointment, subject to the confirmation of the remaining members of the Council.

Section 3. That Article II, Section 2.19, of the Tacoma City Charter be amended to read as follows:

Section 2.19 – Citizens of Tacoma may by initiative petition ask the voters to approve or reject ordinances or amendments to existing ordinances, subject to any limitation on topics in state law, by the following process:

(a) The petitioners shall file an Initiative Petition with the City Clerk.

(b) Upon receipt, the City Clerk shall forward the petition to the City Attorney within one (1) working day of receipt.
(c) Within ten (10) working days of receipt, the City Attorney shall review the petition and make contact with the petitioner as necessary, and if the petition is proper in terms of form and style, the City Attorney will write a concise, true, and impartial statement of the purpose of the measure, not to exceed twenty-five (25) the number of words in length as allowed under state law for local initiatives. The statement will be phrased in the form of a positive question.

(d) The City Attorney shall transmit-file this concise statement to with the City Clerk as the official ballot title.

(e) The City Clerk shall assign an initiative number to the ballot title and notify the petitioner that the ballot title becomes final and signature gathering may begin in five (5)-ten (10) working days if there is no judicial review. Notification of the ballot title shall be posted at City Hall and on the City’s web page.

(f) Persons dissatisfied with the ballot title prepared by the City Attorney may seek judicial review by petitioning the Pierce County Superior Court within five (5)-ten (10) working days of the City Attorney having transmitted the ballot title to the City Clerk notification of the ballot title having been posted as required under (e). The Court shall endeavor to promptly review the statements and render a decision as expeditiously as possible. The decision of the Court is final.

(g) Petitions must include the final, approved ballot title, initiative number, the full text of the ordinance, or amendment to existing ordinance, that the petitioners seek to refer to the voters, and all other text and warnings required by State Law.
(h) Petitioners have one hundred and eighty (180) calendar days to collect signatures from registered voters.

(i) The number of valid signatures shall be equal to ten percent (10%) of the votes cast in the last election for the office of Mayor.

(j) The City Clerk shall verify the sufficiency of the signatures on the petition forward the signatures to the County Auditor to be verified. Based on the Auditor’s review, the City Clerk shall determine the validity of the petition. If the petition is validated, the City Council may enact or reject the Initiative, but shall not modify it. If it rejects the Initiative or within thirty (30) calendar days fails to take final action on it, the City Council shall submit the proposal to the people at the next Municipal or General Election that is not less than ninety (90) days after the date on which the signatures on the petition are validated. If it rejects the Initiative or within thirty (30) calendar days fails to take final action on it, the City Council shall submit the proposal to the people at the next Municipal or General Election that is not less than ninety (90) days after the date on which the signatures on the petition are validated.

Section 4. That Article II, Section 2.20, of the Tacoma City Charter be amended to read as follows:

**Section 2.20** – Citizens of Tacoma may ask that ordinances passed by the City Council, except for ordinances which take effect immediately as allowed in Section 2.13 of the Charter, or as otherwise prohibited by State Law, be referred to the voters for approval or rejection by the following process:
(a) The petitioners shall file a Referendum Petition with the City Clerk not later than ten (10) calendar days after the City Council approved the ordinance.

(b) The filing of a Referendum Petition, and progression by the petitioners through the steps outlined as follows, causes the suspension of the effective date of the ordinance.

(c) Upon receipt, the City Clerk shall forward the petition to the City Attorney within one (1) working day of receipt.

(d) Within five (5)-ten (10) working days of receipt, the City Attorney shall review the petition and make contact with the petitioner as necessary, and if the petition is proper in terms of form and style, the City Attorney will write a concise, true, and impartial statement of the purpose of the measure, not to exceed twenty-five (25)-the number of words in length as allowed under state law for local referendums. The statement will be phrased in the form of a positive question.

(e) The City Attorney shall transmit this concise statement to the City Clerk as the official ballot title.

(f) The City Clerk shall assign a referendum number to the ballot title and notifies the petitioner that the ballot title becomes final and signature gathering may begin in five (5)-ten (10) working days if there is no judicial review. Notification of the ballot title shall be posted at City Hall and on the City’s web page.

(g) Persons dissatisfied with the ballot title prepared by the City Attorney may seek judicial review by petitioning the Pierce County Superior Court within
five (5)-ten (10) working days of the City Attorney having transmitted the ballot title to the City Clerk notification of the ballot title having been posted as required under (f). The Court shall endeavor to promptly review the statements and render a decision as expeditiously as possible. The decision of the Court is final.

(h) Petitions must include the final, approved ballot title, referendum number, the full text of the ordinance that the petitioners seek to refer to the voters, and all other text and warnings required by State law.

(i) Petitioners have thirty (30) calendar days to collect signatures from registered voters.

(j) The number of valid signatures shall be equal to ten percent (10%) of the votes cast in the last election for the office of Mayor.

(k) The City Clerk shall verify the sufficiency of the signatures on the petition, forward the signatures to the County Auditor to be verified. Based on the Auditor's review, the City Clerk shall determine the validity of the petition. If the petition is validated, the City Council shall immediately reconsider the ordinance, and if it does not repeal the ordinance, submit the proposal to the people at the next Municipal or General Election that is not less than ninety (90) days after the date on which the signatures on the petition are validated.

Section 5. That Article III, Section 3.7, of the Tacoma City Charter be amended to read as follows:
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, and (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.

Section 6. That Article V, Sections 5.1, 5.2, 5.3, 5.5, and 5.6, of the Tacoma City Charter be amended to read as follows:

Application of State Election Laws

Section 5.1 – At all municipal elections, general, special and primary, the manner of electing officers and of submitting questions or propositions to the qualified electors, conducting and voting at elections, opening and closing of polls, keeping the poll lists, duties of election officers, canvassing the votes, declaring the results and certifying the returns, shall be in accordance with state law, except as otherwise provided in this charter.

