A RESOLUTION AND PROPOSITION to amend Article II, Sections 2.4, 2.7, 2.19, 2.20; Article III, Section 3.7; Article V, Sections 5.1, 5.2, 5.3, 5.5, and 5.6; and Article VI, Section 6.11(b), of the Tacoma City Charter to bring election-related provisions in conformance with state law and City practice.

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

Section 1. That Article II, Section 2.4, of the Tacoma City Charter be amended to read as follows:

The Mayor

Section 2.4 – On the date prescribed by state law for the general municipal elections, commencing in the year 1973, the Mayor shall be elected for a term of four (4) years. The Mayor shall, by virtue of his/her election, become a member and presiding officer of the City Council with the right to speak and vote as any other Council Member. The Mayor shall be the official head of the City government for purposes of ceremony and military law and upon declaration of an emergency or disaster which constitutes an event or set of circumstances which demands immediate action to preserve public health, protect life, protect public property, or which reaches such a dimension or degree of destructiveness that exceeds the resources of the City of Tacoma to respond to the situation.¹

The Mayor shall authenticate by his/her signature such instruments as may be required by law, ordinance, or this charter. He/She shall have such appointive and other powers, duties, and authority as may be conferred upon him/her by law, ordinance, or this charter; provided, however, that all appointments where

¹ RCW 35.22.205 establishes the authority of the Mayor upon the declaration of an emergency or disaster when necessary to allow immediate action to preserve public health, protect life, and protect public property.
not in conflict with state law shall be made by majority vote of the City Council members from nominees whose names are presented in writing to the Council by the Mayor or by any three members of the Council. This provision shall supersede and prevail over any other provision or ordinance or of the charter inconsistent with or in conflict herewith. A candidate for the office of Mayor shall not be ineligible by reason of holding the office of City Council member; provided that, if elected, the City Councilmanic office of any such candidate shall, upon his/her taking office as Mayor, be and become vacant. The compensation to be paid to the Mayor for the performance of his/her duties as such shall be fixed by ordinance, which sum shall be inclusive of his/her compensation as a City Council member. Except as otherwise provided herein, all provisions relating to the office of City Council member shall relate also to the office of Mayor. Vacancies in the office of Mayor shall be filled by appointment by the City Council for a term expiring at the time his/her successor has been elected and qualified as hereinafter provided. In the event such a vacancy occurs during the first or second year of the Mayor's term of office and not less than five (5) days preceding the last day permitted for filing for office in the next primary election to be held for City Council positions, then the office of Mayor shall also be placed upon the ballot for the primary and general elections. The Mayor elected at such general election shall be elected for a full four-year term and shall take office at the same time as City Council members elected at said general election. In the event that the vacancy occurs subsequent to such time for filing, the appointment shall be for the unexpired term.
Section 2. That Article II, Section 2.7, of the Tacoma City Charter be amended to read as follows:

**Councilmanic Vacancies**

**Section 2.7** – Whenever a vacancy occurs in the office of Councilman, the Council shall fill such vacancy by appointment by a majority vote of its remaining members until the commencement of the term of office of municipal officials succeeding the next general municipal election occurring after the date of such appointment, and if any unexpired term remains, it shall be filled by election; provided if such vacancy occurs when there remains less than five (5) full days for filing as a candidate at the primary election for such unexpired term, then the Council shall appoint a qualified person to fill the full unexpired term; provided, however, that in the event a majority of the Council fails to make an appointment to fill a vacancy on the Council within a period of sixty (60) days from the date the vacancy occurs, then the Mayor shall make the appointment, subject to the confirmation of the remaining members of the Council.

Section 3. That Article II, Section 2.19, of the Tacoma City Charter be amended to read as follows:

**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 number of 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-file this concise statement to-with 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)-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 web page.

(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)-ten (10) 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.

(j) The City Clerk shall verify the sufficiency of the signatures on the petition forward the signatures to the County Auditor to be verified. Based on the Auditor's review, the City Clerk shall determine the validity of 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. 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.

Section 4. That Article II, Section 2.20, of the Tacoma City Charter be amended to read as follows:

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 within one (1) working day of receipt.

(d) Within five-(5)-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 number of words in-length as allowed under state law for local referendums. 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 notify the petitioner that the ballot title becomes final and signature gathering may begin in five-(5)-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 web page.

