2014 Charter Review Committee
Communication Framework

Updated 1/9/2014

Goals

- To provide information about the Charter Review process for members of the community, the media and City employees.
- To establish and maintain relationships with interested parties during the process.

Target Audiences

Target audiences include those who can assist in getting information about the Charter Review process to members of the community, the media and City employees.

- City Council and Management Staff
- TPU Board and Management Staff
- Civil Service Board
- Metro Parks Tacoma Board
- Tacoma Public Schools Board
- Port of Tacoma Commission
- Pierce County Council
- Community Council
- Neighborhood Councils
- Cross District Association
- City Club
- The Municipal League
- Chamber of Commerce
- Downtown Lion's Club
- AARP, Tacoma Chapter
- United Way of Pierce County
- Labor Organizations
- Associated Ministries of Tacoma
- Hilltop Action Coalition
- University of Washington Tacoma
- University of Puget Sound
- Community and Technical Colleges
- Local Media — print, broadcast and electronic
Assumptions

- The Charter Review Committee's preference to utilize low- or no-cost resources available through the City to keep the community and City employees informed.
- The Charter Review Committee's desire to use a broad spectrum of communication vehicles within the aforementioned cost limitations.

Tactics

- Work with staff liaison to craft messaging to target audiences via direct mail, flyers, fact sheets, web postings and television scala pages.
- Crosspromote messaging to local media via news releases and social media.
- Work with staff liaison to polish and distribute Charter Review Committee-authored op-eds and letters-to-the-editor to local media to augment news releases.
- Work with staff liaison to establish a general email address for the Charter Review Committee to augment the staff liaison's phone number.
- Pitch and facilitate editorial board meetings and public radio appearances for the Charter Review Committee.
- Crosspromote messaging to City employees via internal channels.
- Create a featured area for the Charter Review Committee on the City's website specifically for the Charter Review Committee to include: meeting schedules, archive for minutes, contact information and avenues for public input, process updates, reports and other relevant information.
- Work with staff liaison to design exterior of community input boxes and design hard copy community input forms with electronic version placed on Charter Review Committee's website.
- Work with staff liaison to share link to Charter Review Committee's website on the websites of other key organizations and groups in Tacoma.
- Work with staff liaison to share information from the Charter Review Committee in the newsletters of other key organizations and groups in Tacoma.
- Create opportunities for additional Charter Review Committee exposure via "Inside Tacoma," the City's public affairs television program, and "Tacoma Report," the City's television news program.

Messaging Topics (to be translated into ______)

City Charter Summary

- What is a City Charter?
- Why are we reviewing the City Charter?
- Who comprises the Charter Review Committee?
- What role does the community have?
- What role do City employees have?
- What is the timeline for the review of the City’s Charter?
• Can someone explain in lay person’s terms what each section of the Charter covers?

**Ballot Education Mailer**

• There can be no charter changes without voter approval.
• When can the community vote?
• Where can the community go for more information?

**Community Input**

• How can you share your input about the City’s Charter?
• Share schedule of meeting dates and locations.
These are "buckets" of target audiences. Maria asked me to select, for next week, the one you, as next district council chair, would like to give these.

1. City council and exec staff
2. Utility board and exec staff
3. Other governmental agencies in the city
4. Other governing district councils
5. Bargaining groups (Exec Council)
6. Chamber of Commerce, clubs, Rotary et al.
7. Religious, arts and social service organizations
8. Political parties
9. Student clubs
## 2014 Charter Review Committee Planning Calendar and Work Schedule

