ARTICLE II, Section 2.3 – Salary Commission
(Also proposed to be moved as amended to Article X; Section 10.13 – Salary Commission)

Current Language:
Section 2.3 – Each councilman shall be paid the sum of twenty-five dollars for each day’s attendance at council meetings, but not to exceed twelve hundred dollars per year.

Proposed Language:

Section 2.3 – Each councilman shall be paid the sum of twenty-five dollars for each day’s attendance at council meetings, but not to exceed twelve hundred dollars per year. A Citizen Commission on Elected Salaries will determine the compensation and salary of the Mayor and each council member. The Commission shall have the power and responsibility to direct the City Council setting the salary and salary increase for the City of Tacoma Mayor and City of Tacoma Council Members.

The Salary Commission shall consist of 7 members appointed as follows:

1. Five (5) of the seven (7) commission members shall be selected by lot by the Pierce County Auditor from among those registered City of Tacoma voters eligible to vote at the time the persons are selected for appointment to the Commission. There shall be one (1) member selected from each of the City’s Council districts. The Auditor shall establish policies and procedures for conducting the selection by lot to be forwarded to the City Council for appointment.

The remaining two (2) of the seven (7) commission members must be residents of City of Tacoma and shall be appointed by the Mayor and confirmed by the Council. One person shall have experience in human resource management. The second person shall have experience in the legal profession.

2. Members of the Commission may not include any public office holder, filed candidate for public office, officer, official or employee of the City of Tacoma or any of their immediate family members. For the purpose of this section, the phrase “immediate family member” means the parents, spouse, siblings, children or dependent relative of any officer, official or employee whether or not living in the household of the officer, official or employee.

a. The Terms of the Commission shall be as follows:

i. The terms of office for the members shall be three (3) years, except initial appointment to the Commissions shall be for the following terms:

ii. For the members selected by lot by the Auditor, two (2) shall be appointed to serve a one (1) year term, two (2) shall be appointed to a two (2) year term and the remaining member shall be appointed to serve a three (3)-year term.

iii. For the members selected by Mayor and confirmed by council one (1) shall serve a one (1) year term and one (1) shall serve a three-year term.
b. Upon a vacancy in any position on the Commission, a successor shall be selected and appointed to fill the unexpired term in the same manner as outlined in this section.

The Commission shall meet each year beginning in 2015 in one or more regular or special meetings to carry out its duties set forth in this section. Determinations for any change in the salaries of these elected officials shall be filed with the Clerk of the City of Tacoma and transmitted to the Council for adoption no later than September 1 of the calendar year.

**Rationale for Change:**
According to state law, first class cities do not have the authority to set compensation for council in the charter. Because of that, current language in 2.3 is null-in void. Salaries are set in ordinance, 1.18.040 and 1.19.010 of the City Code.

Citation for language above: http://www.piercecountywa.org/DocumentCenter/View/5590

Additionally – Pierce County Auditor Julie Anderson expressed a desire that if language was going to be established setting a Citizen Commission on Compensation and that if the Auditor was charged with selecting by lot members – that language remain as consistent as possible to the Pierce County Councils.

If the salary and compensation of our council is important then the Charter should reflect the value of the time and work the Mayor and the Council puts into the everyday work of the city. If it is further determined it is important that the citizens of Tacoma have a hand in setting that compensation for the work.

**Rationale against Change:**
None presented.
Article II; Section 2.4 – The Mayor

[NOTE: HIGHLIGHTS ARE GENDER NEUTRALITY REFERENCES INSERTED BY STAFF]

Current Language:
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. 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 not in conflict with state law shall be made by majority vote of the 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 therewith. A candidate for the office of Mayor shall not be ineligible by reason of holding the office of council member; provided that, if elected, the 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 council member. Except as otherwise provided herein, all provisions relating to the office of 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. (Amendments approved by vote of the people September 18, 1973 and November 3, 1992.)

Proposed Language:

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. The Mayor shall authenticate by his/her signature such instruments as may be required by law, ordinance, or this charter. The Mayor 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 not in conflict with state law shall be made by majority vote of the 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 council member; provided that, if elected, the councilmatic 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 council member. Except as otherwise provided herein, all provisions relating to the office of 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.

Rationale for Change:
RCW 29A.24.171 establishes a clear timeline for when a vacancy will be filled by appointment and when filings should be accepted for open positions. The Charter differs from this timeline and would be confusing to anyone reading it who knows the current process.

This change was recommended by the County Auditor.

Rationale against Change:
None presented.

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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.
Article II; Section 2.7 – Council Vacancies

[NOTE: HIGHLIGHTS ARE GENDER NEUTRALITY REFERENCES INSERTED BY STAFF]

Current Language:

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. (Amendments approved by vote of the people September 18, 1973 and September 16, 1980).

Proposed Language:

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.

Rationale for Change:
RCW 29A.24.171 establishes a clear timeline for when a vacancy will be filled by appointment and when filings should be accepted for open positions. The Charter differs from this timeline and would be confusing to anyone reading it who knows the current process.

This change was recommended by the County Auditor.

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 II; Section 2.8 – Council Meetings

Current Language:
Section 2.8 – The Council shall meet at such times and places as it may determine, provided it shall hold regular periodic meetings, not oftener than once a week, at least forty-six (46) times each calendar year. Special meetings shall be called by the City Clerk on the written request of the Mayor or any three Council members. Such request shall state the subject or subjects to be considered at such meeting, and no other subject shall be considered thereat. Each Council member shall be given such notice that may be required by State law, but in no event less than twelve hours’ notice, of the time and place of such special meetings. All meetings of the council shall be public as prescribed by State law.
(Amendment approved by vote of the people November 6, 1979.)

Proposed Language:
Section 2.8 – The Council shall meet at such times and places as it may determine, provided it shall hold regular periodic meetings unless otherwise canceled, not oftener than once a week, at least forty-six (46) times each calendar year. Special meetings shall be called by the City Clerk on the written request of the Mayor or any three Council members. Such request shall state the subject or subjects to be considered at such meeting, and no other subject shall be considered thereat. Each Council member shall be given such notice that may be required by State law, but in no event less than twelve hours’ notice, of the time and place of such special meetings. All meetings of the council shall be public as prescribed by State law.

Rationale for Change:
The word regular is not defined and provides for confusion as to what constitutes a “regular” meeting. Additionally, deleting the provisions regarding frequency of meetings and when that frequency (once a week) can happen does not allow flexibility for such things as holidays and conferences council members maybe attending.

Rationale against Change:
None presented.
Article II; Section 2.13 – Ordinance Effective Dates

Current Language:
Section 2.13 - A summary of every ordinance shall, within ten days after its passage, be published once in the official newspaper of the city. Ordinances passed as emergency measures, or relating to local improvements and assessments and authorization of bonds therefore, or adopting annual budgets, or levying taxes, or making appropriations shall take effect immediately after publication. Ordinances granting a franchise, right, or privilege, or authorizing the issuance of revenue bonds in an amount exceeding five million dollars, shall take effect at such time after publication as the City Council shall determine by ordinance. All other ordinances shall take effect only after the expiration of ten days from publication, subject always to the provisions of this charter concerning referendum. (Amendment approved by vote of the people November 2, 2004.)

