



2014 TACOMA CHARTER REVIEW
A LOOK AT HOW YOUR CITY WORKS

Eric Hahn (Chair) – Bill Baarsma – Mabel Edmonds – Justin Leighton – Ken Miller – Catherine Ushka – Justin Van Dyk

Charter Review

Administrative Subcommittee Agenda

Tacoma Municipal Building North, 733 Market Street, Room 12
www.cityoftacoma.org/charterreview

March 25, 2014 – 7:00 p.m.

1. Call to Order
2. Roll Call
3. Discuss the City Manager and the Powers Thereof
4. Discuss Potential Amendments to Article III
5. Discuss Impacts to Article III related to the Form of Government
6. Review and Discuss Committee Criteria and Assignments
7. Public Comment
8. Committee Comments
9. Adjournment



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City Attorney and the powers thereof discussion – March 19, 2014 Administrative Subcommittee Meeting

1. Confirmation by Council (NCL)

Pros: shared responsibility by the Council; Council has the option to review credentials; gives the Attorney some limited degree of independence; characterized as a best practice by the NCL.

Cons: asking the Attorney to serve two masters; potential conflict of interest.

a. Include a provision that they can only be fired by cause

Pros: greater degree of independence and security; checks and balances for City Manager/ City Council

Cons: need a majority of the City Council

b. Update language in Section 3.2 as it applies to the City Attorney – chain of command

2. Appointment by the Council (Pompano Beach)

Pros: no need to worry about any of these issues above; Hire/Fire; independence, checks and balances less need for balance

Cons: need a majority of the City Council to terminate; City Manager still holds the budget (City Attorney's salary); conflict/risk moves to the City Council

3. Council would have their own Attorney (two attorneys)

Pros: two attorneys

Cons: two attorneys; potential for things to turn adversarial; budget/\$

4. Direct Election

Pros: independent; reports only to the voters.

Cons: cost of elections; hiring/firing; challenge of recall; may deter good people from applying (people may not want to run for election)

RESEARCH

CM Miller recommended researching how the 84 cities work their City Attorney.

CM Hahn requested the UPS Intern research the pros & cons of the above 4 options (possibly checking with the ICMA and/or the ABA)

CM Leighton requested researching Pierce County Council's independent lawyer relates to the Pierce County Prosecutor.

Section 24. Mayor

The mayor shall be the executive officer of the City. In addition to the powers and duties granted a chief executive and/or administrative officer under the law of the State of Washington, the mayor shall have the following powers and duties:

- A. The power to appoint and remove the administrative heads and assistant administrative heads in each department of the city government, provided the appointment of an administrative head shall be subject to the approval of the city council and, further provided, that the head or assistant head of any department shall not be deprived by any such removal of any standing under the civil service provisions of this Charter which the employee may have had before appointment as head or assistant head of a department.
- B. The power to appoint and remove a city clerk, provided such appointment shall be subject to the approval of the city council.
- C. The power to appoint and remove the city attorney, provided such appointment shall be subject to the approval of the city council.
- D. The power to appoint and remove, subject to the civil service provisions of this Charter, all other officers and employees of the City of Spokane or to authorize the head of a department or officer responsible to the mayor to appoint and remove subordinates in such department or office.
- E. The power to make all other appointments required to be made by the mayor by the laws of the State of Washington and in the manner provided thereby.
- F. The power to appoint and remove a chief administrative officer whose title may be determined by the mayor. The chief administrative officer shall, under general supervision of the mayor, assist the mayor in administering city government. The salary of the chief administrative officer shall be fixed in the discretion of the mayor, subject to the approval of the city council.
- G. The power to appoint and remove an executive secretary and assistants not subject to civil service, whose compensation shall be fixed by the city council.
- H. Whenever the city council shall be required to appoint any member of a board, commission, or other body, unless the appointee is a council member, it shall be the duty of the mayor to nominate a suitable person for such appointment. If the city council refuses to appoint any nominee of the mayor, then the mayor shall, within ninety days thereafter, nominate another person to fill the office, and may continue to nominate until appointment. If the mayor fails to make another such nomination within ninety days, then the city council shall select a suitable person to fill the office.
- I. The power to initiate the removal of a council appointee, other than a council member appointee to a committee of the council, by recommending such removal to the city council. The council shall consider the request. If a majority of the council is in favor, the appointee shall be removed. Upon such removal, the vacancy for the unexpired term, if any, shall be filled by appointment in the same manner as if at the beginning of the term, except as otherwise provided in this Charter.
- J. The duty to see that all laws and ordinances are faithfully enforced and that law and order are maintained in the City.
- K. The duty of the mayor annually at the second meeting of the city council in October to communicate by message to the city council a statement of the conditions and affairs of the City, and to recommend the adoption of such measures he or she may deem expedient and proper. The mayor shall make special communication to the city council from time to time as he or she may deem useful and proper, and shall submit reports on City matters when so requested by the city council.
- L. The duty to prepare and present to the city council a budget and a budget message setting forth the programs proposed for the City during the next fiscal year.
- M. The power to recommend to the city council for adoption such measures and ordinances as may be deemed expedient and to make such other recommendations to the city council concerning the affairs of the City as may seem desirable.
- N. The power to veto ordinances or parts of ordinances passed by the council and submitted to him or her as provided herein but such veto may be overridden by the vote of a majority of all council members plus one more vote.
- O. The power to make investigation into the affairs of the City.
- P. The power to make recommendations in connection with the awarding of public contracts and shall see that all contracts made by the City of Spokane are faithfully performed.
- Q. The duty to hold no employment other than that of the City.
- R. The duty to approve for payment and submit to the city council at each meeting for its allowance all claims and bills.