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<th>Date</th>
<th>Task</th>
<th>Topic(s)</th>
<th>Speakers</th>
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<tr>
<td>Monday, January 13, 2014</td>
<td>Set Up Process</td>
<td>Presentation: Introductions of Support Staff Departments</td>
<td>T.C. Broadnax, Elizabeth Pauli, Gwen Schuler,</td>
<td>Room 248</td>
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<tr>
<td>January 27, 2014</td>
<td>Set Up Process</td>
<td>Presentation: Conflicts in the Charter relative to council, mayor and city manager</td>
<td>Former Mayor Brian Ebersole</td>
<td>Room 16</td>
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<tr>
<td>Monday, February 3, 2014</td>
<td>CRC Agenda SubCom 5:30 – 7 Finalize work schedule</td>
<td>Information Gathering</td>
<td>Stan Finkelstein, Justin Leighton</td>
<td>Room 16</td>
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<tr>
<td>Wednesday, February 5, 2014</td>
<td>CRC Agenda SubCom 5:30-7 TBD</td>
<td>Information Gathering</td>
<td>COT Staff, City Manager, Department Heads?</td>
<td>Room 16</td>
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<tr>
<td>Monday, February 10, 2014</td>
<td>CRC Agenda SubCom 5:30-7 TBD</td>
<td>Information Gathering</td>
<td>The Public Charter Review Committee Members</td>
<td>City Council Chambers</td>
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<tr>
<td>February 12, 2014</td>
<td>CRC Agenda SubCom 5:30-7 TBD</td>
<td>Information Gathering</td>
<td>Former mayors Connie Ladenburg, Rick Talbert</td>
<td>Room 16</td>
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<tr>
<td>Monday, February 17, 2014</td>
<td>CRC Agenda SubCom 5:30-7 TBD</td>
<td>HOLIDAY</td>
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<td>February 19, 2014</td>
<td>CRC Agenda SubCom 5:30-7 TBD</td>
<td>Information Gathering Organize Information Visioning-Brainstorming</td>
<td>Two panels of four 7-8 and 8-9</td>
<td>Room 16</td>
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<tr>
<td>Monday, February 24, 2014</td>
<td>Information Gathering</td>
<td>• Testimony from former city managers</td>
<td>Administrators; Jim Walton, Skip Priest, John Powers, Cary Bozeman, John Ladenburg</td>
<td>Room 16</td>
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<td></td>
<td>Organize Information Visioning</td>
<td>• Administrative</td>
<td>Charter Review Comm</td>
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<td>Brainstorming</td>
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<tr>
<td>February 26, 2014</td>
<td>Information Gathering</td>
<td>• Testimony from administrators</td>
<td>Administrators</td>
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<td>Organize Information Visioning</td>
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<td>Brainstorming</td>
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<tr>
<td>Monday, March 3, 2014</td>
<td>Information Gathering</td>
<td>• TPU</td>
<td>Bill Gaines, David Nelson, Jake Fey, Bill Barker, Tom Hilyard</td>
<td>Room 16</td>
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<td>Organize Information Visioning</td>
<td>• Visioning/Summarizing</td>
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<td>Summarize Issues/Needs</td>
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<td>Monday, March 10, 2014</td>
<td>Organize Information Visioning</td>
<td>• Develop Decision Criteria</td>
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<td>Summarize Issues/Needs</td>
<td>• SubCom Reports</td>
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<td>Develop Decision Criteria</td>
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<tr>
<td>Monday, March 17, 2014</td>
<td>Organize Information Visioning-Brainstorming Summarize Issues/Needs Develop Decision Criteria Identify Alternative Solutions</td>
<td>Identify Alternative Solutions</td>
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<td>March 19, 2014</td>
<td>Organize Information Identify Alternative Solutions</td>
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<td>March 24, 2014</td>
<td>Organize Information Identify Alternative Solutions</td>
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<td>March 26, 2014</td>
<td>Organize Information Identify Alternative Solutions</td>
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<td>March 31, 2014</td>
<td>Organize Information Identify Alternative Solutions</td>
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<td>April 7, 2014</td>
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<td>May 5, 2014</td>
<td>BRIEF FOR SUBMISSION TO CITY COUNCIL</td>
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<td>May 6, 2014</td>
<td>SUMMIT TO CITY COUNCIL CELEBRATE</td>
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To: T.C. Broadnax, City Manager

From: Tansy Hayward, Assistant City Manager

Subject: Proposed 2014 Charter amendment

Date: January 2, 2014

Current Charter Language:
Article VI – Section 6.7 – 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, national origin, political affiliation, sex, age, or the presence of any sensory, mental or physical handicap; provided, however, that affirmative action may be used to remedy prior discrimination in the employment and promotion of City appointed officers and employees. (Amendments approved by vote of the people September 18, 1973 and November 3, 1992.)

Recommended Language:
Article VI – Section 6.7 – 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, marital status, 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 in accordance with Chapter 49.60.400 of the Revised Code of Washington 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.)

Rationale for Change:
The current Charter language of Section 6.7 (last amended November 3, 1992) is not in alignment with Section 1.29.010 of Chapter 1.29 of the Tacoma Municipal Code (last amended June 17, 2008). Chapter 1.29 of the Tacoma Municipal Code prohibits unlawful discrimination against protected classes of persons in the areas of employment, education, credit, insurance and access to public accommodations. Section 1.29.010 of Chapter 1.29 establishes the protected classes and includes more protected classes than are currently included in Section 6.7 of the Tacoma City Charter. Revising the current Charter language will ensure compliance with current City law.
While Chapter 1.29 of the Tacoma Municipal Code does not include political affiliation as a protected class, it is recommend that political affiliation remain listed in Section 6.7 of the Tacoma City Charter because Section 6.7 also relates to appointed officers of the City.