Proposed Language:
Section 2.13 – A summary of every ordinance shall, within ten days after its passage, be published once in the official newspaper of the city. Ordinances passed as emergency measures, or relating to local improvements and assessments and authorization of bonds therefore, or adopting annual budgets, or levying taxes, or making appropriations shall take effect immediately upon passage after publication. Ordinances granting a franchise, right, or privilege, or authorizing the issuance of revenue bonds in an amount exceeding five million dollars, shall take effect at such time after publication as the City Council shall determine by ordinance. All other ordinances shall take effect only after the expiration of ten days from publication, subject always to the provisions of this charter concerning referendum.

Rationale for Change:
Because the paper of record for the City of Tacoma publishes two days after City Council regular meetings there is a loophole that is provided when the council passes emergency ordinances. The intent of emergency ordinance is to prevent further action on the topic for various reason including fact finding, potential harm and litigation. Because of the “after publication” clause the ordinances cannot be published for 48 hours. There has been several instances where this loophole has been taken advantage of and circumvented the council’s intent including the Northshore Golf course case, and more recent, the Walmart development.

Rationale against Change:
None presented.
ARTICLE II, Section 2.19 – Initiatives
(Also proposed to be moved as amended to Article X; Section 10.2 – Initiatives)

Current Language:
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.
c) Within ten (10) working days of receipt, the City Attorney shall review the petition with the petitioner, 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) words in length. The statement will be phrased in the form of a positive question.
d) The City Attorney shall transmit this concise statement to 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) working days if there is no judicial review.
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) working days of the City Attorney having transmitted the ballot title to the City Clerk. 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 Mayoral election.
j) The City Clerk shall verify the sufficiency of the signatures on 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.

(Amendment approved by vote of the people November 2, 2004.)

Proposed Language:

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:
The petitioners shall file an Initiative Petition with the City Clerk.
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 this concise statement to 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.

Rationale for Change:
Signatures on petitions are checked and verified by the County Auditor. The Auditor compares signatures to voter registration records and reports findings back to the City Clerk. Based on the results of the signature check, the City Clerk determines the sufficiency of the petition. The Charter differs from this and would be confusing to anyone reading it who knows the current process.

This change was recommended by County Auditor and confirmed by the City Clerk.

Rationale against Change:
Not changing this would have no effect because we are required to comply with the process regardless of what our charter says.
ARTICLE II, Section 2.20 – Referenda
(Also proposed to be moved as amended to Article X; Section 10.3 – Referenda)

Current Language:
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.

d) Within five (5) working days of receipt, the City Attorney will review the petition with the petitioner, and if the petition is proper in terms of form and style, the City Attorney writes a concise, true, and impartial statement of the purpose of the measure, not to exceed twenty-five (25) words in length. 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 notifies the petitioner that the ballot title becomes final and signature gathering may begin in five (5) working days if there is no judicial review.

g) Persons dissatisfied with the ballot title prepared by the City Attorney may seek judicial review by petitioning Pierce County Superior Court within five (5) working days of the City Attorney having transmitted the ballot title to the City Clerk. 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 Mayoral election.

k) The City Clerk shall verify the sufficiency of the signatures on 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.

(Amendment approved by vote of the people November 2, 2004.)

Proposed Language:

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-file 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 notifies 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/Mayoral election.

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.

Rationale for Change:
Signatures on petitions are checked and verified by the County Auditor. The Auditor compares signatures to voter registration records and reports findings back to the City Clerk. Based on the results of the signature check, the City Clerk determines the sufficiency of the petition. The Charter differs from this and would be confusing to anyone reading it who knows the current process.

This change was recommended by County Auditor and confirmed by the City Clerk.

Rationale against Change:
Not changing this would have no effect because we are required to comply with the process regardless of what our charter says.
Article III; Section 3.2 – Council-Manager Relationships

[NOTE: HIGHLIGHTS ARE GENDER NEUTRALITY REFERENCES INSERTED BY STAFF]

Current Language:
Section 3.2 – The Manager shall be responsible to the Council for the administration of all units of the city government under his jurisdiction. Except for the purpose of inquiry, the Council and its members shall deal with administrative officers and employees under jurisdiction of the Manager solely through the Manager. Neither the Council nor any member thereof shall give orders to the Manager’s subordinate or otherwise interfere with managerial functions through such means as directing or requesting the appointment or removal of any of the Manager’s subordinates, or the making of particular purchases from or contracts with any specific individual or organization. The Manager shall have the right to attend all meetings of the Council and to take part in the discussion of matters coming before the Council, but not the right to vote. ¹²

Proposed Language:
Section 3.2 – The Manager shall be responsible to the Council for the administration of all units of the city government under the Manager’s jurisdiction. Except for the purpose of inquiry, the Council and its members shall deal with administrative officers and employees under jurisdiction of the Manager solely through the Manager, provided that the City Council shall have the authority to hire, appoint or contract legislative staff to be managed by the Council but not to exceed a Council/staff ratio of one-to-one (1:1). Neither the Council nor any member thereof shall give orders to the Manager’s subordinate or otherwise interfere with managerial functions through such means as directing or requesting the appointment or removal of any of the Manager’s subordinates, or the making of particular purchases from or contracts with any specific individual or organization. The Manager shall have the right to attend all meetings of the Council and to take part in the discussion of matters coming before the Council, but not the right to vote. ¹²

Rationale for Change:
Currently the Council receives staff members assigned to them for scheduling and minor constituent and policy work. These staff members report to the city manager, not to the council members themselves. This can cause conflict of interest and potential for information or projects that council members are working on to not be privileged.

There should be boundaries to staff numbers and therefore we recommend a 1/1 ratio—a max of 9 staff for the 9 council members which does include the Mayor.

Rationale against Change:
None presented.

¹² RCW 42.30.110(g) allows the Council to exclude the City Manager from executive sessions when the City Manager’s performance is discussed.
Article III; Section 3.4 – Council-Manager Relationships

[NOTE: HIGHLIGHTS ARE GENDER NEUTRALITY REFERENCES INSERTED BY STAFF]

Current Language:
Section 3.4 – The Manager shall have the power to appoint and remove, subject to the civil service provisions of this charter and except as otherwise provided in this charter or by state law, all officers and employees of the city under his jurisdiction, or may at his discretion authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office.

Proposed Language:
Section 3.4 – The Manager shall have the power to appoint and remove, subject to the civil service provisions of this charter and except as otherwise provided in this charter or by state law, all officers and employees of the city under his jurisdiction, except for department heads, which require confirmation by the Council, and may, at his discretion, authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office.

Rationale for Change:
The Directors of city government provide the leadership on the multiple services provided to the City of Tacoma. These members of the City Manager's administration and leadership team will have immense power to effect change in our city and ensuring the City Council has buy in and their input is critical in providing a transparent and accountable government.