Types of Elections—When Held

Section 5.2 – Except as otherwise provided in Section 10.6 of this charter, municipal general and primary elections shall be held biennially on the days provided by law in each even numbered year. All other municipal elections shall
be known as special municipal elections and shall be provided for by the Council, subject to the provisions of state law. All municipal elections shall be non-partisan and by the qualified electors of the city at large.

Filing and Certification of Candidates

Section 5.3 – Any qualified elector eligible thereto may become a candidate for any elective City office by filing a declaration of candidacy with the City Clerk.

Election Contests

Section 5.5 – Certificates of election shall be prima facie evidence of the facts therein stated, but the Council shall decide all questions as to the qualifications and elections of its own members, and in all cases of contested election for any office, the contest shall be decided by the Council-Superior Court according, as nearly as may be, to the laws of the state regulating proceedings in case of contested elections for county offices.

Candidates Statement of Qualifications

Section 5.6 – At the time of filing as a candidate for the office of council member, each candidate may file with the City Clerk on a form prescribed by the City Clerk, a verified statement of his/her name, the office for which he/she is a candidate, his/her residence, place of birth, present occupation, public offices

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2 RCW 29.13.020 provides that municipal elections shall be held in odd numbered years with exceptions as noted in the statute.

20 RCW 29.21.060 provides that candidates must file their declaration of candidacy with the County Auditor rather than the City Clerk.
he/she has held, a summary of his/her experience and qualifications for office, and a recent photograph. Said statement shall not exceed two hundred words in length and shall be signed by ten residents of the city of Tacoma sponsoring said candidate. At the time of filing said statement, each candidate shall also pay to the City Clerk a printing fee which, until otherwise provided by ordinance, shall be the sum of fifty dollars. The City Clerk shall cause said candidates' statements to be printed in some convenient form and mailed to each individual place of residence in the city at least ten days prior to the date set for the primary municipal election.

Section 7. That Article VI, Section 6.11(b), of the Tacoma City Charter be amended to read as follows:

Civil Service Board

Section 6.11 –

* * *

(b) Vacancies of the elected members shall be filled by the remaining members of the Civil Service Board by appointment, and such appointed member shall serve until the next general municipal election; provided, that if such vacancy occurs when there remain less than five full days for filing as a candidate at the primary election for such unexpired term, the Board shall appoint a qualified person to fill the full unexpired term. If the Board fails to make an appointment within sixty (60) calendar days of when a vacancy occurs, the City Council shall make the appointment.
Vacancies of the appointed members shall be filled by the appointing authority by appointment until the end of the four-year term.

***

Adopted ____________________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
City Attorney
RESOLUTION NO. 38949

A RESOLUTION AND PROPOSITION to amend Article II, Sections 2.1, 2.2, 2.3, 2.35, 2.4, 2.6, 2.7, 2.9, 2.10, and 2.12; Article III, Sections 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, and 3.12; Article IV, Sections 4.9, 4.13, 4.18, and 4.21; Article V, Sections 5.4, and 5.6; Article VI, Sections 6.3, 6.4, 6.9, 6.11, 6.12, 6.13, 6.14, and 6.15; Article VII, Sections 7.5, 7.7, 7.9, and 7.10; Article IX, Section 9.7; and Article X, Sections 10.2, 10.3, 10.4, and 10.6, of the Tacoma City Charter to replace gender-specific language with gender-neutral language, and deleting or replacing obsolete terms and provisions.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That Article II, Sections 2.1, 2.2, 2.3, 2.35, 2.4, 2.6, 2.7, 2.9, 2.10, and 2.12, of the Tacoma City Charter be amended to read as follows:

Creation and Composition of City Council

Section 2.1 – The Council shall be composed of the Mayor and eight (8) Councilmen Members nominated and elected, as provided hereinafter. At the next general municipal election to be held in the year 1975 on the date prescribed by state law, there shall be elected eight (8) Councilmen Members for terms beginning on the second Monday in January 1976, as set out hereinafter in Section 5.4. Biennially thereafter, on the date prescribed by state law for general municipal elections, four (4) Councilmen Members shall be elected for like terms of four years. Councilmen Members shall continue in office until their successors are elected and qualified. The Council shall constitute the legislative and governing body of the City and shall have authority, except as otherwise provided in this Charter, to exercise all powers of the City.
Qualifications and Compensation of Councilmen Members

Section 2.2 – Councilmen Members shall be qualified electors and shall be residents of the City for two years immediately preceding the time of filing as a candidate and, if running for a district position, shall be residents of their districts for one year immediately preceding the time of filing as candidate or, if appointed to fill a vacancy, the time of appointment. No person shall be eligible for the office of Councilman Member while holding any other elective public office.

Section 2.3 – Each Councilman Member shall be paid the sum of twenty-five dollars for each day’s attendance at council meetings, but not to exceed twelve hundred dollars per year.

Section 2.35 – No person shall be allowed to serve on the Council for more than ten (10) consecutive years, either as a Councilman Member, Mayor, or combination thereof.

The Mayor

Section 2.4 – On the date prescribed by state law for the general municipal elections, commencing in the year 1973, the Mayor shall be elected for a term of four (4) years. The Mayor shall, by virtue of his/her election, become a member and presiding officer of the City Council with the right to speak and vote as any other Council Member. The Mayor shall be the official head of the City government for purposes of ceremony and military law and upon declaration of an emergency or disaster which constitutes an event or set of circumstances which

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1 See RCW 35.22.205 - Providing that the compensation and time devoted to the performance of the duties of the Mayor and elected officials of all cities of the first class shall be as fixed by ordinance of said city, irrespective of any Charter provisions.