The current Charter language of Section 6.7 as it relates to affirmative action appears to be out of alignment with Chapter 49.60.400 of the Revised Code of Washington which prohibits discrimination and the granting of preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. Chapter 49.60.400 was adopted in 1999 pursuant to the approval of Initiative Measure No. 200 on November 3, 1998. Chapter 49.60.400 includes certain exceptions to the law; consequently, the proposed revised language takes those exceptions into consideration rather than eliminating the entire reference to affirmative action. Revising the current Charter language will ensure compliance with current State law.

Enclosure(s)
Chapter 1.29
HUMAN RIGHTS COMMISSION

Sections:
1.29.010 Findings.
1.29.020 Creation of a Human Rights Commission.
1.29.030 Commission Responsibilities of Neighborhood and Community Services Department.
1.29.040 Definitions.
1.29.050 Unlawful discriminatory employment practices.
1.29.060 Additional unlawful discriminatory practices.
1.29.070 Liberal construction.
1.29.080 Severability.
1.29.090 Savings clause.
1.29.100 Unlawful discriminatory housing practices.
1.29.110 Discrimination in residential real estate-related transactions.
1.29.120 Prohibition against discrimination because of disability.
1.29.130 Housing for older persons.
1.29.140 Interference, coercion or intimidation.
1.29.150 Adjustment and settlement of complaints.
1.29.160 Election for civil action in lieu of hearing for housing cases.
1.29.170 Enforcement of fair housing provisions by private persons.

1.29.010 Findings.
In response to the problem of unlawful discrimination, the City Council of the City of Tacoma hereby finds that unlawful discrimination on the basis of race, religion, color, national origin or ancestry, sex, gender identity, sexual orientation, age, marital status, familial status, honorably discharged veteran or military status, or disability is inimical to the public welfare and good order of the City of Tacoma. The City Council accordingly finds it necessary, in the exercise of its police powers for the protection of the public health, safety, and welfare, to prohibit such discrimination and to initiate action for the remedy and prevention of unlawful discriminatory acts. Pursuant to this finding, and in accordance with the City of Tacoma's policy of providing and assuring equal opportunity for all Tacoma residents in the areas of employment, education, credit, insurance, access to public accommodations, and the acquisition of real property, the City Council, in order to effect this policy and to achieve the City's goal of eliminating unlawful discrimination, hereby creates and empowers a commission to study and investigate problems of prejudice, bigotry, and discrimination, and to encourage and coordinate the implementation of programs consistent with the needs and the rights of all residents of the City of Tacoma. The Council also hereby establishes an administrative agency to support and assist this commission and to be responsible for the monitoring and enforcement of anti-discrimination ordinances and resolutions within the City.

(Ord. 27720 Ex. A; passed Jun. 17, 2008; Ord. 26948 § 1; passed Apr. 23, 2002; Ord. 25352 § 1; passed Aug. 31, 1993)

1.29.020 Creation of a Human Rights Commission.
There is hereby established a commission, to be known as the Human Rights Commission of the City of Tacoma (hereinafter referred to as the "Commission"), consisting of 15 members representative of the general public, such as students; employer groups; the housing industry; and labor, religious, racial, ethnic, disabled, and women's groups in the City, to be nominated and appointed in accordance with City Council rules and procedures.

A. Duties and Powers of the Commission. The Commission shall have the duty and power to:

1. Initiate complaints charging unlawful practices as set forth in this chapter; provided, that no such action shall be taken with respect to any complaint within the exclusive jurisdiction of any state or federal agency. Each Commissioner shall have the power to initiate a complaint, whether or not such Commissioner is aggrieved, subject to approval by the Commission.

2. Review and act upon case closures as recommended by the department staff, petitions for reconsideration, and/or conciliation agreements.

3. Study, investigate, mediate, and hold public meetings on communitywide problems arising in the City of Tacoma which may result in intergroup tensions or discrimination, including race, religion, color, national origin or ancestry, sex, gender identity, sexual orientation, age, marital status, familial status, honorably discharged veteran or military status, or disability, and make such technical studies as are appropriate to effectuate the purpose and policies of this chapter.

4. Consult with and maintain contact with other public agencies, civil rights organizations, representatives of employers, labor unions, property owners, associations, realtor associations, religious denominations and institutions, professional associations,
Discrimination, preferential treatment prohibited.

(1) The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

(2) This section applies only to action taken after December 3, 1998.

(3) This section does not affect any law or governmental action that does not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin.

(4) This section does not affect any otherwise lawful classification that:

(a) Is based on sex and is necessary for sexual privacy or medical or psychological treatment; or

(b) Is necessary for undercover law enforcement or for film, video, audio, or theatrical casting; or

(c) Provides for separate athletic teams for each sex.

(5) This section does not invalidate any court order or consent decree that is in force as of December 3, 1998.

(6) This section does not prohibit action that must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the state.

