



Legislation Passed February 12, 2019

The Tacoma City Council, at its regular City Council meeting of February 12, 2019, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 40228

This is the first reading of a resolution amending the Rules of Procedure of the Council of the City of Tacoma by adding a new rule, Rule 16, entitled "Filling Council Vacancies and Approved Extended Leave of Absence," to establish a standard process for filling open City Council positions.

[Bill Fosbre, City Attorney]

Resolution No. 40229

This is the first reading of a resolution amending the Rules of Procedure of the Council of the City of Tacoma by adding a new rule, Rule 17, entitled "City Council Department Director Confirmation Process Guidelines," to establish a standard process for City Council confirmation of Department Director appointments.

[Elizabeth Pauli, City Manager]

Resolution No. 40230

A resolution awarding a contract to Combined Construction Inc., in the amount of \$179,000, plus applicable taxes, plus a 15 percent contingency, for a total of \$205,850, budgeted from the Wastewater Fund, for construction of the North End Wastewater Treatment Plant Outfall Repair Project - Specification No. ES18-0353S.

[Lance Bunch, P.E., Project Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 40231

A resolution awarding a contract to Gallagher Benefit Services, Inc., in the amount of \$250,000, plus applicable taxes, budgeted from the Human Resources Internal Fund, for a classification and compensation study, for an initial contract term of two years, with the option to renew for two additional one-year terms, for a projected contract total of \$300,000 - Specification No. HR18-0421F.

[Kari Louie, Senior Compensation and Benefits Manager; Gary Buchanan, Director, Human Resources]



RESOLUTION NO. 40228

1 A RESOLUTION amending the *Rules of Procedure of the Council of the City of*
2 *Tacoma* by adding thereto a new Rule 16, "Filling Council Vacancies and
3 Approved Extended Leave of Absence," for the purpose of establishing a
4 standard process for filling open City Council positions.

4 WHEREAS the City Council does not have a standard process for filling
5 open Council positions; consequently, over the past ten years, an ad hoc process
6 has been used each time the City Council has an open position, whether formally
7 vacated or when an extended leave of absence has been approved, which has
8 caused confusion among potential applicants, the public, the City Council, and the
9 media, and
10

11 WHEREAS both Washington State law and the Tacoma City Charter
12 provide legal authority for the City Council to fill open Council positions; however,
13 these laws do not mandate a specific process to be used, and
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15 WHEREAS a number of cities have adopted formal process rules for filling
16 open positions which are efficient, transparent, and provide consistency, and
17

18 WHEREAS the *Rules of Procedure of the Council of the City of Tacoma*
19 ("Rules of Procedure") should be amended to include a standard process for filling
20 open Council positions, including procedures for filling positions formally vacated,
21 and in those circumstances when the City Council desires to fill a position where
22 an extended leave of absence of 90 days or greater has been approved by the City
23 Council, and
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25 WHEREAS, on November 6, 2018, staff presented background information
26 on filling vacant Council positions to the Government Performance and Finance



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Committee (“GPFC”), and at the Committee’s direction, staff presented a proposed Council rule to the GPFC on December 11, 2018, and

WHEREAS the proposed process was shared with the City Council at the January 15, 2019, Study Session, and there was consensus to move a resolution forward for City Council Consideration to amend the Rules of Procedure by adding a rule for establishing a standard process for filling open City Council positions;

Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the *Rules of Procedure of the Council of the City of Tacoma* is hereby amended by adding thereto a new Rule 16, “Filling Council Vacancies and Approved Extended Leave of Absence,” for the purpose of establishing a standard process for filling open City Council positions, all as more specifically set forth in the attached Exhibit “A.”

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



EXHIBIT "A"

RULES OF PROCEDURE OF THE COUNCIL OF THE CITY OF TACOMA

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RULE 16 – FILLING COUNCIL VACANCIES AND APPROVED EXTENDED LEAVE OF ABSENCE

A. **Purpose.** The purpose of this section is to provide guidance to the Council when a Council Member position becomes vacant before the expiration of the official’s elected term of office, or when the Council has approved a Council Member’s extended leave of absence and desires to appoint a replacement during the absence.

