City of Tacoma Charter Review

May 6
2014

Report to
City Council

Contents

LETTER OF TRANSMITTAL **2**

COMMITTEE MEMBERS **6**

MAJORITY REPORT **8**

EXECUTIVE SUMMARY **12**

TABLE OF RECOMMENDED CHANGES, NOTING FISCAL IMPACTS **13**

THE CHARTER REVIEW PROCESS **15**

RATIONALE FOR CHANGE: TACOMA PUBLIC UTILITIES **16**

RATIONALE FOR CHANGE: FORM OF GOVERNMENT **18**

ALTERNATE REPORT **22**

MINORITY REPORTS **24**

Minority Report by Mabel Edmonds and Patricia Talton 26
Minority Report by Theresa S Baker 28
Minority Report by Gary Brackett, Tim Farrell, and Ken Miller 31
Minority Report by Dr. C.A. HORNE 33

RECOMMENDATIONS **40**

Explanatory Note for Recommendations 41
Recommendation #1 42
Rebuttal to Recommendation #1 By Gary D. Brackett, Committee member 42
Recommendation #2 43
Recommendation #3 51
Recommendation #4 52

ADDENDUMS **53**

Letter of Transmittal

May 6, 2014

The Honorable Mayor Strickland and Members of the Tacoma City Council
747 Market Street, Room 1200
Tacoma, WA 98402

Dear Mayor Strickland and Members of the City Council:

The Charter Review Committee (CRC) was formed by Resolution No. 38773 in November 2013, to review the City Charter as mandated every ten years by Section 2.25. The 15 members were appointed in December 2013 and began work in January 2014. Enclosed is the Final Report and Recommendations of the CRC. Included in this document are a number of minority reports and a report summarizing the majority recommendation of the CRC. A brief description of the Committee's work follows.

Early in the process, the CRC heard from numerous elected officials, including Mayor Strickland, former elected officials, current and former board members, the City Manager, City legal and administrative staff, the Utility Director, former mayors from Spokane and Federal Way, the County Auditor and her staff and an adjunct professor in public administration specializing in local governance. Students from the University of Puget Sound provided research assistance. Citizens also testified and offered suggestions and recommendations.

In mid-February, Mayor Strickland joined with former Tacoma mayors to offer direction and advice. The Mayor made it very clear she was not going to advocate hard for any one position and would wait until the final Committee recommendations were presented to the full City Council. But she did cite two major issues that the Committee needed to address: The question of the form of government and the relationship between Tacoma Public Utilities (TPU) and General Government. Mayor Strickland declared that she was not taking a position on the form of government but that the issue was: "worthy of examination… deep study and a thorough look at pros and cons" of the current Council-Manager system, as well as other options. Many presenters echoed the Mayor's concerns and offered suggestions ranging from granting more power to the City Council in the Council-Manager system to framing a strong Mayor-Council alternative.

Tacoma Public Utilities was also discussed at length not only by Mayor Strickland, but by the former mayors and current and former Utility Board members as well. The issues of accountability, tension between General Government and TPU, rate setting, the budgetary process, the size and role of the Board and service delivery were brought to the attention of the Committee. A public hearing was then held to gather feedback and thoughts from citizens on all aspects of the Charter.

After an extensive period of presentations before the full Committee, subcommittees were formed through general agreement. Those subcommittees were as follows: Agenda, Form of Government (FOG), Legislative Branch, Administrative Branch, Tacoma Public Utilities, and Human Resources. There was also a Drafting Subcommittee established as the process moved forward.

Recommendations from the FOG Subcommittee triggered the evaluation of two tracks of study and evaluation by the Legislative and Administrative Subcommittees. One track was to focus on amendments and changes to the current Council-Manager system while the second was to consider a model Mayor-Council-Chief Administrative Officer (CAO) alternative as proposed by the FOG. A Drafting Subcommittee was then formed to frame a Mayor-Council-CAO alternative.

The work of the FOG Subcommittee follows the "best practices" concept of a Mayor-Council-CAO system, as defined and recommended by the National Civic League (NCL) as an alternative to their preferred Council-Manager model. (Note attachment: Eighth Edition: Model City Charter of the National Civic League; Appendix: options for Mayor-Council Cities, pp. 80-87).

The FOG majority recommendation parallels "Option 1: Mayor-Council-CAO Government" as defined by the National Civic League on pages 84-85 of the attachment. The NCL report notes: "Mayor-Council-CAO Government is not a weak mayor structure but rather one in which the Mayor and Council share authority …this option is not a strong mayor structure…" (pg. 85)

After a second public hearing, a telephone town hall, and extensive discussion and debate, the full Committee approved, as a majority recommendation, a Mayor-Council-CAO model charter to the City Council on a vote of 9 to 5.

The second track included a number of changes and modifications to the current system. The most notable changes include granting the Council the authority to hire independent staff, authorizing Council confirmation of the Manager's appointment of department heads, and giving the Council the right to appoint the City Attorney and reaffirm that appointment every two years. These proposed changes were passed as an alternate to the majority recommendation as noted above. They, too, are included in this report.

There are numerous recommendations that do not relate to the form of government and are forwarded to the City Council mostly by consensus or a two-thirds affirmative vote. One such proposal would allow City employees to take part in homeowner conservation programs. There are also a number of housekeeping measures that bring the Charter in line with State laws or current practice.

Proposals related to TPU include changes in the terms of Utility Board members, confirmation by the Council of the appointment of the Utility Director, defining the relationship between the Council and Board on budgetary issues, a performance audit provision and a requirement for a periodic formal strategic review of all City utilities.

There are also proposals for creating a citizen's salary commission, the inclusion of the Landmarks Preservation Commission and Neighborhood Councils in the Charter, expansion of financial disclosure for certain employees and appointees, and implementation of gender-neutral language previously passed by the voters. An important change would allow emergency ordinances to go into effect on passage. The boards, commissions and the tools of direct democracy (initiative, referendum, and recall) are organized under a new article titled: "Powers and Responsibilities of the People."

Unlike past optional Charter Review Committees, this mandated, volunteer group of citizens took on the big issues, TPU accountability and the form of government. There were approximately 60 meetings held, all open to the public, from mid-January to the last week in April. The Committee worked on a very tight timeline and engaged in rigorous but respectful debate on a number of controversial issues and questions. The Committee members laud the work of staff, which joined in late evening and weekend sessions. We also appreciate the many ideas, suggestions, questions, and comments that came from the general public. The product of this work now comes before you for your consideration.

Respectfully,

Bill Baarsma
Chair of the Charter Review Committee

2014 TACOMA CHARTER REVIEW
A LOOK AT HOW YOUR CITY WORKS

Committee Members

Bill Baarsma, Chair

Catherine Ushka, Vice Chair

Justin Leighton, Secretary

Terri Baker

Gary Brackett

Mabel Edmonds

Tim Farrell

Eric Hahn

Dr. Charles Horne

Mark Martinez

Jim Merritt

John Messina

Ken Miller

Pat Talton

Justin Van Dyk

Majority Report

Explanatory Note for Majority Report

The Committee's Majority Report includes the amendments shown in the attached Mayor Council CAO Charter. As is more fully described in the Majority Recommendations that follow, those amendments include amendments to Articles II and III which create the proposed form of government referred to as Mayor Council CAO.

The attached form of Mayor Council CAO Charter was ratified by the Committee as its majority report on April 28, 2014 by a vote of 9-5.

For the Council's convenience two versions of the ratified Mayor Council CAO charter are provided -- one with changes tracked so that the drafting process is revealed, and the other in final form for ease of reading.

In addition to the substantive changes necessary to create the Mayor Council CAO form of government, the proposed Mayor Council CAO charter includes amendments that are recommended regardless of the form of government. Those amendments are largely mirrored in the alternate report of the CRC and are shown individually in the section of this report entitled Alternate Report.

The Committee recommends the comprehensive substitution of gender neutral terms throughout the charter, regardless of form of government. The gender neutral changes are captured on any recommended amendments shown in the Majority Report and in the Alternate Report. In the Alternate Report, the gender neutral changes made to date are highlighted; however, other changes throughout the unchanged portions of the existing charter will need to be made at a future date to show the comprehensive gender neutral language recommended by the CRC.

The Committee also recommends the creation of a new Article X, Powers and Responsibilities of the People which would contain existing and the recommended updates to provisions regarding the initiative and referendum process, as well as all chartered City Boards and Commissions, including the newly added Committee on Elected Salaries, Citizens Commission on Redistricting, the Landmarks Preservations Commission and the Neighborhood Councils. This new Article X is recommended in both the Majority Report and the Alternative Report.

City of Tacoma Charter Review Committee Majority Recommendations

May 6, 2014

Contents

EXECUTIVE SUMMARY **12**

TABLE OF RECOMMENDED CHANGES, NOTING FISCAL IMPACTS **13**

THE CHARTER REVIEW PROCESS **15**

RATIONALE FOR CHANGE: TACOMA PUBLIC UTILITIES **16**

RATIONALE FOR CHANGE: FORM OF GOVERNMENT **18**

Executive Summary[1]

In this report, a majority of the Charter Review Committee [CRC] recommends 1) a change in the form of Tacoma's government, 2) stronger links between General Government and Tacoma Public Utilities (TPU), 3) immediate enactment of Council decisions in emergencies, 4) the inclusion of the Landmarks Preservation Commission and Neighborhood Councils in the City Charter, 5) the opportunity for City employees to take part in homeowner conservation programs, 6) creation of a Salary Review Commission, 7) expansion of financial disclosure for employees and appointees, 8) implementation of gender-neutral language previously passed by the voters, and 9) a series of housekeeping items to ensure the Charter complies with controlling laws and accepted practices.

We greatly appreciate the contributions of current and former elected officials, representatives of civic organizations, and members of the public, who shared their views with the Committee. As you will see, many of our recommendations were triggered or shaped by this input.

The CRC wants to thank staff from General Government and TPU for their responsiveness, and in particular thank the following individuals for their collaboration, support and leadership in this process: Jeanne Harris, Charter Review Liaison, Deputy City Attorney Martha Lantz, April Larsen, Environmental Services, Marisa Tetrault, Public Works Department, students from the University of Puget Sound, and the staff from the City Clerk's Office: Nicole Emery, Jennifer Joyce, Linnea Meredith, and Wendy Fowler, and City Clerk Doris Sorum.

[1] Recommendations 2-9 were approved by the CRC to be included in the majority FOG recommendations, as well as the alternate.

Table of Recommended Changes, Noting Fiscal Impacts

This table highlights substantive changes; all changes, line by line, are attached.

Category	Topic	Proposed Change	Fiscal Impact?
Preamble		announces the new form of government	
City Council			
	composition	seven members, five from districts and two at-large	possible lower cost
	term limits	two consecutive terms on the Council and two consecutive terms as Mayor	
	Mayor-Pro Tem	Council selects each year	
	Council staff	Council may hire or retain staff, including legal, budgetary, and administrative	possible higher cost
	Investigatory powers	Council may investigate the conduct of any department, with subpoena and other powers	
	removal of the Mayor	Council may remove the Mayor under special circumstances	
	veto over-ride	Council may over-ride a Mayoral veto	
	appointments	Council approves Mayoral appointments, including department heads and City Attorney	
Executive Branch			
	Mayor	becomes top executive	possible higher cost
	Chief Administrative Officer	equivalent experience to city manager; reports to mayor	possible lower cost

Category	Topic	Proposed Change	Fiscal Impact?
Tacoma Public Utilities	veto	Mayor may veto Council action	
	Board terms	three-year terms, max of three terms	
	strategic review	required every ten years beginning 2015; for all utilities in TPU and General Government	possible higher cost
emergency measures	timing	effective immediately [rather than on publication]	
cemeteries	prohibition	removes prohibition	
financial disclosure	broader requirement	individuals with cumulative annual approval authority over $50,000; members of boards which authorize spending	higher cost
Landmarks Preservation Commission	inclusion		
Neighborhood Councils	inclusion		
Salary Commission	Establishes the Commission	for elected officials	higher cost

The Charter Review Process

Our process had three elements: public testimony; subcommittees; and the CRC acting as a whole.

Public Testimony

Public testimony was an essential element to our process. The CRC held three widely publicized public hearings, including a telephonic town hall with over 200 participants listening and asking questions. Almost 40 people commented at these three hearings.

At meetings the CRC and its subcommittees heard from more than 25 individuals, including members of the public, current and former elected and appointed officials, representatives of civic organizations, and scholars. Additionally, the CRC received written, electronic and recorded input from some 30 members of the public.

The CRC also had the good fortune to be the subject of several print and electronic articles, editorials and letters to the editor in *the Tacoma Weekly* and *The News Tribune*. This media coverage was given appropriate consideration.

Despite all this input, however, we had neither the mission nor the means to measure public opinion in any reliable way. These recommendations simply reflect the CRC majority's best judgment, independent as that may be. The task of aligning policy with public opinion lies with the City Council, which has the burden of deciding which topics, if any, are important enough to be forwarded on to the voters.

Sub-Committees

In January, the Chair invited volunteers for five subcommittees:

- Form of Government
- Administrative [Executive] Branch
- Legislative Branch
- Tacoma Public Utilities
- Human Resources

The Chair also created an Agenda Subcommittee to develop the work process.

The subcommittees used best management practices to develop their recommendations. More specifically, each sub-committee:

- analyzed public testimony to define issues for consideration
- identified criteria for decision-making
- benchmarked other municipalities
- created options

- assessed the options in light of the criteria
- and made recommendations to the CRC as a whole

The subcommittees, combined, met about 40 times; individual members and staff gathered data outside of meetings. All sub-committee meetings were noticed, open to the public, invited public comment, published agendas and minutes, and provided audio recordings.