(7) Nothing in this section prohibits schools established under chapter 28A.715 RCW from:

(a) Implementing a policy of Indian preference in employment; or

(b) Prioritizing the admission of tribal members where capacity of the school's programs or facilities is not as large as demand.

(8) For the purposes of this section, "state" includes, but is not necessarily limited to, the state itself, any city, county, public college or university, community college, school district, special district, or other political subdivision or governmental instrumentality of or within the state.

(9) The remedies available for violations of this section shall be the
same, regardless of the injured party’s race, sex, color, ethnicity, or national origin, as are otherwise available for violations of Washington antidiscrimination law.

(10) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law, the United States Constitution, or the Washington state Constitution, the section shall be implemented to the maximum extent that federal law, the United States Constitution, and the Washington state Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.

[2013 c 242 § 7; 1999 c 3 § 1 (Initiative Measure No. 200, approved November 3, 1998).]
TO: T.C. Broadnax, City Manager
FROM: Elizabeth Pauli, City Attorney
SUBJECT: Proposed 2014 Charter amendments
DATE: January 10, 2014

Current Charter Language:

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

a) The petitioners shall file an Initiative Petition with the City Clerk.
b) Upon receipt, the City Clerk shall forward the petition to the City Attorney.
c) Within ten (10) working days of receipt, the City Attorney shall review the petition with the petitioner, and if the petition is proper in terms of form and style, the City Attorney will write a concise, true, and impartial statement of the purpose of the measure, not to exceed twenty-five (25) words in length. The statement will be phrased in the form of a positive question.
d) The City Attorney shall transmit this concise statement to the City Clerk as the official ballot title.
e) The City Clerk shall assign an initiative number to the ballot title and notify the petitioner that the ballot title becomes final and signature gathering may begin in five (5) working days if there is no judicial review.
f) Persons dissatisfied with the ballot title prepared by the City Attorney may seek judicial review by petitioning the Pierce County Superior Court within five (5) working days of the City Attorney having transmitted the ballot title to the City Clerk. The Court shall endeavor to promptly review the statements and render a decision as expeditiously as possible. The decision of the Court is final.
g) Petitions must include the final, approved ballot title, initiative number, the full text of the ordinance, or amendment to existing ordinance, that the petitioners seek to refer to the voters, and all other text and warnings required by State Law.
h) Petitioners have one hundred and eighty (180) calendar days to collect signatures from registered voters.
i) The number of valid signatures shall be equal to ten percent (10%) of the votes cast in the last Mayoral election.

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

(Amendment approved by vote of the people November 2, 2004.)
Section 2.20 - Citizens of Tacoma may ask that ordinances passed by the City Council, except for ordinances which take effect immediately as allowed in Section 2.13 of the Charter, or as otherwise prohibited by State Law, be referred to the voters for approval or rejection by the following process:

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

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

c) Upon receipt, the City Clerk shall forward the petition to the City Attorney.

d) Within five (5) working days of receipt, the City Attorney will review the petition with the petitioner, and if the petition is proper in terms of form and style, the City Attorney writes a concise, true, and impartial statement of the purpose of the measure, not to exceed twenty-five (25) words in length. The statement will be phrased in the form of a positive question.

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

f) The City Clerk shall assign a referendum number to the ballot title and notifies the petitioner that the ballot title becomes final and signature gathering may begin in five (5) working days if there is no judicial review.

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

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

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

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

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

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

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

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

b) Upon receipt, the City Clerk shall forward the petition to the City Attorney 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 of number 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 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 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 webpage.

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 ten (510) 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 or Mayor-Election.

j) The City Clerk or County Auditor 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.)
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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-lengths 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 five ten (610) 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 five ten (610) working days the notification of the ballot title having been posted as required under (e) 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 election for the office of Mayoral election.

k) The City Clerk County Auditor 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.)
Rationale for Changes:

The proposed changes above are recommended to aid in making the initiative and referendum process more accessible to our citizens. Parallel changes are recommended for Section 2.19 and 2.20. The proposed changes are intended to accomplish three things:

1. Clarify the role of the clerk and the County Auditor (see subparagraphs 2.19 (b) and (j) and 2.20 (c) and (k))
2. Provide consistency with state law relating to local initiatives and referendums see subparagraphs 2.19 (c), (e) and (f) and 2.20 (d), (f) and (g))
3. Add a notification procedure to enhance the opportunity for appeal of ballot title (see subparagraphs 2.19 (d), (e) and (f) and 2.20 (e), (f) and (g))

Relevant sections of state law are appended below for reference.

In addition to the recommended changes above, to avoid possible confusion and provide an increase in certainty to citizens, it is recommended that the Charter Review Commission look at the term “votes cast” as used in both sections (2.19 (i) and 2.2. (j)), and consider amendment to a term that better aligns with the terminology used and statistics maintained by the County.

