Chair Bill Baarsma – Vice-Chair Catherine Ushka – Secretary Justin Leighton
Theresa Baker Gary Brackett Mabel Edmonds Tim Farrell Eric Hahn Dr. Charles Horne Mark Martinez Jim Merritt John Messina Kenneth Miller Patricia Talton Justin Van Dyk

Monday, April 28, 2014 at 7:00 p.m.

Charter Review Committee Agenda

1. Call to Order
2. Roll Call
3. Approval of Charter Review Committee minutes of March 17 and 24, 2014.
4. Recess to conduct special meetings of the Charter Review Subcommittees
5. At 7:10 p.m. – Special meetings of all Charter Review Subcommittees to approve the following minutes:
    - A. Administrative
        1. Approval of the minutes of April 1, 2014.
    - B. Agenda Subcommittee
        1. Approval of the minutes of February 24, 2014.
    - C. Form of Government
        1. Approval of the minutes of March 31, 2014.
        2. Approval of the minutes of April 14, 2014.
    - D. Human Resources
        1. Approval of the minutes of April 8, 2014.
    - E. Legislative
        1. Approval of the minutes of March 19 and 26, 2014.
        2. Approval of the minutes of April 2, 2014.
    - F. Public Utilities
        1. Approval of the minutes of April 2 and 10, 2014.
6. Adjourn special Subcommittee meetings and reconvene the Charter Review Committee.
7. Public Comment
8. Ratification of proposed Form of Government Charter

The City of Tacoma does not discriminate on the basis of disability in any of its programs, activities, or services. To request this information in an alternative format or to request a reasonable accommodation, please contact the City Clerk's Office at (253) 591-5505. TTY or speech to speech users please dial 711 to connect to Washington Relay Services.

Chair Bill Baarsma – Vice-Chair Catherine Ushka – Secretary Justin Leighton
Theresa Baker Gary Brackett Mabel Edmonds Tim Farrell Eric Hahn Dr. Charles Horne Mark Martinez Jim Merritt John Messina Kenneth Miller Patricia Talton Justin Van Dyk

9. Ratification of proposed amendments to existing Charter
   - A. Article II – The Legislative Branch
     1. Section 2.3 – Salary Commission
     2. Section 2.4 – The Mayor
     3. Section 2.7 – Council Vacancies
     4. Section 2.8 – Council Meetings
     5. Section 2.13 – Ordinance Effective Dates
     6. Section 2.19 – Initiatives
     7. Section 2.20 – Referenda
     8. Section 2.26 – Neighborhood Councils
   - B. Article III – The Administrative Branch
     1. Section 3.2 – Council/Manager Relationships
     2. Section 3.4 – Council/Manager Relationships
     3. Section 3.5 – City Attorney
     4. Section 3.7 – City Clerk
     5. Section 3.13 – Landmarks Preservation Commission
   - C. Article IV – Public Utilities
     1. Section 4.8 – Utility Board Terms
     2. Section 4.12 – Powers and Duties of the Public Utility Board
     3. Section 4.14 – Powers and Duties of the Public Utility Board
     4. Section 4.15 – Powers and Duties of the Public Utility Board
     5. Section 4.18 – Powers and Duties of the Public Utility Board
     6. Section 4.24 – Retention of Management Consultant for City Utilities
   - D. Article V – Nominations and Elections
     1. Section 5.1 – Elections
     2. Section 5.2 – Types of Elections – When Held
     3. Section 5.3 – Elections
     4. Section 5.5 – Elections
     5. Section 5.6 – Elections

The City of Tacoma does not discriminate on the basis of disability in any of its programs, activities, or services. To request this information in an alternative format or to request a reasonable accommodation, please contact the City Clerk's Office at (253) 591-5505. TTY or speech to speech users please dial 711 to connect to Washington Relay Services.

Chair Bill Baarsma – Vice-Chair Catherine Ushka – Secretary Justin Leighton
Theresa Baker Gary Brackett Mabel Edmonds Tim Farrell Eric Hahn Dr. Charles Horne Mark Martinez Jim Merritt John Messina Kenneth Miller Patricia Talton Justin Van Dyk

E. Article VI – City Officers and Personnel
   1. Section 6.3 – City Officers Eligibility for Employment
   2. Section 6.6 – Pecuniary Interest
   3. Section 6.7 – City Officers and Personnel
   4. Section 6.11 – Civil Service Board
   5. Sections 6.13, 6.14, and 6.15 – Personnel Officer; Personnel Rules; and Special Provision Relating to Examinations
   6. Section 6.19 – Financial Disclosure

F. Article IX – Miscellaneous Provisions
   1. Section 9.4 – Cemeteries, Mausoleums and Crematories
   2. Section 9.7 – Gender Neutral Language

G. Article X
   1. Existing Article X – Succession in Government – Delete Entirely
   2. New Article X – Powers and Responsibilities of the People

10. Communications
11. Other Business/Unfinished Business
12. Committee Comments
13. Adjournment

The City of Tacoma does not discriminate on the basis of disability in any of its programs, activities, or services. To request this information in an alternative format or to request a reasonable accommodation, please contact the City Clerk's Office at (253) 591-5505. TTY or speech to speech users please dial 711 to connect to Washington Relay Services.

Chair Bill Baarsma – Vice-Chair Catherine Ushka – Secretary Justin Leighton
Theresa Baker Gary Brackett Mabel Edmonds Tim Farrell Eric Hahn Dr. Charles Horne Mark Martinez Jim Merritt John Messina Kenneth Miller Patricia Talton Justin Van Dyk

Charter Review Committee Minutes

March 17, 2014

Chair Baarsma called the meeting to order at 7:04 p.m.

Committee Members Present:	13	Baker, Brackett, Edmonds, Farrell, Leighton, Martinez, Merritt, Messina, Miller, Talton, Ushka, Van Dyk and Chair Baarsma.
Committee Members Absent:	2	Hahn and Horne (both excused).

Approval of the minutes of the meeting of March 10, 2014

Committee Member Farrell moved to approve the minutes of the March 10, 2014 meeting. Seconded by Committee Member Ushka. Discussion ensued regarding previous attendance. Voice vote was taken and carried. The minutes were approved.

Public Comment

None.

Reports by the Subcommittees

- **Charter Review Subcommittee Draft Process and Criteria**

At approximately 7:06 p.m., Committee Member Ushka reviewed the time allotments for tonight's agenda items including the draft process and criteria, subcommittee reports, communications, unfinished business, and committee comments.

Committee Member Farrell moved to approve the time allotments per item of tonight's agenda for this Committee. Seconded by Committee Member Baker. Voice vote was taken and carried. The motion was approved.

Committee Member Ushka stated decision criteria have been created by each Subcommittee. Committee Member Van Dyk reviewed the list of criteria for the Form of Government (FOG) Subcommittee, including balance of power, encourages strategic thinking and vision, responsiveness, accountable, encourages fiscal responsibility, organizational clarity, empowers citizens, promotes a favorable business climate, protects against corruption, promotes diversity, and more suitable for a particular set of demographics. Discussion ensued regarding the FOG's list of criteria, reporting schedule, and the status of recommendations.

Committee Member Leighton reviewed the Legislative Subcommittee criteria, including responsiveness to the citizens – is the topic current, effectiveness, fiscal impact, does the current system work – if not why, independent decision making, and accountability to the Charter – intent of the citizens. Committee Member Farrell continued to review the independent decision making criteria. Discussion ensued regarding criteria used within each subcommittee relating to their subject matter and writing guidelines to format reports. Committee Members Ushka and Miller requested staff provide a matrix of all criteria being used by the subcommittees.

- **Charter Review Committee Work Plan**

At approximately 7:27 p.m., Jeanne Harris, Charter Review Liaison, reviewed this Committee's work plan relating to topic, locations, and timelines. Discussion ensued regarding when the Subcommittees will meet. Ms. Harris continued to review timelines for bringing preliminary recommendations to the full Committee. Discussion continued regarding public hearings and recommendations, including drafting, timelines, and Subcommittee work plans.

Committee Member Leighton moved to change the public hearing date from March 31, 2014 to April 9, 2014. Seconded by Committee Member Ushka. Discussion ensued regarding the telephone town hall meeting, number of public hearings needed and topics to be discussed. Voice vote was taken and carried. The motion was adopted.

Ms. Harris continued to review this Committee's timeline, including legal review and reporting to the City Council. Discussion ensued regarding reporting to the City Council. Martha Lantz, Deputy City Attorney, stated the City Attorney's Office is ready to start looking at any language to be reviewed before the final recommendation process.

- **Reports from the Subcommittees**
  i. Form of Government
     Chair Miller reviewed that this Subcommittee will use the criteria already stated by Committee Member Van Dyk and will be able to meet timelines previously discussed.
  ii. Article II Legislative
     Chair Leighton stated that their topics to review have been decided and assigned to their respected Committee Member for research.
  iii. Article III Administrative
     Vice Chair Ushka reviewed there workload has been spilt into two work groups.
  iv. Article IV Public Utilities
     Chair Martinez discussed this Subcommittee's work plan and criteria.
  v. Human Resources
     Chair Baker discussed criteria and what topics should be presented to the full Committee.

Communications
Discussion ensued regarding the Administrative Subcommittee, including meeting times, criteria assignments, and committee membership. Discussion continued regarding opportunities for public input sessions relating to actions to be taken, public hearings, a postcard mailer to be sent to all City residents, and utility bill mailing cycles. Committee Member Leighton requested staff provide the citizens of Tacoma with a postcard mailer encouraging public input to be able to reach citizens without access to social media. Committee Member Merritt provided a handout from Gary Knudsen to this Committee to be reviewed at a later date. Discussion ensued regarding staffing of this Committee, public outreach, and promotion of public input by the City.

Committee Member Leighton moved to request the City of Tacoma communications staff provide documentation on the City's plan to promote the public hearing of April 9, 2014 and the Telephone Town Hall. Seconded by Chair Baarsma. Discussion ensued regarding the need for different types of communications. Voice vote was taken and carried with Committee Member Edmonds voting in opposition. The motion was approved.

Robert Mack, Deputy Director of Public Affairs, reviewed types of communication used by the City currently. Discussion continued regarding communications.

Other Business/Unfinished Business
None.

Committee Comments
None.

Adjournment
Committee Member Ushka moved to adjourn the meeting. Seconded by Committee Member Brackett. On proper motion, the meeting was adjourned at 9:25 p.m.

_____
Bill Baarsma, Chair

_____
Jeanne Harris, Charter Review Liaison

Chair Bill Baarsma – Vice-Chair Catherine Ushka – Secretary Justin Leighton
Theresa Baker Gary Brackett Mabel Edmonds Tim Farrell Eric Hahn Dr. Charles Horne Mark Martinez Jim Merritt John Messina Kenneth Miller Patricia Talton Justin Van Dyk

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

TACOMA CITY CHARTER
MAYOR – COUNCIL - CAO

Effective June 1, 1953
Amended November 2, 2004

FOR RATIFICATION

CHARTER OF THE
CITY OF TACOMA

PREPARED BY A BOARD OF FIFTEEN
FREEHOLDERS ELECTED MARCH 11, 1952

SUBMITTED TO AND ADOPTED BY THE
QUALIFIED ELECTORS AT A SPECIAL ELECTION
HELD NOVEMBER 4, 1952

EFFECTIVE JUNE 1, 1953
AMENDED NOVEMBER 4, 1958
AMENDED SEPTEMBER 15, 1970
AMENDED SEPTEMBER 18, 1973
AMENDED NOVEMBER 6, 1979
AMENDED SEPTEMBER 16, 1980
AMENDED NOVEMBER 8, 1983
AMENDED NOVEMBER 3, 1992
AMENDED NOVEMBER 2, 2004

FOR PUBLICATION

EXPLANATORY NOTES

1. The Charter of the City of Tacoma has, in some instances, been superseded by the adoption of state laws subsequent to the effective date of the Charter. In this compilation, references are made to those sections of state law which supersede this Charter, setting forth the Revised Code of Washington citation and a brief statement of the effect of the law.

2. Footnote references to the Charter as contained herein, such as, "see Chapter 1.02," refer to the Official Code of the City of Tacoma duly adopted pursuant to the laws of the State of Washington and ordinances of the City of Tacoma.

FOR RATIFICATION

CHARTER OF THE CITY OF TACOMA

TABLE OF CONTENTS

Article		Section
I.	**Incorporation and General Powers**	
	Incorporation and Boundaries	1.1
	General Powers of the City	1.2
II.	**The Legislative Branch**	
	Creation and Composition of the City Council	2.1
	Qualifications and Compensation of Councilmen	2.2 – 2.35
	The Mayor	2.4
	Removal from or Forfeiture of Office	2.5 – 2.6
	Councilmanic Vacancies	2.7
	Procedure of the Council	2.8 – 2.10
	Legislation	2.11 – 2.15
	Compilation and Codification of Ordinances	2.16
	Penalties for Non-compliance with Ordinances	2.17
	Powers of the People	2.18 – 2.25
III.	**The Administrative Branch**	
	The City Manager	3.1
	Council-Manager Relationships	3.2 – 3.4
	City Attorney	3.5 – 3.6
	City Clerk	3.7
	City Planning Commission	3.8
	Tacoma Public Library	3.9
	Tacoma Humane Society	3.10
	Administrative Organization	3.11- 3.12
IV.	**Public Utilities**	
	General Powers Respecting Utilities	4.1
	Power to Acquire and Finance	4.2
	Rates	4.3
	Diversion of Utility Funds	4.4 – 4.5
	Disposal of Utility Properties	4.6
	Franchises for Water or Electric Utilities	4.7
	The Public Utility Board	4.8 – 4.9
	Powers and Duties of the Public Utility Board	4.10 – 4.17
	Administrative Organization	4.18 – 4.22
	Location and Relocation of Utility Works	4.23
V.	**Nominations and Elections**	
	Application of State Election Laws	5.1
	Types of Elections – When Held	5.2
	Filing and Certification of Candidates	5.3
	Election of Councilmen – Numbered Positions	5.4
	Election Contests	5.5
	Candidates' Statements of Qualifications	5.6
	Other Provisions	5.7

VI. City Officers and Personnel

Unclassified Service 6.1
Classified Service 6.2
Eligibility for Employment 6.3
Oath of Office 6.4
Surety Bonds 6.5
Pecuniary Interest 6.6
Discriminatory Actions 6.7
Political Activity 6.8
Compensation of Officers and Employees 6.9
Employee Welfare Benefits 6.10
Civil Service Board 6.11
Powers and Duties of the Civil Service Board 6.12
Personnel Officer 6.13
Personnel Rules 6.14
Special Provision Relating to Examinations 6.15
Status of Existing Employees 6.16
Arbitration 6.17
Status of New Employee Groups 6.18

VII. General Finance

Fiscal Year 7.1
The Budget 7.2
Budget Control 7.3
Investment of Funds 7.4
Department of Finance 7.5
Receipt, Custody, and Disbursement of Funds ..... 7.6 – 7.9
Purchasing and Contracts ..... 7.10 – 7.13
Independent Audit 7.14
Taxation and Indebtedness 7.15
Public Sale of Bonds 7.16

VIII. Franchises ..... 8.1 – 8.7

IX. Miscellaneous Provisions

Disposition of City Property 9.1
Public Records 9.2
Claims Against City 9.3
Cemeteries, Mausoleums, and Crematories 9.4
Parks 9.5
Separability Clause 9.6
Gender Neutral Language 9.7

X. Succession in Government

Continuance of Ordinances and Vested Rights 10.1
Continuance of Departments and Officers 10.2
Transfer of Functions and Personnel 10.3
Preliminary Meetings of the Council 10.4
Transfer of Records, Property, and Funds 10.5
Effective Date of Charter 10.6

CHARTER OF THE CITY OF TACOMA

Preamble

We, the people of the City of Tacoma, pursuant to the authority granted by the Constitution and Laws of the State of Washington, and in order to avail ourselves of all powers granted to us, to create a form of government that has all the strengths of an organization with a clearly identified and empowered leader in the form of an elected mayor, an independent council that has clearly defined legislative authority and a city administrator appointed by the mayor and approved by the council, to retain the benefits of professional administration of the workings of the city, do herby enact this charter.

Article I

INCORPORATION AND GENERAL POWERS

Incorporation and Boundaries[1]

Section 1.1 – The municipal corporation now existing and known as the "City of Tacoma" shall continue to be a body politic and corporate under the same name, with the boundaries as now established or as may hereafter be legally changed, and by such name shall have perpetual succession. The City may have and use a common seal and sue and defend in all matters and proceedings.

General Powers of the City[2]

Section 1.2 – The city shall have all powers now or hereafter granted to like cities by the constitution and laws of the state, and all powers implied thereby, and shall have and exercise all municipal rights, powers, function, privileges and immunities except as prohibited by law or by this charter. The City may acquire property within or without its corporate limits for any city purpose by purchase, condemnation, lease, gift, and devise and may hold or dispose of such property as the interests of the city may require. No enumeration of particular powers by this charter shall be deemed to be exclusive.

Article II

The Legislative Branch

A legislative branch of government is established that consists of a full-time, seven member City Council, nominated and elected by district on a non-partisan basis. This Article also grants the legislative branch specific powers, and establishes its organization and procedures. The procedures for adoption of ordinances and resolutions are also determined.

Composition of City Council

Section 2.1 – The Council shall be composed of seven (7) Councilmembers nominated and elected, as provided hereinafter.

At the 2017 general municipal election, on the date prescribed by state law, the at large position number six (6) shall be eliminated from the council positions. Council positions seven (7) and eight (8) shall be re-numbered to positions six (6) and seven (7) respectively and as set out hereinafter in section 10.13. Positions 1-5 shall continue the electoral cycle on the date prescribed by state law for general municipal elections. Councilmembers shall continue in office until their successors are elected and qualified. City Councilmembers shall hold no other employment while serving their office. The Council shall constitute the legislative body of the City and shall have authority, except as otherwise provided in this Charter, to exercise all powers of the City. Councilmembers salary shall be set by the Citizens Commission on Elected Salary as provided by this Charter. (Amendment approved by vote of the people September 18, 1973).

Qualifications and Compensation of Councilmembers[3]

Section 2.2 – Councilmembers 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 councilmember while holding any other elective public office. (Amendment approved by vote of the people September 18, 1973).

Section 2.3 – No person shall be allowed to serve on the Council for more than two (2) full consecutive terms and two (2) full consecutive terms as Mayor.

[1] See Chapter 1.02 - City Limits and Annexations.
[2] Authority to frame charter - State constitution Art. XI § 10 and RCW 35.22.030. General Powers - RCW 35.21.010 and RCW chapter 35.22.