The CRC as a Whole

Each subcommittee's recommendations were brought to the CRC in a standard format and discussed. Those recommendations approved by a majority of the CRC were then drafted, and the draft language approved. The City's legal staff then reviewed and in some cases questioned or modified the drafts, and the CRC addressed these questions or proposed modifications.

Rationale for Change: Tacoma Public Utilities[2]

The first set of substantial recommendations, relate to TPU. With physical assets of over $2 billion and annual revenue of more than $500 million, TPU is by far the City's most substantial operating unit.

Additionally TPU has a significant impact on the physical environment, on the business climate, and on the quality of life of our citizens. TPU operates outside the City boundaries, engaging Tacoma with its neighbors, with regional entities like the Bonneville Power Administration, with state and federal regulators, and with investors and rating agencies nationally and globally. In the vernacular, TPU is a big deal.

For most of its history TPU has operated at arm's length from General Government, for two reasons: first, to protect rate-payer revenue from diversion to non-utility uses; and second, to appropriately insulate the private sector culture of the utility from political considerations.

As part of this separation, TPU is governed by an appointed board of five members, serving five-year terms. The Utility Board hires, reviews and, if necessary, removes TPU's senior executive. Furthermore, the Board develops a budget and recommends it to the City Council for approval, as well as, adopting overall strategies, and operating decisions.

[2] These recommendations were, for the most part, approved by the CRC by general consensus or by more than a two-thirds vote. Thus, they are included in the majority FOG proposal as well as the alternate.

The CRC values the strength and integrity of TPU's operations and governance. The CRC did not consider recommending selling TPU to a public utility district, converting TPU to a consumer-owned cooperative, or selling TPU to an investor-owned utility. The CRC is intent on preserving TPU as a vital part of the City of Tacoma, and in this regard, has made recommendations to keep TPU and General Government well-aligned.

The first of these recommendations relates to the length of TPU Board terms, currently five years. The CRC recommends reducing the length of these terms to three years, limited to three terms.

This change would allow the City Council to stay more closely involved with Utility Board members and their decisions, attitudes, and challenges. In the fast-moving world of utilities, these shorter terms allow the Council to refresh the Board more rapidly.

The second recommendation is a thorough strategic review of all the City's utilities every ten years, to include both TPU and utilities in General Government. Because technology, competition, consumer requirements and regulations move so quickly and because the assets and revenues at stake are so substantial, the CRC believes it is essential Tacoma's citizen-owners be assured our utilities are appropriately organized and carrying out the most effective strategies.

The third recommendation encourages the TPU Board and City Council to engage in vigorous discussion about the TPU budget. This change simply underscores state law, which according to an April 26, 2014, opinion from City Attorney Elizabeth Pauli, prevents the Council from delegating utility budget authority to any other entity, and so automatically makes the Council the final authority on the TPU budget. [Please note a minority report on this topic.]

The CRC is aware budget discussions are more vigorous in some years than in others; this change seeks to set a standard of on-going Council engagement, not only to approve the whole budget but to understand it at a more granular level.

Another recommendation is for regular performance audits of TPU, under the lead of the Council and Utility Board. The value of performance audits - as distinct from the strategic review, above - is to gauge how well TPU is accomplishing the tasks it sets for itself.

A final recommendation requires that the Utility Board's initial appointment of the Director be subject to a confirming vote of the Council. The Director would go through a Utility Board directed annual performance appraisal and a reconfirming vote by a majority of the Board every two years. The purpose is to provide a closer relationship between the Utility Board, City Council and Director of Public Utilities. There was testimony in favor of this proposal from a former and a current member of the Board, as well as, a number of current and former elected officials.

Rationale for Change: Form of Government

This topic was the focus of the most study, the most public testimony, and the most CRC discussion. At its final meeting, on Monday, April 28, 2014, the CRC voted 9 - 5 with one member absent, to recommend the City Council place a new form of government on the November ballot.

This discussion has three parts:

1) how the recommendation was developed
2) reasons for the recommendation
3) concerns and responses.

1) Process to Develop the Recommendation

Even before the Form of Government [FOG] subcommittee was created, the CRC heard extensive testimony and public comment on the subject. This testimony helped frame the choices.

The FOG subcommittee met seven times. First it developed 13 criteria to use in evaluating forms of government. These criteria included measurable outcomes as well as civic values:

- accountable, responsive
- transparent
- promotes diversity
- organizationally clear
- sustainable
- prompts public participation
- provides strategic or visionary capacity
- power of the people to change leadership balances power
- correlates with corruption
- correlates with household income or poverty
- correlates with crime
- correlates with race, age or education demographics
- correlates with appeal to investors

Using a set of 86 benchmark cities and critical analysis, each form was evaluated in terms of the criteria, and on a 6 - 1 vote, a hybrid Mayor-Council-CAO form became the preferred option.

The subcommittee then reviewed its research and analysis with the overall CRC. On a 10 - 5 vote, the subcommittee was instructed to move forward to develop language to operationalize the hybrid Mayor-Council-CAO concept.

Specific charter amendments were brought before the CRC as they were developed, and were consistently supported for legal review and final drafting.

2) Reasons for the Recommendation

Looking at 86 benchmark cities, the subcommittee sought correlations between form of government and its measurable criteria; no such correlation was found.

The form of government does not correlate to municipal bond rating, to corruption among elected or appointed officials, to crime, poverty, education attainment, ethnic mix, prevalent political party, or size of city. There simply is no correlation. None. The subcommittee found no data to suggest the form of government causes or is caused by these factors.

This left one of two conclusions; either the form of government is simply a historic accident; or it is an expression of political values. The subcommittee chose to believe the latter, and so evaluated the forms of government in light of a set of values likely to be important to most Tacomans.

The subcommittee first and foremost believed the right of the people to elect those who govern. This is a basic tenet of American democracy. In the Council-Manager form of government, the Chief Executive Officer is appointed by a majority of nine citizens acting on behalf of 200,000 individuals.

Accountability is another political value. An often-heard criticism of the Council-Manager form is that it obscures accountability. The manager can blame the Council, Council members can blame the manager, or each other. The public is left without a clear sense of who is in charge and who is responsible. And even if accountability is clear, the manager cannot be taken to task by the electorate. In the end, the City Manager is accountable only to the City Council.

Strategic leadership is another important value. Six members of the subcommittee believed management and leadership are different, and that a single person is rarely skilled in both. If the city's executive is a manager, then leadership falls to the legislative branch. This is challenging in a different way. A group of people without the command of resources is hard-pressed to provide dynamic leadership.

The CRC majority believes good management is necessary for city government; but strong leadership is needed for the City as a whole. The recommendation from the majority combines the two, along with strong checks and balances between the branches, and a more powerful Council.

3) Concerns and Responses

This section highlights the concerns raised in public testimony, the media and CRC discussions, and addresses each concern. These point/counterpoints may anticipate some of the City Council's own discussion.

A) The change puts too much power in the hands of one person; this will lead to political favoritism, the loss of skilled employees, and corruption.

The CRC majority agrees the strong mayor form entails these risks; and thus a traditional strong mayor form is not being recommended. The concern is misdirected. The Mayor-Council-CAO model form of government makes the new seven member Council a powerful branch of government, sets up robust checks and balances, and in no way excuses the Mayor from Civil Service rules, purchasing procedures, financial disclosure, or public scrutiny.

There have been concerns raised about the turnover of skilled employees when a new Mayor is elected. Past experience shows, however, that the City has not been insulated from turnover under City Managers. Key people are routinely replaced by new managers; the practice is accepted. Such turnover might even be reduced in the proposed system, since the Mayor would not have a cadre of people to bring from another city.

B) We could elect a Mayor without management skills, and he or she would run the City into the ground.

Again, this is a concern about the strong Mayor form, which is not what is proposed. A CAO is mandated in the recommended Charter, to ensure a skilled professional is in charge of day to day operations - freeing the elected Chief Executive to use his or her political capital across the community.

C) This will cost a lot more money.

There is no hard evidence to support this concern. In fact, benchmark data shows no change in headcount in cities which have transitioned from a manager system to this hybrid approach. Any speculation about increased costs in other parts of government, outside the executive suite and the Council, is based on speculation.

D) Why take action now, if we don't change until 2017?

There is a reason not to change until 2017: The CRC was advised by legal staff that neither the Council nor the voters may shorten or otherwise modify the term or scope of an elected official. This means there will never be a year in which the City could immediately transition to a different form of government.

To make a virtue of necessity, the intervening years provide ample time to plan transition, both organizationally and in the case of any individuals whose careers may be affected.

E) If it ain't broke, don't fix it.

This assertion has a folksy charm, but it's dangerous. The CRC majority ascribes to the best management practice of continuous improvement, in which good is never good enough. Even if all is well, it could still be better.

This proposal opens the possible - not a guarantee but the possibility - of vigorous, high-impact leadership to make Tacoma even better than it is today.

F) Most of the country has a city manager; it's the proven, preferred form.

According to the International City & County Management Association, about 40 percent of the cities in the United States with population over 2,500 have city managers; about a third of the American people live in this form of government. So while popularity may be a good guide, in this case it's not available to us.

G) Lots of people told us they don't want a change.

True, many of the people who shared their views urged the CRC to keep the manager system. More than 30 of them. Of course, 20-some people encouraged a change.

Neither is a reliable sample of public opinion. And even if they were, the question is really whether the citizens of Tacoma will have the chance to be heard. If critics so greatly value public opinion, let's put the recommended change on the ballot and hear what the voters say. It is, in the end, their city. Our City. Let's hear everyone's voice, the way voices are heard in democracy: in a vote.

Alternate Report

Explanatory Note for Alternate Report

The Committee's Alternate Report consists of the recommended amendments detailed in the following pages. Those amendments are recommended regardless of the form of government and many are also recommended in identical or slightly differing form as components of the Mayor-Council-CAO Charter that is presented as part of the Committee's Majority Report.

The Committee recommends the comprehensive substitution of gender neutral terms throughout the charter, regardless of form of government. The gender neutral changes are captured on any recommended amendments shown in the Majority Report. In the Alternate Report following, the gender neutral changes made to date are highlighted; however, other changes throughout the unchanged portions of the existing charter will need to be made at a future date to show the comprehensive gender neutral language recommended by the Committee.

The Committee also recommends the creation of a new Article X, Powers and Responsibilities of the People, which would contain existing and the recommended updates to provisions regarding the initiative and referendum process, as well as all chartered City Boards and Commissions, including the newly added Committee on Elected Salaries, Citizens Commission on Redistricting, the Landmarks Preservations Commission and the Neighborhood Councils. This new Article X is recommended in both the Majority Report and the Alternative Report.

The following matrix details the package of recommended amendments ratified by the Committee as its Alternate Report.

ARTICLE	SECTION	TITLE	LANGUAGE
Article II	2.3	Salary Commission	**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.~~ Consistent with the authority granted in RCW 35.21.015 and as may be hereinafter amended, 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 direct the City Council to set the salary and salary increases 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: 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. 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 adoption no later than September 1 of the calendar year.
Article II	2.4	The Mayor	**Section 2.4 –** On the date prescribed by state law for the general municipal elections, commencing in the year 1973, the Mayor shall be elected for a term of four (4) years. The Mayor shall, ~~by virtue of his/her election,~~ become a member and presiding officer of the City Council with the right to speak and vote as any other council member. The Mayor shall be the official head of the city government for purposes of ceremony and military law and upon declaration of an emergency or disaster which constitutes an event or set of circumstances which demands immediate action to preserve public health, protect life, protect public property, or which reaches such a dimension or degree of destructiveness that exceeds the resources of the City of Tacoma to respond to the situation.[1] The Mayor shall authenticate by ~~his/her~~ signature such instruments as may be required by law, ordinance, or this charter. ~~He/She~~ 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,

[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.

			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 council~~manic~~ 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~~the Mayor's 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~~ a 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.
Article II	2.7	Council Vacancies	**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.