RCW 29A.36.071
Local measures — Ballot title — Formulation — Advertising.

(1) Except as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any referendum filed on an enactment or portion of an enactment of a local government and any other question submitted to the voters of a local government consists of three elements: (a) An identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; and (c) a question. The ballot title must conform with the requirements and be displayed substantially as provided under RCW 29A.72.050, except that the concise description must not exceed seventy-five words; however, a concise description submitted on behalf of a proposed or existing regional transportation investment district may exceed seventy-five words. If the local governmental unit is a city or a town, the concise statement shall be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement shall be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or county, the concise statement shall be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.

(2) A referendum measure on the enactment of a unit of local government shall be advertised in the manner provided for nominees for elective office.

L:/EAP/Memos/Charter Amendment 1-14-14
(3) Subsection (1) of this section does not apply if another provision of law specifies the ballot title for a specific type of ballot question or proposition.

[2006 c 311 § 9; 2004 c 271 § 169.]

RCW 29A.36.080
Local measures — Ballot title — Notice.

Upon the filing of a ballot title of a question to be submitted to the people of a county or municipality, the county auditor shall provide notice of the exact language of the ballot title to the persons proposing the measure, the county or municipality, and to any other person requesting a copy of the ballot title.


RCW 29A.36.090
Local measures — Ballot title — Appeal.

If any persons are dissatisfied with the ballot title for a local ballot measure that was formulated by the city attorney or prosecuting attorney preparing the same, they may at any time within ten days from the time of the filing of the ballot title, not including Saturdays, Sundays, and legal holidays, appeal to the superior court of the county where the question is to appear on the ballot, by petition setting forth the measure, the ballot title objected to, their objections to it, and praying for amendment of it. The time of the filing of the ballot title, as used in this section in determining the time for appeal, is the time the ballot title is first filed with the county auditor.

A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the county auditor and the official preparing the ballot title. Upon the filing of the petition on appeal, the court shall immediately, or at the time to which a hearing may be adjourned by consent of the appellants, examine the proposed measure, the ballot title filed, and the objections to it and may hear arguments on it, and shall as soon as possible render its decision and certify to and file with the county auditor a ballot title that it determines will meet the requirements of this chapter. The decision of the superior court is final, and the ballot title or statement so certified will be the established ballot title. The appeal must be heard without cost to either party.


RCW 29A.72.050
Ballot title — Formulation, ballot display.

(1) The ballot title for an initiative to the people, an initiative to the legislature, a referendum bill, or a referendum measure consists of: (a) A statement of the subject of the measure; (b) a concise description of the measure; and (c) a question in the form prescribed in this section for the ballot measure in question. The statement of the subject of a measure must be sufficiently broad to reflect the subject of the measure, sufficiently precise to give notice of the measure's subject matter, and not exceed ten words. The concise description must contain no more than thirty words, be a true and impartial description of the measure's essential contents, clearly identify the proposition to be voted on, and not, to the extent reasonably possible, create
prejudice either for or against the measure.

(2) For an initiative to the people, or for an initiative to the legislature for which the legislature has not proposed an alternative, the ballot title must be displayed on the ballot substantially as follows:

"Initiative Measure No. . . . concerns (statement of subject). This measure would (concise description). Should this measure be enacted into law?

Yes ............ □
No ............. □

(3) For an initiative to the legislature for which the legislature has proposed an alternative, the ballot title must be displayed on the ballot substantially as follows:

"Initiative Measure Nos. . . . and . . . B concern (statement of subject). Initiative Measure No. . . . would (concise description).

As an alternative, the legislature has proposed Initiative Measure No. . . . B, which would (concise description).

1. Should either of these measures be enacted into law?
2.

Yes ............. □
No ............. □

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Measure ............. □
No. ............. □
or
Measure ............. □
No. ............. □
(4) For a referendum bill submitted to the people by the legislature, the ballot issue must be displayed on the ballot substantially as follows:

"The legislature has passed . . . . Bill No. . . . concerning (statement of subject). This bill would (concise description). Should this bill be:

Approved ............ □
Rejected ............ □

(5) For a referendum measure by state voters on a bill the legislature has passed, the ballot issue must be displayed on the ballot substantially as follows:

"The legislature passed . . . . Bill No. . . . concerning (statement of subject) and voters have filed a sufficient referendum petition on this bill. This bill would (concise description). Should this bill be:

Approved ............ □
Rejected ............ □

(6) The legislature may specify the statement of subject or concise description, or both, in a referendum bill that it refers to the people. The legislature may specify the concise description for an alternative it submits for an initiative to the legislature. If the legislature fails to specify these matters, the attorney general shall prepare the material that was not specified. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