[3] 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.

Organization of the Council

Mayor Pro-Tempore

Section 2.4 - The Council, at its first annual meeting, by a majority vote shall designate one of its members as Mayor Pro-Tempore. The Mayor Pro-Tempore shall hold office at the pleasure of the City Council. And in the case of absence or temporary disability of the Mayor perform the duties of the Mayor except for the power to appoint or remove any officer or to veto any acts of the City Council.

Powers of the Legislative Branch:

Section 2.6 – The Council shall have the power to hire, contract for or appoint staff, including but in no way limited to, special legal counsel, legislative staff, or legislative assistants as so long as there is funding in the approved budget as outlined in this charter.

Power to Investigate

Section 2.7 - The Council may, in connection with the legislative process and other municipal programs and affairs including programs of the executive branch, as directed by a two-thirds majority of its members, make investigation of into the affairs of the City and the conduct of any city departments, offices, boards and agency. For the purpose the council may:

a. Subpoena witnesses
b. Administer oaths
c. Take testimony
d. Require the production of evidence
e. May invoke the aid of any court of and court of competent jurisdiction to carry out such powers, provided that any whitens shall have the right to be represented by counsel.

The Council, as a whole, or by committee, may conduct public hearings on matters of public concerns.

Removal of the Mayor

Section 2.8 - The Mayor may be removed from office after a hearing before the City Council, for commission of a felony, willful violation of duty, or for the commission of an offense involving moral turpitude, upon written notice from at least a majority of the City Council and at least thirty (30) days before the hearing. The Mayor shall be entitled to due process, including having the right to present, to the aid of counsel, to offer evidence and to be heard in their own behalf. Upon an affirmative vote of two-thirds of all members of the City Council, acting as a court of impeachment, the office shall become vacant.

Veto Power

Section 2.9 – The City Council by a two-thirds vote shall have the power to overturn the veto of the Mayor.

Relationship with Other Branches

Section 2.10 – Except in the performance of its legislative function under this Charter, the Council, its staff, and individual Councilmembers shall have no power to direct, either publicly or privately, any officer or employee subject to the supervision of the Mayor or other elected officials.

Removal from or Forfeiture of Office

Section 2.11 – Any member of the City Council and any other elected officer of the City of Tacoma may be removed from office by recall as provided by law. (Amendment approved by vote of the people November 2, 2004.)

Section 2.12 – Any councilmember 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.

Council Vacancies

Section 2.13 – Whenever a vacancy occurs in the office of councilmember, 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, 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. (Amendments approved by vote of the people September 18, 1973 and September 16, 1980).

Procedure of the Council

Section 2.14 – The Council shall meet at such times and places as it may determine, provided it shall hold regular scheduled meetings unless otherwise canceled. Special meetings shall be called by the City Clerk on the written request of the Mayor or any three Council members.[8] Such request shall state the subject or subjects to be considered at such meeting, and no other subject shall be considered thereat. Each Council member shall be given such notice that may be required by State law, but in no event less than twelve hours' notice, of the time and place of such special meetings. All meetings of the council shall be public as prescribed by State law. (Amendment approved by vote of the people November 6, 1979.)

Section 2.15 – 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 councilmembers 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.[9] 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 2.16 – Every ordinance and resolution shall require an affirmative vote of at least four (4) councilmembers 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. (Amendment approved by vote of the people September 18, 1973.)

Legislation

Section 2.17 – Every legislative act of the Council shall be by ordinance,[10] which shall be numbered consecutively, clearly entitled and contain but one subject which shall be expressed in the title. The enacting clause of all ordinances shall be: "Be it ordained by the City of Tacoma."

Section 2.18 – 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 five (5) Councilmembers. No ordinance granting any franchise, right, or privilege shall ever be passed as an emergency measure.

Section 2.19 - 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. 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. (Amendment approved by vote of the people November 2, 2004.)

Section 2.20 – No ordinance or section thereof shall be revised, reenacted or amended by reference to its title, but the ordinance or section to be revised, reenacted, or amended shall be reenacted at length as revised or amended. No ordinance or section thereof shall be repealed, suspended, or any person exempted from the provisions thereof, except by ordinance repealing the same.

Section 2.21 – All ordinances and their amendments shall be recorded in a book to be called the "Ordinance Record," which record of each ordinance shall be authenticated by the signatures of the Mayor and the City Clerk.

Compilation and Codification of Ordinances

Section 2.22– Within three years of the effective date of this charter, and at least every ten years thereafter, the Council shall arrange for the compilation or codification of the charter and all ordinances of a general, public, or permanent nature, or imposing a fine, penalty, or forfeiture, and shall file the same with the City Clerk. When adopted by the Council by ordinances, such codification shall become the

---

[8] RCW 42.30.080 establishes the procedure for emergency meetings pursuant to the Open Public Meetings Act.
[9] RCW 42.30.090 establishes the procedure for adjourning meetings pursuant to the Open Public Meetings Act.
[10] No agency of the city has authority to suspend force and effect of ordinance except the council and then only by enactment of another ordinance. *Rhodes v Tacoma* (1917) 97 W 341, 166 P 647.

official code of the city. All ordinances of like nature, not affecting private or contract rights passed prior to such adoption and not contained in such code, shall be deemed prima facie to have been repealed thereby.[11]

Penalties for Non-compliance with Ordinances

Section 2.23 – The Council may provide in any ordinance penalties for its violation; in the absence of a specific penalty provision for violation of an ordinance or a provision of this charter, such penalty shall be a fine of not to exceed three hundred dollars or imprisonment not to exceed ninety days, or both in the discretion of the court.

Article III

THE EXECUTIVE BRANCH

The Mayor

Section 3.1

(1) The Mayor shall be the Chief Executive Officer of the City, and shall have no other employment.

(2) The Mayor shall be nominated and elected by the voters of the City of Tacoma.

(3) The Mayor shall have all executive powers of the City. Those powers shall be:

- (a) With the assistance of the Chief Administrative Officer (CAO), supervise and manage all administrative offices and executive departments established by this Charter or created by the City Council.
- (b) To execute and enforce all ordinances and state statutes within the City.
- (c) To present to the City Council an annual State of the City address outlining the conditions and affairs of the City and the adoption of those recommended measures the Mayor deems necessary and proper.
- (d) To prepare and present to the City Council budgets and a budget message setting forth proposals for the City during the next fiscal year.
- (e) To prepare and present to the City Council capital improvement and economic development plans for the present and future development of the City.
- (f) To veto any ordinance or section thereof adopted by the City Council except as otherwise provided in the Charter.
- (g) To assign duties to administrative offices administrative offices and executive departments.
- (h) To sign, or cause to assign, on behalf of the City, all claims, deeds, contracts and other instruments.
- (i) To serve, personally, or through a designee, on all appropriate boards and commissions on behalf of the City.
- (j) To employ personnel to advise the Mayor.

(4) The specific statement of particular executive powers shall not be construed as limiting executive powers of the Mayor.

Appointments by Mayor and Confirmation

Section 3.2 – The Mayor shall have the authority to appoint and remove the chief officer of each executive department; and shall appoint the members of all boards and commissions except as otherwise determined by this Charter. The appointments of the Mayor shall be subject to confirmation by a majority of the City Council. If the City Council refuses to appoint any nominee of the Mayor for a board or commission, then the Mayor shall within 90 days thereafter nominate another person, and may continue to nominate until appointment. If the Mayor fails to make a nomination within 90 days then the City Council shall select a suitable person to fill the office. The Mayor may appoint a confidential secretary and administrative assistant without City Council confirmation.

Section 3.3 – Upon assumption of initial terms of office or re-election of the Mayor, the City Council shall review the Chief Administrative Officer's performance and shall vote on whether to reconfirm the re-appointment of the Chief Administrative Officer, with the affirmative vote of a majority of the Council in a public meeting necessary to effect such confirmation..

Chief Administrative Officer

Section 3.4 – The Mayor shall appoint, subject to confirmation by City Council, a Chief Administrative Officer (CAO). The CAO shall be appointed on the basis of their training, experience, and other administrative qualifications for the office and without regard to their place of residence at the time of appointment, but during their term of office shall reside within the City. The CAO shall, under the

[11] See RCW 35.21.520 regarding procedures and requirements for Codification of Official City Code.

general supervision of the Mayor, assist in administering city government. The Mayor will have the authority to remove the CAO. The salary of the CAO shall be fixed by the Mayor subject to approval by the City Council.

Veto Over-ride

Section 3.6 - An ordinance which is vetoed, or the vetoed portions of an ordinance, shall be deemed enacted on the date that the City Council overrides the veto.

Administrative Duties

Section 3.7 - The mayor with the assistance of the CAO shall be responsible for the administration of all units of city government – except as otherwise stated in this charter.

City Attorney

Section 3.8 – The Mayor shall appoint a City Attorney, subject to confirmation by the Council. The City Attorney shall be an attorney admitted and qualified to practice in the Supreme Court of the State of Washington and who shall have practiced the profession within the State of Washington for not less than five years next preceding his appointment. The City Attorney shall have power to appoint and remove professional assistants who shall also be attorneys admitted and qualified to practice in the Supreme Court of the State of Washington.

The City Attorney shall be legal advisor to the City Council, Mayor, and all officers, departments, and boards of the city in matters relating to city affairs. The 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, Mayor, 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 3.9– The Mayor 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) perform such other duties as may be prescribed by the Mayor, state law, this charter, or by ordinance. The City Clerk with the approval of the Mayor may designate one clerk as deputy, who shall have all the powers and perform all the duties of the City Clerk in the Clerk's absence.

Tacoma Humane Society

Section 3.10 – The City Council is hereby authorized to enter into a contract with the Tacoma Humane Society, or any other agency or agencies performing similar duties and functions, granting to said society, agency, or agencies the control and operation of all city pounds and delegating certain duties and responsibilities with reference to the control of animals. Such contract(s) shall provide, among other things, that said society or agency (agencies) shall faithfully operate said pounds, shall pay all expenses in connection therewith, shall receive all licenses, fines, penalties and proceeds of every nature connected therewith, and such other sums as may be legally appropriate therefor, subject only to accounting as provided by law. The Council is further authorized, notwithstanding the provisions hereof, to determine that the City shall operate its own city pounds or detention facility and otherwise regulate and control animals within its corporate limits. Any contract entered into pursuant to the authority hereof shall be subject to cancellation by the City for good cause. (Amendment approved by vote of the people September 18, 1973.)

Administrative Organization[16]

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

Section 3.12 - The City Council may remove any appointed member of any City board, commission, or board of trustees, for cause, after notice and public hearing, if that member is found to have knowingly violated the oath of office under this charter (Section 6.4) or has committed any acts specified in state law as grounds for the recall and discharge of an elective public officer. The City Council, in its discretion, may allow a hearings examiner to hear such a matter. Recommendation of a hearings examiner shall be subject to review by the City Council. The City Council's final decision shall be based on the evidence in the record. A record of the proceedings shall be made. (Amendment approved by vote of the people November 2, 2004.)[17]

Article IV

PUBLIC UTILITIES[18]

General Powers Respecting Utilities

Section 4.1 – The city shall possess all the powers granted to cities by state law to construct, condemn and purchase, purchase, acquire, add to, maintain, and operate, either within or outside its corporate limits, including, but not by way of limitation, public utilities for supplying water, light, heat, power, transportation, and sewage and refuse collection, treatment, and disposal services or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver any of the utility services above mentioned outside its corporate limits, to the extent permitted by state law.

Power to Acquire and Finance

Section 4.2 – The city may purchase, acquire, or construct any public utility system, or part thereof, or make any additions and betterments thereto or extensions thereof, without submitting the proposition to the voters, provided no general indebtedness is incurred by the city. If such indebtedness is to be incurred, approval by the electors, in the manner provided by state law, shall be required.

Rates

Section 4.3 – The city shall have the power, subject to limitations imposed by state law and this charter, to fix and from time to time, revise such rates and charges as it may deem advisable for supplying such utility services the city may provide. The rates and charges for services to city departments and other public agencies shall not be less than the regular rates and charges fixed for similar services to consumers generally. The rates and charges for services to

[16] See Chapter 1.06

[17] Section 3.12 renumbered November 2, 2004, to maintain consistency throughout the Charter.

[18] See Title 12 - Utilities

consumers outside the corporate limits of the city may be greater but shall not be less than the rates and charges for similar service to consumers within the corporate limits of the city.

Diversion of Utility Funds

Section 4.4 – The Council may by ordinance impose upon any of the city-operated utilities for the benefit of the general fund of the city, a reasonable gross earnings tax which shall not be disproportionate to the amount of taxes the utility or utilities would pay if privately owned and operated, and which shall not exceed eight percent; and shall charge to, and cause to be paid by, each such utility, a just and proper proportion of the cost and expenses of all other departments or offices of the city rendering services thereto or in behalf thereof.

Section 4.5 – The revenue of utilities owned and operated by the city shall never be used for any purposes other than the necessary operating expenses thereof, including the aforesaid gross earnings tax, interest on and redemption of the outstanding debt thereof, the making of additions and betterments thereto and extensions thereof, and the reduction of rates and charges for supplying utility services to consumers. The funds of any utility shall not be used to make loans to or purchase the bonds of any other utility, department, or agency of the city.

Disposal of Utility Properties

Section 4.6 – The city shall never sell, lease, or dispose of any utility system, or parts thereof essential to continued effective utility service, unless and until such disposal is approved by a majority vote of the electors voting thereon at a municipal election in the manner provided in this charter and in the laws of this state.

Franchises for Water or Electric Utilities

Section 4.7 – The legislative power of the City is forever prohibited from granting any franchise, right or privilege to sell or supply water or electricity within the City of Tacoma to the City or to any of its inhabitants as long as the City owns a plant or plants for such purposes and is engaged in the public duty of supplying water or electricity; provided, however, this section shall not prohibit issuance of temporary permits authorized by the Council upon the recommendation of the Utility Board of the City of Tacoma for the furnishing of utility service to inhabitants of the City where it is shown that, because of peculiar physical circumstances or conditions, the City cannot reasonably serve said inhabitants. (Amendment approved by vote of the people September 18, 1973.)

The Public Utility Board

Section 4.8 – There is hereby created a Public Utility Board to be composed of five members, appointed by the Mayor and confirmed by the City Council, for three (3)-year terms; provided, that in the appointment of the first Board, on the first day of the month next following the taking of office by the first Council under this charter, one member shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and at the expiration of each of the terms so provided for, a successor shall be appointed for a term of three years. Vacancies shall be filled for the unexpired term in the same manner as provided for regular appointments. Members may serve no more than three consecutive terms. (Amendment approved by vote of the people November 2, 2004.)

Section 4.9 – Members of the Board shall have the same qualifications as provided in this charter for councilmembers. 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.

Powers and Duties of the Public Utility Board

Section 4.10 – The Public Utility Board, subject only to the limitations imposed by this charter and the laws of this state, shall have full power to construct, condemn and purchase, acquire, add to, maintain, and operate the electric, water, and belt line railway utility systems.

Section 4.11 – All matters relating to system expansion and the making of additions and betterments thereto or extensions thereof, the incurring of indebtedness, the issuance of bonds, and the fixing of rates and charges for utility services under the jurisdiction of the Board shall be initiated by the Board, subject to approval by the Council, and executed by the Board; provided, that all rates and charges for utility services shall be reviewed and revised or reenacted by the Board and Council at intervals not exceeding five years and beginning with the year 1954.

Section 4.12 – The Board shall submit a budget to the Council for approval in the manner prescribed by state law. The council may adopt, change, alter, amend, add to or reject the budget and return it to the Board until agreement can be reached. Agreement

must be reached within forty-five days of the first submission.

Section 4.13 – The Board shall select from its own membership a chair, vice-chair, 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.[19]

Section 4.14 – The Board shall maintain such billing, cost and general accounting records as maybe necessary for effective utility management or required by state law. Expenditure documents shall be subject to pre-audit by the central fiscal agency of city government. The City Treasurer shall be responsible for receipt, custody, and disbursement of all utility funds. The Board shall submit such financial and other reports as may be required by the Council. The Council may submit to the Board project or program proposals related to the operations of the utilities under the control of the Board, and upon submittal the Board shall (1) consider such proposals, (2) report to Council if and how such proposals can be implemented.

Section 4.15 – The Utility Board shall have authority to secure the services of consulting engineers, accountants, special counsel, and other experts. At intervals not exceeding five years the City Council shall, at the expense of the utilities involved, cause a performance audit to be made of selected utilities or related operations under the jurisdiction of the Utility Board The City council shall determine the nature and extend of the performance audit and said audit shall be conducted by a competent firm of certified public accountants and management analysts in accordance with Generally Accepted Government Auditing Standards (GAGAS). The report and recommendations shall be made public and be forwarded to the Utility Board and the City Council for Action. The first such audit shall be made within three years of the effective date of this charter.

Section 4.16 – Insofar as is permitted by state law, the Board shall have the same authority, and be governed by the same limitations, in respect to the purchase of materials, supplies, and equipment and awarding of contracts for all improvements for Department of Public Utilities' purposes as does the Council and Mayor for general government purposes.

[19] Chapter 42.30 RCW establishes the rules of procedure for Board meetings pursuant to the Open Public Meetings Act.

Section 4.17 – The Department of Public Utilities shall use the services of the City's General Government finance department, purchasing agent, law department, human resources/personnel department, and other City departments, offices, and agencies, except as otherwise directed by the City Council. (Amendment approved by vote of the people November 3, 1992.)

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 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 Utility Board shall review the Director of Utilities' performance annually and every two years shall vote on whether to reconfirm the appointment of the Director of Utilities, with the affirmative vote of at least three members of the Board in a public meeting necessary to effect such reconfirmation. The first review and vote on whether to reconfirm the Director shall be in 2015.

Section 4.19 – Except for purposes of inquiry, the Board and its members shall deal with officers and employees of the Department of Public Utilities only through the Director.

Section 4.20 – Insofar as is possible and administratively feasible, each utility shall be operated as a separate entity. Where common services are provided, a fair proportion of the cost of such services shall be assessed against each utility served.

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 4.22 – There shall be such other officers and employees in the Department of Public Utilities as the Board may determine, who shall be appointed and removed by the Director of Utilities subject to the provisions of this charter relating to municipal personnel. These employees shall be entitled to participation in the general employee retirement

system and to enjoy such other employee welfare benefits as may be provided for municipal employees. Within the limitations of the annual budget and salary ordinance, the salaries and wages of employees in the Department shall be determined by the Board.

