

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

(Amendments approved by vote of the people November 2, 2004 and November 4, 2014)

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.

Section 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 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Section 2.24 – No ordinance heretofore or hereafter enacted by vote of the people shall be amended or repealed by the Council within two years after enactment, unless such amendatory or repealing ordinance shall be submitted to the qualified electors for their approval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 BRANCH

The City Manager

Section 3.1 – The Council shall appoint a chief administrative officer of the City government who shall be entitled City Manager, and who shall serve at the pleasure of the Council. Both the appointment and removal shall require the affirmative vote of five members of the Council. The Manager shall be selected on the basis of training, experience, and other administrative qualifications for the office and without regard to place of residence at the time of appointment, but during tenure of office, 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 Council Member shall be eligible for the position of City Manager within two years after the expiration of their 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.

(Amendments approved by vote of the people September 18, 1973, November 2, 2004, and November 4, 2014)

Council-Manager Relationships

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

(Amendment approved by vote of the people November 4, 2014)

Section 3.3 – The Manager shall supervise and be responsible for the effective management of the administrative affairs of the City. The Manager shall give general direction to the programs and activities of all City departments and offices, except those removed from the Manager's jurisdiction by this charter, and shall be responsible for the proper execution of the policies set by the Council and the enforcement of all laws and ordinances. The Manager shall keep the Council informed of the conditions and needs of the City and shall make such reports and recommendations as the Manager may deem desirable or as may be requested by the Council.

(Amendments approved by vote of the people September 18, 1973 and November 4, 2014)

Section 3.4 – The Manager shall have the power to appoint and remove, subject to the civil service provisions of this charter and except as otherwise provided in this charter or by state law, all officers and employees of the City under the Manager's jurisdiction, provided, appointments of department heads shall require confirmation by the City Council. The Manager may authorize the head of a department or office responsible to the Manager to appoint and remove subordinates in such department or office.

(Amendment approved by vote of the people November 4, 2014)

City Attorney

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

(Amendment approved by vote of the people November 4, 2014)

Section 3.6 – The City Attorney shall be legal advisor to the City Council, Manager, and all officers, departments, and boards of the City in matters relating to City affairs. The City Attorney shall represent the City in litigations in which the City is interested; shall provide written legal opinion on official matters when requested by the Council, Manager, commissions, boards, or other City officers; shall review for legal correctness contracts, bonds, franchises, and other instruments in which the City is concerned; and perform such other duties as may be prescribed by ordinance or otherwise by law. (Amendment approved by vote of the people November 4, 2014)

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) 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 as deputy, who shall have all the powers and perform all the duties of the City Clerk in the Clerk's absence.

(Amendment approved by vote of the people November 4, 2014)

City Planning Commission¹⁰

Section 3.8 – There shall be a Planning Commission, composed of nine (9) members, with such powers and duties as are provided by ordinance. The nine members shall be residents of the City of Tacoma and be appointed and confirmed by the City Council for terms of three (3) years each. One member shall be appointed by the City Council for each of the five council districts. The Council shall appoint to the four remaining positions an individual from each of the following:

- (a) the development community;
- (b) the environmental community;
- (c) public transportation, and
- (d) a designee with background of involvement in architecture, historic preservation, and/or urban design.

A majority of the voting members of such Commission shall constitute a quorum for the transaction of business. The Commission shall be authorized to adopt rules for the transaction of business not inconsistent with this charter or ordinances of the City of Tacoma. Said Planning Commission members shall serve without pay.

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

Tacoma Public Library¹¹

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

¹⁰ See TMC Chapter 13.02 - Planning Commission

¹¹ See TMC Chapter 1.16 - Library

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 Organization¹²

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

Section 3.12 – The City Council may remove any appointed member of any City board, commission, or board of trustees, for cause, after notice and public hearing, if that member is found to have knowingly violated the oath of office 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.

(Amendments approved by vote of the people November 2, 2004, and November 4, 2014)

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.

(Amendment approved by vote of the people November 4, 2014)

Article IV

PUBLIC UTILITIES¹³

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.

¹² See TMC Chapter 1.06

¹³ See TMC Title 12 - Utilities