(g) 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)-ten (10) 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 (f). 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 Mayor.
(k) The City Clerk shall forward the signatures to the County Auditor to be verified. Based on the
Auditor's review, the City Clerk shall determine the validity of 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.
Section 5. That Article III, Section 3.7, of the Tacoma City Charter be
amended to read as follows:
City Clerk

Section 3.7 – The City Manager shall appoint a City Clerk who shall (a) attend all meetings of the Council and keep a permanent journal of its proceedings, (b) record and certify all ordinances and resolutions, (c) serve as custodian of the City seal and official records, (d) prescribe and furnish sample forms for petitions provided for by this charter, and (e) serve as registrar of voters for the city, and (f) perform such other duties as may be prescribed by the Manager, state law, this charter, or by ordinance. The City Clerk with the approval of the City Manager may designate one clerk in his office as his deputy, who shall have all the powers and perform all the duties of the City Clerk in his absence.

Section 6. That Article V, Sections 5.1, 5.2, 5.3, 5.5, and 5.6, of the Tacoma City Charter be amended to read as follows:

Application of State Election Laws

Section 5.1 – At all municipal elections, general, special and primary, the manner of electing officers and of submitting questions or propositions to the qualified electors, conducting and voting at elections, opening and closing of polls, keeping the poll lists, duties of election officers, canvassing the votes, declaring the results and certifying the returns, shall be in accordance with state law, except as otherwise provided in this charter.

Types of Elections — When Held

Section 5.2 — Except as otherwise provided in Section 10.6 of this charter, municipal general and primary elections shall be held biennially on the days provided by law in each even-numbered year. All other municipal elections shall...
be known as special municipal elections and shall be provided for by the Council, subject to the provisions of state law. All municipal elections shall be non-partisan and by the qualified electors of the city at large.

Filing and Certification of Candidates

Section 5.3 – Any qualified elector eligible thereto may become a candidate for any elective city office by filing a declaration of candidacy with the City Clerk in accordance with state law. The City Clerk shall certify a list of the offices to be filled and candidates for nomination to such offices and transmit same to the county supervisor of elections as provided by law.20

Election Contests

Section 5.5 – Certificates of election shall be prima facie evidence of the facts therein stated, but the Council shall decide all questions as to the qualifications and elections of its own members, and in all cases of contested election for any office, the contest shall be decided by the Council-Superior Court according, as nearly as may be, to the laws of the state regulating proceedings in case of contested elections for county offices.

Candidates Statement of Qualifications

Section 5.6—At the time of filing as a candidate for the office of council member, each candidate may file with the City Clerk on a form prescribed by the City Clerk, a verified statement of his/her name, the office for which he/she is a candidate, his/her residence, place of birth, present occupation, public offices

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2. RCW 29.13.020 provides that municipal elections shall be held in odd numbered years with exceptions as noted in the statute.

20. RCW 29.21.060 provides that candidates must file their declaration of candidacy with the County Auditor rather than the City Clerk.
he/she has held, a summary of his/her experience and qualifications for office, and a recent photograph. Said statement shall not exceed two hundred words in length and shall be signed by ten residents of the city of Tacoma sponsoring said candidate. At the time of filing said statement, each candidate shall also pay to the City Clerk a printing fee which, until otherwise provided by ordinance, shall be the sum of fifty dollars. The City Clerk shall cause said candidates’ statements to be printed in some convenient form and mailed to each individual place of residence in the city at least ten days prior to the date set for the primary municipal election.

Section 7. That Article VI, Section 6.11(b), of the Tacoma City Charter be amended to read as follows:

Civil Service Board

Section 6.11 –

... 

(b) Vacancies of the elected members shall be filled by the remaining members of the Civil Service Board by appointment, and such appointed member shall serve until the next general municipal election; provided, that if such vacancy occurs when there remain less than five full days for filing as a candidate at the primary election for such unexpired term, the Board shall appoint a qualified person to fill the full unexpired term. If the Board fails to make an appointment within sixty (60) calendar days of when a vacancy occurs, the City Council shall make the appointment.
Vacancies of the appointed members shall be filled by the appointing authority by appointment until the end of the four-year term.

* * *

Adopted JUL 15 2014

Attest:

Mayor

City Clerk

City Attorney

Approved as to form.