Location and Relocation of Utility Works

Section 4.23 – The Board shall have authority to place poles, wires, vaults, mains, pipes, tracks and other works necessary to any utility operated by the Board in the public streets, alleys, and places of the city. Before any such works are commenced, plans and specifications showing the exact location thereof shall be submitted to the City Mayor for approval. Whenever it shall be necessary by reason of the grading, re-grading, widening, or other improvement of any public street or alley to move or readjust the works of any utility, the Board shall cause such works to be so moved or readjusted and the expense thereof shall be charged against such fund as may be agreed upon by the Director of Utilities and the City Mayor or as determined by the City Council. Upon placing the works of a utility in any public street, alley, or place, the Board, at the expense of the utility involved, shall cause the surface of such street or alley to be replaced as near as may be to its previous condition. Whenever the Board and the City Mayor are unable to reach an accord concerning the moving, readjusting or installation of any utility, works or improvements, or the distribution of the expenses thereof, the matter shall be referred to the City Council, whose finding and determination shall be conclusive.

Review of Utilities

Section 4.24 – A joint committee of City Council and Utility Board members shall, every 10 years, retain a management consulting firm to analyze all the City's utilities, and to recommend changes in assets, management, ownership, organization, lines of business, strategic direction and other relevant topics. The first year of such review shall be 2015.

Article V

NOMINATIONS AND ELECTIONS

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, canvassing the votes, declaring the results and certifying the returns, shall be in accordance with state law, except as otherwise provided in this charter.

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 County Auditor in accordance with state law.

Election of Councilmembers – Numbered Positions

Section 5.4 - 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 seven, 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 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 the council member was nominated, the council member 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. (Amendment approved by vote of the people November 3, 1992.)

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 Superior Court according, as nearly as may be, to the laws of the state regulating proceedings in case of contested elections for county offices.

Other Provisions

Section 5.6 – All matters pertaining to elections and not provided for in the charter or by law shall be as provided by ordinance. No informalities in conducting municipal elections shall invalidate the same if they have been conducted fairly and in substantial conformity with the requirements of this charter.

Article VI

City Officers and Personnel[22]

Unclassified Service

Section 6.1 – The civil service of the City is hereby divided into the classified and unclassified services. The unclassified service shall consist of (a) officers elected by the people and persons appointed to fill vacancies in elective offices; (b) the members and boards and commissions; (c) officers appointed by the Mayor and Council or by boards and commissions, as provided by law or by this charter; (d) all department heads, one confidential secretary for the Mayor and one for the Director of Utilities, and such other principal officers and assistants to department heads as the Council may prescribe by the affirmative vote of not less than six members; (e) not more than three administrative assistants or aides to the Chief Administrative Officer; (f) professional personnel in the office of the City Attorney; (g) persons employed in a professional or scientific capacity to conduct a special inquiry, investigation, or examination; and (h) persons employed on special projects or programs of limited duration, including but not limited to special major construction projects, projects or programs financed by grant-in-aid agreements with either federal or state governments, etc., and (i) event workers in Public Assembly Facilities. (Amendments approved by vote of the people September 18, 1973 and November 3, 1992.)

Classified Service

Section 6.2 – The classified service shall comprise all positions not specifically included in the unclassified service.

Oath of Office

Section 6.4 – Every elective or appointive officer shall, before entering upon the performance of the duties of 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 they will comply with this charter and all ordinances of the city and faithfully perform the duties of the office which they are about to enter.

Surety Bonds

Section 6.5 – The Council may require the bonding of any officers and employees, conditioned upon the faithful and proper performance of the duties of their offices or employment, and in such amounts and in such form as the Council shall determine. All city officers or employees receiving, disbursing, or responsible for city funds shall be bonded. The premiums on all such bonds shall be paid by the city.

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 nature of the contract with City is for the furnishing or 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. 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. (Amendments approved by vote of the people November 2, 2004.)

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

[22] See Chapter 1.24 - Personnel rules.

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. (Amendments approved by vote of the people September 18, 1973 and November 3, 1992.)

Political Activity

Section 6.8 - No elected officer or employee of the City of Tacoma shall hold another City of Tacoma office. No elected officer of the City of Tacoma shall hold another elected public office except for provided as provided elsewhere in this charter. (Amendments approved by vote of the people November 2, 2004.)

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.[23]

Employee Welfare Benefits

Section 6.10 – The Council may provide for the retirement of the city's non-elective officers and employees and make available to them any group life, hospital, health, or accident insurance, either independently of, or as a supplement to, any retirement or other employee welfare benefits otherwise provided by law. Any retirement system established under this section shall be financed jointly by the city and the officers and employees participating therein.

Human Resources Director

Section 6.11 – There shall be a Human Resources Director, appointed by the Mayor on the basis of experience in and demonstrated knowledge of modern human resources administration, who shall be the administrative head of the Human Resources Department. 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 6.12 – (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, personnel and human resources 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:

[23] 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).

(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 their 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. (Approved by vote of the people November 4, 1958; amended by vote of the people September 18, 1973 and November 3, 1992.)

Special Provision Relating to Examinations

Section 6.13 – 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 Human Resources Director may prescribe; provided, that preference in such employment shall be given to honorably discharged veterans. The Human Resources Director may develop an apprenticeship program for the recruitment and promotion of employees in the skilled trades.

Status of Existing Employees

Section 6.14 – All persons holding positions in the classified service who are there by virtue of existing civil service charter provisions, shall retain their positions until advanced, discharged, or reduced in accordance with provisions of this charter. Nothing contained herein shall affect or impair employee retirement, sick leave, or vacation credits accrued, or the validity of eligible lists created, under personnel rules and ordinances in force at the time this charter takes effect.

Arbitration

Section 6.15 – In determining salaries, wages, hours and working conditions for employment in the city service, the Council, through the Mayor or Public Utility Board, as the case may be, may bargain collectively with any employee group or representatives thereof. Where, after such bargaining, an agreement has not been reached, the Council may agree to submit the matter in dispute to arbitration and may receive from said arbitrators a recommendation with reference to said dispute but shall not be bound by the decision or decisions

resulting from arbitration unless the binding effect thereof shall be mandated by the laws of the State of Washington. Any agreement, decision or award relating to salaries or wages shall have effect upon the first day of the next ensuing fiscal period for which the Council makes appropriations or at such other times as may be permitted or provided by law. (Amendment approved by vote of the people September 18, 1973.)

Status of New Employee Groups

Section 6.16 – If, at any time after the effective date of this charter, the city acquires any public utility system formerly under private ownership or undertakes the provision of any new municipal services formerly provided by another local agency, the Council shall make provision to blanket the employees of such utility system or public agency, essential to the continued operation of such utility or other service, into appropriate classifications in the city service, without examination; provided, that the Council may require any such employees with less than one year's service in the position held at the time of the acquisition to serve a probationary period before attaining permanent civil service status; and further provided, that such employees meet the requirement prescribed in Section 6.3 of this charter.

Section 6.17 – Appointed members of citizen boards commission, committees, and City of Tacoma employees given the delegation of authority to sign or approve contracts, must annually file a Personal Financial Affairs Statement with the public Disclosure Commission and with the City Clerk. This information will be made available on the City's website.

Article VII

GENERAL FINANCE

Fiscal Year

Section 7.1 – The fiscal year of the City of Tacoma shall begin on the first day of January and end on the 31st day of December of each year.

The Budget

Section 7.2 – The Budget shall be prepared and acted upon in the manner and within the time limits prescribed in this Charter and by state law.

Budget Control

Section 7.3 – At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the Mayor shall submit to the Council data showing the relationship between the estimated income and expenses and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the Council may reduce appropriations, except amounts required to meet contractual obligations and for debt, interest, and other fixed charges, to such a degree as may be necessary to keep expenditures within the cash income.

Investment of Funds

Section 7.4 – There shall be a Finance Committee, composed of the Mayor, Director of Finance, and City Treasurer, which shall control the investment of city funds and moneys in the manner prescribed by state law and city ordinance. Said committee shall also have powers and duties assigned by state law to municipal boards of investment.

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 Mayor, subject to confirmation by the Council, and on the basis of administrative ability 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, shall:

(a) Compile for the Mayor 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 Mayor and Council.

Receipt, Custody, and Disbursement of Funds

Section 7.6 – There shall be a City Treasurer, appointed by the Mayor who shall be responsible for the custody of all city funds and moneys.

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 7.8 – The City Treasurer shall deposit all city funds in one or more banks in the City of Tacoma, in the manner prescribed by law and ordinance or by resolution of the Council.

Section 7.9 - Disbursements of city funds shall be by the Treasurer or designee only based upon a voucher, payroll or other authorized obligation of the city.

(Amendments approved by vote of the people November 2, 2004.)

Purchasing and Contracts

Section 7.10 – Except as otherwise provided in this charter, the Mayor shall be responsible for all city purchasing, but he may delegate his responsibility to any subordinate appointed by the Mayor.

Section 7.11 – Competitive prices or bids for all purchases and public works and improvements performed by contract shall be obtained where practicable and the purchase made from, or the contract awarded to, the lowest and best responsible bidder; provided, that the Council may waive the bidding requirements prescribed in this section in the purchase of single source and emergency items. Sealed bids shall be asked for in all transactions involving the expenditures in excess of a specific dollar amount set by ordinance, but not greater than the amount allowed by state law, and the transaction evidenced by written contract submitted to and approved by the Council. The Council may reject any and all bids. In all public works and improvements transactions where sealed bids are required, the Council shall demand a deposit by each bidder in the form of a certified check or bid bond in an amount not less than five percent of the total bid, which amount shall be specified in the call for bids, unless otherwise authorized by State law. For all public works and improvements the Council shall require a faithful performance or surety bond of the successful bidder, unless otherwise authorized by State law. Calls for bids shall be published in the official newspaper of the City for not less than five days before the deadline for submission of bids, unless the Council declares by ordinance or resolution that an emergency exists. Detailed purchasing and contract award procedures shall be prescribed by ordinance. (Amended by vote of the people November 8, 1983 and November 3, 1992.)

Section 7.12 – The Council shall determine which public works or improvement projects are to be performed by city forces and which are to be let by contract in the manner prescribed in this article, subject to the requirements of state law.

Section 7.13 – All contracts shall be prepared under the supervision of, and approved as to legal form by, the City Attorney.

Independent Audit

Section 7.14 – The Council shall provide for an annual audit, survey, report and analysis of such

books, records, accounts, functions or performance records of the City and its various departments as the Council, in its discretion, may deem proper, by certified public accountants who are in no way connected with the City government. Any such audit, survey, report or analysis shall be filed with the City Council and shall be open to public inspection. This independent audit shall be conducted in part on an annual basis so that at the end of each five-year period, books, account and transactions of all departments of the City of Tacoma shall be covered thereunder. (Adopted by vote of the people September 15, 1970.)

Taxation and Indebtedness

Section 7.15 – The city shall have all powers granted to or not withheld from cities of like class by the constitution and laws of the state in the levying and collecting of taxes and incurring of indebtedness.

Public Sale of Bonds

Section 7.16 – All bonds and other forms of indebtedness issued by the City shall be sold in the manner determined by the Council and in compliance with Washington State law and applicable federal rulings. Those obligations which are sold at public sale shall be advertised for sale at least once in a publication carrying municipal bond notices and devoted primarily to financial news or to the subject of state and municipal bonds, published in New York City, and after such local publication as may be prescribed by state law for the issuance and sale of such obligations. (Approved by vote of the people November 8, 1983.)

Article VIII

FRANCHISES

Section 8.1 – Every grant, renewal, extension, or amendment of a franchise, right or privilege, shall be by ordinance which shall not be passed before the second regular meeting of the Council, and at least fifteen days after its introduction, nor become effective except in the case of initiative or referendum, until thirty days after publication thereof, and which, whether it is so provided therein or not, shall be subject to the right of the Council or the qualified electors of the city acting for themselves by the initiative or referendum, unless otherwise provided by law, at any time subsequent to the grant, renewal, extension, or amendment;

(a) To repeal, amend, or modify the same with due regard to the rights of the grantee and the interests of the public.

(b) To cancel, forfeit, and abrogate the same if the franchise, right, or privilege is not operated or exercised in full accordance with its provisions, or any part thereof, or at all.

(c) To acquire by purchase or condemnation, for the use of the city itself or its inhabitants, all of the property of the grantee within the public streets, alleys, or places at a fair and just value, which shall not include any valuation of the franchise, right, or privilege, which shall thereupon terminated.

(d) To make all regulations necessary or proper to secure in the most ample manner the safety, welfare, accommodation, comfort, and convenience of the public.

(e) To establish reasonable standards of service and quality of product and to require proper and adequate extensions of plant or service and the maintenance thereof at the highest practicable standard of efficiency.

(f) To regulate rates, fares, and charges for service, where not otherwise provided by law.

(g) To require the elevation or depression of tracks of street or other railways, or the placing underground of cables, wires, and similar devices, and appurtenances thereto, and the removing or relocating of all property or equipment of the grantee in the public streets, alleys, or places, whenever the same is necessary in the interest of public safety or convenience.

(h) To require the grantee to allow the use of its tracks, poles, cables, wires, and similar devices, and appurtenances thereto, by the grantee of any other franchise, right, or privilege, on the payment of a reasonable rental therefor.

(i) To examine all books, records, and accounts and do all things necessary to ascertain accurately the actual gross receipts per annum of any grantee.

Section 8.2 – No franchise or extension or renewal thereof shall ever be granted except upon proper compensation by way of payment into the city treasury of a percentage of the gross receipts thereunder, which percentage shall in no case be less than one per cent per annum; provided, that this section shall not apply to railways.

Section 8.3 – No exclusive franchise, right, or privilege shall ever be granted; nor shall any franchise, right, or privilege be granted for a term longer than twenty-five years; nor any extension or enlargement thereof extended beyond the unexpired term of the first or original franchise, right or privilege; nor any franchise, right or privilege renewed or extended until within two years of the of the expiration thereof.

Section 8.4 – No ordinance shall be construed as granting any franchise, right or privilege except as stated therein in plain and unambiguous terms, nor to apply to any public street, alley, or place not plainly specified therein, and any and every ambiguity therein shall be construed in favor of the city and against the grantee.

Section 8.5 – No franchise heretofore or hereafter granted by the city shall ever be leased, assigned, or otherwise alienated without the express consent of the city by ordinance, and no dealing with the lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent.

Section 8.6 – All franchises, rights, and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise at the time of the adoption of this charter, are hereby declared forfeited and of no validity, and it shall be the duty of the Council to carry out the provisions of this section by the enactment of ordinances repealing the same.

Section 8.7 – The enumeration and specification of particular matters in this charter which are made a part of, or must be included in every grant, renewal, or extension of a franchise, right, or privilege, shall never be construed as impairing the right of the Council or the qualified electors acting for themselves through the initiative or referendum to insert therein such other and further matters, terms, and conditions, or make other provisions whatever, as it or they shall deem proper to protect its or their interest.

Article IX

MISCELLANEOUS PROVISIONS

Disposition of City Property[24]

Section 9.1 - Except as otherwise provided in this charter or in state law, the sale, lease or conveyance of real or personal property belonging to the City shall be upon authorization of the Council; provided that machinery or equipment may be leased from day to day on written agreement therefore approved by the Mayor or Director of Utilities, as the case may be, and filed with the Director of Finance; provided further that, the lease of real or personal property for a term of less than a one year period without renewal options shall not require authorization of the Council. Any lease of real or personal property for a period longer than five (5) years shall contain provisions for adjustment of rentals at intervals not to exceed five (5) years. The City shall never authorize the sale or disposition of any waterfront property belonging to the City and, subject to the provisions of state law, shall not lease waterfront property for a period longer than seventy-five years at any one time. All conveyances, contracts for sale of land owned by the City, and leases of such land for a term of longer than one year, including any renewal options, shall be executed by the Mayor and attested by the City Clerk. (Amendments approved by vote of the people September 18, 1973 and November 2, 2004.)

Public Records

Section 9.2 – All records and accounts of every office, department, or agency of the city shall be open to inspection by any citizen, any representative of a citizen's organization, or any representative of the press, at all reasonable times and under reasonable regulations established by the City Council, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish. All such records and accounts shall be city property and be kept as such by the proper officers and employees during their continuance in office, and then delivered to their successors.[25]

Claims Against City[26]

Section 9.3 – All claims for damages against the city, whether sounding in tort or arising out of contract, shall be presented in writing and filed with the City Clerk. Such claim shall accurately state the time, place, cause, nature, and extent of the alleged damages and give the actual residence of the claimant by street and number at the date of presenting such claim, and for six months immediately prior to the time such claim for damages accrued, and shall be verified by affidavit of the claimant or such other person as may be authorized by law to verify such claims, to the effect that the same is true. The omission to present any such claim in the manner hereinabove prescribed shall be a bar to any action against the city therefor. Neither the Council, nor any department, board, officer, or authority, shall allow, make valid, or in any manner recognize any demand against the city; which was not at the time of its creation a valid claim against the city; nor shall they or any of them ever allow or authorize to be paid any

[24] See Chapter 1.06 - Sections 1.06.350 - 1.06.353.

[25] See also "Public Disclosure Law" RCW 47.17.

[26] See Sections 1.06.227 - 1.06.230.

demand which, without such action, would be invalid or which shall have been barred by any statute of limitations, or for which the city was never liable; and any such action shall be null and void.[27] (Approved by vote of the people November 8, 1983.)

Parks

Section 9.4 – If at any time hereafter the parks now under the control of the Metropolitan Park Board come under the jurisdiction of the city, such parks shall be managed, controlled, and administered in such manner as the Council shall by ordinance provide.

Separability Clause[28]

Section 9.5 – If any portion of this charter is for any reason held to be invalid or inoperative, such decision shall not effect the validity of the remainder thereof.

Article X

POWER AND RESPONSIBILITIES OF THE PEOPLE

We, the people of Tacoma recognize that civic engagement is vital to our underlying success as a city and hereby reserve unto ourselves certain powers listed in this section of the Charter and assert that any powers not delegated to the City of Tacoma by this Charter are reserved to the people. The responsibilities of the people include to cast an informed vote, respect and obey the law, participate in your local community, and serve your city when called upon.

Citizen Initiatives and Referendums

Section 10.1 - Amendments to this charter may be submitted to the voters by the City Council or by initiative petition of the voters in the manner provided by the state constitution and laws. (Amendment approved by vote of the people November 2, 2004.)