B. **Appointment Process.**

1. A Council Member position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in RCW 42.12.010, including resignation, recall, forfeiture, written intent to resign, or death of the Council Member.
2. For a Council Member position where the member is unavailable to serve due to illness, injury, incapacitation, or otherwise unable to serve in the position for ninety (90) days or greater and the Council approves the extended leave absence, then the Council Member position should (but is not required) be filled by the Council, and the Council will use the same appointment process as filling a vacant position.
3. Pursuant to RCW 42.12.070 and Tacoma City Charter Section 2.7, the Council Member who is vacating his or her position cannot participate in the appointment process; however, a Council Member who is on an approved extended leave absence, if able, can participate in the appointment process for his or her replacement.
4. The Council shall direct the City Manager to begin the Council Member appointment process and establish an interview and appointment schedule, so that the position is filled at the earliest opportunity.
5. The City Clerk’s Office shall prepare and submit a public notice to the City’s official newspaper, official website, and provide courtesy copies to all requesting local media outlets, which announces the open position consistent with the requirements necessary to hold public office, including that the applicant (a) be a qualified elector of the City of Tacoma, (b) be a resident of the City of Tacoma for two (2) years immediately preceding the time of applying to fill the open seat, and (c) if applying for a district position, shall be a resident of the district for one year immediately preceding the time of appointment to fill



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the open seat. The public notice shall be published once each week for two (2) consecutive weeks. The notice shall contain other information, including, but not limited to, time to be served in the vacant position, salary information, deadline date and time for submitting applications, interview and appointment schedules (if known), and such other information that the Council deems appropriate.

6. The City Clerk's Office shall use the standard application form used by the City for citizens to apply to a City Committee, Board, or Commission. Applications will be available at the City of Tacoma Clerk's Office, Customer Service Center, and on the City's official website.
7. Applications received by the deadline date and time will be copied and circulated by the City Clerk's Office to the Mayor and Council. Applications received after the deadline date and time shall be rejected by the City Clerk's Office and returned to the applicant. Application packets may also contain additional information received such as a cover letter, resume, endorsements, letters of reference, and other pertinent materials.
8. The City Clerk's Office shall publish on the City's website and in the City's official newspaper the required public notice(s) for the full City Council meeting scheduled for interviewing applicants for consideration to the open position. This meeting may be a regularly scheduled or special City Council meeting.
9. If more than ten (10) valid applications are received for the open position, then the Council will reduce the number of applicants to be scheduled for an interview by allowing each Council Member, in an open public meeting, to select or forward one applicant from the applicant pool to be interviewed, with a potential total of nine candidates. No second to select or forward an applicant to be interviewed is needed. Council Members may convene into an Executive Session to discuss the qualifications of the applicants. The Council will then close nominations by motion, second, and then vote in the public meeting to schedule the candidates to be interviewed.
10. The City Clerk's Office shall notify applicants of the location, date, and time of Council interviews.
11. Each interview of the applicant shall be no more than 8 minutes in length as follows:
 - a) The applicant shall present his or her credentials to the Council. (3 minutes)
 - b) The Council shall ask the applicant questions. (5 minutes)
 - c) The applicants' order of appearance will be determined by a random lot drawing performed by the City Clerk. Only the applicant being interviewed will be allowed in the Council Chambers during the interview, the other applicants will be asked to remain outside the Council Chambers until their interview time.