2 The salaries of the Mayor and City Council members are set forth in Sections 1.18.040 and 1.19.010 of the City Code.
demands immediate action to preserve public health, protect life, protect public
property, or which reaches such a dimension or degree of destructiveness that
exceeds the resources of the City of Tacoma to respond to the situation. The
Mayor shall authenticate by his/her signature such instruments as may be
required by law, ordinance, or this charter. The Mayor shall have such
appointive and other powers, duties, and authority as may be conferred upon
him/her by law, ordinance, or this charter; provided, however, that all
appointments where not in conflict with state law shall be made by majority vote of
the Council from nominees whose names are presented in writing to
the Council by the Mayor or by any three members of the Council. This provision
shall supersede and prevail over any other provision or ordinance or of the charter
inconsistent with or in conflict herewith. A candidate for the office of Mayor shall
not be ineligible by reason of holding the office of Council Member; provided
that, if elected, the Councilmanic office of any such candidate shall, upon his/her
taking office as Mayor, be and become vacant. The compensation to be paid to
the Mayor for the performance of duties as such shall be fixed
by ordinance, which sum shall be inclusive of compensation as a Council
Member. Except as otherwise provided herein, all provisions relating to the
office of Council Member shall relate also to the office of Mayor. Vacancies in
the office of Mayor shall be filled by appointment by the City Council for a term
expiring at the time a successor has been elected and qualified as
hereinafter provided. In the event such a vacancy occurs during the first or second

3 RCW 35.22.205 establishes the authority of the Mayor upon the declaration of an emergency or disaster when
necessary to allow immediate action to preserve public health, protect life, and protect public property.
year of the Mayor’s term of office and not less than five (5) days preceding the last
day permitted for filing for office in the next primary election to be held for City
Council positions, then the office of Mayor shall also be placed upon the ballot for
the primary and general elections. The Mayor elected at such general election
shall be elected for a full four-year term and shall take office at the same time as
City Council Members elected at said general election. In the event that the
vacancy occurs subsequent to such time for filing, the appointment shall be for the
unexpired term.

* * *

Section 2.6 – Any Councilman Member who shall cease to possess any of the
qualifications herein required for eligibility for election to the Council, or shall fail
to attend three consecutive meetings of the Council without being excused by the
Council, shall be deemed to have forfeited their office. The Council shall take
the necessary action to enforce this provision and shall cause such action to be
entered upon its journal.

Councilman Vacancies

Section 2.7 – Whenever a vacancy occurs in the office of Councilman, the
Council shall fill such vacancy by appointment by a majority vote of its remaining
members until the commencement of the term of office of municipal officials
succeeding the next general municipal election occurring after the date of such
appointment, and if any unexpired term remains, it shall be filled by election;

provided if such vacancy occurs when there remains less than five (5) full days for
filing as a candidate at the primary election for such unexpired term, then the
Council shall appoint a qualified person to fill the full unexpired term; provided, however, that in the event a majority of the Council fails to make an appointment to fill a vacancy on the Council within a period of sixty (60) days from the date the vacancy occurs, then the Mayor shall make the appointment, subject to the confirmation of the remaining members of the Council.

* * *

Section 2.9 – Subject to the limitations imposed by law and by this charter, the Council shall establish its own rules and order of business. It shall keep a journal of its proceedings which shall be a public record. Five Councilmen shall be a quorum for the transaction of business, but in the absence of a quorum, the members present may adjourn the meeting to a later date. The Council shall have the authority to punish its members and others for disorderly or otherwise contemptuous behavior in its presence and to compel the attendance of its members and witnesses, and the production of papers and things, before the Council.

Section 2.10 – Every ordinance and resolution shall require an affirmative vote of at least five (5) Councilmen for passage, and the ayes and nays shall be taken and entered upon the journal. Upon the request of any member, the ayes and nays shall be taken on any question and entered upon the journal. Members present but not voting shall be recorded as abstaining from the vote.

* * *

4 RCW 42.30.090 establishes the procedure for adjourning meetings pursuant to the Open Public Meetings Act.
Section 2.12 – No ordinance shall be finally passed within five days of its introduction, except when the Council declares in such ordinance that a public emergency exists and therein states the facts constituting such emergency, and except ordinances relating to local improvements and assessments and authorization of bonds therefor. All ordinances passed as emergency measures shall require an affirmative vote of at least six Councilmen. No ordinance granting any franchise, right, or privilege shall ever be passed as an emergency measure.

Section 2. That Article III, Sections 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, and 3.12, of the Tacoma City Charter be amended to read as follows:

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 Member shall be eligible for the position of City Manager within two years after the
expiration of his/her 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.

**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 the Manager’s 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 subordinates 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.\(^5\)

**Section 3.3** – The Manager shall supervise and be responsible for the effective management of the administrative affairs of the City. The Manager shall give general direction to the programs and activities of all city departments and offices, except those removed from the Manager’s 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. The Manager shall keep the Council informed of the conditions and needs of the City and shall make such

\(^5\) RCW 42.30.110(g) allows the Council to exclude the City Manager from executive sessions when the City Manager’s performance is discussed.
reports and recommendations as he-the Manager may deem desirable or as may be requested by the Council.

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 the Manager's jurisdiction, or may at his the Manager's discretion authorize the head of a department or office responsible to him the Manager 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 the profession within the State of Washington for not less than five years next preceding his the 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 The City Attorney 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 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.

* * *

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.\(^6\)

Section 3. That Article IV, Sections 4.9, 4.13, 4.18, and 4.21, of the
Tacoma City Charter be amended to read as follows:

\(* * *\)

**Section 4.9** – Members of the Board shall have the same qualifications as
provided in this charter for eCouncilmen Members. Members shall be entitled to
reimbursement for expenses incurred in carrying out their official duties, other
than those incident to attending board meetings held within the City of Tacoma.

\(* * *\)

**Section 4.13** – The Board shall select from its own membership a chairman, vice-
chairman, and secretary and shall determine its own rules and order of business.
The time and place of all meetings shall be publicly announced, and all meetings
shall be open to the public and a permanent record of proceedings maintained.\(^7\)

\(* * *\)

**Administrative Organization**

**Section 4.18** – The Board shall appoint a Director of Utilities who shall:

(a) Be selected on the basis of his executive and administrative qualifications;

(b) Be appointed for an indefinite period and subject to removal by the Board;

(c) Serve as the chief executive officer of the Department of Public Utilities,
responsible directly to the Board.