Rationale against Change:
None presented.
Article III, Section 3.5 – City Attorney

[NOTE: HIGHLIGHTS ARE GENDER NEUTRALITY REFERENCES INSERTED BY STAFF]

Current Language:
Section 3.5 – The City Manager shall appoint a City Attorney, who shall be an attorney admitted and qualified to practice in the Supreme Court of the State of Washington and who shall have practiced his profession within the State of Washington for not less than five years next preceding his appointment. The City Attorney shall have power to appoint and remove, subject to the approval of the Manager, his professional assistants who shall also be attorneys admitted and qualified to practice in the Supreme Court of the State of Washington.

Proposed Language:
Section 3.5 – The City Manager shall appoint a City Attorney, who shall be an attorney admitted and qualified to practice in the Supreme Court of the State of Washington and who shall have practiced his profession within the State of Washington for not less than five years next preceding his appointment. The City Attorney shall have power to appoint and remove, subject to the approval of the Manager, his professional assistants who shall also be attorneys admitted and qualified to practice in the Supreme Court of the State of Washington.

The Council shall review the City Attorney’s performance annually and every two years shall vote on whether to reconfirm the appointment of the City Attorney, with affirmation vote a majority of the Council in a public meeting necessary to effect such reconfirmation. Neither the Mayor nor any Council member shall be eligible for the position of City Attorney within two years after the expiration of their latest term. The Council may directly retain the services of an individual or organization to assist Council in conducting a search for a City Attorney and conducting performance reviews of the City Attorney.

Rationale for Change:
Because of the current form of government where the City Manager is the only conduit of interaction with city employees the Administrative Subcommittee felt the strong need to have the City Attorney not just confirmed but appointed by the Council and responsible to the Council.

This action will ensure that the City Council – who is elected by the people can properly articulate through the attorneys office the needs, priorities and interest of the city without any filter that may happen under the current form. This provides a directly line of legal counsel for our elected officials where it may not be so apparent under the current form.

Rationale against Change:
None presented.
Article III; Section 3.7 – City Clerk

[NOTE: HIGHLIGHTS ARE GENDER NEUTRALITY REFERENCES INSERTED BY STAFF]

Current Language:
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 city records, (d) prescribe and furnish sample forms for petitions provided for by this charter, (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.

Proposed Language:
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 city 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.

Rationale for Change:
The County Auditor’s Office and the Office of the Secretary of State are responsible for maintaining the voter registration list. The Charter differs from this and would be confusing to anyone reading it who knows the current process.

This change was recommended by the County Auditor and confirmed by the Clerk.

Rationale against Change:
None presented.
Article IV; Section 4.8 – Utility Board Terms

Current Language:
Section 4.8 – There is hereby created a Public Utility Board to be composed of five members, appointed by the Mayor and confirmed by the City Council, for five-year terms; provided, that in the appointment of the first Board, on the first day of the month next following the taking of office by the first Council under this charter, one member shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, and at the expiration of each of the terms so provided for, a successor shall be appointed for a term of five years. Vacancies shall be filled for the unexpired term in the same manner as provided for regular appointments. (Amendment approved by vote of the people November 2, 2004.)

Proposed Language:
Section 4.8 – There is hereby created a Public Utility Board to be composed of five members, appointed by the Mayor and confirmed by the City Council, for five-three-year terms; provided, that in the appointment of the first Board, on the first day of the month next following the taking of office by the first Council under this charter, one member shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, and at the expiration of each of the terms so provided for, a successor shall be appointed for a term of five three years. Vacancies shall be filled for the unexpired term in the same manner as provided for regular appointments. Members may serve no more than three consecutive terms.

The holder of the term expiring in 2014 will remain in office until the election cycle concludes, and the holder of that position and the holder of the position expiring in 2015 will be extended for one year, so the holders of those positions will, if approved, serve a six year term and then the holders of those positions will be given eligibility for an additional three year term. The term expiring in 2016 will be extended for one year so that the holder of that position will, if approved, serve a six year term and then will be given eligibility for an additional three year term. The term ending in 2017 will be extended for one year so that the holder of that position will, if approved, serve a six year term and then be given eligibility for an additional three year term. The term ending in 2018 will be extended for one year so that the holder of that position will, if approved, serve a six year term and then be given eligibility for an additional three year term.

Rationale for Change:
Five years are a large commitment for a voluntary board. A five-year term could in many cases prevent a larger pool of whiling applicants to volunteer to be on the TPU board. The goal is to make our government open, transparent, accountable and diverse. The current term structure does not make our government more open or diverse. Changing the terms from five years to three will hopefully provide everyday residents the ability to volunteer. Term limits ensures that turnover, change in view and perspectives can be achieved.

Rationale against Change:
None presented.
Article IV; Section 4.12 – Powers and Duties of the Public Utility Board

Current Language:
Section 4.12 – The Board shall submit an annual budget to the Council for approval, in the manner prescribed by state law.

Proposed Language:
Section 4.12 – The Board shall submit an annual budget to the Council for approval in the manner prescribed by state law. The Council may adopt, change, alter, amend, add to or reject the budget and return it to the Board until agreement can be reached. Agreement must be reached within forty-five days of the first submission. If agreement cannot be reached by the stated deadline the City Council may adopt a budget as provided by state law.

Rationale for Change:
Legal interpretation of the current language does not allow the Council to do anything but approve or disapprove. This allows greater flexibility.

This change requested by Council members.

Rationale against Change:
The change may set the timeline back for budget submission to insure completion before fiscal year.

The change was not requested by the Public Utility Board.
Article IV; Section 4.14 – Powers and Duties of the Public Utility Board

Current Language:
Section 4.14 – The Board shall maintain such billing, cost and general accounting records as maybe necessary for effective utility management or required by state law. Expenditure documents shall be subject to pre-audit by the central fiscal agency of city government. The City Treasurer shall be responsible for receipt, custody, and disbursement of all utility funds. The Board shall submit such financial and other reports as may be required by the Council.

Proposed Language:
Section 4.14 – The Board shall maintain such billing, cost and general accounting records as maybe necessary for effective utility management or required by state law. Expenditure documents shall be subject to pre-audit by the central fiscal agency of city government. The City Treasurer shall be responsible for receipt, custody, and disbursement of all utility funds. The Board shall submit such financial and other reports as may be required by the Council. The Council may submit to the Board project or program proposals related to the operations of the utilities under the control of the Board, and upon submittal, the Board shall (1) consider such proposals, (2) report to the Council if and how such proposals can be implemented.

Rationale for Change:
The City Council has ultimate jurisdiction over the utilities of this city; those include the three under the general direction of the utility board. Often times the city may take on initiatives that benefit the city residents and it is incumbent on all of the city departments to be brought into certain programs or project. The examples here are Water Conservation program and non-attainment air quality issues. TPU used to have a water conservation program however got rid of it. Water quality is very important to the city of Tacoma, as it is a city by the water. Additionally, Tacoma and the south sound have been for many years out of compliance for air quality known as the non-attainment issues. The City council may desire to take initiatives and offer programs for people in the city limits to convert wood burning stoves to a more efficient stove to help mitigate the problem and produce a better air quality for Tacoma.

This change was recommended by State Representative, Former City Council Member and TPU board member Jake Fey.