Article II	2.8	Council Meetings	**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.2 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.
Article II	2.13	Ordinance Effective Dates	**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.
Article II	2.19	Initiatives	**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

[6] ~~By Council Rules, regular meetings of the City Council are scheduled for 5:00 p.m. each Tuesday.~~
[2] RCW 42.30.080 establishes the procedure for emergency meetings pursuant to the Open Public Meetings Act.

			contact with the petitioner as necessary, and if the petition is proper in terms of form and style, the City Attorney will write a concise, true, and impartial statement of the purpose of the measure, not to exceed ~~twenty-five (25)~~ the number of words ~~in length~~ as allowed under state law for local initiatives. The statement will be phrased in the form of a positive question. d) The City Attorney shall ~~transmit~~ file this concise statement ~~to~~ with the City Clerk as the official ballot title. e) The City Clerk shall assign an initiative number to the ballot title and notify the petitioner that the ballot title becomes final and signature gathering may begin in ~~five (5)~~ ten (10) working days if there is no judicial review. Notification of the ballot title shall be posted at City Hall and on the City's web page. f) Persons dissatisfied with the ballot title prepared by the City Attorney may seek judicial review by petitioning the Pierce County Superior Court within ~~five (5)~~ ten (10)working days of the ~~City Attorney having transmitted the ballot title to the City Clerk~~ notification of the ballot title having been posted as required under (e). The Court shall endeavor to promptly review the statements and render a decision as expeditiously as possible. The decision of the Court is final. g) Petitions must include the final, approved ballot title, initiative number, the full text of the ordinance, or amendment to existing ordinance, that the petitioners seek to refer to the voters, and all other text and warnings required by State Law. h) Petitioners have one hundred and eighty (180) calendar days to collect signatures from registered voters. i) The number of valid signatures shall be equal to ten percent (10 %) of the votes cast in the last election for the office of Mayor~~Mayoral election~~. j) The City Clerk shall ~~verify the sufficiency of the signatures on the petition~~ forward the signatures to the County Auditor to be verified. Based on the Auditor's review, the City Clerk shall determine the validity of the petition. If the petition is validated, the City Council may enact or reject the Initiative, but shall not modify it. If it rejects the Initiative or within thirty (30) calendar days fails to take final action on it, the City Council shall submit the proposal to the people at the next Municipal or General Election that is not less than ninety (90) days after the date on which the signatures on the petition are validated. If it rejects the Initiative or within thirty (30) calendar days fails to take final action on it, the City Council shall submit the proposal to the

			people at the next Municipal or General Election that is not less than ninety (90) days after the date on which the signatures on the petition are validated.
Article II	2.20	Referenda	**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. d) Within ~~five (5)~~ ten (10) working days of receipt, the City Attorney shall review the petition and make contact with the petitioner as necessary, and if the petition is proper in terms of form and style, the City Attorney will write a concise, true, and impartial statement of the purpose of the measure, not to exceed ~~twenty-five (25)~~ the number of words ~~in length~~ as allowed under state law for local referendums. The statement will be phrased in the form of a positive question. e) The City Attorney shall ~~transmit~~ file this concise statement ~~to~~ with the City Clerk as the official ballot title. f) The City Clerk shall assign a referendum number to the ballot title and notify~~ies~~ the petitioner that the ballot title becomes final and signature gathering may begin in ~~five (5)~~ ten (10) working days if there is no judicial review. Notification of the ballot title shall be posted at City Hall and on the City's web page. g) Persons dissatisfied with the ballot title prepared by the City Attorney may seek judicial review by petitioning the Pierce County Superior Court within ~~five (5)~~ ten (10) working days of the ~~City Attorney having transmitted the ballot title to the City Clerk~~ notification of the ballot title having been posted as required under (f). The Court shall endeavor to promptly review the statements and render a decision as expeditiously as possible. The decision of the Court is final. h) Petitions must include the final, approved ballot title, referendum number, the full text of the ordinance that the petitioners seek to refer to the voters, and all other text and warnings

			required by State Law. i) Petitioners have thirty (30) calendar days to collect signatures from registered voters. j) The number of valid signatures shall be equal to ten percent (10 %) of the votes cast in the last election for the office of Mayor~~Mayoral election~~. k) The City Clerk shall forward the signatures to the County Auditor to be verified. Based on the Auditor's review, the City Clerk shall determine the validity of the petition. If the petition is validated, the City Council shall immediately reconsider the ordinance, and if it does not repeal the ordinance, submit the proposal to the people at the next Municipal or General Election that is not less than ninety (90) days after the date on which the signatures on the petition are validated.
Article II	2.26	Neighborhood Councils	~~**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.~~
Article II	2.27	Retention of Management Consultant for City Utilities	~~**Section 2.27 –** 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.~~
Article III	3.2	Council-Manager	**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

		Relationships	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]
Article III	3.4	Council-Manager Relationships	**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.
Article III	3.5	City Attorney	**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

[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.

			reviews of the City Attorney.
Article III	3.7	City Clerk	**Section 3.7 –** The City Manager shall appoint a City Clerk who shall (a) attend all meetings of the Council and keep a permanent journal of its proceedings, (b) record and certify all ordinances and resolutions, (c) serve as custodian of the city seal and official city records, (d) prescribe and furnish sample forms for petitions provided for by this charter, and (e) ~~serve as registrar of voters for the city, and (f)~~ perform such other duties as may be prescribed by the Manager, state law, this charter, or by ordinance. The City Clerk with the approval of the City Manager may designate one clerk ~~in his office~~ as ~~his~~ deputy, who shall have all the powers and perform all the duties of the City Clerk in ~~his~~ the Clerk's absence.
Article III	3.13	Landmarks Preservation Commission	**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.
Article IV	4.8	Utility Board Terms	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.

			The holder of the term expiring in 2014 will remain in office until the election cycle concludes, and the holder of that position and the holder of the position expiring in 2015 will be extended for one year, so the holders of those positions will, if approved, serve a 6 year term and then the holders of those positions will be given eligibility for an additional three year term. The term expiring in 2016 will be extended for one year so that the holder of that position will, if approved, serve a six year term and then will be given eligibility for an additional three year term. The term ending in 2017 will be extended for one year so that the holder of that position will, if approved, serve a six year term and then be given eligibility for an additional three year term. The term ending in 2018 will be extended for one year so that the holder of that position will, if approved, serve a six year term and then be given eligibility for an additional three year term.
Article IV	4.12	Powers and Duties of the Public Utility Board	**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. If agreement cannot be reached by the stated deadline the City Council may adopt a budget as provided by state law.
Article IV	4.14	Powers and Duties of the Public Utility Board	**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.
Article IV	4.15	Powers and Duties of the Public Utility	**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~~

		Board	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.
Article IV	4.18	Powers and Duties of the Public Utility Board	**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.
Artice IV	4.24	Retention of Management Consultant for City Utilities	**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.
Article V	5.1	Elections	**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.
Article V	5.2	Types of Elections –	[This section will be deleted in its entirety.]

		When Held	~~Section 5.2 – Except as otherwise provided in Section 10.6 of this charter, municipal general and primary elections shall be held biennially on the days provided by law in each even numbered year. All other municipal elections shall be known as special municipal elections and shall be provided for by the Council, subject to the provisions of state law.[19] All municipal elections shall be non-partisan and by the qualified electors of the city at large.~~
Article V	5.3	Elections	**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]
	5.6	Elections	**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.) ~~**Candidates' Statements of Qualifications**~~ ~~**Section 5.6 –** At the time of filing as a candidate for the office of council member, each candidate~~

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

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

			~~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.)~~
Article V	5.5	Elections	**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.
Article VI	6.3	City Officers and Personnel	[This section will be deleted in its entirety.] ~~**Section 6.3 –** No person shall be eligible for employment in the city service who is not a citizen of the United States; provide that as to laborers this requirement may be waived by the Personnel Officer when laborers who are citizens are not available. No person shall be eligible to employment in the classified service who is not a resident of the city at the time of his or her appointment, and all officers and employees of the city appointed after this charter takes effect shall reside within its corporate limits during their period of employment in the city service; provided, that the Civil Service Board may waive such residence requirements for employees in the classified service and the City Council may waive such residence requirements for appointive employees in the unclassified service when such waiver is deemed to be for the best interests of the city for such reasons and under such~~

			~~conditions as may be prescribed in the personnel rules.~~
Article VI	6.6	Pecuniary Interest	**Pecuniary Interest** **Section 6.6** - No officer or employee of the City shall have a financial interest, directly or indirectly, in any contract, sale, lease, or purchase with or for the use of the City; or accept, directly or indirectly, any compensation, gratuity, or reward from any other person who is financially interested therein. Provided, however, an officer or employee does not have a prohibited interest if the officer or employee has a remote interest as defined by state law or if the contract with 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.)
Article VI	6.7	City Officers and Personnel	**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.
Article VI	6.11	Civil Service Board	**Section 6.11 –** * * * (b) Vacancies of the elected members shall be filled by the remaining members of the Civil Service Board by appointment, and such appointed member shall serve until the next general municipal election~~; provided, that if such vacancy occurs when there remain less than five full days for filing as a candidate at the primary election for such unexpired term, the Board shall appoint a qualified person to fill the full unexpired term~~. If the Board fails to make an appointment within sixty (60) calendar days of when a vacancy occurs, the City Council shall make the appointment.

			Vacancies of the appointed members shall be filled by the appointing authority by appointment until the end of the four-year term. * * *
Article VI	6.13 6.14 6.15	Personnel Officer; Personnel Rules; and Special Provision Relating to Examinations	Amend all applicable Charter sections by deleting all instances of the word "personnel" and replacing each instance with the words "human resources." "Personnel" is an archaic and militaristic term. Proposed Text: **Section 6.13** – There shall be a ~~Personnel Officer~~Human Resources Director, appointed by the City Manager on the basis of his experience in and demonstrated knowledge of modern personnel administration, who shall be the administrative head of the ~~Personnel~~ Human Resources Department. ~~He~~ The Human Resources Director shall be responsible for directing the ~~personnel~~ human resources 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 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 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.) **Section 6.15** – All examinations shall be impartial and shall deal with the duties and requirements of the positions to be filled; they may be oral, written, or based on observed performance or educational and experience record, or any combination thereof. Positions requiring unusual technical or professional qualifications may be filled without competitive examination upon approval of the Civil Service Board. Unskilled laborers may be appointed in the order of priority of application, after such tests of fitness as the ~~Personnel Officer~~Human Resources Director may prescribe; provided, that preference in such employment shall be given to honorably discharged veterans. The ~~Personnel Officer~~Human Resources Director may develop an apprenticeship program for the

			recruitment and promotion of employees in the skilled trades.
Article VI	6.19	Financial Disclosure	**Section 6.19 –** All City officers or employees who have the authority to approve contracts in a cumulative annual 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 a personal financial affairs statement with the Public Disclosure Commission and City Clerk, which shall be made available on the City website.
Article IX	9.4	Miscellaneous	[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.~~
Article IX	9.7	Gender Neutral 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.

Article X	Delete entirely/ delete as modified		~~**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.~~
ARTICLE X (New)		Powers and Responsibilities of the People	**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** ~~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, t~~he 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 validity of the petition.~~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.) **Section** 10.3~~2.20~~ - Citizens of Tacoma may ask that ordinances passed by the City Council, except for ordinances which take effect immediately as allowed in Section 2.13 of the Charter, or as otherwise prohibited by State Law, be referred to the voters for approval or rejection by the following process: a) The petitioners shall file a Referendum Petition with the City Clerk not later than ten (10) calendar days after the City Council approved the ordinance. b) The filing of a Referendum Petition, and progression by the petitioners through the steps outlined as follows, causes the suspension of the effective date of the ordinance. c) Upon receipt, the City Clerk shall forward the petition to the City Attorney within one (1) working day of receipt. d) Within five (5) 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 ~~twenty-five (25)~~the number of words in length as allowed under state law for local referendums. The statement will be phrased in the form of a positive question. e) The City Attorney shall ~~transmit~~ file this concise statement ~~to~~ 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) ~~five (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. 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)~~five (5)~~ working days of

			the -notification of the ballot title having been posted as required under (f)~~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 election of the office of Mayor.~~Mayoral election~~. 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 ~~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.) **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.[3] **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

[3] 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.

			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** 10.72.24 – 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** 10.82.25 – 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**[4] **Section 10.9 –** – There shall be a Planning Commission, composed of nine (9) members, with such

[4] See Chapter 13.02 - Planning Commission

			powers and duties as are provided by ordinance. The nine members shall be residents of the City of Tacoma and be appointed and confirmed by the City Council for terms of three (3) years each. One member shall be appointed by the City Council for each of the five council districts. The Council shall appoint to the four remaining positions an individual from each of the following: (a) the development community; (b) the environmental community; (c) public transportation, and (d) a designee with background of involvement in architecture, historic preservation, and/or urban design. A majority of the voting members of such Commission shall constitute a quorum for the transaction of business. The Commission shall be authorized to adopt rules for the transaction of business not inconsistent with this charter or ordinances of the City of Tacoma. Said Planning Commission members shall serve without pay. (Amendments approved by vote of the people September 18, 1973 and November 3, 1992.) **Tacoma Public Library**[5] **(Former Section 3.9) Section 10.10** – 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** **(Former Section 6.11) Section 10.11** – (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 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.

[5] See Chapter 1.16 - Library

			(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~~ 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** **(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 Council. One person shall have experience in human resource management. The second person shall have experience in 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. 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 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 10.14** – Every ten years as prescribed by state law the council~~manic~~ districts shall be re-districted. The Mayor shall appoint~~ed~~, subject to confirmation by the Council, a a5-member Citizens Commission on Redistricting~~.~~ one from each Council ~~councilmanic~~ district. The first meeting of this Commission shall be 60 days after publication of the first federal census following the effective date of this Charter provision. The Commission shall have the power to redraw the lines of the five c~~ouncilmanic~~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 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** **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 independent neighborhood councils and a Community Council. The neighborhood councils and Community Council shall act as 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 member from each neighborhood council. Neighborhood councils and the Community Council shall have the power to make bylaws and rules for the conduct of their business.

Minority Reports

Explanatory Notes for Minority Reports

The following five Minority Reports were presented to the Committee.

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

Minority Report

Written by Theresa S Baker

Signed: 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. We fully support the Modified Charter offered as an alternative by the majority.

RECOMMENDATIONS FOR SUPPORTING THE MODIFIED CHARTER:

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 documented. We concluded that the issues and problems cited were the result of a council that did not 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 THE CHANGE IN THE FOG CHARTER:

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" during our public town hall meeting. 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 Opinion by Gary Brackett, Tim Farrell, and Ken Miller

Article 4.12

"Council-manager opponents forced a citywide vote on a strong-mayor charter. (Baarsma notes that it failed partly because the same plan weakened the independence of utilities, which is a lesson the current committee seems to be heeding)." Peter Callahan, The News Tribune, April 20, 2014.

No longer.

The Charter Review Committee's Form of Government Subcommittee, Legislative Subcommittee and Public Utilities Subcommittee with the concurrence of the Committee of the Whole, adopted numerous recommendations designed to codify existing practices and efforts designed to make the Utility Board more responsive to the City Council. Yet all had repeatedly turned back efforts to breach the wall that was a separation of powers between the general government functions and the management of public utilities.

In literally the eleventh hour, overcome by a legal opinion only just introduced, the Charter Review Committee capitulated to legal expertise they did not have. That this legal opinion was disputed and does not even represent the predominant opinion was not shared with the committee.