\(* * *\)

\(^6\) Section 3.12 renumbered November 2, 2004, to maintain consistency throughout the Charter.

\(^7\) Chapter 42.30 RCW establishes the rules of procedure for Board meetings pursuant to the Open Public Meetings Act.
Section 4.21 – Subject to confirmation by the Board, the Director of Utilities shall appoint a properly qualified superintendent for each utility system under the Director’s administrative control.

Section 4. That Article V, Sections 5.4, and 5.6, of the Tacoma City Charter be amended to read as follows:

* * *

Election of Councilmen Members – Numbered Positions

Section 5.4 – Before the general municipal election to be held in the year 1975, the Council shall divide the city into five election districts so that each district shall comprise as nearly as possible one-fifth of the population of the City; provided, that the territory comprised in any voting precinct of such district shall remain compact and shall not be divided by the lines of said district. The Council shall change the lines of the election districts, in the time and manner as prescribed by state law.

The City Clerk shall designate, by consecutive numbers commencing with number one and ending with number five, all positions on the Council to be nominated by district and shall further designate, by consecutive numbers commencing with number six and ending with number eight, all positions on the Council to be elected at large, and all of such designations shall thereafter be permanent and the positions so designated shall thereafter be considered as separate offices for election purposes.
The qualified electors of each election district, and they only, shall nominate from among their number candidates for the office of Council Member of such election district to be voted for at the following general election.

The qualified electors of the City shall nominate from among their number candidates for the office of Council Member at large to be voted for at the following general election.

The two candidates having the highest vote totals for each Council position shall be certified as having been nominated and shall run for that position in the general election. Council Members nominated by district shall be elected by all of the qualified voters of the district, and the person receiving the highest number of votes for the office of Council Member for the position for which they are a candidate shall be declared duly elected.

Council Members nominated at large shall be elected by all of the qualified voters of the City. The person receiving the highest number of votes for the office of Council Member for the position for which they are a candidate shall be declared duly elected. On expiration of the present term of office, Council positions nominated by Council district shall be elected by the qualified voters in that district.

In the event any Council Member nominated from a district shall, after election, move or reside outside the district from which he/she was nominated, he/she shall, by virtue thereof, be deemed to have forfeited his/her office, and his/her seat shall become vacant and shall be filled in the manner provided herein for the filling of vacancies.
Candidates’ Statements of Qualifications

Section 5.6 – At the time of filing as a candidate for the office of Council Member, each candidate may file with the City Clerk on a form prescribed by the City Clerk, a verified statement of his/her name, the office for which he/she is a candidate, his/her residence, place of birth, present occupation, public offices he/she has held, a summary of his/her experience and qualifications for office, and a recent photograph. Said statement shall not exceed two hundred words in length and shall be signed by ten residents of the City of Tacoma sponsoring said candidate. At the time of filing said statement, each candidate shall also pay to the City Clerk a printing fee which, until otherwise provided by ordinance, shall be the sum of fifty dollars. The City Clerk shall cause said candidates’ statements to be printed in some convenient form and mailed to each individual place of residence in the City at least ten days prior to the date set for the primary municipal election.

Section 5. That Article VI, Sections 6.3, 6.4, 6.9, 6.11, 6.12, 6.13, 6.14, and 6.15, of the Tacoma City Charter be amended to read as follows:

Eligibility for Employment

Section 6.3 – No person shall be eligible for employment in the City service who is not a citizen of the United States; provided that, as to laborers, this requirement may be waived by the Personnel Officer when laborers...
who are citizens are not available. No person shall be eligible to employment in the classified service who is not a resident of the eCity at the time of his or her appointment, and all officers and employees of the cCity appointed after this charter takes effect shall reside within its corporate limits during their period of employment in the eCity service; provided, that the Civil Service Board may waive such residence requirements for employees in the classified service and the City Council may waive such residence requirements for appointive employees in the unclassified service when such waiver is deemed to be for the best interests of the cCity for such reasons and under such conditions as may be prescribed in the personnel rules.

**Oath of Office**

Section 6.4 – Every elective or appointive officer shall, before entering upon the performance of the duties of his office, take, subscribe, and file with the City Clerk an oath or affirmation to support the constitution and laws of the United States and the State of Washington and that he will comply with this charter and all ordinances of the eCity and faithfully perform the duties of the office which he is about to enter.

***

**Compensation of Officers and Employees**

Section 6.9 – Except as otherwise provided in this charter or by state law, the compensation of all officers and employees of the city shall be fixed in accordance with the pay plan and salary ordinance adopted by the Council and within the limits of budget appropriations. No officer or employee shall receive any
compensation from any sources whatsoever for their service to the City other than their salary.8

* * *

Civil Service Board

Section 6.11 – (a) There shall be a Civil Service Board, consisting of five resident and qualified voters, three to be elected from the City at large by the qualified electors thereof, one to be appointed by the classified civil service employees of the City in a manner of their choosing and one jointly by the City Manager and the Director of Public Utilities, each for a term of four years.

When each of the current six-year terms expires, the term of that office will convert to a four-year term, beginning in 1974, then to continue as a four-year term. The initial appointee terms will be as follows: The appointee of the civil service employees shall serve a four-year term beginning in 1974; the appointee of the City Manager and Utilities Director shall initially be for two years beginning in 1974 and will be four years with the second appointment.

(b) Vacancies of the elected members shall be filled by the remaining members of the Civil Service Board by appointment, and such appointed member shall serve until the next general municipal election; provided, that if such vacancy occurs when there remains less than five full days for filing as a candidate at the primary election for such unexpired term, the Board shall appoint a qualified person to fill the full unexpired term. If the Board fails to make an appointment within sixty (60)

8 Salaries of elective officers must be provided for in the charter and power to fix cannot be re-delegated to legislative body. Taylor v Tacoma, 8 W 174 (1894).
calendar days of when a vacancy occurs, the City Council shall make the
appointment.

