Committee Member Ushka called the meeting to order at 7:10 p.m.

Committee Members Present: 5 – Baarsma, Leighton, Miller, Ushka, and Van Dyk.

Committee Members Excused Absence: 2 – Edmonds and Hahn.

Approval of the March 18 and 25, 2014 Minutes

Committee Member Miller moved that the minutes of March 18 and 25, 2014 meetings be approved. Seconded by Committee Member Baarsma. Voice vote was taken and carried. The motion was adopted.

Committee Member Baarsma requested that the presence of University of Puget Sound Interns Maxwell DeLawyer and Nicholas Smit, be noted in the March 25, 2014 minutes.

City Charter Section 3.5 Discussion

At approximately 7:13 p.m., Committee Member Ushka requested to add a discussion regarding Section 3.5 to the agenda, noting Mr. DeLawyer and Mr. Smit have research to present. Mr. Smit provided his findings regarding the appointment of the City Attorney. He stated he researched 26 cities who’s populations were at or above Tacoma’s: 17 were Council/City Manager form of government (FOG) and 9 were Mayor/Council FOG. He then stated in the 17 Council/Manager FOG cities, 15 cities have the Council appoint the City Attorney, in one city the Council only approves the appointment, and in one city it directly elects the City Attorney. He stated in the nine Mayor/Council FOG cities, four cities have the Council appoint the City Attorney, and in the other five the Council only approves the appointment. Discussion followed regarding how many City Attorneys report directly to the Council.

Committee Member Ushka moved to recommend the Charter be changed so that the City Attorney is appointed by the City Council both under the current FOG and if the FOG is changed to a Mayor/Council/Chief Administrative Officer (CAO) FOG. Seconded by Committee Member Baarsma. Discussion ensued regarding the authority of the Mayor in the different FOGs.

Committee Member Baarsma moved to divide the question. Seconded by Committee Member Miller. Voice vote was taken and carried. The motion was adopted.
Committee Member Ushka stated the first question is the recommended appointment of the City Attorney by the Council under the current Council/City Manager FOG. Committee Member Baarsma requested language in the City Charter be amended to read that the City Attorney is appointed by the Council. Discussion followed regarding the findings from comparable cities, who the City Attorney would report to, and language within the amendment. Committee Member Miller requested to defer this decision until further information can be found regarding who the City Attorney would report to.

Committee Member Ushka restated the motion to move that current Charter language in Section 3.5 be changed to require the City Attorney be appointed by the City Council; the language would additionally be changed to reflect similar oversight and evaluation of the City Attorney as is for the City Manager; and further to strike language regarding the City Attorney needing confirmation from the City Manager for staff changes. Voice vote was taken and carried. The motion was adopted.

Mr. DeLawyer presented his findings regarding the confirmation of appointments of department heads by the City Council. He stated that, in reviewing the list of 200 comparable cities with the Council/Manager FOG, he could not find an instance where the City Manager’s appointments are confirmed by the Council, noting this does not seem to be a common practice. He then stated it seems to be common for confirmation by Council when the Mayor appoints someone.

Committee Member Miller moved that the City Attorney be appointed by the Council in the Mayor/Council/CAO FOG. Seconded by Committee Member Leighton. Discussion ensued regarding who the City Attorney would report to, the Mayor/Council/CAO FOG, and how many cities have a direct elect City Attorney.

Committee Member Baarsma moved to create language, if there was a FOG change, to have the Mayor appoint the City Attorney with confirmation by the Council and have additional language clarify that the City Attorney reports to the Executive Branch. Seconded by Committee Member Miller. Discussion followed regarding the work to be done by the Drafting Subcommittee. Voice vote was taken and carried. The motion was adopted.

Committee Member Leighton provided draft language for Section 3.5 of the Charter to the Subcommittee. Committee Member Ushka then provided a matrix prepared by Committee Member Miller specifying things that overlap depending on the FOG.

Committee Member Baarsma moved to include language in the Charter stating the appointment of all department heads should be confirmed by the Council under the current Council/City Manager FOG, unless otherwise specified in the Charter. Seconded by Committee Member Ushka. Voice vote was taken and carried. The motion was declared adopted.

Discuss Potential Amendments to Article III
At approximately 7:51 p.m., Committee Miller reviewed a matrix of items under the Administrative Subcommittee scope.
Committee Member Baarsma moved to change the title of the Article III, if the FOG is changed to a Mayor/Council/CAO FOG, from Administrative to Executive. Seconded by Committee Member Ushka. Voice vote was taken and carried. The motion was adopted.

Committee Member Ushka moved that the Charter, under a Mayor/Council/CAO FOG, read that the Mayor shall appoint a CAO. Seconded by Committee Member Baarsma. Voice vote was taken and carried. The motion was adopted.

Committee Member Baarsma moved that the Mayor proposes and the Council confirms the CAO salary, under a Mayor/Council/CAO FOG. Seconded by Committee Member Ushka. Voice vote was taken and carried. The motion was adopted.

Committee Member Baarsma moved, under a Mayor/Council/CAO FOG, to add language in the Charter similar to current language relative to the City Manager, stating the Mayor shall appoint a CAO of the City government who shall be selected on the basis of training, experience, and other administrative qualifications. Seconded by Committee Member Miller. Voice vote was taken and carried. The motion was adopted.

Committee Member Baarsma moved that the CAO shall, under the general supervision of the Mayor, assist the Mayor in administering City government, under a Mayor/Council/CAO FOG. Seconded by Committee Member Ushka. Voice vote was taken and carried. The motion was adopted.

Discussion ensued regarding the duties of the City Manager outlined in the current Charter, how to deal with term limit of the Mayor, and whether a CAO is the only option.

Committee Member Baarsma moved that the Mayor can remove the CAO, under a Mayor/Council/CAO FOG. Seconded by Committee Member Ushka. Voice vote was taken and carried. The motion was adopted.

Committee Member Baarsma moved that the Mayor will nominate appointments to Committee, Boards, and Commissions, with confirmation by the Council, except were described otherwise by state law, under a Mayor/Council/CAO FOG. Seconded by Committee Member Leighton. Voice vote was taken and carried. The motion was adopted.

Committee Member Baarsma moved that the Mayor can veto a Council action and the Council can override, under a Mayor/Council/CAO FOG. Seconded by Committee Member Leighton. Voice vote was taken and carried. The motion was adopted.

Discussion ensued regarding transition, broad direction to give to the Drafting Subcommittee, and how current Council Member would be impacted. Committee Member Miller requested Mr. Smit and Mr. DeLawyer look at other cities that have recently made the transition from a Council/Manager FOG to a Mayor/Council/CAO FOG and provide a summary of language used to guide transition. He then requested they provide their findings with both the Legislative and Administrative Subcommittees. Committee Member Leighton requested asking Martha Lantz, Deputy City Attorney, about Section X and how it is impacted by a change in the FOG.
Public Comment
None.

Committee Comments
Subcommittee members thanked Mr. Smit and Mr. DeLawyer for all of their work.

Adjournment
On proper motion, the meeting was adjourned at 8:40 p.m.

April Larsen, Administrative Assistant

Catherine Ushka, Committee Member