TPU provided comprehensive information to the Charter Committee on March 19. Attachment 'D' of that response (begins at page 40) contains all of the legal opinions that have been written over the years on this matter. You will see there that some of these opinions conflict with one another, but that the majority of the opinions are at odds with the advice the City Attorney recently provided and indicate that the current Charter language specifying that the Council can "approve" (or not) TPU's proposed budgets does not confer onto the Council authority to unilaterally amend those proposed budgets. (i.e., the opinions have generally held that term "approve" means that the Council gets a simple yes/no vote on the proposed TPU budgets.)

Numerous prior legal opinions have held that the desire of Tacoma citizens to vest utility budgetary authority in the Utility Board, as expressed through the current Charter provisions, must be harmonized with State law relating to the setting of municipal budgets. For decades, the Charter language providing that the City Council shall "approve" budgets submitted by the Utility Board has been interpreted to mean that in the case of disagreement the Council may suggest revisions and the Utility Board may revise its proposed budgets and re-submit them to the Council for reconsideration. This was the basis for the Charter Review Committee's approval to codify existing practices by noting Council's right to so offer amendments, etc.

The question of the Council's authority to revise and adopt budgets without the Board has been studied by former City Attorneys and by private law firms and found to be inconsistent with the need for harmonization. The advice of the current City Attorney that underpins the Committee's now modified recommendation ignores these prior opinions.

There have been numerous examples of the current system of checks and balances working quite well. In recent biennia, when the City Council has suggested that the proposed TPU budgets be

amended to increase the amounts provided for low-income utility bill assistance programs, the Utility Board has considered and implemented those suggestions.

However in another situation during the recent recession and City budget shortfall, the prior City Manager was attempting to force furloughs on city employees of the utilities for "solidarity" with the furloughs suffered by other city employees. That these utility employees were funded entirely by ratepayers and not by the general fund of the city was ignored by the City Manager. Therefore, the Utility Board did not agree and declined to furlough its employees.

This result contrasts sharply with the action in the Environmental Services utilities (Storm Water, Sanitary and Solid Waste) under the direct control of the City Manager. Furloughs were imposed, dramatically impacting the ability of the Environmental Services utilities to continue with its capital projects despite funding committed through rates paid entirely by ratepayers. Needlessly, city employees were furloughed thereby losing pay and suffering unnecessary hardship, funded capital projects were delayed, contracts to private contractors were delayed and jobs and business lost and in the end, the city revenues were negatively impacted since no taxes on projects were collected. This was a loss all around for action taken by the City Manager for political reasons.

This and other examples illustrate that the objective of Tacoma citizens in establishing checks and balances through the quasi-independent governance structure for TPU are being met. We believe that the Committee majority's proposed changes will upset the balance of authority that has served citizens and ratepayers well for many years.

We object to the process employed by the Committee majority to adopt a recommended Charter change of this level of magnitude and importance. This change, and the legal advice supporting it, was introduced at the Committee's very last meeting providing no time for careful consideration by members of the Committee. The Committee majority then voted to adopt the change and adjourn, knowing there would be no opportunity for reconsideration or public input before reporting to the Council.

This last minute change for Art. 4.12 fundamentally alters the balance of power between the City Council and the Public Utility Board, is inconsistent with more than sixty years of past practice, and invites politicization of the utility budgeting process and unfettered pressure to divert utility funds to non-utility uses and to the favorite projects of elected officials. It removes important checks and balances that are relied upon by the financial community and intended to ensure the utilities remain physically and financially sound, that budgets are sufficient to meet debt repayment schedules and maintain other financial metrics and bond ratings, and that the need to set budgets that achieve these objectives is not overwhelmed by political reluctance to adjust rates.

We oppose the Charter Review Committee's majority proposal to codify in the Charter that the City Council has sole and ultimate authority to budgets for the TPU utilities.

We propose that Article 4.12 be ignored and the Charter be left as presently written.

Minority Report – Form of Government DR. C.A. HORNE

CITY OF TACOMA

(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 they performed almost tirelessly and on many occasions burning the midnight 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 Council 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.

Recommendations

Explanatory Note for Recommendations

The following Recommendation Nos. 1-4, were presented to the Committee by Committee Member Baker. Committee members and Subcommittees were invited to present recommendations for items which they wished to bring to the attention of the City Council other than or in addition to the recommended Charter amendments.

Committee Member Brackett submitted a rebuttal to Recommendation No. 1, which is placed directly after Recommendation No. 1.

These four recommendations and the rebuttal were received by the Committee but not discussed or agreed upon by the Committee and therefore are presented to the Council as the recommendations and observations of an individual Committee Member.

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.

Rebuttal to Recommendation #1 By Gary D. Brackett, Committee Member

This Recommendation #1 by its title is misleading, and is irrelevant to the work of the Charter Review Committee and should be ignored.

Although among many public comments, a citizen did include mention of a specific minimum wage along with other topics. The topics cited in the Recommendation #1 by one committee member were not endorsed by any subcommittee. Nor, absent any recommendation by a subcommittee, were all the comments discussed and disposed by the Committee of the Whole.

In the final meeting of the Charter Review Committee, the Chair ruled that the subject matter was outside the purview of the Charter and therefore of the Charter Review Committee. Subsequently, no action was to be taken by the Charter Review Committee on the Recommendation #1 and a committee member was privileged to insert this additional information into the Report to the Council.

Recommendation #2

At the Apr 15, 2014 City Council Work Session when we updated the members on the status of the CRC, one of the council members asked if we had considered public financing of elections. Because the only information received prior to that was a request for an ordinance, we did not consider it for the charter. That proposed ordinance (used in Seattle) is below for your consideration for Tacoma.

CITY OF SEATTLE

ORDINANCE 124212

COUNCIL BILL 117814

AN ORDINANCE relating to public financing of political campaigns; providing for the submission to voters of the City, at an election to be held on November 5, 2013, of a proposition to lift the limit on regular property taxes under Chapter 84.55 RCW and authorize the City to levy additional property taxes for up to six years for the purposes of establishing a public matching funds program for financing City Council election campaigns when certain qualifying conditions are met by candidates, and limiting campaign expenditures on City election campaigns of those who voluntarily enter the Public Campaign Financing Program; establishing a campaign matching fund account in the City Treasury; amending Subchapter V of chapter 2.04 the Seattle Municipal Code and adding new sections to chapter 2.04; and ratifying and confirming certain prior acts.

WHEREAS, the City of Seattle established a system for partial public financing of election campaigns in 1978; and

WHEREAS, the Fair Campaign Practices Act enacted following the passage of Initiative 134 in 1992 prohibited the use of public funds to finance state and local political campaigns; and

WHEREAS, in 2008, the Washington State Legislature amended RCW 42.17.128, which was later re-codified as 42.17A.550, allowing counties, cities and towns to establish public campaign financing programs funded through local revenue sources with the approval of voters; and

WHEREAS, in 2008, the City Council created through Resolution 31061 a Campaign Public Financing Advisory Committee (CPFAC) to evaluate public financing and develop a proposed program model; and

WHEREAS, the CPFAC issued a report recommending the City Council advance a proposal to create a public financing program for local election campaigns for consideration by Seattle voters; and

WHEREAS, in December of 2012, the City Council requested the Seattle Ethics and Elections Commission (SEEC) to review the 2008 CPFAC report and provide updated recommendations for Council consideration; and

WHEREAS, in March of 2013, the SEEC submitted a report to the City Council recommending specific public financing program parameters; and

WHEREAS, the City Council is committed to systemically improving the local electoral process through measures that reduce barriers to entry for candidates and broaden public participation in the electoral process; and

WHEREAS, the City Council is concerned about the rising costs associated with local election campaigns and the potential negative impact on public participation in the democratic process; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Findings

Based on City Council and public discussions with campaign public financing researchers and practitioners on January 31 and February 13, 2013 and recommendations from the Seattle Ethics and Elections Commission in their March 28, 2013 letter to the City Council, the City finds that it is in the best interest of the public to strengthen the local electoral process by reducing the financial barriers to entry for prospective candidates, increasing the role of small donors and diversifying the pool of donors to City Council races. The City finds there is public benefit to creating a voluntary program available to candidates running for the Seattle City Council to obtain public matching funds for certain political campaign activities if specific criteria and conditions are met.

Section 2. Administration of the Campaign Financing Program

The Seattle Ethics and Elections Commission is charged with implementing and administering the Seattle Public Campaign Financing Program ("Program"). Within 180 days of voter approval of the Program the Commission must:

a) promulgate rules implementing the Program;

b) recommend or propose legislation and changes to the Seattle Municipal Code as necessary to implement the Program;

c) develop and make available to the public all forms and documents necessary to participate in the Program; and

d) establish processes and procedures for appeal of decisions of the Executive Director of the Ethics and Elections Commission.

Section 3. Subchapter V of Chapter 2.04 of the Seattle Municipal Code, which was last amended by Council Bill 117808, is amended as follows:

Subchapter V

((~~Voluntary Expenditure Limitations~~)) Seattle Public Campaign Financing Program

Section 4. Added to Subchapter V of Chapter 2.04 of the Seattle Municipal Code are Sections 2.04.400, 2.04.405, 2.04.410, 2.04.415 2.04.420, 2.04.422, 2.04.425, 2.04.430, 2.04.435, 2.04.440 2.04.445, 2.04.450, and 2.04.455 as follows:

2.04.400 Definitions.

The following terms, when used and capitalized in this ordinance, are defined as follows:

“Campaign Program Fund” means the fund established as the repository for the levy proceeds or other funds to support the Program;

“Cap” means maximum allowed Total Candidate Funds;

“Commission” means the Seattle Ethics and Elections Commission;

“Director” means the Executive Director of the Commission;

“Matching Contribution” means a campaign contribution that is certified by the Director as having met the requirements of 2.04.405;

“Matching Funds” means the public funds given by the City to a Participating Candidate;

“Participating Candidate” means a person who has been certified by the Director as having met the requirements of 2.04.410;

“Participation Agreement” means a contract between a Participating Candidate and the City of Seattle detailing the responsibilities of the parties to the agreement;

“Program” means the Seattle Public Campaign Financing Program;

“Statement of Intent” means a statement by a candidate of his or her intention to participate in the Program; and

“Total Candidate Funds” means a candidate’s cash on hand plus expenditures plus debts and obligations.

2.04.405 Matching Contribution.

A Matching Contribution for the Program must be a monetary contribution of no less than $10.00 from a human who resides in the City of Seattle at the time the contribution is made. The contribution may be of any amount up to that allowed by 2.04.370.

2.04.410 Program Eligibility.

To qualify as a Participating Candidate and be eligible to receive public matching funds, a person must:

(a) have filed a Statement of Intent with the Commission no earlier than January 1 of the year of the election and no later than 14 days after filing a Declaration of Candidacy for a Seattle City Council position with King County Elections;

(b) have filed a Participation Agreement with the Commission no later than 14 days after filing a Declaration of Candidacy for a Seattle City Council position with King County Elections;

(c) have filed a Declaration of Candidacy for a Seattle City Council position with King County Elections;

(d) be opposed by at least one person who has filed a Declaration of Candidacy for the same Seattle City Council position with King County Elections who is still in the election after the date set for withdrawal from the election, and who has at least $6,000 in Total Candidate Funds in support of his or her candidacy;

(e) have received at least 600 Matching Contributions between filing a Statement of Intent with the Director and no later than 21 days after the last day to file a Declaration of Candidacy for a Seattle City Council position with King County Elections;

(f) agree to participate in a minimum of three public debates or candidate forums with at least one candidate during the course of the campaign; and

(g) have submitted all necessary documentation for qualification no later than 21 days after the last day to file a Declaration of Candidacy for a Seattle City Council position with King County Elections in the year of the election.

A candidate who qualifies for the Program is qualified for both the primary and general elections.

2.04.415 Qualification Process.

1. By December 1 of the year prior to an election year, the Commission must issue a schedule that sets the deadlines and process for qualification, including the form of the Statement of Intent and the Participation Agreement.

2. The Director must certify eligible candidates who have timely filed to participate in the Program within 15 days of the date on which the last of the conditions listed in SMC 2.04.410 is satisfied.

2.04.420 Program Structure.

A. Caps. For Participating Candidates the Cap for the primary election is $140,000 and the Cap for the entire election is $245,000.

B. Matching Funds. A Participating Candidate will be eligible for Matching Funds equal to the value, up to $50.00, of each Matching Contribution times six, provided that the resulting number may not exceed $105,000 in the primary election and $210,000 for the entire election. If a candidate's Total Candidate Funds, when added to the Matching Funds calculated as provided for here, would exceed the applicable Cap, the Matching Funds are reduced until the Cap is not exceeded.

2.04.422 Permissible Uses of Matching Funds.

A. Matching funds provided under the provisions of this chapter may be used only for expenditures by a Participating Candidate to further the candidate's nomination for election or election, either in a special election to fill a vacancy, or during the calendar year in which the primary or general election in which the candidate is seeking nomination for election or election is held.

B. Such public funds may not be used for:

1. an expenditure in violation of any law;

2. payments made to the candidate, except to reimburse a candidate for loans made by the candidate to the candidate's own political committee or campaign in an amount totaling no more than the amount provided in RCW 42.17A.445(3) and WAC 390-05-400;

3. payments to the candidate's immediate family as defined in 4.16.030, or to a business entity in which the candidate or the candidate's immediate family has a ten percent or greater ownership interest;

4. payments in excess of the fair market value of services, materials, facilities or other things of value received in exchange;

5. payment of any penalty or fine imposed pursuant to federal, state or local law;

6. payments for inaugural activities; or

7. payments in cash.