Vacancies of the appointed members shall be filled by the appointing authority by
appointment until the end of the four-year term.

(c) The Board shall provide for its own organization and the rules of the conduct of
meetings; provided, that all meetings be public to the extent required by state law
and that three members shall constitute a quorum. Said Civil Service Board
members shall serve without pay. The Board, in its discretion, may allow a
hearings examiner to hear any adjudicatory matter which would be properly
presented to the Board. Recommendation of a hearings examiner may be
reviewed by the Board at the request of either party under rules adopted by the
Civil Service Board. The Board’s final decision must be based on evidence in the
record. A record of the proceedings shall be made. Neither the personnel
director of Human Resources nor his or her staff shall serve as
hearings examiner.

(d) In the performance of its adjudicatory functions (Charter Section 6.12(c) and
(d)), the Board shall:

(1) adopt, and observe fair and reasonable rules for notice and evidence;

(2) maintain an appearance of fairness as has been otherwise applied in this
state to elected public bodies making quasi-judicial decisions;

(3) provide an electronically-recorded record, one copy of which shall be
available without cost to any party appealing a decision of the Board to the
superior court; and
(4) conduct hearings and render decisions on a timely basis.

e) Any employee shall be entitled to appeal to the Civil Service Board those matters which are authorized under this charter or the personnel ordinance or ordinances adopted pursuant thereto; provided, however, that no person shall be entitled to appeal to the Civil Service Board any matter that already has been the subject of binding arbitration under a labor contract, or administrative complaint hearing pursuant to equal employment opportunity governing statutes.

Powers and Duties of the Civil Service Board

Section 6.12 – The Civil Service Board shall have the power and shall be required:

(a) To advise the Council and administrative officials on all matters relating to Civil Service and personnel administration in the City service.

(b) To investigate any or all matters relating to conditions of employment in the service of the City, either in response to employee complaints or on its own initiative.

(c) To investigate and pass upon the claim of any person whose name appears on an eligible list, that he has been deprived of a position to which he is entitled under the provisions of this charter and the Civil Service and Personnel Rules governing the classified service, in which case the decision of the Board shall be binding on the appointing authority; provided, that such person shall not be entitled to any claim for salary from the city for the period prior to the date of filing such claim.
(d) To hear appeals from any action suspending for more than thirty days, reducing in rank or pay, or discharging any employee in the classified service, and further to hear appeals on any and all other controversies or matters arising out of or in connection with the Civil Service and Personnel Rules. The findings and decisions of the Board shall be reduced to writing and shall be final and binding upon all parties concerned.

**Personnel Officer**

**Human Resources Director**

**Section 6.13** – There shall be a **Personnel Officer** **Human Resources Director**, appointed by the City Manager on the basis of his experience in and demonstrated knowledge of modern personnel administration, who shall be the administrative head of the **Personnel-Human Resources** Department. **He** **The Human Resources Director** shall be responsible for directing the personnel program of the City in accordance with the provisions of this charter and ordinances supplemental thereto.

**Personnel Rules**

**Section 6.14** – (a) It is the intention of this Article to provide for a merit system of employment in the City service. The City Council shall establish and maintain a comprehensive plan setting forth goals and policies regarding the employment and personnel system in the City. The Civil Service Board, except as provided in subsection (b) below, shall make and promulgate all Civil Service and Personnel Rules, and amendments thereto, necessary to carry out and enforce the purpose of this Article, and shall file all such proposed rules and amendments with the City Clerk, who shall present the same to the City Council at its next regular meeting.
Within forty-five days after the filing thereof with the City Clerk, the Council shall by ordinance adopt such proposed rules or amendments; provided, however, that the Council, by an affirmative vote of not less than two-thirds of its membership, may change, alter, amend, add to, reject or repeal any such proposed Civil Service Rules or amendments. In the event the City Council shall fail to adopt, change, alter, amend, add to or reject any such rules or amendments within the forty-five days time limit herein above provided for, then and in that event the City Clerk shall cause to be published such rules or amendments in the official newspaper of the City of Tacoma, and such rules or amendments shall ten days thereafter become effective to all intents and purposes the same as if adopted by the Council and published as an ordinance.

(b) The City Council may propose civil service and personnel rule changes by resolution, which shall include the specific language to be added, altered or repealed. The City Clerk shall then present the proposal to the Civil Service Board at its next meeting, from which time the Board shall have forty-five days to adopt, change, alter, amend, add to, or reject the proposal. The City Clerk shall then present the proposal to the Council at its next meeting, from which time the proposal shall be treated in the same manner as if the Board initiated the proposal under subsection (a) above, including the same required time limits and Council majority to adopt, change, alter, amend, add to, or reject. If the Board does not act upon the proposal or if the Board rejects the proposal within the forty-five days, the Council may then enact its original proposal by regular ordinance.
(c) Such civil service and personnel rules shall, among other things, provide:

(1) For the classification of all positions in the classified service.

(2) For open, free and competitive examinations to test the relative fitness of applicants for such positions, and for reasonable publication and public advertisement of all examinations.

(3) For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing on the examination and for the certification of those on the appropriate list to department heads for appointment to fill vacancies and for the manner in which appointments shall be made from such list; provided, that on original appointments in the classified service, honorably discharged veterans of the armed forces who have served in time of war and who receive a passing grade on such examinations shall have ten percent of the grade attained added to such grade.

(4) For the period of time in which eligible lists shall continue in effect.

(5) For promotion based upon competitive examination and records of efficiency, conduct and seniority.

(6) For a period of probation not to exceed one year, both on original and promotional appointments, before the appointment is made permanent, during which time, in the case of an original appointment, the probationer may be discharged, or, in the case of a promotion, returned to a position in his/her former classification, by the head of the department, board or office in which employed.
(7) For the establishing of reasonable requirements for the rejection of candidates or eligibles.