The attorney general shall specify the statement of subject and concise description for an initiative to the people, an initiative to the legislature, and a referendum measure. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

City of Tacoma
Human Resources Department

Revised Memorandum

January 17, 2014

To: T.C. Broadnax, City Manager

From: Joy St. Germain, Human Resources Director

Re: Proposed 2014 Charter Amendment – Article VI, Section 6.3

Current Charter Language:

Article VI – City Officers and Personnel, Eligibility for Employment - Section 6.3

No person shall be eligible for employment in the City service who is not a citizen of the United States; provided that as to laborers this requirement may be waived by the Personnel Officer when laborers who are citizens are not available. No person shall be eligible to employment in the classified service who is not a resident of the 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.)
Recommended Language:

Article VI – City Officers and Personnel, Eligibility for Employment - Section 6.3

No person shall be eligible for employment in the City's classified service as a police officer or firefighter who is not a citizen of the United States; provided that as to laborers this requirement may be waived by the Personnel Officer when laborers who are citizens are not available. No person shall be eligible to employment in the classified service who is not a resident of the 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.)

Rationale for change to citizenship requirement:

Currently, pursuant to State law, police officers and firefighters in the City's classified service are required to be United States citizens. All employees must provide proof of employment eligibility as required under federal law, but citizenship is generally not required. The proposed change therefore eliminates the citizenship requirement for classified employees other than police officers and firefighters, consistent with current laws and practice.

Rationale for change to residency requirement:

The residency requirement cannot be applied to all classified employees. State law expressly forbids the use of residency in any employment decision related to firefighters (RCW 41.08.075) and police officers (RCW 41.12.075). Currently those employees comprise approximately 26% of employees in the classified city service.

The historical reasons for residency requirements are less relevant. The need for prompt emergency response by employees was historically cited as a reason to require residency. However, in some instances, residents of Fife, Federal Way, Ruston, or Gig Harbor may actually be closer with less response time to their worksite than individuals
living within the city limits. When residency waivers have been granted in recent years, the majority were for individuals residing within 20 miles of the corporate limits. In addition, as indicated previously, Police Officers and Firefighters, who are primary emergency responders, are exempt from the requirements pursuant to State law.

There was also a historical belief that when employees live in the City, they have a vested interest in the quality of services provided and a better understanding of the needs. However, a number of City departments or divisions, including Public Works, Environmental Services, and Tacoma Rail, Water, Power and Click! provide services outside the City limits as well.

Residency requirements are uncommon among Washington cities. While some cities may require residency for positions such as the City Manager, Police and Fire Chief and Department Directors, Tacoma is likely alone in having a residency requirement for all classified positions.

The residency requirement negatively impacts the recruitment and hiring of highly qualified individuals. The residency requirement limits the talent pool for positions when census data indicates that 16% of our citizens do not meet the minimum educational requirements (HS grad or GED). Beyond that, there are increasing demands for specific competencies, specialization and higher educational requirements. For candidates living outside the City limits, residency is a reason for not applying for jobs, also limiting our pool of qualified applicants. Many families choose their residence based on a variety of economic and quality of life issues — often the proximity of employment for both spouses is a consideration. At a time when the public sector is expected to experience a worker shortage as baby boomers retire, mandating residency will likely reduce the City of Tacoma’s ability to compete with other cities for qualified workers.

The residency requirement is unenforceable. Washington State law forbids cities from requiring applicants for classified positions to reside within the City limits prior to employment or after the time of appointment.

RCW 35.21.200 states, in relevant part, that the “residence of an employee outside the limits of such city or town shall not be grounds for discharge of any regularly appointed civil service employee otherwise qualified…” The Washington State Supreme Court upheld this provision in a case involving City of Yakima charter and ordinance provisions that required “[p]ersons hereafter employed by the city [lo] be residents of the city except those whose duties require them to live outside the city.” Mosebar v Moore, 41 Wn.2d 216 (1952). In that case, the State Supreme Court held that the language of RCW 35.21.200 bars cities from enforcing local charter or ordinance provisions that require employees in the classified service to continue to reside within the city limits as
a condition of employment. The Court ruled that the Washington State Legislature's authority in this area pre-empts local laws that are in conflict with this provision.

In *Eggert v. City of Seattle*, 81 Wn.2d. 840 (1973), the State Supreme Court expanded the prohibition and held that duration residential requirements for applicants of classified positions were unconstitutional. The City of Seattle, through its charter, required applicants for civil service positions to be valid residents at the time of application. The Court found this requirement to unlawfully infringe upon the applicants' constitutionally protected right to travel and violates the equal protection clause of the United States Constitution. Cities cannot require applicants to be residents prior to appointment.