Rationale against Change:
None presented.
Article IV; Section 4.15 – Powers and Duties of the Public Utility Board

Current Language:
Section 4.15 – The Board shall have authority to secure the services of consulting engineers, accountants, special counsel, and other experts. At intervals not exceeding ten years the Council shall, at the expense of the utilities involved, cause a general management survey, performance audit to be made of all utilities or related operations under the jurisdiction of the board by a competent management consulting or industrial engineering firm, the report and recommendations of which shall be published; provided, that the first such survey shall be made within three years of the effective date of this charter.

Proposed Language:
Section 4.15 – The Utility Board shall have the authority to secure the services of consulting engineers, accountants, special counsel, and other experts. At intervals not exceeding ten-five years, the City Council shall, at the expense of the utilities involved, cause a general management survey, performance audit to be made of all utilities or related operations under the jurisdiction of the Utility Board by a competent management consulting or industrial engineering firm. The City Council shall determine the nature and extent of the performance audit, and said audit shall be conducted by a competent firm of certified public accountants and management analysts in accordance with Generally Accepted Government Auditing Standards (GAGAS). The report and recommendations of which shall be made public and forwarded to the Utility Board and the City Council for action, provided, that the first survey shall be made within three years of the effective date of this charter.

Rationale for Change:
“Performance Audit” is defined as an independent examination of the systems and procedures of a government or non-profit entity to assess whether the entity is achieving economy, efficiency and effectiveness in the employment of available resources. The audit is performed under the standards of the Generally Accepted Government Auditing Standards (GAGAS) maintained by the federal General Accounting Office (GAO). The “management survey” is more of a management performance measurement that may include a broad variety of activities that do not meet the rigor of an independent external assessment. A more rigorous examination will maintain and increase the trust in Tacoma’s Public Utilities. The idea is not to find fault but to identify possible ways of doing the work of the utility more efficiently and with greater transparency.

Rationale against Change:
The Tacoma Public Utilities are considered to be a well-managed, high functioning and effective organization responsive to its customers. A performance audit may not be needed or would not find enough efficiencies to justify the costs.

Performance audits are complex and in depth, requiring the auditor to have a planned scope of work used during the process. This planning and the increase in utility staff time to comply with auditor requests may contribute to increased costs.
Article IV; Section 4.18 – Powers and Duties of the Public Utility Board

[NOTE: HIGHLIGHTS ARE GENDER NEUTRALITY REFERENCES INSERTED BY STAFF]

Current Language:
Section 4.18 – The Board shall appoint a Director of Utilities who shall:

(a) Be selected on the basis of his executive and administrative qualifications;
(b) Be appointed for an indefinite period and subject to removal by the Board;
(c) Serve as the chief executive officer of the Department of Public Utilities, responsible directly to the Board.

Proposed Language:
Section 4.18 – The Board shall appoint, subject to confirmation by the City Council, a Director of Utilities who shall:

(a) Be selected on the basis of his executive and administrative qualifications;
(b) Be appointed though an indefinite period and subject to removal by the Board;
(c) Serve as the chief executive officer of the Department of Public Utilities, responsible directly to the Board, subject to review and reconfirmation as follows.

The Utility Board shall review the Director of Utilities’ performance annually and every two years shall vote on whether to reconfirm the appointment of the Director of Utilities, with the affirmative vote of at least three members of the Board in a public meeting necessary to effect such reconfirmation. The first review and vote on whether to reconfirm the Director shall be in 2017.

Rationale for Change:
The Tacoma Public Utilities is a multi-billion dollar asset managed by a board. Unlike other areas in the charter that mandate annual performance review as well as re-confirmation it is incumbent on this review committee to recommend that such standard be carried over to the TPU Director and the board.

Additionally, because ultimate reasonability falls on the council this appointment will allow for more accountability on the TPU board, it would be prudent to allow for the council to do a performance audit every four year. This helps build transparency, and accountability for our government.

The effective date needs to be set indicating a first review – this shall be set for 2017.

Rationale against Change:
The Charter was designed to insulate the century-long cycles of successful utility management from the perturbations of political fads. Wherever the authority of elected officials breaches the firewall in their separation from direct authority over utilities, the utility becomes vulnerable to political goals other than the provision of reliable, cost-effective and efficient utility services consonant with the governing laws for conservation, resource management and social responsibility.

The second paragraph of this proposed amendment with its reconfirmation by a simple majority of the Council of the Director of Utilities does just that breaching. Its increase in power surpasses the restrictions on Council direct authority, even the allowed Council supervision of the Administrative branch. Council members are not allowed to “fire” department heads nor have Charter Review
Committee proposals been submitted to do so. There, the management principles are valued and maintained.

In the case of the Utility, the supervisor and reporting authority of the Director of Utilities is the appointed Utility Board. If the Council has dissatisfaction with the management of the utilities, their access for redress is to their appointment of the Utility Board. The Council is not presently allowed to abrogate management principles by circumventing lines of authority and responsibility.

Recent history has shown, even with five-year terms, the Council has frequent appointment opportunities, having appointed or (3) reappointed a total of 11 persons in the previous 10 years. If the majority of the Council has desired management change for the Utility, they have had ample opportunity to effect that change through the appointment of Utility Board members.

(The sometimes heard lament that the members of the Utility Board are subverted by staff is a charge that has been made about the Council itself on some issues. If Council believes that systemic subversion to have been the case, they need to look to their appointive process.)

The Charter Review Committee has bowed to the request of some members of the Council to increase their appointive powers by limiting Utility Board members’ terms to three years. This change for Utility Board terms, if approved by voters, will have substantially increased Council’s ability to effect utility management change within three years, within the term of a single election cycle of the Council.
Article II; Section 4.24 – Retention of Management Consultant for City Utilities

Current Language:
None.

Proposed Language:
Section 4.24 – A joint committee of City Council and Utility Board members shall, every ten years, retain a management consulting firm to analyze all the City’s utilities, and to recommend changes in assets, management, ownership, organization, lines of business, strategic direction, and other relevant topics. The first year for such a review shall be 2015.

Rationale for Change:
The City’s utilities operate in a complex, fast moving environment; the regulatory, technological, and market forces are beyond the abilities of a Charter Review Committee. And no other process asks fundamental questions such as: the best relationships among the utilities; whether the City should keep all its utilities; and whether the utilities should serve communities outside Tacoma. Because these are high value assets, the citizens deserve rigorous, regular answers to such questions. Additionally, the use of an objective consultant minimizes political influences.

Rationale against Change:
A sophisticated analysis will be expensive, could have politically controversial findings, and might not lead to improvement. Taken one at a time, many of the topics at issue could be dealt with by City Council committees or the Utility Board. Questions like whether TPU should sell power outside Tacoma or if all utilities should be combined under common management are policy and management questions well within the competence of elected or appointed officials to answer.
Article V; Section 5.1 – Elections

Current Language:
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.

Proposed Language:
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.

Rationale for Change:
These words all relate to polling place elections. State law requires all elections be conducted by mail. The Charter differs from this and would be confusing to anyone reading it who knows the current process.

The change was recommended by the County Auditor.

Rationale against Change:
Not changing this would have no effect because we are required to comply with the process regardless of what our charter says.
Article V; Section 5.2 – Types of Elections – When Held

Current Language:
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.