Section 10.2- 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) 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 the number of words in length. The statement will be phrased in the form of a positive question.
d) The City Attorney shall file this concise statement 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 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 ten (10) working days of the 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 Mayoral election.
j) The City Clerk shall forward the signatures to the County Auditor to be verified. Based upon 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

[27] Section 9.3. See also "Actions against political subdivisions, municipal and quasi-municipal corporations" RCW 4.96.
[28] Section 9.6 (Amendments), was repealed by the vote of the people November 2, 2004. The remaining sections in this Article were renumbered to maintain consistency throughout the Charter.

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.

(Amendment approved by vote of the people November 2, 2004.)

Section 10.3 - 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) working days of receipt, the City Attorney will 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 writes a concise, true, and impartial statement of the purpose of the measure, not to exceed 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 file this concise statement with 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 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 Pierce County Superior Court within ten (10) working days of the 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 of the office of Mayor..
k) The City Clerk shall forward the signatures to the County Auditor to be verified. Based upon 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.

(Amendment approved by vote of the people November 2, 2004.)

Section 10.4– Any ordinance initiated or referred may be submitted to the qualified electors for their approval or rejection at a special municipal election to be called in the manner provided by law for the submission of questions or propositions to the qualified electors.[29]

Section 10.5– The Council by its own motion may submit any proposed ordinance to the qualified electors for their approval or rejection in the same manner as provided for its submission upon petition.

Section 10.6– If a majority of the qualified electors voting upon any ordinance initiated or referred shall vote in favor thereof, the same shall take effect ten days after the certification of the result of the election thereof or at the time fixed therein; provided, that if the provisions of two or more proposed ordinances approved at the same election are inconsistent, the provisions of the ordinance receiving the highest vote shall prevail. Any ordinance initiated or referred failing of such majority shall be rejected. All initiative and referendum elections shall be conducted and publication of the proposed ordinance

[29] Section 2.21 was deleted as a result of the amendments approved by the vote of the people November 2, 2004. The remaining portion of this Article has been renumbered to maintain consistency throughout the Charter.

shall be had in the same manner as elections submitting questions or propositions to the qualified electors.

Section 10.7– No ordinance heretofore or hereafter enacted by vote of the people shall be amended or repealed by the Council within two years after enactment, unless such amendatory or repealing ordinance shall be submitted to the qualified electors for their approval or rejection in the same manner as is required by this charter in respect to the submission of an ordinance initiated or referred.

Section 10.8– The City Council shall commence a review of this charter no less frequently than once every ten years, by appointing citizens to a charter review committee, or by the election of a board of freeholders in the manner provided in state law. Any freeholders shall be nominated and elected by position and by district. The charter review committee, which shall be provided with sufficient staff and budget to perform a comprehensive review, shall report any recommended amendments to the City Council. The City Council may accept, reject or modify the recommended amendments and may submit any recommended charter amendments to the voters in the manner provided in state law. The recommendations of a board of freeholders shall be placed before the voters in the manner provided in state law. Nothing in this section shall limit the right of citizens to initiate amendments to this charter in any other manner allowed by state law. (Amendment approved by vote of the people November 2, 2004.)

Citizen Boards, Commission, Committees & Neighborhood Councils

City Planning Commission[30]

Section 10.9 – There shall be a Planning Commission, composed of eleven (11) members, with such powers and duties as are provided by ordinance. The seven (7) members shall be residents of the City of Tacoma and be appointed and confirmed by the City Council for terms of three (3) years each. One member shall be appointed by the City Council from each of the seven (7) council districts. The Mayor shall appoint, subject to confirmation to the four remaining positions an individual from each of the following: (a) the development community; (b) the environmental community; (c) public transportation, and (d) a designee with background of involvement in architecture, historic preservation, and/or urban design. A majority of the voting members of such Commission shall constitute a quorum for the transaction of business. The Commission shall be authorized to adopt rules for the transaction of business not inconsistent with this charter or ordinances of the City of Tacoma. Said Planning Commission members shall serve without pay. (Amendments approved by vote of the people September 18, 1973 and November 3, 1992.)

Tacoma Public Library[31]

Section 10.9 – The Tacoma Public Library shall be administered by a board of trustees in the manner provided by state law or city ordinance not inconsistent therewith.

Civil Service Board

Section 10.10 – (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 Mayor 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 Mayor 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; 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.

(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

[30] See Chapter 13.02 - Planning Commission

[31] See Chapter 1.16 - Library

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 Human Resources Director nor the Director's 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.

(Amendments approved by vote of the people September 18, 1973, November 3, 1992 and November 2, 2004).

Powers and Duties of the Civil Service Board

Section 10.11 – 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. (Approved by vote of the people November 4, 1958.)

Citizen Commission on Elected Salaries

Section 10.12 – A Citizen Commission on Elected Salaries will determine the compensation and salary of the Mayor and each council member. The Commission shall have the power and responsibility to recommend to the City Council setting the salary and salary increase for the City of Tacoma Mayor and City of Tacoma Council Members.

The Salary Commission shall consist of 7 members appointed as follows:

1. Five (5) of the seven (7) commission members shall be selected by lot by the Pierce County Auditor from among those registered City of Tacoma voters eligible to vote at the time of the persons are selected for appointment to the Commission. There shall be one (1) member selected from each of the City's councilmanic 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 (2) of the seven (7) commission members must be residents of City of Tacoma and shall be appointed by the Mayor and confirmed by the Council. The persons selected under this subsection shall have experience in human resource management and the legal profession.

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.

The Terms of the Commission shall be as followed:

1. The terms of office for the members shall be three (3) years, except initial appointment to the Commissions shall be for the following terms:
   i. For the members selected by lot by the Auditor, two (2) shall be appointed to serve a one (1) year term, two (2) shall be appointed to a two (2) year term and the remaining member shall be appointed to serve a three (3)-year term.
   ii. For the members selected by Mayor and confirmed by council they shall one (1) shall serve a one (1) year term and one (1) shall serve a three-year term.
   iii. 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. Recommendations for any change in the salaries of these elected officials shall be filed with the Clerk of the City of Tacoma and transmitted to the Council for Approval no later than September 1, of the calendar year.

Citizens Commission on Redistricting
Section 10.13 – Every ten years as prescribed by state law the council districts shall be re-districted. The Mayor shall appoint, subject to confirmation by the Council, a 5-member Citizens Commission on Redistricting one from each council district.

The Commission shall have the power to redraw the lines of the council districts as prescribed by state law and this charter.

Before the general municipal election to be held in the year 2017, the Commission 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 Commission shall change the lines of the election districts, in the time and manner as prescribed by state law.

The Commission shall submit their final map to the City Council for approval no later than November 1. Once the commission submits its final product the commission is henceforth for dissolved.

Landmarks Preservations Commission
Section 10.15. 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 for terms of 3 years each. One member shall be appointed by the City Council for each of the council districts. The Council shall appoint the two remaining positions individuals from the following: Historic preservation, the environmental community, architecture or urban design. The Commission shall be authorized to adopt rule for the transaction of Commission business not inconsistent with this charter or ordinance of the City of Tacoma or the Open Records or Open Meeting Acts. Said Landmarks Preservation Commission shall serve without pay.

The Public Utility Board
There shall be, as prescribed in this charter, a Public Utility Board.

Neighborhood Councils
Section 10.17. In order to foster communication and to promote citizen-based neighborhood involvement, there shall be neighborhood councils and one (1) Community Council. The neighborhood councils and Community Council shall act as advisors to the City Council and to the Mayor. The City Council shall determine the boundaries of the neighborhood councils with the intention of recognizing neighborhood groups, and shall set those boundaries by resolution. A neighborhood council may propose boundary adjustments for consideration by the City Council so long as there is agreement by any impacted neighborhood councils prior to request for consideration by the City Council. The Community Council shall be composed of one member from each neighborhood council with such powers, duties, and tenure as are provided by ordinance. Neighborhood councils and the Community Council shall have the power to make bylaws and rules for the conduct of their business not inconsistent with this Charter or ordinances of the City of Tacoma or the Public Records Act and Open Public Meetings Act. Said neighborhood councils and Community Council members shall serve without pay.

FREEHOLDER'S CERTIFICATE

State of Washington,)
County of Pierce,) ss.
City of Tacoma)

We, the undersigned freeholders of the City of Tacoma elected at the general municipal election held in said city on the eleventh day of March, 1952, under the provisions of the constitution and laws of the State of Washington, to prepare a new charter, by altering, changing, revising, adding to, or repealing the existing charter of the City of Tacoma, do hereby certify that the foregoing charter has been prepared by us, and is hereby submitted as the charter for said city.

IN WITNESS WHEREOF, we have hereunto set our hands this third day of September, 1952.

FRED SHOEMAKER, Chairman
MRS. THOMAS A. SWAYZE, Vice Chair.
HAL D. MURTLAND, Secretary
HUGH J. TUDOR
CHARLES T. BATTIN
G. VANDERENDE
CLARA E. GOERING
CHAS. J. EISENBACHER
ELIZABETH SHACKLEFORD
STANTON WARBURTON, JR.
HAROLD M. TOLLEFSON
PATRICK M. STEELE
CHARLES P. LARSON, M.D.
A. B. COMFORT
E. K. MURRAY

FOR RATIFICATION

INDEX TO CHARTER

SECTION

Accountants - preparation of independent audit 7.14
Accounting Systems - general ..... 7.5 (b)
  Utilities 4.14
Acquisition of Utilities - authority for, general 4.2
  By utility board 4.10
Acting City Manager - appointment 10.4
Actions Against City - limitations on 9.3
Administrative Code 3.11
Administrative Organization 3.11
Amendments - to Charter, how made 2.18, 2.25
  to ordinances, how made 2.14
Annual Audit Report 7.14
Application of State Election Laws 5.1
Appointment - of Acting City Manager 10.4
  City Attorney and assistants 3.5
  City Clerk and Deputy 3.7
  City Manager 3.1
  Director of Public Utilities 4.18
  Members of Public Utility Board 4.8
  Officers generally 3.4, 6.7
  Superintendents, Public Utility Department 4.21
Apprenticeships - city employees 6.15
Appropriations - fiscal records of ..... 7.5 (b)
Approval of Contracts - by City Attorney 7.13
Arbitration - labor disputes, authority for 6.17
Assignment of Franchises 8.5
Assistant City Attorney - appointment, qualifications 3.5
Attorney (see City Attorney)
Audit - by certified public accountants 7.14
  Department of Public Utility accounts 4.14
  Departmental accounts generally ..... 7.5 (b)
Authentication of Ordinances ..... 2.11 - 2.14
Bids - calls for, publication 7.11
  deposit required 7.11
  minimum contracts requiring 7.11
  noncompetitive items, not required 7.11
  performance bonds 7.11
Board - Civil Service 6.11
  Library 3.9
  Public Utility ..... 4.8 - 4.17
Bonds - notice of sale 7.16
  ordinances, effective date of 2.13
  public sale required 7.16
  review by attorney 3.6
  surety bonds, required when 6.5, 7.11
  utility 4.11
Boundaries of City 1.1
Budget - adopting ordinance, effective date 2.13
  control of 7.3
  Department of Public Utilities 4.12

INDEX TO CHARTER

SECTION

general provision for 7.2
preparation of estimates ..... 7.5 (a)
Calls for Bids - publication of 7.11
Candidates' Statements of Qualifications 5.6
Cemeteries 9.4
Certification of Candidates - City Clerk 5.3
Certificate of Election - effect of 5.5
Chairman of Council-Elect 10.4
Charter - amendments of, how made 2.18, 2.25
effective date of 10.6
review of 2.25
separability of provisions 9.6
City Attorney - appointment 3.5
approval of contracts by 7.13
assistants 3.5
ballot titles, preparation, initiative and referendum ..... 2.18 - 2.21
duties 3.6
powers 3.5
qualifications 3.5
City Boundaries 1.1
City Clerk - appointment of 3.7
authentication of ordinances by 2.15
certification referendum petitions by 2.20
duties of 3.7
initiative and referendum petitions, form, filing of 2.19, 2.20
powers of 3.7
verification of initiative petitions 2.19
City Funds - manner of issuance, payments by 7.9
City Manager - administrative organization, shall recommend 3.11
administrative employees, control of 3.2
annual performance review of 3.1
appointment of 3.1
duties of 3.3
eligibility 3.1
financial report to Council 7.3
powers of 3.4
purchasing, duties as to 7.10
qualifications 3.1
reconfirmation of 3.1
relations with Council 3.2
removal 3.1
residency requirement 3.1
term of office 3.1
City Planning Commission - appointment of members, term 3.8
duties 3.8
powers 3.8
City Pounds 3.10
City Treasurer - appointment of 7.6
control of Utility funds 4.14
duties of ..... 7.7 - 7.9

membership Finance Committee....7.4
Civil Service Board - meetings....6.11
members, number, appointment, compensation, term removal....6.11
powers and duties of....6.12
Civil Service Rules....6.14
Claims Against City....9.3
Classified Service - defined....6.2
Codification of Ordinances....2.16
Collective Bargaining - authority for....6.17
Compensation of Officers and Employees....6.9
Competitive Bids for Purchases....7.11
Compilation and Codification of Ordinances....2.16
Contests - election....5.5
Contracts - general....7.11 - 7.13
Human Society, provisions....3.10
review by attorney....3.6
Control of Budget....7.3
Conveyances - how executed....9.1
Council - action on initiative petitions....2.19, 2.20
annual performance review of City Manager....3.1
authorized to establish rules....2.9
compel attendance of witnesses....2.9
creation and composition....2.1
enforcement of forfeiture of office of councilman....2.6
franchises, powers in connection with....8.1
journal required....2.9
legislation, by ordinance only....2.11
method of voting....2.10
power to amend or repeal ordinances voted by people....2.24
quorum of....2.9
referendum by....2.23
relationship with City Manager, officers and employees....3.2
reconfirmation of City Manager....3.1
special meetings, call and notice of....2.8
time of meetings....2.8
vacancies, how filled, term of appointee....2.7
Council-elect - organization of....10.4
powers of....10.4
Council-Manager Relationships....3.2
Councilmanic Vacancies....2.7
Councilmen - compensation....2.3
election and districts....2.1, 5.4
eligibility....2.2
eligibility for office of City Manager....3.1
forfeiture of office....2.6
qualifications....2.2
removal from office....2.5
term of office....2.35
Creation and Composition of City Council....2.1
Crematories....9.4

INDEX TO CHARTER

SECTION

Custody and Disbursement of Funds ..... 7.6 - 7.9
Custody of Public Records 9.2
Damages - claims against City for 9.3
Day Labor - Public Works 7.12
Department of Finance 7.5
Department of Public Utilities
  Director of Utilities
    appointment 4.18
    liaison between Board and employees 4.19
    officers and employees, appointment of 4.22
    qualifications 4.18
    Superintendents, appointment by 4.21
    term of office 4.18
  Officers and employees of
    appointment by Director 4.22
    employment benefits of 4.22
    retirement benefits of 4.22
    salary of, fixed by Board 4.22
  Purchases by 4.16
  Separate operation of utilities 4.20
Departments - continuance of 10.2
  Established by Administrative Code 3.11
Deposit of City Funds 7.8
Deputy City Clerk - appointment, duties 3.7
Director of Finance - appointment, duties, powers 7.5
Director of Utilities (see Department of Public Utilities)
Disbursement of Funds ..... 7.6 - 7.9
Discriminatory Actions 6.7
Disposal of Utility Property 4.6
Disposition of City Property 9.1
Diversion of Utility Funds ..... 4.4 - 4.5
Divisions - established by Administrative Code 3.11
Dock - sale by City prohibited 9.1
  lease of limitations 9.1
Duties - City Attorney 3.6
  City Clerk 3.7
  City Manager 3.3
  City Treasurer ..... 7.7 - 7.8
  Director of Finance 7.5
  Planning Commission 3.8
  Public Utility Board (see Public Utility Board)
Effective Date of Charter 10.6
Elections - application of state laws 5.1
  candidates' statement of qualifications 5.6
  certificates of election 5.5
  certification of candidates 5.3
  contests 5.5
  filing as candidate 5.3
  general 5.2
  initial election under Charter 10.6

INDEX TO CHARTER

SECTION

nonpartisan 5.2
primary ..... 5.2 - 5.4
special 5.2
time for holding 5.2
Eligibility for Employment 6.3
Emergency Ordinances ..... 2.12 - 2.13
Employee Welfare Benefits 6.10
Employees (see Officers and Employees)
Examinations - classified employees 6.15
Expenses - Council-elect 10.4
member, Public Utility Board 4.9
Pound - animals 3.10
Experts - Public Utility Board may hire 4.15
Filing - Candidates for Election 5.3
claims against City, limitations 9.3
Finance - general ..... 7.1 - 7.16
Finance Committee 7.4
Financing Public Utilities 4.2
Fiscal Year 7.1
Forfeiture of Franchise 8.6
Forfeiture of Office or Position - cause for 6.6
Former Charter - unfinished projects under 10.1
Franchise Ordinances - effective date 2.13
emergency prohibited 2.12
Franchises - ambiguity in, construction of 8.4
assignment or alienation of 8.5
exclusive prohibited 8.3
forfeiture of 8.6
ordinance granting, effective date 8.1
powers of Council, regulation ..... 8.1 (a) - (i)
provisions of 8.7
Public Utility franchises prohibited 4.7
renewal or extension 8.2, 8.3
reviewed by City Attorney 3.6
term limited 8.3
water or electric utilities 4.7
Funds - control of utility funds by City Treasurer 4.14
division of public utility funds 4.5
initial transfer of 10.5
Garbage - utility for 4.1
Gender-Neutral language 9.7
General Accounting System ..... 7.5(b)
General Finance ..... 7.1 to 7.16
General Indebtedness for Utilities 4.2
General Municipal Elections (see Elections) 5.2
General Obligation Bonds - public sale required 7.16
notice of sale, publication 7.16
General Powers of City 1.2
General Powers Respecting Utilities 4.1
Gross Earnings Tax - Public Utilities 4.4