As a result of this body of law, the Courts and State Legislature have effectively rendered the City’s residency provisions for classified employees meaningless because it can only be enforced for a brief point in time at the time of appointment.

In addition, determination of compliance with a requirement of residency is problematic. The Tacoma City Charter and Municipal Code do not define the term “resident” or what evidence must be offered as proof of residency. While a driver's license or vehicle registration is typically used to show proof of residency, to obtain a Washington State driver's license or vehicle registration, a person must only show an “intent to live or be located in this state on more than a temporary or transitory basis.” (See RCW 46.20.021 and RCW 46.16.028). Even if the Charter or code were changed to clearly identify the proof required to establish residency, all that is required to meet the residency requirement, is simply manifesting an intent to reside within the City limits for the moment of appointment.

Because the residency requirement is not enforceable in a meaningful way, former City Manager Eric Anderson and Human Resources Director Joy St. Germain requested that the Civil Service Board grant an indefinite residency waiver, so that resources would not be used to attempt to apply a requirement that cannot be enforced. The Board granted the waiver at their regular meeting on May 6, 2010, and residency has not been required since then, pending Charter review.
January 28, 2014

Charter Review Committee
733 Market Street, Room 12
Tacoma, WA 98402

Dear Charter Review Committee

At my request, the General Government Directors submitted the following proposed 2014 Charter amendments for the committee’s consideration:

- The City Attorney's Office recommends changes to Article I, Sections 2.19 and 2.20, to aid in making the citizen initiative and referendum process more accessible to citizens; to clarify the role of the City Clerk and County Auditor in the process; to provide consistency with State law related to local initiatives and referendums; and, to add a notification procedure to enhance the opportunity for appeal of the ballot title.

- The Neighborhood and Community Services Department recommends language be added to Article VI, Section 6.7, related to discrimination actions against applicants for employment and appointed officers or employees.

- The Human Resources Department recommends changes to Article VI, Section 6.3, to bring that section in compliance with state law to limit the requirement for US citizenship to Firefighters and Police Officers.

Please see the attached memorandums for additional background and language revisions.

Thank you for your consideration of these proposed amendments.

Sincerely,

[Signature]

T. C. Broadnax
City Manager

cc: Mayor and Council Members
    Elizabeth Pauli, City Attorney
    Tansy Hayward, Assistant City Manager
    Joy St. German, Human Resource Director
## DISPOSITION OF RECOMMENDATIONS TO THE TACOMA CITY COUNCIL

### PROPOSED AMENDMENTS

| PREAMBLE |
|-----------|-----------------|-----------------|-----------------|
| Amendment #1 | Preamble to the Charter | An eloquent statement of purpose | Tabled |

### ARTICLE II - THE LEGISLATIVE BRANCH

| Amendment #2 | Section 2.5 Removal for or Forfeiture of Office | Allows for the removal of all elected officials, not only Council Members | Adopted |
| Amendment #3 | Section 2.8 Procedure of the Council | City Council to set the number of required annual Council meetings | Adopted |
| Amendment #4 | Section 2.9 Procedure of the Council | Addition of two full-time equivalent staff members for the City Council | Failed |
| Amendment #5 | Section 2.13 Legislation | Allow for a summary of new ordinances to be published, and authorize Council to designate the effective date for certain ordinances | Adopted |
| Amendment #6 | Sections 2.18, 2.19, 2.20 and 2.21 Initiative and Referendum | Improve the process of initiatives and referenda with a new section titled “Powers of the People”; and mandate a review of the Charter | Adopted |

### ARTICLE III - THE ADMINISTRATIVE BRANCH

| Amendment #7 | Section 3.1 The City Manager (delete the ten year term limit) | Provide a term limit, performance reviews and reconfirmation for the City Manager position. Authorize Council to have specific contracting ability. | Adopted as amended |
Amendment #17  Section 6.8  Political Activity  
(Change name to “Dual Office Holding”)
Delete portion that is contrary to State Law, and allow elected officials and employees to hold other offices, with restrictions  
Adopted as amended

ARTICLE VII - GENERAL FINANCE

Amendment #18  Section 7.4  Investment of Funds
Change the name of Finance Committee to Investment Committee  
Adopted

Amendment #19  Section 7.5 (a)  Department of Finance
The Finance Director shall review for concurrence the budget, prepared by the Office of Management, Budget and Analysis  
Failed

Amendment #20  Section 7.8  Receipt, Custody and Disbursement of Funds
Removes the restriction of city funds being deposited only in a bank in the City of Tacoma  
Adopted

Amendment #21  Section 7.9  Receipt, Custody and Disbursement of Funds  
(insert “or his/her designee” after the word “Treasurer”)
Allow for disbursement of city funds electronically  
Adopted as amended

Amendment #22  Section 7.14  Independent Audit
Provides for the State Auditor to be the independent auditor of record  
Adopted