(8) For temporary employment without examination in cases of emergency and pending appointment from an eligible list, but no such temporary employment shall continue after the establishment of an eligible list for the position held.

(9) For transfer from one position to a similar position in the same class and grade, for reinstatement within two years of persons who without fault or delinquency on their part are separated from the service or reduced in class or grade, and for the reinstatement in a position of their former classification of employees promoted to and later demoted from appointive positions in the unclassified service.

(10) For the discipline of employees by suspension, demotion, discharge, or other actions not inconsistent with the provisions of this article; provided, that no employee in the classified service shall be suspended for more than thirty days, demoted or discharged except for cause.

(11) For the certification to the Director of Finance of the names and classifications of all persons legally employed in the City service, without which certification the Director of Finance shall not authorize the issuance of salary warrants.

(12) For the right of appeal by any employee to the Civil Service Board from any action suspending for more than thirty days, reducing in rank or pay, or discharging any employee in the classified service, and from any and all other matters arising out of or in connection with the Civil Service and Personnel Rules.
Special Provision Relating to Examinations

Section 6.15 – All examinations shall be impartial and shall deal with the duties and requirements of the positions to be filled; they may be oral, written, or based on observed performance or educational and experience record, or any combination thereof. Positions requiring unusual technical or professional qualifications may be filled without competitive examination upon approval of the Civil Service Board. Unskilled laborers may be appointed in the order of priority of application, after such tests of fitness as the Personnel Officer Human Resources Director may prescribe; provided, that preference in such employment shall be given to honorably discharged veterans. The Personnel Officer Human Resources Director may develop an apprenticeship program for the recruitment and promotion of employees in the skilled trades.

* * *

Section 6. That Article VII, Sections 7.5, 7.7, 7.9, and 7.10, of the Tacoma City Charter be amended to read as follows:

* * *

Department of Finance

Section 7.5 – There shall be a Department of Finance headed by a Director of Finance, who shall be appointed by the City Manager on the basis of his administrative abilities and experience in accounting, budgeting, and financial control. The Director of Finance, whose duties shall include those of a controller, shall have charge of the administration of the financial affairs of the City and, except as otherwise provided by law and by this charter, he shall:
(a) Compile for the City Manager and Council the estimates for the general
government budget and the budget for capital outlay.

(b) Maintain a general accounting system for the City government and its
departments and offices in conformity with the best recognized practices in
governmental accounting; keep records for and exercise financial budgetary
control over each such department, office or agency; keep separate accounts for
the items of appropriation contained in the budget and appropriation ordinance
and encumber such items of appropriation with the amount of each purchase
order, payroll, or contract approved by the Director, immediately upon such
approval; keep such records as shall show at all times for each account the
amount of the appropriation, the amounts paid therefrom and remaining unpaid,
all encumbrances thereof, and the unencumbered balance; require daily, or at
such other intervals as the Director may deem expedient, a report of receipts
and disbursements from each of the several departments and offices; prescribe
the form of receipts, vouchers, bills, or claims to be used and of accounts to be
kept by all departments and offices of the City government and provide suitable
instructions for the use thereof; examine all contracts, purchase orders, and other
documents which involve financial obligations against the City and approve the
same only upon ascertaining that moneys have been appropriated and that an
unexpended and unencumbered balance is available to meet the same; audit
before payment all bills, invoices, payrolls, and other evidences of claims,
demands, or charges against the City and approve the same of proper, legal,
and correct; inspect and audit the accounts or records of financial transactions as
maintained in each department and office of the City government apart from or subsidiary to the accounts kept in the office of the Director.

(c) Submit to the Council not later than the 10th day of each month a report of all receipts and disbursements for the preceding month, showing revenues and expenditures for the month and the fiscal year to date and the unexpended balances in all accounts; submit other reports, including a comprehensive annual report, reflecting the financial condition of the City when and in such form as the Council may require.

(d) Supervise the purchasing activities of all departments, except as otherwise provided in this charter.

(e) Supervise the receipt, custody, and disbursement of all City funds and moneys.

(f) Perform such other duties as may be required by law and by the Manager and Council.

* * *

Section 7.7 – The City Treasurer shall receive all moneys due and belonging to the City, and all trust funds held by the City, and shall keep an accurate detailed account of the same in a manner prescribed by the Director of Finance. The Treasurer shall open and keep separate and distinct accounts for each fund as required by law or this charter. He shall also prescribe the times at and manner in which moneys received by the several departments and offices shall be paid to the Treasurer or deposited in a city bank account under the Treasurer’s control.
**Section 7.9** - Disbursements of eCity funds shall be by the Treasurer or his or her
designee only based upon a voucher, payroll or other authorized obligation of the
eCity.

**Purchasing and Contracts**

**Section 7.10** – Except as otherwise provided in this charter, the City Manager
shall be responsible for all eCity purchasing, but he may delegate this
responsibility to any subordinate appointed by him the City Manager.

Section 7. That Article IX of the Tacoma City Charter be amended by
deleting Section 9.7, as follows:

**Gender Neutral Language**

**Section 9.7** – Words importing the masculine gender shall be extended to the
feminine gender.

Section 8. That Article X, Sections 10.2, 10.3, 10.4 and 10.6, of the
Tacoma City Charter be amended to read as follows:

**Continuance of Departments and Officers**

**Section 10.2** – The administrative organization in force at the time this charter
takes effect shall continue until changed in accordance with the provisions of this
charter. All persons holding appointive office at the time this charter takes effect
shall continue in office and in the performance of their duties until their successors
have been appointed and qualified as provided in this charter. Pending the passage of an ordinance distributing the work of departments under the supervision and control of the Manager among specific divisions thereof, the Manager may establish temporary divisions.

Transfer of Functions and Personnel

Section 10.3 – Whenever by provisions of this charter duties and functions performed by, through, or under the supervision of any department, board, or office have been transferred to some other department, board, or office, the employees engaged in the performance of such duties and functions at the time this charter shall go into effect shall be transferred accordingly and be deemed to have been regularly appointed to the respective positions involved in the performance of such duties and functions, until removed therefrom in accordance with the provisions of this charter.

