

ARTICLE VI

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City Officers and Personnel

Amendment to 6.7 Discriminatory Actions (Housekeeping)

**CURRENT CHARTER 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, 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:**

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, 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 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:**

- RCW 49.60.400 mandates this state-wide.
- The Charter differs from this and would be confusing to anyone reading it and knowing the state requirement.
- City staff recommended this.

**RATIONALE AGAINST CHANGE:**

- Not changing this would have no effect because we are required to comply with the RCW regardless of what our charter says.

ARTICLE VI

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City Officers and Personnel

Amendment to 6.3 Eligibility for Employment (Housekeeping)

**CURRENT CHARTER LANGUAGE:**

No person shall be eligible for employment in the city service who is not a citizen of the United States; provide 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: Delete all**

~~No person shall be eligible for employment in the city service who is not a citizen of the United States; provide 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:**

- Per Washington State law, residency cannot be a condition of employment.
- The amendment was recommended by the City Staff. They suggested leaving a line that says fire fighters and police must be citizens of the United States. Since this is a national requirement, it was deemed not necessary.
- This requirement has historically been waived by the Civil Service Board for everyone nearly continuously since it was imposed.
- The City Council can add, through ordinance, some form of bonus points for residents when they apply for a job with the city.

**RATIONALE AGAINST CHANGE:**

-Not changing this would have no effect because we are required to comply with the law regardless of what our charter says.

**RECOMMENDATION FROM HUMAN RESOURCES SUB-COMMITTEE:**

## ARTICLE IX

### Miscellaneous Provisions

#### Amendment to 9.7 Gender-Neutral Language (Minor)

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#### **CURRENT CHARTER LANGUAGE:**

Words importing the masculine gender shall be extended to the feminine gender. (Approved by the vote of the people November 3, 1992.)

#### **RECOMMENDED LANGUAGE:**

~~Words importing the masculine gender shall be extended to the feminine gender. (Approved by the vote of the people November 3, 1992.)~~

Words importing the masculine gender shall be identified and changed throughout the charter as specified in the attached list. (List to be prepared by staff.) (Specific wording to be prepared by legal.)

#### **RATIONALE FOR CHANGE:**

-The use of gender neutral language was recognized as relevant when it was passed by the voters on November 3, 1992, however the document was not updated to reflect this other than to add section 9.7, noted above. We believe it was the voters' intent to actually update the language throughout the charter.

-Gender neutral language has continued to be a best practice in writing since 1992, primarily because it is considered neutral to either gender and thus more accessible to all citizens who read and are bound to follow the Charter.

-This supports diversity, accessibility, is a best practice and removes barriers (real and perceived).

-Legal staff has confirmed that one amendment listing all changes is legal and achievable.

-This action was requested by several speakers and citizen statements.

#### **RATIONALE AGAINST CHANGE:**

-Vote will have to be voted up or down as a package, meaning there would be no ability for voters to approve some language changes and not others.

-Would have to be carefully drafted to make sure it called out and changed all of the masculine gender terms.

-Gender neutral means terms like they/them rather than he/she or him/her. This could change meaning from individuals to multiple individuals.

#### **RECOMMENDATION FROM HUMAN RELATIONS SUB-COMMITTEE:**

**ARTICLE IX**

**Miscellaneous Provisions**

**Amendment to 9.1 Disposition of City Property (Minor)**

*Note info*

**CURRENT CHARTER LANGUAGE:**

The city shall never authorize the sale or disposition of any waterfront property belonging to the City and subject to the provisions of state law, shall not lease waterfront property for a period longer than seventy-five years at any one time.

**RECOMMENDED LANGUAGE:**

~~The city shall never authorize the sale or disposition of any waterfront property belonging to the City and s~~Subject to the provisions of state law, the city shall not lease waterfront property for a period longer than seventy-five years at any one time.

**RATIONALE FOR CHANGE:**

- Requested by current Mayor.
- Allows more flexibility for the City to manage their property.
- Reasons for inclusion are over. It was included in the original charter because previous city officials had received kickbacks from the railroads for the sale of government property. It was amended in 2004 to allow the Foss Waterway Authority to negotiate reasonable lease terms.

**RATIONALE AGAINST CHANGE:**

- The property purchased by the City along the Foss in 2001 was transferred to the Park District to serve as a trustee so that actual sales could be negotiated on the City's behalf. The charter restrictions <sup>do</sup> not apply to the 2001 acquisitions now since the Waterway Authority is the current trustee.

**RECOMMENDATION FROM HUMAN RESOURCES SUB-COMMITTEE:**