SECTION

Heating - utility for 4.1
Holding Other Office - prohibited, councilman 2.2, 6.8
prohibited, officers and employees 6.8
Humane Society 3.10
Incorporation and Boundaries 1.1
Indebtedness
power to incur 7.15
Utilities, authority to incur 4.2
how incurred 4.11
Independent Audit 7.14
Initiative and Referendum, modifications by Council prohibited 2.19, 2.20
ballot title, initiative, preparation 2.19
ballot title, referendum, preparation 2.20
certification of sufficiency, referendum petition 2.20
Council action, time limit 2.19, 2.20
effective date adopted 2.23
filing, initiative petition 2.19
filing referendum 2.20
form, initiative petition 2.19
inconsistent ordinances adopted, which effective 2.23
publication of proposed ordinance 2.23
rejection of initiative by Council, procedure 2.19
repeal or amendment, limitation, how accomplished 2.24
signatures required, initiative 2.19
referendum 2.20
special election, submission to voters at 2.21
submission of initiative to voters, when 2.19
referendum to voters, when 2.20
suspension of ordinances by referendum 2.20
verification of signatures, initiative petition 2.19
referendum petition 2.20
vote required for passage, majority 2.23
Invalid Claims 9.3
Investment of Funds 7.4
Lease - of City Property 9.1
of Public Utility Property 4.6
Legal Actions Against City - limitations 9.3
Legislation ..... 2.11 - 2.15
Legislative Authority - vested in Council 2.1
Library 3.9
Light - utility for 4.1
Location and Relocation of Utility Works 4.23
Manager (see City Manager)
Mausoleums 9.4
Mayor
authenticate ordinances 2.15
duties, general 2.4
how chosen 2.4
member of Finance Committee 7.4

powers, general 2.4
salary as Mayor 2.4
term of office 2.4
vacancies, how filled 2.4
Meetings - Civil Service Board 6.11
Council 2.8
preliminary meetings of Council 10.4
Public Utility Board 4.13
Members of Civil Service Board 6.11
Members of Public Utility Board - number of, appointment term,
vacancies 4.8
qualifications 4.9
Merit System Established 6.14
Municipal Elections (see Elections) ..... 5.1 - 5.7
New Employee Groups - blanketing into City Service 6.18
Nominations and Elections ..... 5.1 - 5.7
Nominations of Candidates 5.3
Noncompetitive Items - purchase of 7.11
Oath of Office - elective or appointive officer 6.4
Officers - continuance in office 10.2
Officers - Elective - forfeiture of office 2.6
holding other offices 6.8
recall 2.5
term of appointee 2.7
term of office 2.35
vacancies in Council, how filled 2.7
Officers and Employees - appointment and selection 6.7
apprenticeships 6.15
arbitration of labor disputes with 6.17
Civil Service Board 6.11
Classified service, defined 6.2
collective bargaining, authority to 6.17
Compensation of 6.9
Department of Public Utilities, appointment, salary 4.22
discrimination prohibited 6.7
dual public office prohibited 6.8
examinations, classified employees 6.15
forfeiture of office or position 6.6
group insurance for, authority 6.10
holding other public offices 6.8
merit system established 6.14
oath of office 6.4
pecuniary interest in contracts prohibited 6.6
personnel officer, duties 6.13
personnel rules 6.14
political activity, limitations 6.8
removal by manager, head of department 3.4
residential qualifications 6.3
retirement system, authority to establish 6.10
salaries and wages, how fixed 6.9

SECTION

status of existing employees 6.16
of new employee groups 6.18
surety bonds, when required 6.5
unclassified service, defined 6.1
veteran's preference 6.14, 6.15
welfare benefits 6.10
Offices - established by Administrative Code 3.11
Official Code 2.16
Ordinances
Administrative Code 3.11
amendment, manner 2.14
compilation and codification 2.16
continued in force under Charter 10.1
effective date 2.13, 8.1
emergency ordinance, passage when declared 2.12
enacting clause 2.11
franchise 8.1
initiative and referendum ..... 2.18 - 2.24
numbering 2.11
ordinance record 2.15
passage, when, limitations, exceptions 2.12, 2.13
penalties for noncompliance with, right to provide 2.17
publication of 2.13
recording 2.15
repeal, generally 2.14
by omission from Official Code 2.16
repeal or amendment of initiative or referendum ordinances 2.24
title 2.11
vote required for passage, generally 2.10
emergency ordinances 2.12
Organization of Council-Elect 10.4
Parks - Administration of 9.5
Pecuniary Interest in Contracts Prohibited 6.6
Penalties
Limit of penalty for noncompliance with ordinances 2.17
proceeds of certain penalties to Human Society 3.10
Performance Bonds - bids 7.11
Performance of Public Works by City Forces 7.12
Personnel Officer - duties of 6.13
Personnel Rules 6.14
Petitions for Initiatives and Referendums 2.19, 2.20
Pier - lease of, limitations 9.1
sale by City prohibited 9.1
Planning Commission (see City Planning Commission)
Political Activity by Employees, prohibited 6.8
Pound - operation of 3.10
Power - utility for 4.1
Power to Acquire and Finance Utilities 4.2
Powers and Duty of Civil Service Board 6.12
Powers of City - acquisition and disposition of property 1.2, 9.1

enumeration not exclusive....1.2
fixing rates for utility services....4.3
general grant of....1.2
gross earnings tax on utilities....4.4
to acquire and construct utilities....4.1
to sue and defend....1.1
utilities....4.1 - 4.7
of City Attorney....3.5
of City Manager....3.4
of Council
determine election and qualification of members....5.5
establish rules....2.9
general powers of....2.1
penalties and forfeitures....2.17
punish for contempt....2.9
removal of member....2.5, 2.6
subpoena witnesses....2.9
of Planning Commission....3.8
of Public Utility Board....4.10 - 4.17
Preliminary Meetings of Council....10.4
Press - records open to, exception....9.2
Primary Elections (see Elections)....5.2, 5.4
Procedure of Council....2.8
Property - disposition of, generally....1.2, 9.1
utility....4.6
initial transfer....10.5
Publication of Bids....7.11
Public Contracts....7.11 - 7.13
Public Library....3.9
Public Office - prohibition against holding other....2.2, 6.8
Public Records - open to public, exception....9.2
Public Sale of Bonds Required....7.16
Public Utilities
acquisition of, authority for....4.1, 4.2
additions and extensions of....4.2
administrative organization (see Department of Public Utilities)
Public Utilities - authority to sell or lease....4.6
Board (see Public Utility Board)
charges against, for departmental services....4.4
construction of, authority for....4.1 - 4.2
Department of (see Department of Public Utilities)
Director of, appointment....4.18
disposal of property....4.6
equipment in streets and alleys, removal of....4.23
extensions of....4.2
financing....4.2
franchises for, prohibited....4.7
funds, diversion of prohibited....4.5
general powers of City as to....4.1
gross earnings tax....4.4

indebtedness for, how incurred 4.2
leases 4.6
location and relocation of utility works 4.23
members of Public Utility Board, Number, qualifications 4.8, 4.9
organization of department (see Department of Public Utilities) ..... 4.18 - 4.22
property, disposal of 4.6
purchase of, authority of City 4.1, 4.2
qualifications, member of Utility Board 4.9
rates, power to fix 4.3
services to City and governmental agencies 4.3
outside City services, limitations on 4.3
revenues, diversion of, use of 4.5
gross earnings tax on 4.4
sale of utility property 4.6
streets, removal of equipment from 4.23
tax on gross earnings 4.4
Public Utility Board - accounting system, establishment of 4.14
acquisition of system by 4.10
additions and extensions to system 4.11
appointment of members of 4.8
approval by Council of acts of 4.11
audits of accounts 4.14
bonds, issuance of 4.11
budget of Public Utility Department 4.12
composition of 4.13
duties of, accounting system, establishment of 4.14
budget, submission of 4.12
management surveys, making of 4.15
rates and charges, review of 4.11
repair of streets 4.23
reports to Council 4.14
salaries and wages, fixing of 4.22
establishment of departmental positions 4.22
expenses, of members of 4.9
of street repairs, how payable 4.23
experts, hiring of by 4.15
funds, control by Treasurer 4.14
indebtedness, how incurred 4.11
legal services, authority to hire 4.17
location and relocation of utility works 4.23
management surveys by 4.15
meetings of, public 4.13
members, appointment of 4.8
expenses of 4.9
Public Utility Board - members, number 4.8
qualifications of 4.9
removal of 3.12
term of office 4.8

powers of, acquisition of systems 4.10
additions and extensions of systems 4.11
adoption of rules of procedure 4.13
bonds, issuance of 4.11
establishment of departmental positions 4.22
experts, hiring of 4.15
general 4.10
legal department 4.17
purchasing agent 4.17
rates and charges, review of 4.11
salaries and wages, establishment separate 4.22
use of streets of systems 4.23
procedure, rules for, adoption 4.13
purchases by 4.16
qualification of members 4.9
removal of members 3.12
salary and wages, establishment of 4.22
term of office of members 4.8
use of general City services 4.17
use of streets for systems 4.23
vacancies, how filled 4.8
Purchase of Utility, authority to 4.1, 4.2
Purchasing and Contracts, general ..... 7.10 - 7.13
Department of Public Utilities 4.16, 4.17
Qualifications, City Attorney 3.5
City Manager 3.1
Councilmen 2.2
members of Civil Service Board 6.11
members of Public Utility Board 4.9
Quarterly Report on Budget 7.3
Rates, utility services 4.3
Receipt, Custody and Disbursement of Funds ..... 7.6 - 7.9
Recall, elected officials 2.5
Recording of Ordinances 2.15
Records, Initial transfer of 10.5
open to public, exceptions 9.2
Refuse Collection, utility for 4.1
Removal, Manager 3.1
members of appointed boards 3.12
Renewal or Extension of Franchise ..... 8.1 - 8.3
Reorganization, transfer of functions and personnel 10.3
Residential Qualifications of Employees 6.3
Resolutions - continued in force under Charter 10.1
vote required for passage 2.10
Retirement System - authority for 6.10
Revenue Bonds - notice of sale, publication 7.16
Revenues - diversion of utility 4.5
gross earnings tax on 4.4
Salaries and Wages - establishment of, generally 6.9
utility employees 4.22

INDEX TO CHARTER

SECTION

Sale - of City Property....9.1
of Utility property....4.6
Seal - use authorized....1.1
Sealed Bids - when required....7.11
Separability Clause - Charter....9.6
Sewage - Utility for....4.1
Special Elections (see Elections)....5.2
initiative and referendum....2.19 - 2.23
submission of ordinance to voters by Council....2.22
Status of Existing Employees....6.16
Statute of Limitations - claims....9.3
Streets - removal of utility equipment from....4.23
use of utility systems....4.23
Succession in Government....10.1 - 10.6
Surety Bonds - bids....7.11
officers and employees....6.5
Tacoma Humane Society....3.10
Tacoma Public Library....3.9
Tax on Gross Earnings of Utilities....4.4
Taxation and Indebtedness....7.15
Temporary Departments and Divisions....10.2
Term of Franchise - limitation on....8.3
Term of Office - City Manager....3.1
Councilmen....2.1, 2.35
members of Civil Service Board....6.11
members of Planning Commission....3.8
members of Public Utility Board....4.8
Transfer of Functions and Personnel....10.3
Transfer of Records, Property and Funds....10.5
Transportation - utility for....4.1
Treasurer (see City Treasurer)
Types of Elections - when held....5.2
Unclassified Service - defined....6.1
Utilities - power of City as to....4.1, 4.2
Utility Board (see Public Utility Board)
Utility Equipment in Streets - removal....4.23
Utility Revenues - diversion of prohibited....4.5
gross earnings tax on....4.4
use of, limitations....4.5
Vacancies - Civil Service Board....6.11
Councilmanic....2.7
Mayor....2.4
Public Utility Board....4.8
Validity of Elections....5.7
Veteran's Preference....6.14, 6.15
Vouchers - required for disbursements....7.9
Water -Utility for....4.1
Waterfront Property - lease of, limitations....9.1
sale by City prohibited....9.1
Welfare Benefits - employees....6.10

Wharf - lease of, limitations.....9.1
sale by City prohibited.....9.1

FOR RATIFICATION

Article II; Section 2.3 – Salary Commission [NOTE: If ratified will be placed in New Article __ POWER AND RESPONSIBILITY OF THE PEOPLE]

Current Language:

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.

Proposed Language:

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 recommend the compensation and salary of the Mayor and each council member. The Commission shall have the power and responsibility to recommend to the City Council setting the salary and salary increase for the City of Tacoma Mayor and City of Tacoma Council Members.

The Salary Commission shall consist of 7 members appointed as follows:

1. Five (5) of the seven (7) commission members shall be selected by lot by the Pierce 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 (1) 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.

The remaining two (2) of the seven (7) commission members must be residents of 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.

2. 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.

a. The Terms of the Commission shall be as follows:

i. The terms of office for the members shall be three (3) years, except initial appointment to the Commissions shall be for the following terms:

ii. For the members selected by lot by the Auditor, two (2) shall be appointed to serve a one (1) year term, two (2) shall be appointed to a two (2) year term and the remaining member shall be appointed to serve a three (3)-year term.

iii. For the members selected by Mayor and confirmed by council one (1) shall serve a one (1) year term and one (1) shall serve a three-year term.

Ratification Sheet – Amendment XX

Article II; Section 2.4 – The Mayor [NOTE: HIGHLIGHTS ARE GENDER NEUTRALITY REFERENCES INSERTED BY STAFF]

Current Language:

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 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. (Amendments approved by vote of the people September 18, 1973 and November 3, 1992.)

Proposed Language:

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.[2] The Mayor shall authenticate by ~~his/her~~ signature such instruments as may be required by law, ordinance, or this charter. ~~He/She~~ 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 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

[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.
[2] 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.

Ratification Sheet – Amendment XX

Article II; Section 2.7 – Council Vacancies [NOTE: HIGHLIGHTS ARE GENDER NEUTRALITY REFERENCES INSERTED BY STAFF]

Current Language:

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. (Amendments approved by vote of the people September 18, 1973 and September 16, 1980).

Proposed Language:

Section 2.7 – Whenever a vacancy occurs in the office of council~~man~~, 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.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		
Eric Hahn			John Messina			Bill Baarsma		

Ratification Sheet – Amendment XX

Article II; Section 2.8 – Council Meetings

Current Language:

Section 2.8 – The Council shall meet at such times and places as it may determine, provided it shall hold regular periodic meetings, not oftener than once a week, at least forty-six (46) times each calendar year. Special meetings shall be called by the City Clerk on the written request of the Mayor or any three Council members. Such request shall state the subject or subjects to be considered at such meeting, and no other subject shall be considered thereat. Each Council member shall be given such notice that may be required by State law, but in no event less than twelve hours' notice, of the time and place of such special meetings. All meetings of the council shall be public as prescribed by State law. (Amendment approved by vote of the people November 6, 1979.)

Proposed Language:

Section 2.8 – The Council shall meet at such times and places as it may determine, provided it shall hold regular ~~periodic~~ meetings unless otherwise canceled. ~~not oftener than once a week, at least forty-six (46) times each calendar year.~~[6] Special meetings shall be called by the City Clerk on the written request of the Mayor or any three Council members.[1] Such request shall state the subject or subjects to be considered at such meeting, and no other subject shall be considered thereat. Each Council member shall be given such notice that may be required by State law, but in no event less than twelve hours' notice, of the time and place of such special meetings. All meetings of the council shall be public as prescribed by State law.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

[6] ~~By Council Rules, regular meetings of the City Council are scheduled for 5:00 p.m. each Tuesday.~~

[1] RCW 42.30.080 establishes the procedure for emergency meetings pursuant to the Open Public Meetings Act.

	Yes	No		Yes	No		Yes	No
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		
Eric Hahn			John Messina			Bill Baarsma		

Ratification Sheet – Amendment XX

Article II; Section 2.13 – Ordinance Effective Dates

Current Language:

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 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. (Amendment approved by vote of the people November 2, 2004.)

Proposed Language:

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.

Ratified: _____ Not Ratified: _____ Ratified with changes: _____

	Yes	No		Yes	No		Yes	No
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		
Eric Hahn			John Messina			Bill Baarsma		

Ratification Sheet Amendment XX

Article II; Section 2.19 – Initiatives

Current Language:

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.
c) Within ten (10) working days of receipt, the City Attorney shall review the petition with the petitioner, 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) words in length. The statement will be phrased in the form of a positive question.
d) The City Attorney shall transmit this concise statement to 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) working days if there is no judicial review.
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) working days of the City Attorney having transmitted the ballot title to the City Clerk. 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 Mayoral election.
j) The City Clerk shall verify the sufficiency of the signatures on 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.

(Amendment approved by vote of the people November 2, 2004.)

Proposed Language:

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:

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

a) The petitioners shall file an Initiative Petition with the City Clerk.
b) ~~Upon receipt, t~~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

Article II; Section 2.20 – Referenda

Current Language:

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.
d) Within five (5) working days of receipt, the City Attorney will review the petition with the petitioner, and if the petition is proper in terms of form and style, the City Attorney writes a concise, true, and impartial statement of the purpose of the measure, not to exceed twenty-five (25) words in length. 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) working days if there is no judicial review.
g) Persons dissatisfied with the ballot title prepared by the City Attorney may seek judicial review by petitioning Pierce County Superior Court within five (5) working days of the City Attorney having transmitted the ballot title to the City Clerk. 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 Mayoral election.
k) The City Clerk shall verify the sufficiency of the signatures on 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.

(Amendment approved by vote of the people November 2, 2004.)

Proposed Language:

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, t~~The City Clerk shall forward the petition to the City Attorney within one (1) working day of receipt.

Ratification Sheet – Amendment XX

Article II; Section 2.26 – Neighborhood Councils [NOTE: If ratified will be placed in New Article __ POWER AND RESPONSIBILITY OF THE PEOPLE]

Current Language:

None.

Proposed Language:

Section 2.26 – In order to foster communication and to promote citizen-based neighborhood involvement, there shall be Neighborhood Councils and one (1) Community Council. The Neighborhood Councils and Community Council shall act as advisors to the City Council, Mayor, and City Manager. The City Council shall determine the boundaries of the Neighborhood Councils with the intention of recognizing neighborhood groups, and shall set those boundaries by resolution. A Neighborhood Council may propose boundary adjustments for consideration by the City Council so long as there is agreement by any impacted Neighborhood Councils prior to request for consideration by the City Council. The Community Council shall be composed of one member from each Neighborhood Council with such powers, duties, and tenure as are provided by ordinance. Neighborhood Councils and the Community Council shall have the power to make bylaws and rules for the conduct of their business not inconsistent with this Charter or ordinances of the City of Tacoma or the Public Records Act and Open Public Meetings Act. Said Neighborhood Councils and Community Council members shall serve without pay.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Bill Baarsma			Eric Hahn			John Messina		
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		

Ratification Sheet – Amendment XX

Article III; Section 3.2 – Council-Manager Relationships [NOTE: HIGHLIGHTS ARE GENDER NEUTRALITY REFERENCES INSERTED BY STAFF]

Current Language:

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

Proposed Language:

Section 3.2 – The Manager shall be responsible to the Council for the administration of all units of the city government under ~~his~~ 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, provided that the City Council shall have the authority to hire, appoint or contract legislative staff to be managed by the Council but not to exceed a Council/staff ratio of one-to-one (1-1). Neither the Council nor any member thereof shall give orders to the Manager's subordinate or otherwise interfere with managerial functions through such means as directing or requesting the appointment or removal of any of the Manager's subordinates, or the making of particular purchases from or contracts with any specific individual or organization. The Manager shall have the right to attend all meetings of the Council and to take part in the discussion of matters coming before the Council, but not the right to vote.[12]

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

[12] RCW 42 30 110(g) allows the Council to exclude the City Manager from executive sessions when the City Manager's performance is discussed.