2.04.425 Lifting of a Cap.

A. Non-participating Candidate Funds. In the event a non-participating candidate's Total Candidate Funds exceed the Cap, the Cap is removed for all Participating Candidates in the same election contest.

B. Independent Expenditures. If the combined total of the Independent Expenditure and the Total Candidate Funds of any candidate(s) who benefit(s) from the Independent Expenditure exceeds the Cap, the Cap is removed for all Participating Candidates who do not benefit in the same election contest.

1. If the candidate who benefits is a Participating Candidate, then the Cap shall remain in place for that candidate until such time another Participating Candidate exceeds the Cap in the same election contest.

2. The Director must post to the Commission website and notify all candidates in a race no later than three business days after learning of an Independent Expenditure pursuant to 2.04.270 a determination of which, if any, candidates are no longer subject to a Cap.

C. If a Participating Candidate's Cap is removed and that candidate's Total Candidate Funds exceed $140,000 in the primary, then that candidate is required to adhere to a general election Cap of $105,000. If a Participating Candidate's Cap is removed and that candidate's Total Candidate Funds do not exceed $140,000 in the primary, then that candidate is required to adhere to the overall election Cap of $245,000.

D. The Executive Director shall determine which candidates benefit from an Independent Expenditure. In making that determination the Director must consider the following factors:

1. whether the communication clearly identifies one or more candidates;

2. whether the communication clearly expresses support for or opposition to one or more candidates;

3. whether the communication clearly identifies and associates a candidate with a position on an issue and urges voters to take a particular action;

4. whether the communication distinguishes one or more candidates from each other in a campaign based on a position on an issue or in some other manner; and

5. any other factors deemed relevant by the Director.

2.04.430 Changes to the Program.

No more than 180 days after regular City Council elections, the Commission shall report to the City Council whether the Commission has determined that any changes would improve the Program and if so, details related to the specific recommendations. The City Council may, upon receipt of the Commission's report, change any existing dollar value by no more than 15%, the existing number of Matching Contributions required to participate in the Program by no more than 100, any of the dates or times for taking action under this ordinance, and other technical, non-substantive changes.

2.04.435 Disbursement of Funds.

A. Within one week of certifying that a candidate has qualified under 2.04.410 for the election in question, the Director must provide each Participating Candidate with the matching funds the candidate is, at that time, eligible to receive based on the candidate's Matching Contributions and other limitations set forth here. This initial disbursement shall not exceed 50 percent of the Matching Funds available to the Candidate in the primary.

B. The Commission determines the information needed to submit a claim for subsequent payments of public funds. The Director must certify each request for payment of public funds within four business days of the request, except that within 14 calendar days before the election, when the certification of a request for public funds must be made within two business days of the request. Any submission of a claim for public funds must include a minimum of $1,000 of Matching Contributions; provided that in the 14 calendar days preceding an election, a claim must include a minimum of $200 of Matching Contributions. All claims for public funds must be submitted no later than 5:00 p.m. on the 30th day following the date of the election.

2.04.440 Return of Funds.

A Participating Candidate may withdraw from the Program. A Participating Candidate withdrawing from the Program must return all Matching Funds to the Campaign Program Fund with interest, assessed at the same rate as a 26-week US Treasury Bill issued the day the candidate entered into the Participation Agreement, per day from the date of receipt of those funds. A Participating Candidate must return unexpended Matching Funds to the City for deposit into the Campaign Program Fund no later than 30 days after he or she is elected, defeated, or withdraws.

2.04.445 Insufficient Funds.

In the event that the funds available in the Campaign Program Fund are insufficient to provide every Participating Candidate with the funds he or she would be eligible to receive, the apportionment to each candidate is reduced proportionally until the total disbursement equals the amount of funds available.

2.04.450 Applicability

This program is available only to candidates in Citywide Council elections.

2.04.455 Penalties

In addition to the penalties and remedies provided for in 2.04.500, Participating Candidates are subject to the following additional penalties:

A. Participating Candidates who violate applicable Caps will be subject to a penalty up to the amount of the Matching Funds made available to the Candidate;

B. Participating Candidates who make expenditures in violation of section 2.04.422 are subject to a fine of up to twice the amount of the expenditure.

Section 5. Definitions. The following terms, when used and capitalized in this ordinance, shall have definitions stated below:

A. “City” means the City of Seattle.

B. “Proceeds” means that portion of regular property taxes levied and collected as authorized by voter approval pursuant to this ordinance that are above the limits on levies provided for in RCW 84.55.010, and all interest and other earnings derived from that portion of the levy.

Section 6. Levy of Regular Property Taxes – Submittal. The City hereby submits to the qualified electors of the City a proposition as authorized by RCW 84.55.050 to exceed the levy limitation on regular property taxes contained in Chapter 84.55 RCW, as it now exists or may hereafter be amended, for property taxes levied in 2013 through 2018 for collection in 2014 through 2019, respectively. The proposition shall be limited so that the City shall not levy more than $2,000,000 in the first year, in addition to the maximum amount of regular property taxes it would have been limited to by RCW 84.55.010 in the absence of voter approval under this ordinance, plus other authorized lid lifts. Proceeds shall be used to provide funding for the Seattle Public Campaign Financing Program. Pursuant to RCW 84.55.050(4), the maximum regular property taxes that may be levied in 2019 for collection in 2020 and in later years shall be computed as if the levy lid in RCW 84.55.010 had not been lifted under this ordinance.

Section 7. A new Campaign Program Fund is created in the City Treasury, to which revenues may be deposited, and from which associated expenditures may be paid including, but not limited to, operating and City administration costs for the Seattle Public Campaign Financing Program.

Section 8. Application of Levy Proceeds. Unless otherwise directed by ordinance, Proceeds shall be deposited in the Campaign Program Fund. The Director of Finance and Administrative Services, or the Director’s designee, is authorized to create subfunds or

accounts within the Campaign Program Fund as may be needed or appropriate to implement the purposes of this ordinance. Proceeds may be temporarily deposited or invested in such manner as may be lawful for the investment of City money, and interest and other earnings shall be used for the same purposes as the Proceeds

Section 9. Election – Ballot Title. The City Council directs that the City Clerk file this ordinance with the Director of Elections of King County, Washington, as ex officio supervisor of elections, requesting that the Director of Elections call and conduct a special election in the City in conjunction with the general election to be held on November 5, 2013, for the purpose of submitting to the qualified electors of the City the proposition set forth in this ordinance. The City Clerk is directed to certify to the King County Director of Elections the ballot title approved by the City Attorney in accordance with his responsibilities under RCW 29A.36.071.

Section 10. Ratification. Certification of such proposition by the City Clerk to the King County Director of Elections in accordance with law prior to the date of such election on November 5, 2013, and any other act consistent with the authority and prior to the effective date of this ordinance, are hereby ratified and confirmed.

Section 11. The Seattle Ethics and Elections Commission will submit to the City Council, Mayor and citizens of Seattle annual progress reports on the Campaign Finance Program. The report shall be due to the City Council and Mayor by no later than March 1 of calendar years following each election.

Section 12. Any appeal of the City Attorney's Explanatory Statement for this proposition timely filed under SMC 2.14.030 shall be heard by the Office of the Hearing Examiner, not the Commission.

Section 13. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of its application to any person or circumstance, do not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 14. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Recommendation #3

At the Apr 15, 2014 City Council Work Session when we updated the members on the status of the CRC, one of the council members asked if we had considered adding another committee/board/commission to the charter. Since this was the first we had heard of the proposal it was too late for us to act upon. However, if the City Council wants to add any additional committees/boards/commissions to the charter, it could easily we done in the new Article X Power and Responsibilities of the People.

Our criteria for inclusion was a high level of autonomy; they could act without approval of the City Council.

Recommendation #4

At the final reading of the charter, one of the members of the CRC mentioned that we should have looked at 3.10 Tacoma Humane Society. This appears to be outdated and may need to be deleted for housekeeping purposes. It was too late for us to act on this so we are referring it to the City Council for consideration.

Addendums

Addendum A – A Publication of the National Civic League……54

Addendum B – Tacoma City Charter Mayor-Council-CAO (with track changes)……62

Addendum C – Tacoma City Charter Mayor-Council-CAO (clean version)……112

A Publication of the
National Civic League

National Civic League
National Headquarters
1445 Market Street, Suite 300
Denver, Colorado 80202-1717
Office: 303-571-4343
Fax: 303-571-4404
Web: www.ncl.org

Appendix
OPTIONS FOR MAYOR-COUNCIL CITIES

Since 1915, the *Model City Charter* has been based on the council-manager form of government. Some cities have a tradition of using or prefer to use the mayor-council form, and in some states the adoption of council-manager government may be limited by state statutes.[1] Cities that use the mayor-council form can make choices to "reform" their city government within the framework of this form of government. There are structural approaches that can clarify the structure and improve the performance of the mayor-council city government.

The mayor-council form of government is based on principles of separation of powers and checks and balances similar to those found in American national and state governments. Certain powers are assigned to the mayor and others to the council in cities that use this form. In addition, some mayor-council charters provide for other officials such as appointed boards or administrators who have independent authority to make specified decisions. It was common in the nineteenth century for cities to divide authority among many officials in the belief that the more power was divided and the more officials were directly elected, the more democratic the process of city government would be. In practice, complex structures with highly fragmented authority created ineffective government in which it was difficult to hold anyone responsible for the failure of city government as a whole. In certain cities, the fragmented structure created a vacuum that party organizations filled with unified control. In other cities—probably more numerous than those with control by party organizations—the prevailing structure simply contributed to a lack of competent and farsighted leadership and contributed to city governments that were neither effective nor

[1] Two examples illustrate how state statutes can affect the choice of form of government. Indiana law prescribes that all cities use the mayor-council form; small *towns* have an option in the choice of form. In Wisconsin, state statue specifies that the "council-manager" optional charter have a council president rather than mayor and gives the manager unusual powers such as the authority to appoint council committees. Only ten of 190 cities in Wisconsin operate under the council-manager form. In Dale Krane, Platon Rigos, and Melvin Hill, Jr., Eds., *Home Rule in America: A Fifty-State Handbook* (Washington: CQ Press, 2001), see chapters on Indiana by William Blomquist and on Wisconsin by Stephen E. C. Hintz.

efficient in their delivery of services to citizens. Some cities still retain these features in their charter.

The first *Model City Charter* proposed replacing the fragmented authority and confused assignment of responsibility of existing nineteenth century city governments with simplified and centralized executive authority exercised by an elected mayor. After the first edition, the model charter assigned this centralized executive authority to an appointed city manager. From the second through the fourth editions of the charter, no provisions were proposed for mayor-council cities. With the fifth edition, the strong mayor-council form from the first edition reappeared as an alternative for those cities that chose not to use the preferred council-manager form with the suggestion that a "vice mayor" or what would later often be called a chief administrative officer (CAO) might be appointed by the mayor. These recommendations appeared in the sixth and seventh editions as well.

The approach taken in this edition is different. Officials and citizens who are reviewing a mayor-council charter are given analytical questions to guide their assessment of the governmental structure. In contrast to exclusive reliance on the strong mayor alternative, two options for organizing the mayor-council form are now proposed.

Analytical Questions about Mayor-Council Governments

For cities that prefer to use the mayor-council form of government, there are two questions to answer in designing a charter.

- *First, how should authority be divided between the mayor and the council?* The Model Charter Committee recommends two options for the division of authority: the first option is to provide for a blend of separation and sharing of authority between the mayor and the council; the second option is the classic strong mayor-council approach.
- *Second, should a chief administrative officer be appointed?* The Model Charter Committee recommends the addition of a CAO to all types of mayor-council governments. How the CAO is appointed and the responsibilities of the position are determined by which of the two optional approaches is taken to dividing authority between the mayor and council.

To provide background information, each of these questions is discussed in more detail. Then the optional approaches and an assessment of them are presented.

A. How is authority divided between the mayor and the council?

There are several broad patterns of dividing authority in mayor-council cities. Although these cities are commonly divided into "strong mayor" and "weak mayor" variations, this two-way division is misleading. Some cities have a strong executive and clearly separated powers, and some have true "weak" mayor governments in which the authority is extensively fragmented and assigned to the mayor, council, and other officials. Most cities, however, have both separated and shared powers between the mayor and the council. Thus, distinctions can be made between the strong mayor, the "standard" mayor-council, and the weak mayor subtypes of the mayor-council form. Each of these patterns has a different internal logic.

The first pattern is the original reform ideal of a strong elected executive with centralized authority. In this approach, the mayor is a strong chief executive officer who provides the functions filled by the city manager in the council-manager form of government. This "pure" strong mayor approach clearly divides powers between the mayor and the council. If there is a CAO, this official is an extension of the mayor's office. This approach is used in approximately one-quarter of the mayor-council cities.[2] For simplicity, this subtype of the mayor-council form is called the *strong mayor-council* or *strong mayor-CAO-council form,* depending on whether a CAO is present. In the latter label, the CAO is placed next to the mayor to signify the close connection between the mayor and the CAO. In sum, the strong mayor type is characterized by clear separation of powers and substantial independent authority for the mayor.

The second pattern is based on separated and shared authority between the mayor and the council. This is the standard mayor-council pattern in the sense that it is used by a large majority of mayor-council cities.[2] The mayor has separate executive authority but major decisions are either proposed by the mayor and approved by the council or made jointly by the mayor and council. When the mayor proposes and the council approves, the approach is similar to the "advice and consent" authority of the Senate in handling nominations by the President for Supreme Court judges or cabinet secretaries. In other cities in this pattern, the mayor and council make major decisions jointly. If there is a CAO in these cities, this official is nominated by the mayor and approved by the council or chosen jointly. Potentially, this official serves as a bridge between the mayor and the council. For simplicity, this subtype of the mayor-council form is called the *mayor-council* or *mayor-council-CAO form.* In the latter label, the CAO is placed after both mayor and council to signify the mutual responsibility the CAO has to both sets of officials.[3] In sum, the standard mayor-council form is characterized by a combination of separated and shared powers. Commonly, the staff support and organizational authority of the mayor and the high visibility of the office make the mayor the recognized leader of city government. Still there is less independent authority concentrated in the mayor's office than in the strong mayor type.