Proposed Language:
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.

Rationale for Change:
RCW 29A.04.330 states: All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years. This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections. All city, town, and special purpose district elective offices shall be nonpartisan and the candidates therefor shall be nominated and elected as such.

This language is confusing to anyone reading the charter and knowing when elections are held.

This change was recommended by the County Auditor.

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.

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"RCW 29A.04.330 provides that municipal elections shall be held in odd-numbered years with exceptions as noted in the statute."
Article V; Section 5.3 – Elections

Current Language:
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

Proposed Language:
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 and County Auditor 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

Rationale for Change:
RCW 29A.24.070 states: Declarations of candidacy shall be filed with the County Auditor.

The Charter differs from this and would be confusing to anyone reading it who knows the current process.

The County Auditor recommended deleting the entire paragraph. Members of the Committee wanted some reference in the Charter for candidates to refer to.

Rationale against Change:
Not changing this would have no effect because we are required to comply with the new RCW regardless of what our charter says.

²⁰ RCW 29.21.060 provides that candidates must file their declaration of candidacy with the County Auditor rather than the City Clerk.
Article V; Section 5.5 – Elections

Current Language:
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 according, as nearly as may be, to the laws of the state regulating proceedings in case of contested elections for county offices.

Proposed Language:
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 Superior Court according, as nearly as may be, to the laws of the state regulating proceedings in case of contested elections for county offices.

Rationale for Change:
RCW 29A.68 establishes a procedure for election contests to be decided by Superior Court.

The Charter differs from this and would be confusing to anyone reading it who knows the current process.

The County Auditor recommended deleting the entire paragraph. Members of the Committee wanted some reference in the Charter for contests.

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 V; Section 5.6 – Elections

Current Language:
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 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. (Amendment approved by vote of the people November 3, 1992.)

Proposed Language:
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 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. (Amendment approved by vote of the people November 3, 1992.)

Rationale for Change:
Deletion of this section achieves suggested by County Auditor for the purpose of standardizing the requirements for City office candidate statements with the requirements for candidates for other Pierce County offices and will reduce candidate and voter confusion, reduce work for the City clerk, and reduce effort and achieve consistency in the voter’s pamphlet published by County Auditor.

Rationale against Change:
None presented.
Article VI; Section 6.3 – City Officers and Personnel

Current Language:
Section 6.3 – 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.)

Proposed Language:
Section 6.3 – 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.

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.
Article VI; Section 6.6 – Pecuniary Interest

Current Language:
Section 6.6 - No officer or employee of the City shall have a financial interest, directly or indirectly, in any contract, sale, lease, or purchase with or for the use of the City; or accept, directly or indirectly, any compensation, gratuity, or reward from any other person who is financially interested therein. Provided, however, an officer or employee does not have a prohibited interest if the officer or employee has a remote interest as defined by state law. Violation of any provision of this section may work a forfeiture of the office of the person violating the same and the contract sale, lease, or purchase shall be void. (Amendments approved by vote of the people November 2, 2004.)

Proposed Language:
Section 6.6 - No officer or employee of the City shall have a financial interest, directly or indirectly, in any contract, sale, lease, or purchase with or for the use of the City; or accept, directly or indirectly, any compensation, gratuity, or reward from any other person who is financially interested therein. Provided, however, an officer or employee does not have a prohibited interest if the officer or employee has a remote interest as defined by state law or if the contract with City is for the furnishing or electrical, water, or other utility services and conservation measures at the same rates and on the same terms as are available to the public generally or if the contract is otherwise allowed by the state law governing ethics for municipal officers. Violation of any provision of this section may work a forfeiture of the office of the person violating the same and the contract sale, lease, or purchase shall be void. (Amendments approved by vote of the people November 2, 2004.)

Rationale for Change:
The Charter prohibits employees from entering contracts with the City if the employee has financial interest in the contract. Arguably, contracts involving electrical and water conservation measures involving city employees are void. RCW 42.23.060 states that if the State ethics laws for municipal employees conflicts with any City Charter provision then the City Charter shall control if its contains stricter requirements than state law. Consequently, the City Charter should be amended to allow City employees to enter into contracts with the City to take advantage of conservation measures offered by the various city utilities to avoid potential issues regarding the legitimacy of such contracts.

Rationale against Change:
None presented.
Article VI; Section 6.7 – City Officers and Personnel

Current Language:
Section 6.7 – 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.)

Proposed Language:
Section 6.7 – 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.

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 for 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, Section 6.11 – Initiatives
(Also proposed to be moved as amended to Article X; Section 10.11 – Civil Service Board)

Current Language:
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.

***

Proposed Language:
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.
* * *

Rationale for Change:
RCW 29A.24.171 establishes a clear timeline for when a vacancy will be filled by appointment and when filings should be accepted for open positions. The Charter differs from this timeline and would be confusing to anyone reading it who knows the current process.

This change was recommended by the County Auditor.

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; Section 6.13 – Personnel Officer, Section 6.14 – Personnel Rules, and Section 6.15 – Special Provision Relating to Examinations

[NOTE: HIGHLIGHTS ARE GENDER NEUTRALITY REFERENCES INSERTED BY STAFF]

Current Language:

Section 6.13 – There shall be a Personnel Officer, appointed by the City Manager on the basis of his experience in and demonstrated knowledge of modern personnel administration, who shall be the administrative head of the Personnel Department. He shall be responsible for directing the personnel program of the city in accordance with the provisions of this charter and ordinances supplemental thereto.

Section 6.14 – (a) It is the intention of this Article to provide for a merit system of employment in the City service. The City Council shall establish and maintain a comprehensive plan setting forth goals and policies regarding the employment and personnel system in the City. The Civil Service Board, except as provided in subsection (b) below, shall make and promulgate all Civil Service and Personnel Rules, and amendments thereto, necessary to carry out and enforce the purpose of this Article, and shall file all such proposed rules and amendments with the City Clerk, who shall present the same to the City Council at its next regular meeting. Within forty-five days after the filing thereof with the City Clerk, the Council shall by ordinance adopt such proposed rules or amendments; provided, however, that the Council, by an affirmative vote of not less than two-thirds of its membership, may change, alter, amend, add to, reject or repeal any such proposed Civil Service Rules or amendments. In the event the City Council shall fail to adopt, change, alter, amend, add to or reject any such rules or amendments within the forty-five days time limit herein above provided for, then and in that event the City Clerk shall cause to be published such rules or amendments in the official newspaper of the City of Tacoma, and such rules or amendments shall ten days thereafter become effective to all intents and purposes the same as if adopted by the Council and published as an ordinance.

(b) The City Council may propose civil service and personnel rule changes by resolution, which shall include the specific language to be added, altered or repealed. The City Clerk shall then present the proposal to the Civil Service Board at its next meeting, from which time the Board shall have forty-five days to adopt, change, alter, amend, add to, or reject the proposal. The City Clerk shall then present the proposal to the Council at its next meeting, from which time the proposal shall be treated in the same manner as if the Board initiated the proposal under subsection (a) above, including the same required time limits and Council majority to adopt, change, alter, amend, add to, or reject. If the Board does not act upon the proposal or if the Board rejects the proposal within the forty-five days, the Council may then enact its original proposal by regular ordinance.