	Yes	No		Yes	No		Yes	No
Bill Baarsma			Eric Hahn			John Messina		
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		

Ratification Sheet – Amendment XX

Article III; Section 3.4 – Council-Manager Relationships [NOTE: HIGHLIGHTS ARE GENDER NEUTRALITY REFERENCES INSERTED BY STAFF]

Current Language:

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

Proposed Language:

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, except for department heads, which require confirmation by the Council ~~or~~ and may, at ~~his~~ the Manager's discretion, authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Bill Baarsma			Eric Hahn			John Messina		
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		

Ratification Sheet – Amendment XX

Article III, Section 3.5 – City Attorney [NOTE: HIGHLIGHTS ARE GENDER NEUTRALITY REFERENCES INSERTED BY STAFF]

Current Language:

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

Proposed Language:

Section 3.5 – The City ~~Manager~~Council 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~~ 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.

The Council shall review the City Attorney's performance annually and every two years shall vote on whether to reconfirm the appointment of the City Attorney, with affirmation vote a majority of the Council in a public meeting necessary to effect such reconfirmation. Neither the Mayor nor any Council member shall be eligible for the position of City Attorney within two years after the expiration of their latest term. The Council may directly retain the services of an individual or organization to assist Council in conducting a search for a City Attorney and conducting performance reviews of the City Attorney.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Bill Baarsma			Eric Hahn			John Messina		
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		

Ratification Sheet – Amendment XX

Article III; Section 3.7 – City Clerk [NOTE: HIGHLIGHTS ARE GENDER NEUTRALITY REFERENCES INSERTED BY STAFF]

Current Language:

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.

Proposed Language:

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~~ the Clerk's absence.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Bill Baarsma			Eric Hahn			John Messina		
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		

Ratification Sheet – Amendment XX

Article III; Section 3.13 – Landmarks Preservation Commission [[NOTE: If ratified will be placed in New Article __ POWER AND RESPONSIBILITY OF THE PEOPLE]

Current Language:
None.

Proposed Language:

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 for terms of three years each. One member shall be appointed by the City Council for each of the Council districts. The Council shall appoint the two remaining positions individuals from the following: Historic preservation, the environmental community, architecture or urban design. The Commission shall be authorized to adopt rule for the transaction of Commission business not inconsistent with this charter or ordinance of the City of Tacoma or the Meeting Acts. Said Landmarks Preservation Commission shall serve without pay.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Bill Baarsma			Eric Hahn			John Messina		
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		

Ratification Sheet – Amendment XX

Article IV; Section 4.8 – Utility Board Terms

Current Language:

Section 4.8 – There is hereby created a Public Utility Board to be composed of five members, appointed by the Mayor and confirmed by the City Council, for five-year terms; provided, that in the appointment of the first Board, on the first day of the month next following the taking of office by the first Council under this charter, one member shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, and at the expiration of each of the terms so provided for, a successor shall be appointed for a term of five years. Vacancies shall be filled for the unexpired term in the same manner as provided for regular appointments. (Amendment approved by vote of the people November 2, 2004.)

Proposed Language:

Section 4.8 – There is hereby created a Public Utility Board to be composed of five members, appointed by the Mayor and confirmed by the City Council, for ~~five~~ three-year terms; provided, that in the appointment of the first Board, on the first day of the month next following the taking of office by the first Council under this charter, one member shall be appointed for a term of one year, one for a term of two years, one for a term of three years, ~~one for a term of four years, one for a term of five years,~~ and at the expiration of each of the terms so provided for, a successor shall be appointed for a term of ~~five~~ three years. Vacancies shall be filled for the unexpired term in the same manner as provided for regular appointments. Members may serve no more than three consecutive terms.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		
Eric Hahn			John Messina			Bill Baarsma		

Ratification Sheet – Amendment XX

Article IV; Section 4.12 – Powers and Duties of the Public Utility Board

Current Language:

Section 4.12 – The Board shall submit an annual budget to the Council for approval, in the manner prescribed by state law.

Proposed Language:
Section 4.12 – The Board shall submit a~~n annual~~ budget to the Council for approval in the manner prescribed by state law. The Council may adopt, change, alter, amend, add to or reject the budget and return it to the Board until agreement can be reached. Agreement must be reached within forty-five days of the first submission.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		
Eric Hahn			John Messina			Bill Baarsma		

Ratification Sheet – Amendment XX

Article IV; Section 4.14 – Powers and Duties of the Public Utility Board

Current Language:

Section 4.14 – The Board shall maintain such billing, cost and general accounting records as maybe necessary for effective utility management or required by state law. Expenditure documents shall be subject to pre-audit by the central fiscal agency of city government. The City Treasurer shall be responsible for receipt, custody, and disbursement of all utility funds. The Board shall submit such financial and other reports as may be required by the Council.

Proposed Language:

Section 4.14 – The Board shall maintain such billing, cost and general accounting records as maybe necessary for effective utility management or required by state law. Expenditure documents shall be subject to pre-audit by the central fiscal agency of city government. The City Treasurer shall be responsible for receipt, custody, and disbursement of all utility funds. The Board shall submit such financial and other reports as may be required by the Council. The Council may submit to the Board project or program proposals related to the operations of the utilities under the control of the Board, and upon submittal, the Board shall (1) consider such proposals, (2) report to the Council if and how such proposals can be implemented.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		
Eric Hahn			John Messina			Bill Baarsma		

Ratification Sheet – Amendment XX

Article IV; Section 4.15 – Powers and Duties of the Public Utility Board

Current Language:

Section 4.15 – The Board shall have authority to secure the services of consulting engineers, accountants, special counsel, and other experts. At intervals not exceeding ten years the Council shall, at the expense of the utilities involved, cause a general management survey to be made of all utilities under the jurisdiction of the board by a competent management consulting or industrial engineering firm, the report and recommendations of which shall be made public; provided, that the first such survey shall be made within three years of the effective date of this charter.

Proposed Language:

Section 4.15 – The Utility Board shall have the authority to secure the services of consulting engineers, accountants, special council, and other experts. At intervals not exceeding ~~ten~~ five years, the City Council shall, at the expense of the utilities involved, cause a ~~general management survey~~ performance audit to be made of ~~all~~ selected utilities or related operations under the jurisdiction of the Utility ~~b~~Board. ~~by a competent management consulting or industrial engineering firm,~~ The City Council shall determine the nature and extent of the performance audit, and said audit shall be conducted by a competent firm of certified public accountants and management analysts in accordance with Generally Accepted Government Auditing Standards (GAGAS). ~~t~~The report and recommendations ~~of which~~ shall be made public and be forwarded to the Utility Board and the City Council for action. ~~provided, that t~~The first ~~survey~~audit shall be made within three years of the effective date of this charter.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		
Eric Hahn			John Messina			Bill Baarsma		

Ratification Sheet – Amendment XX

Article IV; Section 4.18 – Powers and Duties of the Public Utility Board [NOTE: HIGHLIGHTS ARE GENDER NEUTRALITY REFERENCES INSERTED BY STAFF]

Current Language:

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.

Proposed Language:

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 though 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 Utility Board shall review the Director of Utilities' performance annually and every two years shall vote on whether to reconfirm the appointment of the Director of Utilities, with the affirmative vote of at least three members of the Board in a public meeting necessary to effect such reconfirmation. The first review and vote on whether to reconfirm the Director shall be in 2017.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Bill Baarsma			Eric Hahn			John Messina		
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		

Ratification Sheet – Amendment XX

Article II; Section 4.24 – Retention of Management Consultant for City Utilities

Current Language:

None.

Proposed Language:

Section 4.24 – A joint committee of City Council and Utility Board members shall, every ten years, retain a management consulting firm to analyze all the City's utilities, and to recommend changes in assets, management, ownership, organization, lines of business, strategic direction, and other relevant topics. The first year for such a review shall be 2015.

RATIONALE FOR CHANGE:

The City's utilities operate in a complex, fast moving environment; the regulatory, technological, and market forces are beyond the abilities of a Charter Review Committee. And no other process asks fundamental questions such as: the best relationships among the utilities; whether the City should keep all its utilities; and whether the utilities should serve communities outside Tacoma. Because these are highvalue assets, the citizens deserve rigorous, regular answers to such questions. Additionally, the use of an objective consultant minimizes political influences.

RATIONALE AGAINST CHANGE:

A sophisticated analysis will be expensive, could have politically controversial findings, and might not lead to improvement. Taken one at a time, many of the topics at issue could be dealt with by City Council committees or the Utility Board. Questions like whether TPU should sell power outside Tacoma or if all utilities should be combined under common management are policy and management questions well within the competence of elected or appointed officials to answer.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Bill Baarsma			Eric Hahn			John Messina		
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		

Ratification Sheet – Amendment XX

Article V; Section 5.1 – Elections

Current Language:

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.

Proposed Language:
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.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		
Eric Hahn			John Messina			Bill Baarsma		

Ratification Sheet – Amendment XX

Article V; Section 5.2 – Types of Elections – When Held

Current Language:

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.[19] All municipal elections shall be non-partisan and by the qualified electors of the city at large.

Proposed Language:

[This section will be deleted in its entirety.]

~~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.[19] All municipal elections shall be non-partisan and by the qualified electors of the city at large.~~

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

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

~~[19] 4 RCW 29.13.020 provides that municipal elections shall be held in odd numbered years with exceptions as noted in the statute.~~

	Yes	No		Yes	No		Yes	No
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		
Eric Hahn			John Messina			Bill Baarsma		

Ratification Sheet – Amendment XX

Article V; Section 5.3 – Elections

Current Language:

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 in accordance with state law. The City Clerk shall certify a list of the offices to be filled and candidates for nomination to such offices and transmit same to the county supervisor of elections as provided by law.[20]

Proposed Language:

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~~ County Auditor in accordance with state law. ~~The City Clerk shall certify a list of the offices to be filled and candidates for nomination to such offices and transmit same to the county supervisor of elections as provided by law.~~[20]

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

[20] RCW 29.21.060 provides that candidates must file their declaration of candidacy with the County Auditor rather than the City Clerk.

	Yes	No		Yes	No		Yes	No
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		
Eric Hahn			John Messina			Bill Baarsma		

Ratification Sheet – Amendment XX

Article V; Section 5.5 – Elections

Current Language:

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 according, as nearly as may be, to the laws of the state regulating proceedings in case of contested elections for county offices.

Proposed Language:

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.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		
Eric Hahn			John Messina			Bill Baarsma		

Ratification Sheet – Amendment XX

Article V; Section 5.6 – Elections [NOTE: CRC APPROVED THIS CHANGE AS OF MARCH 26, 2014. STAFF OVERLOOKED THAT APPROVAL, THUS THIS IS APPEARING BEFORE THE COMMITTEE FOR RATIFICATION, ALTHOUGH IT WAS NOT PART OF THE REVIEW CONDUCTED BY CRC ON APRIL 22, 2014]

Current Language:

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. (Amendment approved by vote of the people November 3, 1992.)

Proposed Language:

~~**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. (Amendment approved by vote of the people November 3, 1992.)~~

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

Ratification Sheet – Amendment XX

Article VI; Section 6.6 – Pecuniary Interest

Current Language:

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. 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. (Amendments approved by vote of the people November 2, 2004.)

Proposed Language:

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 nature of the contract with City is for the furnishing or 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. 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. (Amendments approved by vote of the people November 2, 2004.)

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		
Eric Hahn			John Messina			Bill Baarsma		

Ratification Sheet – Amendment XX

Article VI; Section 6.7 – City Officers and Personnel

Current Language:

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, national origin, political affiliation, sex, age, 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. (Amendments approved by vote of the people September 18, 1973 and November 3, 1992.)

Proposed Language:

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.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		
Eric Hahn			John Messina			Bill Baarsma		

Ratification Sheet – Amendment XX

Article VI; Section 6.11 – Civil Service Board [NOTE: If ratified will be placed with changes in New Article __ POWER AND RESPONSIBILITY OF THE PEOPLE. If changes not ratified Section 6.11 will still be placed in New Article __ POWER AND RESPONSIBILITY OF THE PEOPLE, assuming ratification of New Article __ POWER AND RESPONSIBILITY OF THE PEOPLE]

Current Language:

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 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.

(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 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.

Ratification Sheet – Amendment XX

Article VI; Section 6.13 – Personnel Officer, Section 6.14 – Personnel Rules, and Section 6.15 – Special Provision Relating to Examinations [NOTE: HIGHLIGHTS ARE GENDER NEUTRALITY REFERENCES INSERTED BY STAFF]

Current Language:

Section 6.13 – There shall be a Personnel Officer, 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 Department. He shall be responsible for directing the personnel program of the city in accordance with the provisions of this charter and ordinances supplemental thereto.

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

Ratification Sheet – Amendment XX

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~~ their 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

Ratification Sheet – Amendment XX

Article VI; Section 6.19 – Financial Disclosure

Current Language:

None.

Proposed Language:

Section 6.19 – Appointed members of citizen boards, commissions, committees, and City of Tacoma employees given the delegation of authority to sign or approve contracts must annually file a personal financial affairs statement with the Public Disclosure Commission and with the City Clerk. This information will be made available on the City's website.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		
Eric Hahn			John Messina			Bill Baarsma		

Ratification Sheet – Amendment XX

Article IX; Section 9.4 – Miscellaneous

Current Language:

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; provided that mausoleums or crematories may be established within the limits of existing cemeteries. (Approved by the vote of the people September 18, 1973.)

Proposed Language:

[This section will be deleted in its entirety.]

~~**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.~~

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		
Eric Hahn			John Messina			Bill Baarsma		

Ratification Sheet – Amendment XX

Article IX; Section 9.7 – Gender Neutral Language [NOTE – CRC APPROVED COMPREHENSIVE GENDER NEUTRALITY CHANGES SUGGESTED BY STAFF ON APRIL 21, 2014. WITH THOSE CHANGES EXISTING 9.7 IS NOT NEEDED, HOWEVER CRC'S APRIL 21, 2014 VOTE ON GENDER NEUTRALITY DID NOT INCLUDE SPECIFIC APPROVAL TO DELETE 9.7]

Current Language:

Section 9.7 – Words importing the masculine gender shall be extended to the feminine gender. (Approved by the vote of the people November 3, 1992.)

Proposed Language:

Delete existing Section 9.7. Amend all applicable Charter sections by deleting all gender-specific nouns and pronouns and replacing them, where necessary, with position titles or gender-neutral nouns and pronouns. Gender-specific language is inaccurate and does not promote the City's goal of inclusivity.

~~**Section 9.7** – Words importing the masculine gender shall be extended to the feminine gender. (Approved by the vote of the people November 3, 1992.)~~

Proposed form of gender neutral Charter distributed separately.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		
Eric Hahn			John Messina			Bill Baarsma		

Ratification Sheet – Amendment XX

Article X – Delete Entirely

Current Language:

Section 10.1 – All ordinances and resolutions in force at the time this charter shall go into effect, and not inconsistent therewith, shall remain in force until amended or repealed or until they expire by limitation. All rights and obligations in favor of or against the city existing at the time this charter shall go into effect, shall continue without modification. All street and other improvements, all vacations of public streets, alleys, or places, all assessments for improvements, all suits and actions in court, all fines and forfeitures, and all other matters, relating to the city that have been begun and not completed, shall be completed according to the charter, ordinances, and laws existing prior to the time this charter shall go into effect. All taxes and assessments levied and remaining unpaid when this charter shall go into effect, shall be collected as provided by the charter existing and in effect at the time the same were levied.

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 under this charter, the newly elected members of the Council shall meet at 7:30 o'clock p.m. in the council chamber 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.

Transfer of Records, Property, and Funds

Section 10.5 – All records, property, and equipment of any department or office, the functions of which are assigned to any other departments or offices, shall be transferred and delivered to the departments or offices to which such functions are so assigned. All moneys possessed by and revenues accruing to the city,

Ratification Sheet – Amendment XX

~~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.~~

~~**Transfer of Records, Property, and Funds**~~

~~**Section 10.5** – All records, property, and equipment of any department or office, the functions of which are assigned to any other departments or offices, shall be transferred and delivered to the departments or offices to which such functions are so assigned. All moneys possessed by and revenues accruing to the city, subsequent to the time this charter shall go into effect, shall continue to be accounted for in, and to be disbursed from, the various funds existing at the time this charter shall go into effect, until such time or times as, in the course of administration and reorganization, new funds shall be created by budget or otherwise established. When such new funds are established, the balances in funds replaced or discontinued shall be credited by transfer or apportionment to the new funds to which such balances shall be assigned.~~

~~**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.~~

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		
Eric Hahn			John Messina			Bill Baarsma		

Ratification Sheet – Amendment XX

Article X; Powers and Responsibilities of the People [NOTE THAT THIS NEW ARTICLE MOVES SOME EXISTING LANGUAGE, INCLUDING EXISTING LANGUAGE THAT CONTAINS AMENDMENTS AS NOW RATIFIED BY COMMITTEE, AND ADDS NEW LANGUAGE. HIGHLIGHTS ARE GENDER NEUTRALITY REFERENCES INSERTED BY STAFF AND REQUESTED CHANGES FROM PERSONNEL DIRECTOR TO HUMAN RESOURCES DIRECTOR]

Current Language:

Section 10.1 – All ordinances and resolutions in force at the time this charter shall go into effect, and not inconsistent therewith, shall remain in force until amended or repealed or until they expire by limitation. All rights and obligations in favor of or against the city existing at the time this charter shall go into effect, shall continue without modification. All street and other improvements, all vacations of public streets, alleys, or places, all assessments for improvements, all suits and actions in court, all fines and forfeitures, and all other matters, relating to the city that have been begun and not completed, shall be completed according to the charter, ordinances, and laws existing prior to the time this charter shall go into effect. All taxes and assessments levied and remaining unpaid when this charter shall go into effect, shall be collected as provided by the charter existing and in effect at the time the same were levied.

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 under this charter, the newly elected members of the Council shall meet at 7:30 o'clock p.m. in the council chamber 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

Ratification Sheet – Amendment XX

Proposed Language: Deletes above in its entirety and replaces as follows:

Power and Responsibilities of the People

We, the people of Tacoma recognize that civic engagement is vital to our underlying success as a city and hereby reserve unto ourselves certain powers listed in this section of the Charter and assert that any powers not delegated to the City of Tacoma by this Charter are reserved to the people.