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- 12. Upon completion of the interviews, Council Members will discuss the qualifications of the applicants and may convene into an Executive Session for this purpose. All interviews, deliberations, nominations, and vote taken by the Council shall be in an open public meeting.
- 13. The Mayor may ask for nominations from the Council Members for the purpose of narrowing down the applicant pool to the finalists that will be considered. No second is needed for nominations. Nominations to the finalist list is closed by a motion, second, and majority vote of the Council. Council Members may deliberate on such matters as criteria for selection, and of the qualifications of the finalists.
- 14. Following such deliberation, the Mayor shall ask the Council Members if they are prepared to vote.
- 15. The finalists shall be placed in order by a random lot drawing performed by the City Clerk. The City Clerk shall then proceed with a roll-call vote of the first finalist, and if that nominee does not receive a majority vote of the Council Members, the City Clerk will continue to the next nominee, and so on, until a nominee receives a majority vote of the Council Members.
- 16. The Mayor shall declare the nominee receiving the majority vote as the new Council Member, who shall be sworn into office by the City Clerk at the earliest opportunity or no later than the next regularly scheduled meeting.
- 17. At any time during the appointment process, the Council may by motion, second, and majority vote of the Council, postpone the appointment until a date certain or regular meeting if no nominee receives a majority of the vote.
- 18. Pursuant to state law, a vacancy shall be filled only until the next regular municipal election, to serve the remainder of the unexpired term.
- 19. Nothing in this policy shall prevent the Council from reconvening into an Executive Session to further discuss applicant qualifications.
- 20. Pursuant to Tacoma City Charter Section 2.7, if the City Council does not appoint a qualified person to fill a vacancy within sixty (60) days from the date the vacancy occurs, then the Mayor shall make the appointment, subject to confirmation of the remaining members of the Council. If the City does not confirm the appointment to fill a vacancy within ninety (90) days of the declared vacancy, then pursuant to RCW 42.12.170 the appointment power is delegated to the Pierce County Council. This Section 20 shall not apply to filling of an approved extended leave of absence, so in the case the open position is not appointed within sixty (60) days, the position may remain open until such time as the Council desires to fill it.



RESOLUTION NO. 40229

1 A RESOLUTION amending the *Rules of Procedure of the Council of the City of*
2 *Tacoma* by adding thereto a new Rule 17, "City Council Department
3 Director Confirmation Process Guidelines," for the purpose of establishing a
4 standard process for City Council confirmation of Department Director
5 appointments.

6 WHEREAS, in 2014, Charter Amendment No. 5 added a new requirement
7 to the City Manager's role of approving and removing all officers and employees
8 under the City Manager's jurisdiction, and

9 WHEREAS the amendment added a requirement to City Charter
10 Section 3.4 that department director-level appointments be confirmed by the City
11 Council, and

12 WHEREAS, at the November 6, 2018, Government Performance
13 Committee meeting, Assistant City Manager Tadd Wille presented the City
14 Manager's developed process for department director-level appointments and City
15 Council confirmations, with the goal of creating a consistent process that allows for
16 input and involvement from City staff, stakeholders, the public, and the City
17 Council, when appropriate, and

18 WHEREAS the proposed confirmation process was shared with the City
19 Council at the January 15, 2019, Study Session, and there was consensus to
20 move a resolution forward for City Council consideration to amend the *Rules of*
21 *Procedure of the Council of the City of Tacoma* by adding a rule for the City
22 Council Department Director Confirmation Process Guidelines, and
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WHEREAS the proposed confirmation process does not include confirmation of the Director of the Department of Public Utilities; as required by Section 4.18 of the City Charter, that process will be developed by the Public Utility Board and City Council; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the *Rules of Procedure of the Council of the City of Tacoma* is hereby amended by adding thereto a new Rule 17, "City Council Department Director Confirmation Process Guidelines," for the purpose of establishing a standard process for City Council confirmation of Department Director appointments, all as more specifically set forth in the attached Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



EXHIBIT "A"

RULES OF PROCEDURE OF THE COUNCIL OF THE CITY OF TACOMA

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RULE 17 – CITY COUNCIL DEPARTMENT DIRECTOR CONFIRMATION PROCESS GUIDELINES

- A. **Purpose.** The purpose of this section is to create a consistent process for Council confirmation of department director-level appointments by the City Manager, which will allow for input and involvement from City staff, stakeholders, the public, and the Council, when appropriate.
- B. **Director Confirmation Categories.** There shall be three confirmation categories, as follows:

<u>Category</u>	<u>Department Directors</u>
<u>Public Safety</u>	<ul style="list-style-type: none"> • <u>Fire Chief</u> • <u>Police Chief</u>
<u>Outward Facing</u>	<ul style="list-style-type: none"> • <u>Community and Economic Development</u> • <u>Environmental Services</u> • <u>Neighborhood and Community Services</u> • <u>Planning and Development Services</u> • <u>Public Works</u> • <u>Tacoma Venues and Events</u>
<u>Inward Facing (Internal Services)</u>	<ul style="list-style-type: none"> • <u>City Attorney</u> • <u>Finance</u> • <u>Human Resources</u> • <u>Information Technology</u>