(c) Such civil service and personnel rules shall, among other things, provide:

(1) For the classification of all positions in the classified service.
(2) For open, free and competitive examinations to test the relative fitness of applicants for such positions, and for reasonable publication and public advertisement of all examinations.
(3) For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing on the examination and for the certification of those on the appropriate list to department heads for appointment to fill vacancies and for the manner in which appointments shall be made from such list; provided, that on original appointments in the classified service, honorably
discharged veterans of the armed forces who have served in time of war and who receive a passing grade on such examinations shall have ten percent of the grade attained added to such grade.

(4) For the period of time in which eligible lists shall continue in effect.

(5) For promotion based upon competitive examination and records of efficiency, conduct and seniority.

(6) For a period of probation not to exceed one year, both on original and promotional appointments, before the appointment is made permanent, during which time, in the case of an original appointment, the probationer may be discharged, or, in the case of a promotion, returned to a position in his/her former classification, by the head of the department, board or office in which employed.

(7) For the establishing of reasonable requirements for the rejection of candidates or eligibles.

(8) For temporary employment without examination in cases of emergency and pending appointment from an eligible list, but no such temporary employment shall continue after the establishment of an eligible list for the position held.

(9) For transfer from one position to a similar position in the same class and grade, for reinstatement within two years of persons who without fault or delinquency on their part are separated from the service or reduced in class or grade, and for the reinstatement in a position of their former classification of employees promoted to and later demoted from appointive positions in the unclassified service.

(10) For the discipline of employees by suspension, demotion, discharge, or other actions not inconsistent with the provisions of this article; provided, that no employee in the classified service shall be suspended for more than thirty days, demoted or discharged except for cause.

(11) For the certification to the Director of Finance of the names and classifications of all persons legally employed in the City service, without which certification the Director of Finance shall not authorize the issuance of salary warrants.

(12) For the right of appeal by any employee to the Civil Service Board from any action suspending for more than thirty days, reducing in rank or pay, or discharging any employee in the classified service, and from any and all other matters arising out of or in connection with the Civil Service and Personnel Rules. (Approved by vote of the people November 4, 1958; amended by vote of the people September 18, 1973 and November 3, 1992.)

Section 6.15 – All examinations shall be impartial and shall deal with the duties and requirements of the positions to be filled; they may be oral, written, or based on observed performance or educational and experience record, or any combination thereof. Positions requiring unusual technical or professional qualifications may be filled without competitive examination upon approval of the Civil Service Board. Unskilled laborers may be appointed in the order of priority of application, after such tests of fitness as the Personnel Officer may prescribe; provided, that preference in such employment shall be given to honorably discharged veterans. The Personnel Officer may develop an apprenticeship program for the recruitment and promotion of employees in the skilled trades.

Proposed Language:

Section 6.13 – There shall be a Personnel Officer, Human Resources Director, appointed by the City Manager on the basis of his experience in and demonstrated knowledge of modern personnel administration, who shall be the administrative head of the Personnel-Human Resources Department. He shall be responsible for directing the personnel-human resources program of the city in accordance with the provisions of this charter and ordinances supplemental thereto.

Section 6.14 – (a) It is the intention of this Article to provide for a merit system of employment in the City service. The City Council shall establish and maintain a comprehensive plan setting forth goals and
policies regarding the employment and personnel system in the City. The Civil Service Board, except as provided in subsection (b) below, shall make and promulgate all Civil Service and Personnel Rules, and amendments thereto, necessary to carry out and enforce the purpose of this Article, and shall file all such proposed rules and amendments with the City Clerk, who shall present the same to the City Council at its next regular meeting. Within forty-five days after the filing thereof with the City Clerk, the Council shall by ordinance adopt such proposed rules or amendments; provided, however, that the Council, by an affirmative vote of not less than two-thirds of its membership, may change, alter, amend, add to, reject or repeal any such proposed Civil Service Rules or amendments. In the event the City Council shall fail to adopt, change, alter, amend, add to or reject any such rules or amendments within the forty-five days time limit herein above provided for, then and in that event the City Clerk shall cause to be published such rules or amendments in the official newspaper of the City of Tacoma, and such rules or amendments shall ten days thereafter become effective to all intents and purposes the same as if adopted by the Council and published as an ordinance.

(b) The City Council may propose civil service and personnel rule changes by resolution, which shall include the specific language to be added, altered or repealed. The City Clerk shall then present the proposal to the Civil Service Board at its next meeting, from which time the Board shall have forty-five days to adopt, change, alter, amend, add to, or reject the proposal. The City Clerk shall then present the proposal to the Council at its next meeting, from which time the proposal shall be treated in the same manner as if the Board initiated the proposal under subsection (a) above, including the same required time limits and Council majority to adopt, change, alter, amend, add to, or reject. If the Board does not act upon the proposal or if the Board rejects the proposal within the forty-five days, the Council may then enact its original proposal by regular ordinance.

(c) Such civil service and personnel rules shall, among other things, provide:

(1) For the classification of all positions in the classified service.
(2) For open, free and competitive examinations to test the relative fitness of applicants for such positions, and for reasonable publication and public advertisement of all examinations.
(3) For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing on the examination and for the certification of those on the appropriate list to department heads for appointment to fill vacancies and for the manner in which appointments shall be made from such list; provided, that on original appointments in the classified service, honorably discharged veterans of the armed forces who have served in time of war and who receive a passing grade on such examinations shall have ten percent of the grade attained added to such grade.
(4) For the period of time in which eligible lists shall continue in effect.
(5) For promotion based upon competitive examination and records of efficiency, conduct and seniority.
(6) For a period of probation not to exceed one year, both on original and promotional appointments, before the appointment is made permanent, during which time, in the case of an original appointment, the probationer may be discharged, or, in the case of a promotion, returned to a position in his/her/their former classification, by the head of the department, board or office in which employed.
(7) For the establishing of reasonable requirements for the rejection of candidates or eligibles.
(8) For temporary employment without examination in cases of emergency and pending appointment from an eligible list, but no such temporary employment shall continue after the establishment of an eligible list for the position held.
(9) For transfer from one position to a similar position in the same class and grade, for reinstatement within two years of persons who without fault or delinquency on their part are separated from the
service or reduced in class or grade, and for the reinstatement in a position of their former classification of employees promoted to and later demoted from appointive positions in the unclassified service.

(10) For the discipline of employees by suspension, demotion, discharge, or other actions not inconsistent with the provisions of this article; provided, that no employee in the classified service shall be suspended for more than thirty days, demoted or discharged except for cause.

(11) For the certification to the Director of Finance of the names and classifications of all persons legally employed in the City service, without which certification the Director of Finance shall not authorize the issuance of salary warrants.

(12) For the right of appeal by any employee to the Civil Service Board from any action suspending for more than thirty days, reducing in rank or pay, or discharging any employee in the classified service, and from any and all other matters arising out of or in connection with the Civil Service and Personnel Rules.

(Approved by vote of the people November 4, 1958; amended by vote of the people September 18, 1973 and November 3, 1992.)