The responsibilities of the people include to cast an informed vote, respect and obey the law, participate in your local community, and serve your city when called upon.

Citizen Initiatives and Referendums

Section ~~2.18~~10.1 - Amendments to this charter may be submitted to the voters by the City Council or by initiative petition of the voters in the manner provided by the state constitution and laws. (Amendment approved by vote of the people November 2, 2004.)

Section ~~2.19~~ 10.2- 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) T~~Upon receipt, th~~e 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. 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~~ ten (10)~~(5)~~ 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 Mayoral election.
j) The City Clerk shall forward the signatures to the County Auditor to be verified. Based upon the Auditor's review the City Clerk shall determine the

Ratification Sheet – Amendment XX

(Amendment approved by vote of the people November 2, 2004.)

Section 10.4~~2.21~~ – Any ordinance initiated or referred may be submitted to the qualified electors for their approval or rejection at a special municipal election to be called in the manner provided by law for the submission of questions or propositions to the qualified electors.[1]

Section 10.5~~2.22~~ – The Council by its own motion may submit any proposed ordinance to the qualified electors for their approval or rejection in the same manner as provided for its submission upon petition.

Section 10.6~~2.23~~ – If a majority of the qualified electors voting upon any ordinance initiated or referred shall vote in favor thereof, the same shall take effect ten days after the certification of the result of the election thereof or at the time fixed therein; provided, that if the provisions of two or more proposed ordinances approved at the same election are inconsistent, the provisions of the ordinance receiving the highest vote shall prevail. Any ordinance initiated or referred failing of such majority shall be rejected. All initiative and referendum elections shall be conducted and publication of the proposed ordinance shall be had in the same manner as elections submitting questions or propositions to the qualified electors.

Section 10.7~~2.24~~ – No ordinance heretofore or hereafter enacted by vote of the people shall be amended or repealed by the Council within two years after enactment, unless such amendatory or repealing ordinance shall be submitted to the qualified electors for their approval or rejection in the same manner as is required by this charter in respect to the submission of an ordinance initiated or referred.

Section 10.8~~2.25~~ – The City Council shall commence a review of this charter no less frequently than once every ten years, by appointing citizens to a charter review committee, or by the election of a board of freeholders in the manner provided in state law. Any freeholders shall be nominated and elected by position and by district. The charter review committee, which shall be provided with sufficient staff and budget to perform a comprehensive review, shall report any recommended amendments to the City Council. The City Council may accept, reject or modify the recommended amendments and may submit any recommended charter amendments to the voters in the manner provided in state law. The recommendations of a board of freeholders shall be placed before the voters in the manner provided in state law. Nothing in this section shall limit the right of citizens to initiate amendments to this charter in any other manner allowed by state law. (Amendment approved by vote of the people November 2, 2004.)

Citizen Boards, Commission, Committees & Neighborhood Councils

City Planning Commission[2]

Section 10.9 — There shall be a Planning Commission, composed of nine (9) members, with such powers and duties as are provided by ordinance. The nine members shall be residents of the City of Tacoma and be appointed and confirmed by the City Council for terms of three (3) years each. One member shall be appointed by the City Council for each of the five council districts. The Council shall appoint to the four remaining positions an individual from each of the following: (a) the development community; (b) the environmental community; (c) public transportation, and (d) a designee with background of involvement in architecture, historic preservation, and/or urban design. A majority of the voting members of such Commission shall constitute a quorum for the transaction of

[1] Section 2.21 was deleted as a result of the amendments approved by the vote of the people November 2, 2004. The remaining portion of this Article has been renumbered to maintain consistency throughout the Charter.
[2] See Chapter 13.02 - Planning Commission

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.

(Amendments approved by vote of the people September 18, 1973, November 3, 1992 and November 2, 2004).

Powers and Duties of the Civil Service Board

(Former Section 6.12) Section 10.12 – 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~~they are 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. (Approved by vote of the people November 4, 1958.)

Citizen Commission on Elected Salaries

Section 10.13 – ~~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 recommend the compensation and salary of the Mayor and each council member. The Commission shall have the power and responsibility to recommend to the City Council setting the salary and salary increase for the City of Tacoma Mayor and City of Tacoma Council Members.

The Salary Commission shall consist of 7 members appointed as follows:

Five (5) of the seven (7) commission members shall be selected by lot by the Pierce 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 (1) 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.

The remaining two (2) of the seven (7) commission members must be residents of City of Tacoma and shall be appointed by the Mayor and confirmed by the

Ratification Sheet – Amendment XX

Landmarks Preservations Commission

Section 10.15. 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 for terms of 3 years each. One member shall be appointed by the City Council for each of the council districts. The Council shall appoint the two remaining positions individuals from the following: Historic preservation, the environmental community, architecture or urban design. The Commission shall be authorized to adopt rule for the transaction of Commission business not inconsistent with this charter or ordinance of the City of Tacoma or the Open Records or Open Meeting Acts. Said Landmarks Preservation Commission shall serve without pay.

The Public Utility Board

Section 10.16 There shall be, as prescribed in this charter, a Public Utility Board.

Neighborhood Councils

Section 10.17. In order to foster communication and to promote citizen-based neighborhood involvement, there shall be nNeighborhood councils and one (1) Community Council. The neighborhood councils and Community Council shall act as advisors to the City Council, Mayor, and City Manager. The City Council shall determine the boundaries of the neighborhood councils with the intention of recognizing neighborhood groups, and shall set those boundaries by resolution. A neighborhood council may propose boundary adjustments for consideration by the City Council so long as there is agreement by any impacted neighborhood councils prior to request for consideration by the City Council. The Community Council shall be composed of one member from each neighborhood council with such powers, duties, and tenure as are provided by ordinance. Neighborhood councils and the Community Council shall have the power to make bylaws and rules for the conduct of their business not inconsistent with this Charter or ordinances of the City of Tacoma or the Public Records Act and Open Public Meetings Act. Said neighborhood councils and Community Council members shall serve without pay.

Ratified: _____ **Not Ratified:** _____ **Ratified with changes:** _____

	Yes	No		Yes	No		Yes	No
Theresa Baker			Charles Horne			Kenneth Miller		
Gary Brackett			Justin Leighton			Patricia Talton		
Mabel Edmonds			Mark Martinez			Catherine Ushka		
Tim Farrell			Jim Merritt			Justin Van Dyk		
Eric Hahn			John Messina			Bill Baarsma		

Special Reports

Minority Reports

Form of Government . . . . . Committee Member Dr. Charles Horne

Minority Report #1 . . . . . Committee Member Terri Baker and Vice-Chair Catherine Ushka

Minority Report #2 . . . . . Committee Member Pat Talton and Committee Member Mabel Edmonds

Recommendations

Recommendation #1 . . . . . Committee Member Terri Baker

FORM OF GOVERNMENT
-Minority Report-

CITY OF TACOMA

DR. C.A. HORNE
(April 14 2014 as revised)

Once again, it is with great civic pride to have the opportunity to participate in a very worthy but arduous cause of reviewing the existing City Charter(with much research and documentation) and making recommendations to enhance our Form of Government in that it will represent the legitimate interest of the citizens of Tacoma.

In 2004 I served with passion with no preconceived notion of as to the most appropriate and effective Form of Government. This time around I am a bit more educated about the City Culture and the challenges it will face during the 21st century.

Once again, my approach was to look at the City Structure, its vision, philosophy, related actions past and present from an expanded perspective, geographic, demographic, systematic and organizational with consideration given to the various layers of government. In doing so I came away with a different but more comprehensive perspective of the structure that would afford more efficiency and effectiveness in maximizing cooperation, collaboration and coalescence among and between Departments, Department Heads and processes.

I still conclude that organizationally, the City would be better served when more distinct lines of communications and engagement is in place. Followed by clear and concise roles, duties and responsibilities of each branch of Government. The uniqueness of the City of Tacoma suggest two Branches...(Legislative and Administration with the Mayor of the serving as a Quasi-Executive)

Given this approach, full and pointed accountability, integrity and efficiencies and economies of scale can be better utilized to benefit the citizens of this great City.

I would like to commend my Commissioner Colleagues for the dedicated and diligent work the performed almost tirelessly and on may occasions burning the mid night oil to represent their passion and approach to a better system.

After careful consideration of the discussions we have had especially about the various Forms of Government-I would like to offer the following observations which may prove to be worthy of consideration:

I believe a more effective proposal would be the internal tweaking of our existing Council-Manager form (as opposed to the Strong Mayor/Strong City Manager and the Mayor/Council/Administrator-CAO) of Government with the Mayor being an integral position within (of) the Elected Council of 7. (6 Districts Council Positions and the Mayor).

The Mayor and the Council would continue to serve as the governing, legislative and policy making body-enacting ordinances and resolutions; providing final approval and adoption of the city budget with line item veto power; Establishing and approving Tax Rates; Appointing (as is the existing case)and evaluating the annual performance of the City Manager), Appointing the City Attorney (beholding to the full council but represents the entire City Departments), Appointing the City Clerk, as well as the appointment to other Boards and Commissions; Representing the City at Official Functions unless a designee is presented. (Thus supporting a Two Branch system, Legislative and Administrative)

The Mayor would be given the power of veto in all matters which must be confirmed and passed by the City Council; the mayor must then exercise his/her veto within (10) days of passage of a measure, otherwise the measure becomes effective without his/her signature; the Council shall have thirty (30) days from the date of veto to override it by two-thirds (2/3) majority.

The Mayor would be elected at large. Council representations would be reduced to 6 Districts and elected by the people of respective districts.(At-Large Council Positions would go away) Redistricting would be placed in the hands of the Redistricting Commission. The Mayor and the Coucil would develop and implement a viable "Succession Plan".

The Mayor would establish liaison between the City Manager (Chief Operating Officer) and the Council, fostering a sense of cohesion among Council members and educating the public about the needs and prospect of the City.

The administrative and operational activities of the city are directed by the City Manager and carried out by a professional Staff.

All legislation powers of the City of shall be vested in a council consisting of a Mayor and Six (6) Council-members, who shall be elected and who shall hold office for a term of two (2) years or until the succeeding Council takes office.

Council-members holding office at the time this amendment becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Council takes office.

The Mayor and Council-members shall be registered voters and shall have resided in the City for at least one (1) year immediately preceding their election.

A procedure for establishing the annual compensation of the Mayor and each of the Council-members shall be established by ordinance; provided, however, that the compensation specified at the time any member of the Council takes office shall not be changed during the period for which that member of the Council was elected.

The Council shall meet at some convenient public place in said City as often as may be necessary to discharge the duties of its office, not less, however, than once in every month. After its election, the newly elected Mayor and Council shall meet prior to December 1.

All meetings, together with the agenda therefore, must be given reasonable public notice. (Existing) The Council shall be the judge of the election and qualification of its members.

The Mayor shall preside at all meetings of the Council and may take part in all discussions and shall participate, when present, in all votes of the Council.

In the event of the absence of the Mayor at any meeting, the members of the Council shall elect one (as Deputy) (1) of their own members to preside during such absence, who shall, for the time being, be clothed with all the powers and authority of said Mayor.

A majority of the members of the Council shall constitute a quorum for the transaction of business, and the Council shall pass rules and by-laws for its own government while in session. .

The Council shall determine its own order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or at any other time if required by any one (1) member. The journal shall be open to public inspection. No final action may be taken on any question, resolution, or ordinance except at open session.

No ordinance shall be passed at the meeting at which it is introduced. If, at the meeting at which an ordinance is introduced, two (2) or more members

of the Council so request, a public hearing shall be required as herein provided prior to action thereon.

Public hearings on ordinances shall be held by the Council, when required, only after first having given public notice in a newspaper of general circulation in the City , once a week for two (2) successive weeks, the last such notice to appear at least ten (10) days prior to the public hearing.

Such public notice shall generally summarize the contents of the proposed ordinance, and shall specify the time and place of the public hearing to be held thereon. Such public hearing shall be conducted by the Council, when required, under such procedures as it shall, in its discretion, establish.

After the ordinance is introduced, it shall lay over for at least one (1) week, after which it may be brought up for discussion, amendment, or final action, except in the case of an ordinance for which a public hearing is required, in which case it may not be brought up until after the required public hearing.

The published agenda for the meeting at which final action takes place on any ordinance shall contain the descriptive title of the ordinance, and such description titles shall be published and permanently filed by the City Clerk and shall be kept available for public inspection.

The provision that an ordinance may not be passed at the meeting at which it was introduced and the provision for inclusion of the descriptive title of the ordinance on the published agenda for the meeting of the Council may be suspended by the affirmative vote of (6) members of the Council. All ordinances passed by the Council shall become effective immediately unless otherwise specified.

There shall be a City Manager who shall be head of the administrative branch of the City government. The City Manager shall be appointed by the Council solely on the basis of professional executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office, and shall serve at such compensation as the Council may determine. The City Manager need not be a resident of the City or State prior to appointment to the office, but shall reside within the City while serving in the office.

The City Manager may be removed by the Council by a majority vote of all its members.

The City Manager shall be responsible to the Mayor and Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, shall have power and shall be required to:

Appoint and, when necessary for the good of the service, suspend or remove all officers and employees of the City except as otherwise provided by this Charter and except as the City Manager may authorize the head of a department or office to appoint, suspend or remove subordinates in such department or office;

Prepare the budget annually and submit it to the Council and be responsible for its administration after adoption;

Perform such other duties as may be prescribed by ordinance, or required of such office by the Mayor and Council, not inconsistent with this Charter.

During any temporary absence or disability, the City Manager may designate by letter filed with the City Clerk a qualified administrative officer of the City to perform the duties of the office. In the event of failure of the City Manager to make such designation, the Council may by resolution appoint an officer of the City to perform the duties of the office until the return or cessation of disability of the City Manager.

RATIONALE FOR CHANGE:

This form of government affords the Council/Mayor and opportunity to work in unity with a positive degree of harmony.; and further gives the legislative body a degree of Checks in balance making it clear to the public (Citizens) who is in charge of the City. The Council/Mayor will then have oversight of all City Services on a full time basis (Time & Compensation), giving them more definitive roles and fiduciary responsibilities.

Contrary to popular belief, this form of government actually strengthens the relationship between the Mayor, Council and the City Manager as it will mitigate the perception that the City Manager is the King Pin, without regard to political persuasion.

RATIONALE AGAINST

Budgetary/Fiscal Impact (Unknown)

Opposition to structural Change

HUMAN RESOURCE DEPARTMENT

Article VI

The City Charter should be revised to be consistent with the establishment of the Human Resource Department and delete references to the Personnel Department and Personnel Officer.

The Director of Human Resources is hereby appointed by the City Manager (Existing) and duties and responsibilities are enhanced to include conducting human resource related research;

- **Compilation of data on prevailing compensation and benefit structures; Administers city's performance management processes;**
- **Assess employee training and individual development plans;**
- **Administer the initiation and completion of a compensation and classification study.**
- **leads the planning and execution of employee recruitment, retention and performance evaluation; Prepares and monitors the Departmental Budget.**
- **Negotiates contracts and organized employee groups. Prepares and oversee collective bargaining agreements;**
- **Administers employee health and wellness benefits program;**
- **Overseas the city's risk management and loss control program;**
- **Administers the city's internal and external discrimination complaint process, adhering strict application to Title 6 & 7, of the Civil Rights act of 1964 as amended.**

TPU

Minimal involvement except for an annual Fiscal & Performance Audit to enhance accountability and reduce nepotism/hiring favoritism among and between Utility Board Members and Executive Staff; be more engaged with the community, hearing their concerns at every level.

Thank you for the opportunity to Serve.

Minority Report

Written by Theresa S Baker and Catherine Ushka

The Charter Review Committee (CRC) members signing this report do not support changing the current Form of Government (FOG) for the City of Tacoma. We dissent from the recommendations of the majority for the reasons cited below.

RECOMMENDATIONS FOR KEEPING COUNCIL/MANAGER:

In the first weeks we listened to testimony from a wide variety of individuals. The overwhelming majority said the same thing: The form of government doesn't matter; it's the people you elect. The speaker who was most on point was former State Representative and former Mayor of Federal Way, Skip Priest. He was appointed Mayor under the council-manager system and elected as Mayor when they changed to the mayor/council system. He was against the change but returned to run for Mayor when those against the change asked him to. He testified the change happened as a result of a single negative incident in the past (much like Brame), was pushed through by a single individual, and was implemented following a close vote 51% to 49%. He felt there were few if any advantages to the mayor/council system and the only real change was more power and involvement of the unions. When Chair Baarsma (again) explained his many problems with the city manager, Mayor Priest said we "need leadership on the Council to insure roles are clear on city manager. If the Council is not engaged it doesn't matter what form the government is."

The Tacoma City Club report is available on the CRC website and we recommend everyone on the Council read or reread it. The report is the result of a joint effort of the City Club of Tacoma and The Tacoma-Pierce County Municipal League. It states our current Council "often functions more as reviewers rather than initiators of policies and programs." That these elected officials should "assert a stronger leadership role and take a more active part in directing city affairs." "Any deficiencies in the operation of the present system could be remedied within the government's existing council-manager structure." This study was completed in 2003. It recommended staff members for the council, having a contract for the City Manager and instituting a formal process to regularly review the city's charter.

The National Civic League Model City Charter has recommended the council-manager form of government since 1915. Their latest edition refined the Model but continues to recommend the council-manager form of government saying "the fundamental principal, that all powers of the city be vested in a popularly elected council which appoints a professional manager who is continuously responsible to and removable by the council, remains the same. In this document they spend 80 pages extolling its virtues, strengths and some shortcomings. At the end, in an Appendix, it gives options for Mayor/Council /CAO if cities choose to disregard their recommendations. The Majority Report uses this appendix to say the NCL supports the Mayor/Council/CAO form of government. This is misleading at best. The NCL Model City charter is available at www.ncl.org. We acknowledge it is a tedious document to read through.

According to the International City/County Management Association (ICMA) "Under the council-manager form of government, involvement of the entire elected body ensures a more balanced approach to community decision making, so that all interests can be expressed and heard—not just those that are well funded." Otherwise," it's easier for special interests to use money and political power to influence a single elected official, rather than having to secure a majority of the city council's support for their agenda."

ICMA further states: "The mayor-manager conundrum allegedly taking place among larger US cities, which according to Alan Erenhalt (Governing, Oct 2005) pits strong political leadership against managerial leadership and effectiveness, is not and should not be an either/or proposition. For a community to be successful, you need strong political leadership, strong policy development, a relentless focus on execution and results, a commitment to transparent and ethical government, and a strategy for representing and engaging every segment of the community."