Preliminary Meetings of the Council

Section 10.4 – On the third business day following the certification of the result of the first election of Councilmen Members under this charter, the newly elected members of the Council shall meet at 7:30 o'clock p.m. in the Council chambers of the City hall for the purpose of considering the appointment of a City Manager and the preparation of such ordinances as may be necessary to effectuate the transition from the present form of government to that established by this charter. The Council-elect shall choose one of its number to be chairman and the City Clerk shall act as its secretary. It shall at its first meeting fix the times and places at which it will hold regular meetings for the above purposes and shall
hold such adjourned and special meetings as it may determine by a majority vote of its members. The expenses of the Council-elect, including the expense of advertising for applicants for the position of City Manager and of interviewing and investigating such applicants in Tacoma or elsewhere, shall be paid from the City treasury on vouchers signed by the chairman of the Council-elect. If a Manager has not been appointed and taken office on the first Monday in June, 1953, the Council shall designate a city officer to serve as Acting City Manager and may provide for the filling of other positions in the unclassified service on a temporary basis, pending appointment in accordance with the provisions of this charter.

** Effective Date of Charter

**Section 10.6** – For the purpose of nominating and electing Councilmen, this charter shall take effect from the time of its approval by the electors of the City; for all other purposes this charter shall take effect on the first Monday of June, 1953, at 12:01 a.m., whereupon the present charter of the City shall be and is hereby repealed. The first election under this charter shall be held on the second Tuesday in March, 1953, preceded by a primary election held four weeks
prior to such date, and the second municipal general and primary elections shall be held in the year 1956 on the dates prescribed for such elections by state law.

Approved as to form:

City Attorney
RESOLUTION NO. 38950

A RESOLUTION AND PROPOSITION to amend Article VI, Section 6.7, of the Tacoma City Charter to add color, ancestry, gender-identity, sexual orientation, familial status, honorably discharged veteran, and military status to the list of classes protected from discrimination in City employment.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That Article VI, Section 6.7, of the Tacoma City Charter be amended to read as follows:

Discriminatory Actions

Section 6.7 – No applicant for employment and no appointed officer or employee shall be discriminated against in any personnel decision on the basis of religion, race, color, national origin or ancestry, political affiliation, sex, gender identity, sexual orientation, age, familial status, honorably discharged veteran or military status, or the presence of any sensory, mental or physical handicap; provided, however, that affirmative action may be used to remedy prior discrimination in the employment and promotion of City appointed officers and employees.

Adopted ____________________

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Mayor

Attest:

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City Clerk

Approved as to form:

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City Attorney
A RESOLUTION AND PROPOSITION to amend Article II, Section 2.13, of the Tacoma City Charter to allow emergency ordinances to take effect immediately upon passage rather than after publication.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That Article II, Section 2.13, of the Tacoma City Charter be amended to read as follows:

Section 2.13 - A summary of every ordinance shall, within ten days after its passage, be published once in the official newspaper of the city. Ordinances passed as emergency measures, or relating to local improvements and assessments and authorization of bonds therefore, or adopting annual budgets, or levying taxes, or making appropriations shall take effect immediately upon passage after publication. Ordinances granting a franchise, right, or privilege, or authorizing the issuance of revenue bonds in an amount exceeding five million dollars, shall take effect at such time after publication as the City Council shall
determine by ordinance. All other ordinances shall take effect only after the expiration of ten days from publication, subject always to the provisions of this charter concerning referendum.

Adopted ________________________

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Mayor

Attest:

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City Clerk

Approved as to form:

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City Attorney
RESOLUTION NO. 38952

A RESOLUTION AND PROPOSITION to amend Article III, Section 3.4, of the Tacoma City Charter to require City Council confirmation for appointment of department heads.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That Article III, Section 3.4, of the Tacoma City Charter be amended to read as follows:

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 the Manager’s jurisdiction, provided, appointments of department heads shall require confirmation by the City Council, 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.

Adopted __________________________  

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney
RESOLUTION NO. 38953

A RESOLUTION AND PROPOSITION to amend Article IV, Section 4.18, of the Tacoma City Charter to require City Council confirmation of the appointment of the Director of Utilities by the Public Utility Board, with reconfirmation by the City Council every two years following annual performance reviews by the Public Utility Board.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That Article IV, Section 4.18, of the Tacoma City Charter be amended to read as follows:

Administrative Organization

Section 4.18 – The Board shall appoint, subject to confirmation by the City Council, a Director of Utilities who shall:

(a) Be selected on the basis of his executive and administrative qualifications;

(b) Be appointed for an indefinite period and subject to removal by the Board;

(c) Serve as the chief executive officer of the Department of Public Utilities, responsible directly to the Board, subject to review and reconfirmation as follows:

The Board shall review the Director’s performance annually, and every two years shall, by an affirmative vote of at least three members of the Board in a public meeting, vote on whether to reconfirm the appointment, subject to
reconfirmation by the City Council. The first review and vote on whether to reconfirm the Director shall be in 2015.

Adopted ______________________

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Mayor

Attest:

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City Clerk

Approved as to form:

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City Attorney
RESOLUTION NO. 38954

A RESOLUTION AND PROPOSITION to amend Article III of the Tacoma City Charter by adding a new Section 3.13, to require a Landmarks Preservation Commission.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That Article III of the Tacoma City Charter be amended to add a new Section 3.13, to read as follows:

Section 3.13 – There shall be a Landmarks Preservation Commission, composed of members with such powers and duties as are provided by ordinance. The members shall be residents of the City of Tacoma and be appointed and confirmed by the City Council.