Section 6.15 – All examinations shall be impartial and shall deal with the duties and requirements of the positions to be filled; they may be oral, written, or based on observed performance or educational and experience record, or any combination thereof. Positions requiring unusual technical or professional qualifications may be filled without competitive examination upon approval of the Civil Service Board. Unskilled laborers may be appointed in the order of priority of application, after such tests of fitness as the Personnel Officer-Human Resources Director may prescribe; provided, that preference in such employment shall be given to honorably discharged veterans. The Personnel Officer-Human Resources Director may develop an apprenticeship program for the recruitment and promotion of employees in the skilled trades.

Rationale for Change:
“Personnel” is an archaic and militaristic term.

Rationale against Change:
None presented.
Article VI; Section 6.19 – Financial Disclosure

Current Language:
None.

Proposed Language:

Section 6.19 – All City officers or employees who have the authority to approve contracts in a cumulative annual amount of $50,000 or greater as well as appointed members of citizen boards, commissions or committees who have authority to approve contracts or budgets must, annually, file a personal financial affairs statement with the Public Disclosure Commission and City Clerk, which shall be made available on the City website.

Rationale for Change:
City employees manage a great deal of public money. Citizen board members recommend policies that involve the expenditure of taxpayer dollars. This amendment ensures more transparency and accountability that those managing tax dollars are not engaged in activities that may conflict with their duties as employees or board members.

Rationale against Change:
The requirement may have a chilling effect on citizens wanting to serve on City boards and commissions but object to the public disclosure of their financial affairs. If such disclosure is needed, it is suggested that the issue be addressed in statute.
Article IX; Section 9.4 – Miscellaneous

Current Language:
Section 9.4 – The establishment or platting of new cemeteries and the establishment of mausoleums or crematories within the limits of the City is hereby prohibited; provided that mausoleums or crematories may be established within the limits of existing cemeteries. (Approved by the vote of the people September 18, 1973.)

Proposed Language:
Section 9.4 – The establishment or platting of new cemeteries and the establishment of mausoleums or crematories within the limits of the City is hereby prohibited; provided that mausoleums or crematories may be established within the limits of existing cemeteries.

Rationale for Change:
Columbariums are being established in the city on church properties. Legal advised these fall under the mausoleum definition.

No action is being taken by the city to stop the columbariums.

If it is not going to be enforced, it should be deleted.

Rationale against Change:
If the City of Tacoma decides they are going to enforce this paragraph, then it should remain.
Article IX; Section 9.7 – Gender Neutral Language

[NOTE – CRC APPROVED COMPREHENSIVE GENDER NEUTRALITY CHANGES SUGGESTED BY STAFF ON APRIL 21, 2014. WITH THOSE CHANGES EXISTING 9.7 IS NOT NEEDED, HOWEVER CRC’S APRIL 21, 2014 VOTE ON GENDER NEUTRALITY DID NOT INCLUDE SPECIFIC APPROVAL TO DELETE 9.7]

Current Language:
Section 9.7 – Words importing the masculine gender shall be extended to the feminine gender.
(Approved by the vote of the people November 3, 1992.)

Proposed Language:
Section 9.7 – Words importing the masculine gender shall be extended to the feminine gender.
(Approved by the vote of the people November 3, 1992.)

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.
New Article X; Powers and Responsibilities of the People

[NOTE THAT THIS NEW ARTICLE X IS RECOMMENDED TO SUPPLANT CURRENT ARTICLE X (WHICH WOULD BECOME ARTICLE XI). NEW ARTICLE X INCORPORATES PROVISIONS CURRENTLY EXISTING IN OTHER ARTICLES OF THE CHARTER AND ADDS NEW PROVISIONS. HIGHLIGHTS DENOTE GENDER NEUTRALITY REFERENCES INSERTED BY STAFF AND REQUESTED CHANGES FROM PERSONNEL DIRECTOR TO HUMAN RESOURCES DIRECTOR. THIS AMENDMENT SHEET IS INTENDED TO SHOW THE RATIONALE FOR THE PLACEMENT OF THESE ITEMS INTO A NEW ARTICLE X. TO THE EXTENT THIS PROPOSED NEW ARTICLE X ALSO INCLUDES RECOMMENDATIONS FOR SUBSTANTIVE CHARTER CHANGES, THOSE CHANGES ARE ALSO PRESENTED SEPARATELY FOR INDIVIDUAL CONSIDERATION]

Current Language:
Section 10.1 – All ordinances and resolutions in force at the time this charter shall go into effect, and not inconsistent therewith, shall remain in force until amended or repealed or until they expire by limitation. All rights and obligations in favor of or against the city existing at the time this charter shall go into effect, shall continue without modification. All street and other improvements, all vacations of public streets, alleys, or places, all assessments for improvements, all suits and actions in court, all fines and forfeitures, and all other matters, relating to the city that have been begun and not completed, shall be completed according to the charter, ordinances, and laws existing prior to the time this charter shall go into effect. All taxes and assessments levied and remaining unpaid when this charter shall go into effect, shall be collected as provided by the charter existing and in effect at the time the same were levied.

Continuance of Departments and Officers
Section 10.2 – The administrative organization in force at the time this charter takes effect shall continue until changed in accordance with the provisions of this charter. All persons holding appointive office at the time this charter takes effect shall continue in office and in the performance of their duties until their successors have been appointed and qualified as provided in this charter. Pending the passage of an ordinance distributing the work of departments under the supervision and control of the Manager among specific divisions thereof, the Manager may establish temporary divisions.

Transfer of Functions and Personnel
Section 10.3 – Whenever by provisions of this charter duties and functions performed by, through, or under the supervision of any department, board, or office have been transferred to some other department, board, or office, the employees engaged in the performance of such duties and functions at the time this charter shall go into effect shall be transferred accordingly and be deemed to have been regularly appointed to the respective positions involved in the performance of such duties and functions, until removed therefrom in accordance with the provisions of this charter.

Preliminary Meetings of the Council
Section 10.4 – On the third business day following the certification of the result of the first election of councilmen under this charter, the newly elected members of the Council shall meet at 7:30 o’clock p.m. in the council chamber of the city hall for the purpose of considering the appointment of a City Manager and the preparation of such ordinances as may be necessary to effectuate the transition from the present form of government to that established by this charter. The Council-elect shall choose one of its number to be chairman and the City Clerk shall act as its secretary. It shall at its first meeting fix the
times and places at which it will hold regular meetings for the above purposes and shall hold such adjourned and special meetings as it may determine by a majority vote of its members. The expenses of the Council-elect, including the expense of advertising for applicants for the position of City Manager and of interviewing and investigating such applicants in Tacoma or elsewhere, shall be paid from the city treasury on vouchers signed by the chairman of the Council-elect. If a Manager has not been appointed and taken office on the first Monday in June, 1953, the Council shall designate a city officer to serve as Acting City Manager and may provide for the filling of other positions in the unclassified service on a temporary basis, pending appointment in accordance with the provisions of this charter.