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[2] According to the 2001 Form of Government (FOG) Survey of the International City Management Association, thirty-eight percent of cities over 2,500 in population use the mayor-council form. Of these, the mayor has separate authority for appointing department heads and preparing the budget in fifteen percent of the cities and controls one function and shares the other in another eight percent. Thus, twenty-three percent of the cities have more or less strong mayors. Using somewhat different criteria, Steve Leach and Donald F. Norris, "Elected Mayors in England: A Contribution to the Debate," Public Policy and Administration, 17 (Spring, 2002), pp. 30-31, report similar findings based on 1996 data—twenty-seven percent have budget and staff appointment authority alone or shared with a CAO as well as veto authority. Only 1.8% of mayor-council cities have "very strong mayors."

[1] In the 2001 FOG Survey, the mayor shares the exercise of authority for appointing department heads and preparing the budget with the city council in forty-three percent of the mayor-council cities. Finally, in thirty-three percent of the cities, the council or other officials are responsible and the mayor has no separate authority.

[2] In cities that have a CAO in 2001, the mayor and council appointed the CAO in forty-four percent of the cities and by the council in thirty-nine percent. The mayor alone appoints the CAO in only sixteen percent of the cities. Although appointment by the mayor is much more common in cities over 100,000 in population, even in these cities the mayor has sole appointment authority in less than half the cases.

The term *weak mayor-council* is reserved for cities in which there is substantial fragmentation of authority. Beyond separated and shared authority between the mayor and the council, there are other features that divide authority widely. These include direct election of certain department heads or commissions and the assignment of independent policy-making authority to some commissions. A committee that is controlled by neither the mayor nor the council may formulate the budget. This is the kind of structure that was common in the late nineteenth century. The early municipal reformers sought to overcome the extreme decentralization that characterizes it. Although it is based on the premise that extensive checks will prevent excessive concentration of power and direct election of many offices will promote democratic control, in practice many weak mayor cities functioned poorly and it was difficult to pin down who was responsible for problems in performance. It is difficult to estimate how many cities still use these approaches, but the proportion is fairly small.[4]

B. Should the mayor-council city have a CAO?

An increasing proportion of cities have added a central administrative position occupied by a CAO to their governmental structure.[5] Experience has demonstrated that it is beneficial for cities to have an administrative officer. This officer can offer assistance to the mayor in filling the executive responsibilities such as preparing the budget. The officer will provide central coordination of administrative functions and may also assist the council in handling its policy-making authority. Adding a chief administrative officer to city government is consistent with the longstanding reform principle of providing for both political and professional leadership. A central administrative official is able to contribute to sound governance as well as directing service delivery. Professional managers serving elected officials and the public bring distinctive values that enrich and elevate the governmental process in both policymaking and service delivery. These professional values include the commitment to basing policy and service delivery on need rather than demand, to stressing the long-term interests of the community as a whole, to promoting equity and fairness, to recognizing the interconnection among policies, and to advancing citizen participation that is broad and inclusive. There are benefits from having a professional chief administrator who channels these values into the governmental process at the highest and most general level through interactions with both the mayor and the council.

There are other advantages as well. It is difficult to find candidates for mayors who are equally adept at providing both political and also administrative leadership to city government. It is also hard for voters to assess the administrative capabilities of candidates before they have served in the mayor's office. Mayors (except in the largest cities), unlike new presidents and governors, are not supported by large transition teams. Nor can they persuade prominent leaders from the public and private sectors to accept key appointments for the duration of that executive's administration. Adding administrative assistance through a CAO helps to solve these problems. The office of CAO builds into the charter a support position for the mayor and institutionalizes the professional coordination of the departments of city government.

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[3] In 2001, fourteen percent of mayor-council cities elected some or all department heads. A finance committee for formulating the budget appears to be used by approximately three percent of cities.

[4] In 2001, fifty-six percent of the mayor-council cities over 2,500 in population have a CAO or equivalent position. City administrator is another common title.

Recommended Structures in Mayor-Council Cities

To clarify responsibility and clarify the governmental process, mayor-council cities should assign policy-making, executive, and oversight authority to the mayor, council, and CAO. Practices associated with traditional weak-mayor forms should be eliminated. These practices include direct election of department heads and commissions, appointment of administrative officials by commissions, having a body other than the mayor and council formulate the budget (e.g., a board of finance), and assigning other policy-making authority to commissions.

The preferred approach in mayor-council cities is to promote shared authority between the mayor and the council along with the separation of powers that defines the mayor-council form. In the shared authority mayor-council cities, both the mayor and the council play an active role. The alternative approach is to have a strong mayor with greater separation of powers between the mayor and the council. In the strong mayor-council cities, leadership is concentrated in the mayor's office and council reviews and approves the mayor's recommendations.

In both options, it is recommended that provisions be made for the appointment of a CAO in a manner consistent with the overall division of authority between the mayor and the council. In the shared authority mayor-council cities, the CAO is nominated by the mayor and approved by the council. This official serves as a bridge between the two sets of officials and is assigned administrative responsibilities. In the strong mayor-council cities, the CAO is appointed by the mayor and provides professional assistance to the mayor.

Option 1: Mayor-Council-CAO government

This option is based on the combination of separated and shared powers between the mayor and the council found in most mayor-council cities. Some modifications will need to be made to the *Model City Charter* by charter drafters to accommodate this approach. The mayor is the chief executive officer who oversees the work of the CAO. The CAO is nominated by the mayor and approved by the council (a corresponding change to §§ 2.03 and 3.01 of the *Model City Charter* should be made). The mayor may remove the CAO (change §§ 2.03 and 3.01). The charter should provide for the CAO to have the same professional qualifications as the city manager (as described in § 3.01) The CAO formulates the budget and the capital program for the mayor (change §§ 2.03, 3.04(5), 5.02, 5.03, 5.04, 5.05(c), and 5.09), and the mayor presents the budget and capital program to the council with his or her own recommendations added to those of the CAO (change §§ 2.03, 5.02, 5.03, 5.04, 5.05(c), and 5.09). The CAO recommends major personnel appointments to the mayor who presents them to the council for approval (change §§ 2.03 and 3.04(1)). The mayor may remove department heads (change § 2.03).[6] Other changes should be made in accordance with the General Provisions, see below.

When appointed in this way, the CAO helps to link the mayor and council and promotes communication between them. The CAO serves as a bridge to span the separation of powers

[5] Some cities, particularly smaller ones, prefer to have even greater shared authority with the mayor and the council acting together on most decisions. Under this approach, the mayor and council jointly appoint the CAO. The council approves the removal of the CAO. The CAO formulates the budget for the mayor and council as a whole, and recommends major personnel appointments to the mayor and council for approval. Governments operating in this way share many characteristics with the council-manager form.

between the mayor and the council. The CAO provides professional advice and detached assessment regarding key decisions to both the mayor and the council. The CAO can promote a higher level of performance and shared information by both sets of officials. The CAO assists the mayor in preparing policy recommendations to the council but is cognizant of his or her responsibility to provide information that the council needs to make policy decisions.[7] The CAO is responsible directly to the mayor for administrative matters and to the council for providing information to support their oversight function, i.e., the assessment of how well policies are working and how well services are being delivered. It should be acknowledged that the position occupied by the CAO can be difficult if there is conflict between the mayor and council. The CAO can get caught in the middle. Still, the presence of a CAO who feels a sense of accountability to both the mayor and the council can reduce the level of conflict compared to conditions in mayor-council cities without a CAO.

The mayor-council-CAO government is not a "weak" mayor structure but rather one in which the mayor and council share authority in a number of areas. On the other hand, this option is also not a "strong" mayor structure. That approach is described in the next option.

Option 2: Strong Mayor-Council or Strong Mayor-CAO-Council government

This is the approach recommended in the first *Model City Charter*, and it is the basis for the commentary that appeared in the seventh edition. Under this option the city government is organized around the mayor as the central force. As stated in the seventh edition, "in the strong mayor and council form, the mayor must have sufficient authority to operate as a genuinely responsible executive." There are no provisions for having major appointments be subject to the "advice and consent" of the council. In this view, it is important that the mayor be left relatively free to provide leadership subject to the final approval of the city council. Essentially, the mayor in this type of mayor-council city assumes the authority assigned to the city manager in the model charter. It is possible to change the word "city manager" to "mayor" throughout the charter, except in Article III, which must be substantially altered to provide for election of the mayor. (See General Provisions below.)[8]

There is value to having a CAO in the strong mayor-council form. Consistent with the principle of promoting a strong central executive in this option, the CAO should serve the mayor and be appointed and removed by the mayor alone. The seventh edition recommends, "The mayor should be solely responsible for the appointment and removal of the administrator without any

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[6] A survey of CAOs indicates that with nomination by the mayor and approval by the council, the CAO is likely to simultaneously see himself or herself as the agent of the mayor and also as being accountable to both the mayor and the council. Seven in ten CAOs agree with these positions. If the mayor does not nominate the CAO, only thirty-seven percent of the CAOs see themselves as the mayor's agent. If the council does not approve the appointment, only twenty-eight percent of the CAOs see themselves as accountable to the council. See James H. Svara, "Do We Still Need Model Charters? The Meaning and Relevance of Reform in the Twenty-First Century," National Civic Review. 90 (Spring, 2001), pp. 19-33.

[7] It should be noted that giving the mayor the same powers as the city manager (plus the veto power as well) does not make the offices comparable as to the centralized executives. The strong mayor is not accountable to the council in the exercise of his or her powers. The mayor is not selected by the council and subject to removal by the council as the city manager is.

requirement of approval by the council." A CAO appointed under this option would be strictly accountable to the mayor. The mayor has maximum flexibility in making the appointment and deciding what tasks to delegate to the CAO. Consistent with the strong-mayor principle of undiluted mayoral power, the CAO's duties under this option are not specified in the charter.

Assessment of the two mayor-council options

The first option of mayor-council-CAO government combines separation of powers with shared powers, particularly "advice and consent" provisions for top appointments or joint authority for appointments. The mayor and top administrators are made more accountable to the council by shared powers, and the council has a greater opportunity to shape mayoral decisions and oversee administrative performance. Shared power provisions may serve to knit the separate branches more closely together. The CAO, although ultimately accountable to the mayor, serves both sets of officials and can promote closer interaction between them. The option promotes leadership by both the mayor and council and provides for both political and professional leadership.

This approach to appointing the CAO makes this official responsive to both the mayor and the council, since both are involved in the hiring decision. Furthermore, the CAO is given a formal role in budget preparation and appointment of department heads. This approach is advantageous for several reasons. First, accountability is broadened to include the council. Second, the professional qualifications of the person selected may be higher if the council has to approve the choice. The mayor is not free to simply choose a person to advance his or her electoral interests. Third, the professional contributions of the CAO to both the mayor and the council are assured when the CAO fills specified duties. The CAO is involved in important administrative matters.

The pure strong-mayor approach concentrates a substantial amount of authority in one office. The approach also limits the contribution of the council to accepting or rejecting policy and budget proposals from the mayor and overriding the mayor's veto. Although the council has a general oversight role, the fact that the mayor appoints all top administrators may limit the flow of information to the council to support its exercise of this role. There is concentrated power with limited checks on the exercise of the power.

The case for the strong mayor option is based on the need for strong centralized leadership. The mayor-council-CAO option with more shared powers can be criticized on the grounds that it creates confusion over who is responsible for exercise of powers between the mayor and the council when they are both involved in certain key areas of decision-making. Additionally, the mayor's ability to recruit administrative staff may be reduced if the appointees have to be approved by the council. In view of the tendency for separation of powers to generate conflict between branches, having more actions that must be carried out by the mayor and council simply creates additional opportunities for conflict.

General Provisions

There are certain provisions that would be common to all mayor-council cities. Election of the mayor and veto are found in both options of the mayor-council form.

Election of the mayor and chair of the council

86

The provisions in the *Model City Charter* for direct election of the mayor should be used in mayor-council cities (§ 2.03, Alternative I). The council chair and presiding officer should be elected by the council from among its members. [8]

Veto

One basic difference between the mayor-council and council-manager forms of government is the "veto" power for the mayor. This power is not consistent with the basic principle of the council-manager form that all powers are assigned to the council. In the mayor-council form, the mayor has an assigned role in the legislative process and must make a decision on each ordinance to sign it, veto it, or let it become law without signature. The veto should be included in the legislative article of a mayor-council charter and listed among the mayor's powers in the executive article (Article II of the *Model City Charter*, § 2.03). The council may override the veto by a two-thirds vote of its members.

[8] This would not be the case in cities where the mayor and council jointly exercise authority. In these cities, the mayor presides in the council.

New Form of Government Charter – (CORRECTED) Version 6 as Ratified April 28, 2014

TACOMA CITY CHARTER

MAYOR – COUNCIL - CAO

RATIFIED

Effective June 1, 1953
Amended November 2, 2004

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

RATIFIED

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.

RATIFIED

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

RATIFIED

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

RATIFIED

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~~We, the people of the City of Tacoma, a city of the first class of the State of Washington, 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 such cities and to obtain the benefits of local self-government, do hereby 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.

[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.

Article II

The Legislative Branch

A legislative branch of government is established that consists of a 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.