After weeks of testimony, sub-committees gave in-depth study to the pile of issues (and excuses) put before us. Particular attention was given to those raised by Chair Baarsma whose issues with his city manager are well document. After careful study we concluded that the issues and problems cited were the result of a council that have the will to act, the role of the city manager was not enforced or challenged, and everything that was put on the table as a problem could have been handled within the current charter if the council had been willing to exert leadership and take charge.

We believe we have strengthened the role of the City Council with the proposed amendments not relating to FOG. We have addressed all of the issues brought before us as weaknesses and, more importantly, have taken away all of the excuses.

WE cannot make a strong Council. There are no words we can put into this document to make a strong Council if we elect a Council not willing to take charge, not willing to hold the City Manager in check, not willing to challenge the TPU, not willing to "spread their vision throughout the city." Only the voters can do that.

RECOMMENDATIONS AGAINST CHANGING TO MAYOR/COUNCIL/CAO:

The Chair of the FOG sub-committee stated "We don't think the current system is broken." The Fog sub-committee proposed a Mayor/Council/CAO system because it "would be more robust, able to spread the vision throughout the city, there is a need for political clout, vision and passion to guide this city." All of these are personal attributes and as former Mayor Skip Priest of Federal Way said "There's no guarantee you will get the type of person you are looking to elect."

The Fog sub-committee began with setting criteria for change. These were: diversity, organizational clarity, balance of power, strategic/visionary capacity, political responsiveness/accountability, fiscal responsibility, geopolitics, power of the people, business climate, corruption and population. They found there was no difference between cities and their form of government and diversity, fiscal responsibility, geopolitics, corruption or population. This lack of empirical data left the majority relying on rhetoric and anecdotes to support their conclusion that a change in the FOG is required.

The vote for a change in FOG by the majority was no surprise after Chair Baarsma continued endlessly about his problems with his City Manager and gave reason after reason why the Council did not act.

The majority of the scheduled testimony was from elected or appointed officials versus testimony from all echelons of our community i.e., community activists, neighborhood council members, students, voters without a conflict or political interest, or business leaders. This glaring omission assumes that only elected or appointed officials benefit from the framework of the charter which is simply not true. When we finally received input from these groups via town meetings it was quickly marginalized by several committee members.

The Chair of the FOG sub-committee stated "If his job was on the line, (referring to the City Manager) he would have packed that city hall with people speaking against the change in FOG." This complete lack of

understanding of the role of the City Manager begs the question of how the sub-committee can recommend such a change when they don't understand what the City Manager does.

No costs have been identified with the cost of changing the FOG even though this was one of the agreed upon criteria. It is our opinion that this change will result in a massive turmoil for Tacoma between now and implementation in 2017 and beyond. We are concerned there is a possibility of our bond rating dropping during this disruption potentially costing Tacoma millions. It is our position that unless and until costs are estimated for the FOG transition proposed by the majority, that no action be taken by the City Council.

The Tacoma City Club report recommended changes to the charter which would achieve the ends envisioned by the majority of the CRC without changing the basic structure of the current FOG. The ICMA states "Under the strong mayor form, political power is concentrated in the mayor, which means that other members of the elected body relinquish at least some of their policy-making power and influence. This loss of decision-making power among council members can have a chilling effect on the voices of neighborhoods and city residents." We believe it is absolutely crucial to the political health of the city that all neighborhoods and city residents have a strong voice in both the day to day operations of the city and the plans for the future.

Minority Report (M.E., P.T.)

Everyone wants strong political leadership. The call beckons from burgeoning neighborhoods, civic and business leaders, K-12 and higher education students, and clergy alike. Tacoma cannot overcome its fiscal challenges nor become the City of Destiny without the guidance of a strong Mayor who provides vision and a dedicated City Council with the authority to make just policies. A City Manager has the professional experience and implements best practices that ensure the greatest return on those just policies. Tacoma already has that. This Minority Report offers additional considerations from a minority voice perspective in favor of the current form of government that we urge you to maintain. While this particular report is crafted in partnership by Mabel Edmonds and Patricia Talton, our request is that you consider these key points alongside any additional minority reports that may be submitted by other Charter Review Committee members. Below are key points that we offer the Tacoma City Council.

1. **The current Council-Manager form of government is forward thinking.** Council-Manager government is the fastest growing form of government in the United States according to the International City/County Management Association. During the Progressive Movement, this form of government was designed to mitigate the "political machine" that permeated local politics during a much different era in American history. The Council-Manager form of government encourages neighborhood input into political processes, diffuses the power of special interests, and eliminates partisan politics from municipal hiring and contracting decisions. This form combines strong political leadership in the form of a Council with strong managerial experience in an appointed local manager. Despite the removal of the last City Manager, Tacoma has been a better managed city with less political corruption under the Council-Manager form of government.

2. According to the Final Report from the City of Tacoma's Fiscal Sustainability Task Force, since 2008 the City of Tacoma has had to implement a series of cost savings measures in response to the Great Recession. Six years later, Tacoma city government continues to grapple with revenue shortfalls and its ramifications, such as the *structural deficit*. Proposed and implemented measures have included reductions in the level of city-based services, draw downs on city reserves, deferral of maintenance and increased taxes. The final report projects that the deficit will continue to increase; a $26 million gap in 2014-2015 and $38 million gap in 2016-2017. With the state-imposed mandate of balancing the city budget looming ahead, **the new form of government (Mayor-Council-CAO) as outlined in the majority report has significant financial implications** and flies in the face of the recommendations of the Fiscal Sustainability Task Force. This new or hybrid form's fundamental premise is more city staff, whether appointed, elected or hired. Additionally the majority report and proposed new form of government includes recommendations such as reducing the number of at-large Council

members which would decrease the opportunity for Tacoma's voters to elect a majority of Council members. The assumption is that reducing the number of Council members would result in a financial savings that would make the Mayor-Council-CAO form financially feasible. This suggestion is completely shortsighted because it does not consider all or the hidden costs associated with a new hire, contract, appointee or governmental process.

3. In the proposed new form of government offered in the majority report, Article II references the removal of the Mayor, a strong Mayor despite the rhetoric to the contrary (reference the mayor hires/fires the CAO, appoints department heads, appoints commissioners/committee members, etc.). In this section, it is proposed that the Mayor be impeached through legal proceedings. **Currently, the City Council has the authority to dismiss an appointed City Manager without significant legal expenses.** This additional authority is unnecessary and costly. Today the Tacoma City Council has the authority to hire and fire its chief administrative officer which just happens to be titled City Manager. The Tacoma City Council can also do this without an unplanned (City Manager severances are planned/pre-calculated costs) and significant expenses to an overburdened budget.

Please consider these thoughtful and just points as you assess the best form of government for Tacoma over the next ten years. Thank you.

Mabel Edmonds

Patricia Talton

Recommendation #1

The CRC received testimony and citizen input regarding three human relations issues that would be better addressed through either ordinance or the Civil Service Board. We did not feel they should be in the charter.

-For those residing in the city at the time of application, consider adding a 5 percent point bonus to their test score.

-Consider adopting a professional certification bonus for architects, engineers, etc., on top of the civil service pay scale to make it easier to attract these professions.

-Consider making a $15 per hour minimum wage throughout the city. Other options included making this amount the current living wage or making it only for those employed or contracted by the City of Tacoma.

Deletion of Article X in its Entirety Proposed for Ratification

~~**Article X**~~

~~**Succession in Government**~~

~~**Continuance of Ordinances and Vested Rights**~~

~~**Section 10.1 –** All ordinances and resolutions in force at the time this charter shall go into effect, and not inconsistent therewith, shall remain in force until amended or repealed or until they expire by limitation. All rights and obligations in favor of or against the city existing at the time this charter shall go into effect, shall continue without modification. All street and other improvements, all vacations of public streets, alleys, or places, all assessments for improvements, all suits and actions in court, all fines and forfeitures, and all other matters, relating to the city that have been begun and not completed, shall be completed according to the charter, ordinances, and laws existing prior to the time this charter shall go into effect. All taxes and assessments levied and remaining unpaid when this charter shall go into effect, shall be collected as provided by the charter existing and in effect at the time the same were levied.~~

~~**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 under this charter, the newly elected members of the Council shall meet at 7:30 o'clock p.m. in the council chamber 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.~~

~~**Transfer of Records, Property, and Funds**~~

~~**Section 10.5 –** All records, property, and equipment of any department or office, the functions of which are assigned to any other departments or offices, shall be transferred and delivered to the departments or offices to which such functions are so assigned. All moneys possessed by and revenues accruing to the city, subsequent to the time this charter shall go into effect, shall continue to be accounted for in, and to be disbursed from, the various funds existing at the time this charter shall go into effect, until such time or times as, in the course of administration and reorganization, new funds shall be created by budget or otherwise established. When such new funds are established, the balances in funds replaced or discontinued shall be credited by transfer or apportionment to the new funds to which such balances shall be assigned.~~

~~**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.~~

Proposed Modifications:

Article X

Succession in Government

Continuance of Ordinances and Vested Rights

Section 10.1 – All ordinances and resolutions in force at the time this charter shall go into effect, and not inconsistent therewith, shall remain in force until amended or repealed or until they expire by limitation. All rights and obligations in favor of or against the city existing at the

time this charter shall go into effect, shall continue without modification. All street and other improvements, all vacations of public streets, alleys, or places, all assessments for improvements, all suits and actions in court, all fines and forfeitures, and all other matters, relating to the city that have been begun and not completed, shall be completed according to the charter, ordinances, and laws existing prior to the time this charter shall go into effect. All taxes and assessments levied and remaining unpaid when this charter shall go into effect, shall be collected as provided by the charter existing and in effect at the time the same were levied.

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~~ confirmed 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 under this charter, the newly elected members of the Council shall meet at 7:30 o'clock p.m. in the council chamber 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.~~

Transfer of Records, Property, and Funds

Section 10.5 – All records, property, and equipment of any department or office, the functions of which are assigned to any other departments or offices, shall be transferred and delivered to the departments or offices to which such functions are so assigned. All moneys possessed by and revenues accruing to the city, subsequent to the time this charter shall go into effect, shall continue to be accounted for in, and to be disbursed from, the various funds existing at the time this charter shall go into effect, until such time or times as, in the course of administration and reorganization, new funds shall be created by budget or otherwise established. When such new funds are established, the balances in funds replaced or discontinued shall be credited by transfer or apportionment to the new funds to which such balances shall be assigned.

~~**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.~~

Section 6.19 Financial Disclosure as Proposed for Ratification

Formatted: Font: 12 pt

Section 6.19 – Appointed members of citizen boards, commissions, committees, and City of Tacoma employees given the delegation of authority to sign or approve contracts must annually file a personal financial affairs statement with the Public Disclosure Commission and with the City Clerk. This information will be made available on the City's website.

Formatted: Tab stops: 1.68", Left

Proposed Modifications:

Formatted: Font: +Body (Calibri)

Formatted: Centered

All City officers or employees who have the authority to approve contracts in an amount of $50,000 or greater as well as appointed members of citizen boards, commissions or committees who have authority to approve contracts or budgets must, annually, file with the City Clerk a Public Disclosure Commission F-1 Personal Financial Affairs Statement, which shall be made available on the City website.

Section 2.26 Neighborhood Councils as Proposed for Ratification

Section 2.26 – In order to foster communication and to promote citizen-based neighborhood involvement, there shall be neighborhood councils and one (1) Community Council. The neighborhood councils and Community Council shall act as advisors to the City Council, Mayor, and City Manager. The City Council shall determine the boundaries of the neighborhood councils with the intention of recognizing neighborhood groups, and shall set those boundaries by resolution. A neighborhood council may propose boundary adjustments for consideration by the City Council so long as there is agreement by any impacted neighborhood councils prior to request for consideration by the City Council. The Community Council shall be composed of one member from each neighborhood council with such powers, duties, and tenure as are provided by ordinance. Neighborhood councils and the Community Council shall have the power to make bylaws and rules for the conduct of their business not inconsistent with this Charter or ordinances of the City of Tacoma or the Public Records Act and Open Public Meetings Act. Said Neighborhood Councils and Community Council members shall serve without pay.

Proposed Modifications:

Section 2.26 – In order to foster communication and to promote citizen-based neighborhood involvement, there shall be independent neighborhood councils and ~~one (1)~~ a Community Council. The neighborhood councils and Community Council shall act as ~~advisors~~ advisory entities to the City Council, Mayor, and City Manager. The City Council shall determine the boundaries of the neighborhood councils with the intention of recognizing neighborhood groups, and shall set those boundaries by resolution. A neighborhood council may propose boundary adjustments for consideration by the City Council so long as there is agreement by any impacted neighborhood councils prior to request for consideration by the City Council. The Community Council shall be composed of ~~one~~ member from each neighborhood council. ~~with such powers, duties, and tenure as are provided by ordinance.~~ Neighborhood councils and the Community Council shall have the power to make bylaws and rules for the conduct of their business. ~~not inconsistent with this Charter or ordinances of the City of Tacoma or the Public Records Act and Open Public Meetings Act. Said Neighborhood Councils and Community Council members shall serve without pay.~~

Comment [JL1]: Delete this in the FOG charter.

Section 6.6 Pecuniary Interest Prohibited Contracts as Proposed for Ratification

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 nature of the contract with City is for the furnishing or 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. 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. (Amendments approved by vote of the people November 2, 2004.)

Proposed Modifications:

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 nature of~~ the contract with City is for the furnishing or 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. (Amendments approved by vote of the people November 2, 2004.)

Formatted: Font: 12 pt
Formatted: Font: 12 pt
Formatted: Tab stops: 1.68", Left
Formatted: Font: +Body (Calibri)
Formatted: Centered
Formatted: Font: +Body (Calibri)

Section 2.3 Salary Commission as Proposed for Ratification

Section 2.3 – A Citizen Commission on Elected Salaries will recommend the compensation and salary of the Mayor and each council member. The Commission shall have the power and responsibility to recommend to the City Council setting the salary and salary increase for the City of Tacoma Mayor and City of Tacoma Council Members.

The Salary Commission shall consist of 7 members appointed as follows:

1. Five (5) of the seven (7) commission members shall be selected by lot by the Pierce 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 (1) 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.

The remaining two (2) of the seven (7) commission members must be residents of 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.

2. 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.

a. The Terms of the Commission shall be as follows:

i. The terms of office for the members shall be three (3) years, except initial appointment to the Commissions shall be for the following terms:

ii. For the members selected by lot by the Auditor, two (2) shall be appointed to serve a one (1) year term, two (2) shall be appointed to a two (2) year term and the remaining member shall be appointed to serve a three (3)-year term.

iii. For the members selected by Mayor and confirmed by council one (1) shall serve a one (1) year term and one (1) shall serve a three-year term.

b. 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. Recommendations for any change in the salaries of these elected officials shall be filed with the Clerk of the City of Tacoma and transmitted to the Council for Approval no later than September 1 of the calendar year.

Proposed Modifications:

Section 2.3 – Consistent with the authority granted in RCW 35.21.015 and as may be hereinafter amended, ~~A~~a Citizen Commission on Elected Salaries will ~~recommend~~ determine the compensation and salary of the Mayor and each council member. The Commission shall have the power and responsibility to ~~recommend~~ direct~~to~~ the City Council to set~~ting~~ the salary and salary increase for the City of Tacoma Mayor and City of Tacoma Council Members at the amount determined by the Commission.

The Salary Commission shall consist of 7 members appointed as follows:

3. Five (5) of the seven (7) commission members shall be selected by lot by the Pierce 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 (1) 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.

The remaining two (2) of the seven (7) commission members must be residents of 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.

4. 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.

a. The Terms of the Commission shall be as follows:

iv. The terms of office for the members shall be three (3) years, except initial appointment to the Commissions shall be for the following terms:

v. For the members selected by lot by the Auditor, two (2) shall be appointed to serve a one (1) year term, two (2) shall be appointed to a two (2) year term and the remaining member shall be appointed to serve a three (3)-year term.

vi. For the members selected by Mayor and confirmed by council one (1) shall serve a one (1) year term and one (1) shall serve a three-year term.

b. 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. ~~Recommendations~~ Determinations for any change in the salaries of these elected officials shall be filed with the Clerk of the City of Tacoma and transmitted to the Council for ~~Approval~~ adoption no later than September 1 of the calendar year.

Section 4.8 Utility Board Terms as Proposed for Ratification

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Section 4.8 – There is hereby created a Public Utility Board to be composed of five members, appointed by the Mayor and confirmed by the City Council, for three-year terms; provided, that in the appointment of the first Board, on the first day of the month next following the taking of office by the first Council under this charter, one member shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and at the expiration of each of the terms so provided for, a successor shall be appointed for a term of three years. Vacancies shall be filled for the unexpired term in the same manner as provided for regular appointments. Members may serve no more than three consecutive terms.

Formatted: Tab stops: 1.68", Left

Proposed Modifications:

Formatted: Font: +Body (Calibri)

Formatted: Centered

Section 4.8 – There is hereby created a Public Utility Board to be composed of five members, appointed by the Mayor and confirmed by the City Council, for three-year terms; provided, that in the appointment of the first Board, on the first day of the month next following the taking of office by the first Council under this charter, one member shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and at the expiration of each of the terms so provided for, a successor shall be appointed for a term of three years. Vacancies shall be filled for the unexpired term in the same manner as provided for regular appointments. Members may serve no more than three consecutive terms. The term expiring in 2014 will be held over until the election cycle concludes, and that term and the term expiring in 2015 will be extended for one year to a 6 year term and then the holder of those positions will be given an additional three year term. The term ending in 2016 will be extended for one year and then the holder of that position will be given an additional three year term. The term ending in 2017 will be extended for one year and then the holder of that position will be given an additional three year term. The term ending in 2018 will be extended for one year and then the holder of that position will be given an additional three year term.

Formatted: Font: +Body (Calibri)

Section 4.12 Utility Budget as Proposed for Ratification

Section 4.12 – The Board shall submit a budget to the Council for approval in the manner prescribed by state law. The Council may adopt, change, alter, amend, add to or reject the budget and return it to the Board until agreement can be reached. Agreement must be reached within forty-five days of the first submission.

Proposed Modification

Section 4.12 – The Board shall submit a budget to the Council for approval in the manner prescribed by state law. The Council may adopt, change, alter, amend, add to or reject the budget and return it to the Board until agreement can be reached. Agreement must be reached within forty-five days of the first submission. If agreement cannot be reached by the stated deadline the City Council may adopt the budget as provided by state law.