ARTICLE IX - MISCELLANEOUS PROVISIONS

Amendment #23  Section 9.1  Disposal of City Property  
(exclude language regarding sale of property)
Allow for the conveyance of waterfront property, with restrictions, and modify certain conditions for leases lasting less than one year; allows leases up to 75 years  
Adopted as amended

Proposed and adopted by Council:

Redistrict the City from five to six Council Districts
PROPOSED CHARTER AMENDMENTS THAT DID NOT RECEIVE A MAJORITY VOTE BY THE CHARTER REVIEW COMMITTEE, OR OTHERWISE RESULTED IN NO PROPOSED CHANGES TO THE CHARTER

GOVERNMENT STRUCTURE

The Charter Review Committee meeting of February 26, 2004 was structured to assist the committee in determining if the current form of government should be changed, remain the same, or with modifications to the current system.

A series of questions were asked of the members, in the form of motions, on three separate structures of government:

1. Council/Manager
2. Mayor/Council
3. Council

The Charter Review Committee recommended continuing the current Council/Manager government structure, with some modifications.

The following are the results of the questions asked, regarding items number 2 and 3, the Mayor/Council form of government and Council structure.

MAYOR/COUNCIL STRUCTURE:

These questions were asked as affirmative motions, based on the assumption that these recommendations would take place if the Committee were to recommend the Mayor/Council form of government structure to the City Council.

1. Should the term limit for the Mayor be limited to the same terms as members of the City Council, which is two (2) four-year terms, up to ten (10) years maximum as Mayor?

   The motion failed by a vote of 3 in favor, with 10 opposed.

2. Should there be a term limit for the Mayor?

   The motion passed unanimously.

3. Should the length of office be extended or shortened?

   The committee voted to refer this to a sub-committee, which consequently did not decide on this matter due to the decision to keep the current government structure.

4. Should the Mayor be provided the authority to veto legislation?

   The motion passed unanimously.
Other proposed recommendations that failed to receive a majority vote:

**ARTICLE IV- PUBLIC UTILITIES**

**CURRENT CHARTER LANGUAGE:**

Section 4.17 Administrative Organization

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.)

**PROPOSED LANGUAGE:**

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. **The City Manager and the Director of Public Utilities shall jointly appoint the Director of Finance and the Director of Human Resources subject to the confirmation procedures of this Charter. The City Council and the Public Utilities Board may jointly direct the consolidation of other departments, offices or agencies.**

The Charter Review Committee vote was 3 in favor, 7 in opposition and 1 abstention.
ARTICLE VI- CITY OFFICERS AND PERSONNEL

CURRENT CHARTER LANGUAGE:

Section 6.7 - Discriminatory Actions

No applicant for employment and no appointed officer or employee shall be discriminated against in any personnel decision on the basis of religion, race, national origin, political affiliation, sex, age, or the presence of any sensory, mental or physical handicap; provided, however, that affirmative action may be used to remedy prior discrimination in the employment and promotion of City appointed officers and employees.

PROPOSED LANGUAGE:

No applicant for employment and no appointed officer or employee shall be discriminated against in any personnel decision on the basis of religion, race, national origin, political affiliation, sex, age, sexual orientation 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.

The Charter Review Committee vote was 0 in favor, 13 in opposition and 1 abstention.
ARTICLE VI- CITY OFFICERS AND PERSONNEL

CURRENT CHARTER LANGUAGE:

Section 6.12 (d) - Powers and Duties of the Civil Service Board

The Civil Service Board shall have the power and shall be required:
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.

PROPOSED LANGUAGE:

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 provided those findings and decisions are not in conflict with collective bargaining agreements in effect and applying to the individual or group presenting the appeal.

The Charter Review Committee vote was 4 in favor and 10 in opposition.
**ARTICLE VI- CITY OFFICERS AND PERSONNEL**

Other proposed recommendations for this Article, for which specific language had not been drafted, included:

**Section 6.11 - Civil Service Board**

Change to have the Council appoint the three members, who are now elected by the city at large.

The Charter Review Committee vote was 6 in favor and 8 in opposition.

**Section 6.14 - Personnel Rules**

Change to provide that the City Council shall make and amend the personnel rules.

The Charter Review Committee vote was 7 in favor and 8 in opposition.
Re: Communications

These are "buckets" of target audiences.
Marie asked me to give these to you, for next draft.

1. City Council and Executive Staff
2. Utility Board and Executive Staff
3. Other governments in the City
4. Appointed neighborhood and business district councils
5. Bargaining units
6. Business groups (Executive Council, Chamber, EDB)
7. Service clubs (Rotary et al.)
8. Religious, arts, enviro, social, justice and service organizations
9. Political parties