Adopted ____________________

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Mayor

Attest:

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City Clerk

Approved as to form:

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City Attorney
RESOLUTION NO. 38955

A RESOLUTION AND PROPOSITION to amend Article II, Section 2.35, of the Tacoma City Charter dealing with term limits, by allowing a person to serve ten consecutive years as a Council Member and two full consecutive terms as Mayor.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That Article II, Section 2.35, of the Tacoma City Charter be amended to read as follows:

Section 2.35 – No person shall be allowed to serve on the Council for more than ten (10) consecutive years and two full consecutive terms, either as a Councilman, Mayor, or combination thereof.

Adopted _______________________

Mayor

Attest:

City Clerk

Approved as to form:

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City Attorney
RESOLUTION NO. 38956

A RESOLUTION AND PROPOSITION to amend Article II, Section 2.3, of the Tacoma City Charter to add a Citizen Commission on Elected Salaries to determine the compensation and salary of the Mayor and Council.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That Article II, Section 2.3, of the Tacoma City Charter be amended to read as follows:

Section 2.3 – Each councilman shall be paid the sum of twenty-five dollars for each day’s attendance at council meetings, but not to exceed twelve hundred dollars per year. A Citizen Commission on Elected Salaries will determine the compensation and salary of the Mayor and each Council Member. The Commission shall set the salary and any salary changes for the Mayor and Council Members. The salary and any salary changes set by the Commission shall be adopted by the City Council.

(a) The Salary Commission shall consist of seven members appointed as follows:

(1) Five of the seven commission members shall be selected by lot by the County Auditor from among those registered City of Tacoma voters eligible to vote at the time the persons are selected for appointment to the Commission. There shall be one member selected from each of the City’s Council districts. The Auditor shall establish policies and procedures for conducting the selection by lot to be forwarded to the City Council for appointment.

(2) The remaining two of the seven Commission members must be residents of the City of Tacoma and shall be appointed by the Mayor and confirmed by
the Council. One person shall have experience in human resource management. The second person shall have experience in the legal profession.

(b) Members of the Commission may not include any public office holder, filed candidate for public office, officer, official or employee of the City of Tacoma or any of their immediate family members. For the purpose of this section, the phrase “immediate family member” means the parents, spouse, siblings, children or dependent relative of any officer, official or employee whether or not living in the household of the officer, official or employee.

(c) The terms of the Commission shall be as follows:

1. The terms of office for the members shall be three years, except initial appointment to the Commission shall be for the following terms:

2. For the members selected by lot by the Auditor, two shall be appointed to serve a one-year term, two shall be appointed to a two-year term, and the remaining member shall be appointed to serve a three-year term.

3. For the members selected by the Mayor and confirmed by the Council, one shall serve a one-year term and one shall serve a three-year term.

(d) Upon a vacancy in any position on the Commission, a successor shall be selected and appointed to fill the unexpired term in the same manner as outlined in this section.

The Commission shall meet each year beginning in 2015 in one or more regular or special meetings to carry out its duties set forth in this section. Determinations for
any change in the salaries of these elected officials shall be filed with the City Clerk and transmitted to the Council for adoption no later than September 1 of the calendar year.

Adopted ______________________

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Mayor

Attest:

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City Clerk

Approved as to form:

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City Attorney
RESOLUTION NO. 38957

A RESOLUTION AND PROPOSITION to amend Article IX of the Tacoma City Charter by deleting Section 9.4, removing the prohibition against new cemeteries, mausoleums, or crematories within the City of Tacoma.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That Article IX of the Tacoma City Charter be amended by deleting Section 9.4, as follows:

Cemeteries, Mausoleums, and Crematories

Section 9.4 – The establishment or platting of new cemeteries and the establishment of mausoleums or crematories within the limits of the City is hereby prohibited; provide that mausoleums or crematories may be established within the limits of existing cemeteries.

Adopted _______________________

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Mayor

Attest:

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City Clerk

Approved as to form:

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City Attorney

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RESOLUTION NO. 38958

A RESOLUTION AND PROPOSITION to amend Article VI, Section 6.6, of the Tacoma City Charter, to allow City employees to contract for utility services and participate in conservation, environmental, and other programs available to the public generally and as otherwise allowed by state law.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That Article VI, Section 6.6, of the Tacoma City Charter be amended to read as follows:

Pecuniary Interest

Section 6.6 - No officer or employee of the City shall have a financial interest, directly or indirectly, in any contract, sale, lease, or purchase with or for the use of the City; or accept, directly or indirectly, any compensation, gratuity, or reward from any other person who is financially interested therein. Provided, however, an officer or employee does not have a prohibited interest if the officer or employee has a remote interest as defined by state law or if the contract with the City is for the furnishing of electrical, water, or other utility services and conservation measures at the same rates and on the same terms as are available to the public generally, or if the contract is otherwise allowed by the state law governing ethics for municipal officers. Violation of any provision of
this section may work a forfeiture of the office of the person violating the same
and the contract sale, lease, or purchase shall be void.

Adopted ____________________

____________________________________________________________
Mayor

Attest:

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City Clerk

Approved as to form:

____________________________________________________________
City Attorney
A RESOLUTION AND PROPOSITION to amend Article VI of the Tacoma City Charter by deleting Section 6.3, removing citizenship and City residency as requirements of eligibility for City employment.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That Article VI of the Tacoma City Charter be amended by deleting Section 6.3, as follows:

**Eligibility for Employment**

**Section 6.3**—No person shall be eligible for employment in the city service who is not a citizen of the United States; provide that as to laborers this requirement may be waived by the Personnel Officer when laborers who are citizens are not available. No person shall be eligible to employment in the classified service who is not a resident of the city at the time of his or her appointment, and all officers and employees of the city appointed after this charter takes effect shall reside within its corporate limits during their period of employment in the city service; provided, that the Civil Service Board may waive such residence requirements for employees in the classified service and the City Council may waive such residence requirements for appointive employees in the unclassified service when such waiver is deemed to be for the best interests of the city for
such reasons and under such conditions as may be prescribed in the personnel rules.

Adopted ____________________________

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Mayor

Attest:

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City Clerk

Approved as to form:

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City Attorney