~~Creation and~~ Composition of City Council

Section 2.1 – The Council shall be composed of ~~the Mayor and seven~~seven (~~8~~7~~7~~) ~~councilmembers~~Councilmembers nominated and elected, as provided hereinafter.

At the ~~next general municipal election to be held in the year 1975~~ 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 p~~5~~ositions seven (7) and eight (8) shall be re-numbered to positions six (6) and seven (7) respectively and as ~~the date prescribed by state law, there shall be elected eight seven seven (8~~7~~) councilmembers~~councilmembers ~~for terms beginning on the second Monday in January 19762015, as~~ set out hereinafter in ~~Section 5.4~~section 10.13. Positions 1-5 shall continue the electoral cycle ~~Biennially thereafter,~~ on the date prescribed by state law for general municipal elections~~, four (4) councilmen councilmembers shall be elected for like terms of four years~~. ~~Councilmen~~ Councilmembers shall continue in office until their successors are elected and qualified. The Council shall constitute the legislative ~~and governing~~ body of the City and shall have authority, except as otherwise provided in this Charter, to exercise all powers of the City. 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).

~~Five Districts~~

~~Two at large~~

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Qualifications and Compensation of Councilmenmembers[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 councilmanmember 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 ten (10) consecutive years, either as a Councilmember, Mayor, or combination thereof. (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.

Organization of the Council

Mayor Pro-Tempore

Section 2.4 - The Council, at its first annual meeting, by a majority vote ~~may~~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~~s by~~ limited to~~ing~~, special legal counsel, legislative staff, or legislative assistant~~sees~~ as so long as there is funding in the approved budget as outlined in this charter.

Power to Investigate

Section 2.7 -

The C~~c~~ouncil may, in connection with the legislative process and other municipal programs and affairs including programs of the executive branch, as directed by a ~~2/3rds~~ 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 of investigation 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 C~~c~~ouncil, 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 over-turn 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.

[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.

RATIFIED

Qualifications and Compensation of Councilmen[4]

Section 2.2 – Councilmen shall be qualified electors and shall be residents of the City for two years immediately preceding the time of filing as a candidate and, if running for a district position, shall be residents of their districts for one year immediately preceding the time of filing as candidate or, if appointed to fill a vacancy, the time of appointment. No person shall be eligible for the office of councilman while holding any other elective public office. (Amendment approved by vote of the people September 18, 1973).

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.[5]

Section 2.35 – No person shall be allowed to serve on the Council for more than ten (10) consecutive years, either as a Councilman, Mayor, or combination thereof. (Approved by vote of the people September 18, 1973).

The Mayor

Section 2.4 – On the date prescribed by state law for the general municipal elections, commencing in the year 1973, the Mayor shall be elected for a term of four (4) years. The Mayor shall, by virtue of his/her election, become a member and presiding officer of the City Council with the right to speak and vote as any other council member. The Mayor shall be the official head of the city government for purposes of ceremony and military law and upon declaration of an emergency or disaster which constitutes an event or set of circumstances which demands immediate action to preserve public health, protect life, protect public property, or which reaches such a dimension or degree of destructiveness that exceeds the resources of the City of Tacoma to respond to the situation.[6] 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.)

Removal from or Forfeiture of Office

Section 2.5~~5~~ 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 – The Mayor may be removed from office after a hearing, for willful violation of duty, or for the commission of an offense involving moral turpitude, upon written notice from at least three members of the City Council and at least five days before the hearing. He or she shall have the right to be present, to the aid of counsel, to offer evidence and to be heard in his or her own behalf. Upon an affirmative vote of two-thirds of all members of the

[4] 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.

[5] The salaries of the Mayor and City Council members are set forth in Sections 1.18.040 and 1.19.010 of the City Code.

[6] 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.

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~~City Council, acting as a court of impeachment, the office shall become vacant.~~

Section 2.~~6~~12~~3~~ – Any ~~councilman~~ 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 ~~his~~ 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~~manic~~ Vacancies

Section 2.~~7~~ 13~~4~~ – Whenever a vacancy occurs in the office of ~~councilman~~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 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).

Procedure of the Council

Section 2.~~8~~ 14~~5~~ – The Council shall meet at such times and places as it may determine, provided it shall hold regular scheduled ~~periodic~~ meetings unless otherwise canceled.~~, not oftener than once a week, at least forty-six (46) times each calendar year.~~[7] 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.~~9~~ 15~~6~~ – 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~~ Four ~~councilmen~~ 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.~~10~~ 16~~7~~ – Every ordinance and resolution shall require an affirmative vote of at least ~~five~~ four (~~5~~4) ~~councilmen~~ 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.~~11~~ 17~~8~~ – 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.~~12~~ 18~~9~~ – No ordinance shall be finally passed within five days of its introduction, except when the Council declares in such ordinance that a public emergency exists and therein states the facts constituting such emergency, and except ordinances relating to local improvements and assessments and authorization of bonds therefor. All ordinances passed as emergency measures shall require an affirmative vote of at least ~~six~~ five (5) ~~Councilmen~~Councilmembers. No ordinance granting any franchise, right, or privilege shall ever be passed as an emergency measure.

~~[7] By Council Rules, regular meetings of the City Council are scheduled for 5:00 p.m. each Tuesday.~~

[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.

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Section 2.~~13~~ 1920 - 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. (Amendment approved by vote of the people November 2, 2004.)

Section 2.~~14~~ 210 – 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.~~15~~ 221 – 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.~~16~~ 23 2– 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 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.~~17~~ 243 – 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.

~~Powers of the People~~

~~**Section 2.18** - 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** - 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~~

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

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.)

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 ten (10) 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 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.)

Section 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.[12]

Section 2.22 The Council by its own motion may submit any proposed ordinance to the qualified

[12] 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.

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~~electors for their approval or rejection in the same manner as provided for its submission upon petition.~~

~~**Section 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 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 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.)~~

Article III

THE ~~ADMINISTRATIVE~~ EXECUTIVE BRANCH

The ~~City Manager~~Mayor

Section 3.1

(1) The Mayor shall be the Chief Executive Officer of the City.

(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.

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

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~~**Mayor Pro-Tempore**~~

~~3.2Section xx (Look at Pierce County language)The Council, at its first annual meeting, by a majority vote may 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.~~

(4)

Appointments by Mayor and Confirmation

Section 3.~~2~~23 – 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~~n~~ 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. ~~(What should be done if board appointments are not approved? Spokane addresses this issue.)~~

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. ~~The first review and vote on whether to reconfirm the Chief Administrative Officer shall be set for 2015~~.

Chief Administrative Officer

Section 3.~~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 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. ~~The CAO shall reside during their his or her term of office within the City of Tacoma.~~

~~Residency issues~~

~~**Section 3.5 Upon assumption of intialinitial term of office or re-election of the Mayor, the City Council shall review the Chief AdmisntativeAdministrative Officer's performance and shall vote on whether to reconfirm the re-appointment of the Chief AdmisntrativeAdministrative Officer, with the affirmative vote of a m ajority of the council in a public meeting necessary to effect such confirmation. The first review and vote on whether to reconfirm the Chief AdmisntativeAdministrative Officer shall be set for 2~~**

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

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Council Manager Mayor Mayor-Council Relationships

Section 3.5 – (a) Except for the purpose of inquiry, the Council and its members shall deal with executive officers and employees under jurisdiction of the Mayor solely through the Mayor. Neither the Council nor any member thereof shall give orders to the Mayors subordinate or otherwise interfere with managerial functions through such means as directing or requesting the appointment or removal of any of the Mayor's subordinates, or the making of particular purchases from or contracts with any specific individual or organization.

Veto Over-ride

Section 3.65 - (b) 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. or partial veto.

The mayor with the assistance with the CAO shall be responsible for the administration of all unites of city government – except as otherwise stated in this charter –

Section 3.2 6 – Administrative Duties

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

The Manager shall be responsible to the Council for the administration of all units of the city government under his the jurisdictionmayors jurisdiction. Except for the purpose of inquiry, the Council and its members shall deal with administrative excecitive officers and employees under jurisdiction of the Manager Mayor solely through the ManagerMayor. Neither the Council nor any member thereof shall give orders to the Manager's Mayors subordinate or otherwise interfere with managerial functions through such means as directing or requesting the appointment or removal of any of the Manager's Mayor's subordinates, or the making of particular purchases from or contracts with any specific individual or organization.

Section 3.7 Removal of the Mayor (For Consideration)

The Mayor may be removed from office after a hearing, for willful violation of duty, or for the commission of an offense involving moral turpitude, upon written notice from the City Council at least five days before the hearing. He or she shall have the right to present, to the aid of counsel, to offer evidence and to be heard in his or her 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.

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.[13]

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

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

City Attorney

Section 3.5 8 – The Mayor City Manager shall appoint a City Attorney, subject to confirmation by the Council. The 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

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

RATIFIED

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

~~**Section 3.6**~~ The City Attorney shall be legal advisor to the City Council, ~~Manager~~Mayor, and all officers, departments, and boards of the city in matters relating to city affairs. ~~He~~ 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, ~~Manager~~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 ~~for him~~ by ordinance or otherwise by law.

RATIFIED

City Clerk

Section 3.~~7~~ 9– The ~~City Manager~~ 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) ~~serve as registrar of voters for the city, and (f)~~ perform such other duties as may be prescribed by the ~~Manager~~Mayor, state law, this charter, or by ordinance. The City Clerk with the approval of the Mayor ~~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.

~~City Planning Commission~~[14]

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

~~Tacoma Public Library~~[15]

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

Tacoma Humane Society

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

Administrative 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~~City Manager~~. Such ordinance shall be known as the "Administrative Code."

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

[14] ~~See Chapter 13.02 – Planning Commission~~
[15] ~~See Chapter 1.16 – Library~~
[16] See Chapter 1.06
[17] Section 3.12 renumbered November 2, 2004, to maintain consistency throughout the Charter.

RATIFIED

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 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 ~~five~~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, ~~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

[18] See Title 12 - Utilities

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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 holder of the term expiring in 2014 will remain in office until the election cycle concludes, and the holder of that position and the holder of the position expiring in 2015 will be extended for one year, so the holders of those positions will, if approved, serve a 6 year term and then the holders of those positions will be given eligibility for an additional three year term. The term expiring in 2016 will be extended for one year so that the holder of that position will, if approved, serve a six year term and then will be given eligibility for an additional three year term. The term ending in 2017 will be extended for one year so that the holder of that position will, if approved, serve a six year term and then be given eligibility for an additional three year term. The term ending in 2018 will be extended for one year so that the holder of that position will, if approved, serve a six year term and then be given eligibility for an additional three year term.

(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 ~~councilmen~~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~~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. If agreement cannot be reached by the stated deadline, the City Council may adopt a budget as provided by state law.

Section 4.13 – The Board shall select from its own membership a chair~~man~~, vice-chair~~man~~, 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 ~~ten~~ five years the City Council shall, at the expense of the utilities involved, cause a performance audit ~~general management survey~~ to be made of ~~all~~ selected utilities or related operations under the jurisdiction of the Utility B~~b~~oard 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). ~~by a competent management consulting or industrial engineering firm,~~ T~~t~~he report and recommendations ~~of which~~ shall be made public

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

and be forwarded to the Utility Board and the City Council for Action.~~; provided, that~~ T~~t~~he first such ~~survey~~ 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 ~~City Manager~~Mayor for general government purposes.

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, s~~S~~ubject to confirmation by the City Council, a Director of Utilities who shall:

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

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

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

The 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 ~~his~~ 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 ~~Manager~~ 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 ~~Manager~~ 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 ~~Manager~~ 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

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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, ~~opening and closing of polls, keeping the poll lists, duties of election officers,~~ canvassing the votes, declaring the results and certifying the returns, shall be in accordance with state law, except as otherwise provided in this charter.

~~Types of Elections – When Held~~

~~**Section 5.2** – Except as otherwise provided in Section 10.6 of this charter, municipal general and primary elections shall be held biennially on the days provided by law in each even numbered year. All other municipal elections shall be known as special municipal elections and shall be provided for by the Council, subject to the provisions of state law.[20] All municipal elections shall be non-partisan and by the qualified electors of the city at large.~~

Filing and Certification of Candidates

Section 5.3 – Any qualified elector eligible thereto may become a candidate for any elective city office by filing a declaration of candidacy with the ~~City Clerk~~ 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.[21]~~

Election of Councilmembers~~en~~ – Numbered Positions

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

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 ~~eight~~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 qualified electors of the city shall nominate from among their number candidates for the office of council member at large to be voted for at the following general election.~~

The two candidates having the highest vote totals for each Council position shall be certified as having been nominated and shall run for that position in the general election. Council members nominated by district shall be elected by all of the qualified voters of the district, and the person receiving the highest number of votes for the office of council member for the position for which ~~he/she is~~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 ~~he/she is~~ they are a candidate shall be declared duly elected. On expiration of the present term of office, council positions nominated by council district shall be elected by the qualified voters in that district.

In the event any council member nominated from a district shall, after election, move or reside outside the district from which ~~he/she was~~the council member was nominated, ~~he/she~~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

~~[20] RCW 29.13.020 provides that municipal elections shall be held in odd numbered years with exceptions as noted in the statute.~~
~~[21] RCW 29.21.060 provides that candidates must file their declaration of candidacy with the County Auditor rather than the City Clerk.~~

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

~~Candidates' 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.)~~

Other Provisions

Section 5.6~~7~~ – 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.

RATIFIED

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 ~~City Manager~~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 ~~City Manager~~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.