C. Confirmation Process Guidelines.

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<u>General Guidelines</u>	<u>Public Safety</u>	<u>Outward Facing</u>	<u>Inward Facing</u>
<u>Notification of Director vacancy and opportunity for City Council member input on recruitment outreach</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Share resume with City Council (Minimum one week before confirmation)</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>External subject matter expert included on interview panel*</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Community/stakeholder interview panel</u>	<u>X</u>	<u>X</u>	
<u>Standing Committee Q & A**</u>		<u>X</u>	<u>X</u>
<u>Executive Session discussion regarding candidate qualifications</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Full City Council meet and greet, pre-hire</u>	<u>X</u>	<u>X</u>	<u>X***</u>
<u>Public Forum / public meet and greet</u>	<u>X</u>	<u>X</u>	
<u>Full City Council interview/presentation</u>	<u>X</u>		

* As necessary

** Full City Council will interview Public Safety Candidates

*** City Attorney only

D. Process Exceptions. Exceptions to these guidelines may be necessary, such as the need for expedited hiring, availability of individuals and groups involved, and long-term successful interim appointments. The City Manager will advise the Council of any need for process exemptions.



RESOLUTION NO. 40230

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and
2 the furnishing of services; authorizing the execution of a contract with
3 Combined Construction Inc., in the amount of \$179,000, plus applicable
4 taxes, plus a 15 percent contingency, for a cumulative total of \$205,850,
5 budgeted from the Wastewater Fund, for construction of the North End
6 Wastewater Treatment Plant Outfall Repair Project, pursuant to
7 Specification No. ES18-0353S.

8 WHEREAS the City has complied with all applicable laws and processes
9 governing the acquisition of those supplies, and/or the procurement of those
10 services, inclusive of public works, as is shown by the attached Exhibit "A,"
11 incorporated herein as though fully set forth, and

12 WHEREAS the Board of Contracts and Awards has concurred with the
13 recommendation for award as set forth in the attached Exhibit "A"; Now, Therefore,

14 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

15 Section 1. That the Council of the City of Tacoma concurs with the Board of
16 Contracts and Awards to adopt the recommendation for award as set forth in the
17 attached Exhibit "A."

18 Section 2. That the proper officers of the City are hereby authorized to
19 enter into a contract with Combined Construction Inc., in the amount of \$179,000,
20 plus applicable taxes, plus a 15 percent contingency, for a cumulative total of
21 \$205,850, budgeted from the Wastewater Fund, for construction of the North End
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1 Wastewater Treatment Plant Outfall Repair Project, pursuant to Specification
2 No. ES18-0353S, consistent with Exhibit "A."

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4 Adopted _____

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6 _____
7 Mayor

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9 Attest: _____
10 City Clerk

11 Approved as to form:
12 _____
13 City Attorney

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RESOLUTION NO. 40231

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract
3 with Gallagher Benefit Services, Inc., in the amount of \$250,000, plus
4 applicable taxes, budgeted from the Human Resources Internal Fund,
5 for a classification and compensation study, for an initial contract term
6 of two years, with the option to renew for two additional one-year terms,
7 for a projected contract total of \$300,000, pursuant to Specification
8 No. HR18-0421F.

9 WHEREAS the City has complied with all applicable laws and processes
10 governing the acquisition of those supplies, and/or the procurement of those
11 services, inclusive of public works, as is shown by the attached Exhibit "A,"
12 incorporated herein as though fully set forth, and

13 WHEREAS the Board of Contracts and Awards has concurred with the
14 recommendation for award as set forth in the attached Exhibit "A"; Now, Therefore,

15 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

16 Section 1. That the Council of the City of Tacoma concurs with the Board of
17 Contracts and Awards to adopt the recommendation for award as set forth in the
18 attached Exhibit "A."

19 Section 2. That the proper officers of the City are hereby authorized to
20 enter into a contract with Gallagher Benefit Services, Inc., in the amount of
21 \$250,000, plus applicable taxes, budgeted from the Human Resources Internal
22 Fund, for a classification and compensation study, for an initial contract term of
23 two years, with the option to renew for two additional one-year terms, for a
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1 projected contract total of \$300,000, pursuant to Specification No. HR18-0421F,
2 consistent with Exhibit "A."

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4 Adopted _____

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6 _____
7 Mayor

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9 Attest: _____
10 City Clerk

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12 Approved as to form: _____
13 City Attorney

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