~~Eligibility for Employment~~

~~**Section 6.3** – No person shall be eligible for employment in the city service who is not a citizen of the United States; provide that as to laborers this requirement may be waived by the Personnel Officer when laborers who are citizens are not available. No person shall be eligible to employment in the classified service who is not a resident of the city at the time of his or her appointment, and all officers and employees of the city appointed after this charter takes effect shall reside within its corporate limits during their period of employment in the city service; provided, that the Civil Service Board may waive such residence requirements for employees in the classified service and the City Council may waive such residence requirements for appointive employees in the unclassified service when such waiver is deemed to be for the best interests of the city for such reasons and under such conditions as may be prescribed in the personnel rules. (Amendments approved by vote of the people November 2, 2004.)~~

Oath of Office

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

[22] See Chapter 1.24 - Personnel rules.

Discriminatory Actions

Section 6.~~7~~ 78 – 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. (Amendments approved by vote of the people September 18, 1973 and November 3, 1992.)

Political Activity

Section 6.~~8~~ 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 ~~in 2.2~~as provided elsewhere in this charter. (Amendments approved by vote of the people November 2, 2004.)

Compensation of Officers and Employees

Section 6.~~9~~ 910 – 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 ~~his~~their service to the city other than their ~~his~~ salary.[23]

Employee Welfare Benefits

Section 6.1~~0~~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.

[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).

~~Civil Service Board~~

~~**Section 6.11** (a) There shall be a Civil Service Board, consisting of five resident and qualified voters, three to be elected from the City at large by the qualified electors thereof, one to be appointed by the classified civil service employees of the City in a manner of their choosing and one jointly by the Mayor 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 ManagerMayor 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:~~

RATIFIED

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

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

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

(c) To investigate and pass upon the claim of any person whose name appears on an eligible list, that he has been deprived of a position to which he is entitled under the provisions of this charter and the Civil Service and Personnel Rules governing the classified service, in which case the decision of the Board shall be binding on the appointing authority; provided, that such person shall not be entitled to any claim for salary from the city for the period prior to the date of filing such claim.

(d) To hear appeals from any action suspending for more than thirty days, reducing in rank or pay, or discharging any employee in the classified service, and further to hear appeals on any and all other controversies or matters arising out of or in connection with the Civil Service and Personnel Rules. The findings and decisions of the Board shall be reduced to writing and shall be final and binding upon all parties concerned. (Approved by vote of the people November 4, 1958.)

PersonnelHuman Resources OfficerDirector

Section 6.13112 – There shall be a Personnel OfficerHuman Resources Director, appointed by the City ManagerMayor on the basis of his experience in and demonstrated knowledge of modern personnel human resources administration, who shall be the administrative head of the Personnel Human Resources Department. He The Human Resources Director shall be responsible for directing the personnel program of the city in accordance with the provisions of this charter and ordinances supplemental thereto.

Personnel Rules

Section 6.14123 – (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 and personnel systemhuman 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-

RATIFIED

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/he~~their~~r~~ 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.~~15~~ 143 – All examinations shall be impartial and shall deal with the duties and requirements of the positions to be filled; they may be oral, written, or based on observed performance or educational and experience record, or any combination thereof. Positions requiring unusual technical or professional qualifications may be filled without competitive examination upon approval of the Civil Service Board. Unskilled laborers may be appointed in the order of priority of application, after such tests of fitness as the ~~Personnel Officer~~Human Resources Director may prescribe; provided, that preference in such employment shall be given to honorably discharged veterans. The ~~Personnel Officer~~Human Resources Director may develop an apprenticeship program for the recruitment and promotion of employees in the skilled trades.

Status of Existing Employees

Section 6.~~16~~ 154 – 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

RATIFIED

rules and ordinances in force at the time this charter takes effect.

Arbitration

Section 6.~~17~~ ~~16~~5 – In determining salaries, wages, hours and working conditions for employment in the city service, the Council, through the ~~City Manage~~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.~~18~~ ~~17~~6 – 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 All City officers or employees who have the authority to approve contracts in a cumulative annual 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 a personal financial affairs statement with the Public Disclosure Commission and City Clerk, which shall be made available on the City 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. ~~The Council may prescribe budget procedures supplemental to and not inconsistent with the provisions of the state law and this charter.~~

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 ~~City Manager~~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 ~~City Manager~~Mayor, subject to confirmation by the Council, and on the basis of ~~his~~ administrative abilit~~y~~ies and experience in accounting, budgeting, and financial control. The Director of Finance, whose duties shall include those of a controller, shall have charge of the administration of the financial affairs of the city and, except as otherwise provided by law and by this charter, ~~he~~ shall:

RATIFIED

(a) Compile for the ~~City Manager~~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 ~~him~~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 ~~he~~ 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 ~~his~~ 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 ~~of him~~ by law and by the ~~Manager~~ Mayor and Council.

Receipt, Custody, and Disbursement of Funds

Section 7.6 – There shall be a City Treasurer, appointed by the ~~Manager~~ 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 ~~his or her~~ 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 ~~City Manager~~Mayor shall be responsible for all city purchasing, but he may delegate his responsibility to any subordinate appointed by ~~him~~ 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

RATIFIED

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.

RATIFIED

(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 ~~City Manager~~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

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

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 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.)

~~Cemeteries, Mausoleums, and Crematories~~

~~**Section 9.4** – The establishment or platting of new cemeteries and the establishment of mausoleums or crematories within the limits of the City is hereby prohibited; provided that mausoleums or crematories may be established within the limits of existing cemeteries. (Approved by the vote of the people September 18, 1973.)~~

Parks

Section 9.4~~5~~ – 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~~6~~ – 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.

~~Gender Neutral 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.)~~

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 ~~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, t~~he 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

[25] See also "Public Disclosure Law" RCW 47.17.
[26] See Sections 1.06.227 - 1.06.230.
[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.

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 validity of the petition.~~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.)

Section 10.3~~2.20~~ - Citizens of Tacoma may ask that ordinances passed by the City Council, except for ordinances which take effect immediately as allowed in Section 2.13 of the Charter, or as otherwise prohibited by State Law, be referred to the voters for approval or rejection by the following process:

a) The petitioners shall file a Referendum Petition with the City Clerk not later than ten (10) calendar days after the City Council approved the ordinance.

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

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

d) Within five (5) 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 ~~twenty-five (25)~~the number of words in length as allowed under state law for local referendums. The statement will be phrased in the form of a positive question.

e) The City Attorney shall ~~transmit~~ file this concise statement ~~to~~ 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) ~~five (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.

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)~~five (5)~~ working days of the -notification of the ballot title having been posted as required under (f)~~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

RATIFIED

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.~~Mayoral election~~.

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 ~~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.)

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.[29]

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.

[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.

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[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

[30] See Chapter 13.02 - Planning Commission

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; ~~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 directo~~Human Resources Director ~~r~~ nor ~~his or her~~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.

[31] See Chapter 1.16 - Library

(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 – Consistent with the authority granted in RCW 35.21.015 and as may be hereinafter amended, 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 direct the City Council to set the salary and salary increases 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:

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. 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 adoption no later than September 1 of the calendar year.

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Citizens Commission on Redistricting

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

The Commission shall have the power to redraw the lines of the ~~seven (7)~~ council~~manic~~ 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 ~~seven~~ five election districts so that each district shall comprise as nearly as possible one-fifth ~~seventh~~ 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 independent neighborhood councils and a Community Council. The neighborhood councils and Community Council shall act as advisory entities to the City Council and 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 members from each neighborhood council. Neighborhood councils and the Community Council shall have the power to make bylaws and rules for the conduct of their business.

Article XI

SUCCESSION IN GOVERNMENT

Continuance of Ordinances and Vested Rights

Section 11~~0~~.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 11~~0~~.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 confirmed as provided in this charter. ~~Pending~~

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~~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~~11.3 – 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 11.4~~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.~~

DRAFTED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

SECTION

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

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New Form of Government Charter – (CORRECTED) Version 6 as Ratified April 28, 2014

TACOMA CITY CHARTER
MAYOR – COUNCIL - CAO

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Effective June 1, 1953
Amended November 2, 2004

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

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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.

RATIFIED

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

RATIFIED

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

RATIFIED

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 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. 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.

Organization of the Council

Mayor Pro-Tempore

[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.

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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 of investigation 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

RATIFIED

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.[4] 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. Four 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.[5] 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,[6] 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 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

[4] RCW 42.30.080 establishes the procedure for emergency meetings pursuant to the Open Public Meetings Act.
[5] RCW 42.30.090 establishes the procedure for adjourning meetings pursuant to the Open Public Meetings Act.
[6] 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.

RATIFIED

be deemed prima facie to have been repealed thereby.[7]

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.

(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 general supervision of the Mayor, assist in administering city government. The Mayor will have

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

RATIFIED

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.

RATIFIED

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[8]

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.)[9]

Article IV

PUBLIC UTILITIES[10]

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

[8] See Chapter 1.06

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

[10] See Title 12 - Utilities

RATIFIED

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. The holder of the term expiring in 2014 will remain in office until the election cycle concludes, and the holder of that position and the holder of the position expiring in 2015 will be extended for one year, so the holders of those positions will, if approved, serve a 6 year term and then the holders of those positions will be given eligibility for an additional three year term. The term expiring in 2016 will be extended for one year so that the holder of that position will, if approved, serve a six year term and then will be given eligibility for an additional three year term. The term ending in 2017 will be extended for one year so that the holder of that position will, if approved, serve a six year term and then be given eligibility for an additional three year term. The term ending in 2018 will be extended for one year so that the holder of that position will, if approved, serve a six year term and then be given eligibility for an additional three year term.

(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

RATIFIED

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. If agreement cannot be reached by the stated deadline, the City Council may adopt a budget as provided by state law.

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.[11]

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.

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.

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

RATIFIED

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

RATIFIED

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[12]

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

[12] See Chapter 1.24 - Personnel rules.

RATIFIED

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 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.)

Discriminatory Actions

Section 6.7 – No applicant for employment and no appointed officer or employee shall be discriminated against in any personnel decision on the basis of religion, race, color, national origin or ancestry, political affiliation, sex, gender identity, sexual orientation age, familial status, honorably discharged veteran or military status, or the presence of any sensory, mental or physical handicap; provided, however, that affirmative action may be used to remedy prior discrimination in the employment and promotion of City appointed officers and employees. (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.[13]

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

[13] 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).

RATIFIED

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 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

RATIFIED

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 All City officers or employees who have the authority to approve contracts in a cumulative annual 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 a personal financial affairs statement with the Public Disclosure Commission and City Clerk, which shall be made available on the City 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

RATIFIED

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

RATIFIED

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

RATIFIED

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[14]

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

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

RATIFIED

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.[15]

Claims Against City[16]

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 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.[17] (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[18]

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.

[15] See also "Public Disclosure Law" RCW 47.17.
[16] See Sections 1.06.227 - 1.06.230.
[17] Section 9.3. See also "Actions against political subdivisions, municipal and quasi-municipal corporations" RCW 4.96.
[18] 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.

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.

RATIFIED

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 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

RATIFIED

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.[19]

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 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[20]

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[21]

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

[19] 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.

[20] See Chapter 13.02 - Planning Commission

[21] See Chapter 1.16 - Library

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 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 – Consistent with the authority granted in RCW 35.21.015 and as may be hereinafter

RATIFIED

amended, 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 direct the City Council to set the salary and salary increases 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:

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. 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 adoption 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.

RATIFIED

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 independent neighborhood councils and a Community Council. The neighborhood councils and Community Council shall act as advisory entities to the City Council and 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 members from each neighborhood council. Neighborhood councils and the Community Council shall have the power to make bylaws and rules for the conduct of their business.

Article XI

SUCCESSION IN GOVERNMENT

Continuance of Ordinances and Vested Rights

Section 11.1 – 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 11.2 – 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 confirmed as provided in this charter.

Transfer of Functions and Personnel

Section 11.3 – 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 Transfer of Records, Property, and Funds

Section 11.4 – 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

RATIFIED

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.

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

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

RATIFIED

SECTION

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

RATIFIED

CHARTER REVIEW RESOLUTION NO. 1

A RESOLUTION expressing appreciation of Charter Review Committee staff.

WHEREAS the existing City Charter was adopted in 1953, and provides for a comprehensive review of the City Charter no less frequently than once every ten years by a citizens' Charter Review Committee, and

WHEREAS the last comprehensive review occurred in 2004, and

WHEREAS, pursuant to Resolution No. 38812, adopted January 7, 2014, the City Council appointed 15 citizens to the 2014 Charter Review Committee, and

WHEREAS the Charter Review Committee held nearly 80 meetings and worked close to 150 hours over the course of four months, and

WHEREAS Doris Sorum and the City Clerk's Office, Martha Lantz and the City Attorney's Office, and Jeannie Harris, Committee Assistant, staffed the Charter Review Committee, and

WHEREAS Doris Sorum, Martha Lantz, Jeanne Harris, and their respective departments exhibited dedication and passion to their work, the Charter Review Committee, and to citizens of Tacoma by working extraordinarily long hours; Now, Therefore,

BE IT RESOLVED ON THIS DAY, APRIL 28, 2014, BY THE 2014 CHARTER REVIEW COMMITTEE OF THE CITY OF TACOMA:

That Doris Sorum and the City Clerk's Office, Martha Lantz and the City Attorney's Office, and Jeanne Harris are formally recognized with this Resolution of Appreciation, and that Charter Review Resolution No. 1 is entered into the official

record of the Committee's work and added to the final report to be sent to the City Council on May 6, 2014.

Chair Bill Baarsma

Vice Chair Catharine Ushka

Secretary Justin Leighton

Member Theresa Baker

Member Gary Brackett

Member Mabel Edmonds

Member Tim Farrell

Member Eric Hahn

Member Dr. Charles Horne

Member Mark Martinez

Member James Merritt

Member John Messina

Member Kenneth Miller

Member Patricia Talton

Member Justin Van Dyk

Attest:

City Clerk

Approved as to form:

City Attorney