Transfer of Records, Property, and Funds

Section 10.5 – All records, property, and equipment of any department or office, the functions of which are assigned to any other departments or offices, shall be transferred and delivered to the departments or offices to which such functions are so assigned. All moneys possessed by and revenues accruing to the city, subsequent to the time this charter shall go into effect, shall continue to be accounted for in, and to be disbursed from, the various funds existing at the time this charter shall go into effect, until such time or times as, in the course of administration and reorganization, new funds shall be created by budget or otherwise established. When such new funds are established, the balances in funds replaced or discontinued shall be credited by transfer or apportionment to the new funds to which such balances shall be assigned.

Effective Date of Charter

Section 10.6 – For the purpose of nominating and electing councilmen, this charter shall take effect from the time of its approval by the electors of the city; for all other purposes this charter shall take effect on the first Monday of June, 1953, at 12:01 a.m., whereupon the present charter of the city shall be and is hereby repealed. The first election under this charter shall be held on the second Tuesday in March, 1953, preceded by a primary election held four weeks prior to such date, and the second municipal general and primary elections shall be held in the year 1956 on the dates prescribed for such elections by state law.

Proposed Language (New Article X):

Section 10.1—All ordinances and resolutions in force at the time this charter shall go into effect, and not inconsistent therewith, shall remain in force until amended or repealed or until they expire by limitation. All rights and obligations in favor of or against the city existing at the time this charter shall go into effect, shall continue without modification. All street and other improvements, all vacations of public streets, alleys, or places, all assessments for improvements, all suits and actions in court, all fines and forfeitures, and all other matters, relating to the city that have been begun and not completed, shall be completed according to the charter, ordinances, and laws existing prior to the time this charter shall go into effect. All taxes and assessments levied and remaining unpaid when this charter shall go into effect, shall be collected as provided by the charter existing and in effect at the time the same were levied.

Continuance of Departments and Officers

Section 10.2—The administrative organization in force at the time this charter takes effect shall continue until changed in accordance with the provisions of this charter. All persons holding appointive office at the time this charter takes effect shall continue in office and in the performance of their duties.
until their successors have been appointed and qualified as provided in this charter. Pending the passage of an ordinance distributing the work of departments under the supervision and control of the Manager among specific divisions thereof, the Manager may establish temporary divisions.

Transfer of Functions and Personnel

Section 10.3—Whenever by provisions of this charter duties and functions performed by, through, or under the supervision of any department, board, or office have been transferred to some other department, board, or office, the employees engaged in the performance of such duties and functions at the time this charter shall go into effect shall be transferred accordingly and be deemed to have been regularly appointed to the respective positions involved in the performance of such duties and functions, until removed therefrom in accordance with the provisions of this charter.

Preliminary Meetings of the Council

Section 10.4—On the third business day following the certification of the result of the first election of councilmen under this charter, the newly elected members of the Council shall meet at 7:30 o'clock p.m. in the council chamber of the city hall for the purpose of considering the appointment of a City Manager and the preparation of such ordinances as may be necessary to effectuate the transition from the present form of government to that established by this charter. The Council-elect shall choose one of its number to be chairman and the City Clerk shall act as its secretary. It shall at its first meeting fix the times and places at which it will hold regular meetings for the above purposes and shall hold such adjourned and special meetings as it may determine by a majority vote of its members. The expenses of the Council-elect, including the expense of advertising for applicants for the position of City Manager and of interviewing and investigating such applicants in Tacoma or elsewhere, shall be paid from the city treasury on vouchers signed by the chairman of the Council-elect. If a Manager has not been appointed and taken office on the first Monday in June, 1953, the Council shall designate a city officer to serve as Acting City Manager and may provide for the filling of other positions in the unclassified service on a temporary basis, pending appointment in accordance with the provisions of this charter.

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Section 10.5—All records, property, and equipment of any department or office, the functions of which are assigned to any other departments or offices, shall be transferred and delivered to the departments or offices to which such functions are so assigned. All moneys possessed by and revenues accruing to the city, subsequent to the time this charter shall go into effect, shall continue to be accounted for in, and to be disbursed from, the various funds existing at the time this charter shall go into effect, until such time or times as, in the course of administration and reorganization, new funds shall be created by budget or otherwise established. When such new funds are established, the balances in funds replaced or discontinued shall be credited by transfer or apportionment to the new funds to which such balances shall be assigned.

Effective Date of Charter

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Power and Responsibilities of the People
We, the people of Tacoma recognize that civic engagement is vital to our underlying success as a city and hereby reserve unto ourselves certain powers listed in this section of the Charter and assert that any powers not delegated to the City of Tacoma by this Charter are reserved to the people. The responsibilities of the people include to cast an informed vote, respect and obey the law, participate in your local community, and serve your city when called upon.

Citizen Initiatives and Referendums
Section 2.1810.1 - Amendments to this charter may be submitted to the voters by the City Council or by initiative petition of the voters in the manner provided by the state constitution and laws. (Amendment approved by vote of the people November 2, 2004.)

Section 2.1910.2 - 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) words. The statement will be phrased in the form of a positive question.

d) The City Attorney shall transmit this concise statement to 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) 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) 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 Mayoral election.

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

(Amendment approved by vote of the people November 2, 2004.)

Section 10.32.20 - 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) working days of receipt, the City Attorney will 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 writes 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 referenda. The statement will be phrased in the form of a positive question.

e) The City Attorney shall transmit file this concise statement to with the City Clerk as the official ballot title.

f) The City Clerk shall assign a referendum number to the ballot title and notifies the petitioner that the ballot title becomes final and signature gathering may begin in ten (10) five (5)-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 Pierce County Superior Court within ten (10) five (5) working days of the notification of the ballot title having been posted as required under (f) City Attorney having transmitted the ballot title to the City Clerk. 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 of the office of Mayor, Mayoral election.

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

(Amendment approved by vote of the people November 2, 2004.)
Section 10.42.21—Any ordinance initiated or referred may be submitted to the qualified electors for their approval or rejection at a special municipal election to be called in the manner provided by law for the submission of questions or propositions to the qualified electors.1

Section 10.52.22—The Council by its own motion may submit any proposed ordinance to the qualified electors for their approval or rejection in the same manner as provided for its submission upon petition.

Section 10.62.23—If a majority of the qualified electors voting upon any ordinance initiated or referred shall vote in favor thereof, the same shall take effect ten days after the certification of the result of the election thereof or at the time fixed therein; provided, that if the provisions of two or more proposed ordinances approved at the same election are inconsistent, the provisions of the ordinance receiving the highest vote shall prevail. Any ordinance initiated or referred failing of such majority shall be rejected. All initiative and referendum elections shall be conducted and publication of the proposed ordinance shall be had in the same manner as elections submitting questions or propositions to the qualified electors.

Section 10.72.24—No ordinance heretofore or hereafter enacted by vote of the people shall be amended or repealed by the Council within two years after enactment, unless such amendatory or repealing ordinance shall be submitted to the qualified electors for their approval or rejection in the same manner as is required by this charter in respect to the submission of an ordinance initiated or referred.

Section 10.82.25—The City Council shall commence a review of this charter no less frequently than once every ten years, by appointing citizens to a charter review committee, or by the election of a board of freeholders in the manner provided in state law. Any freeholders shall be nominated and elected by position and by district. The charter review committee, which shall be provided with sufficient staff and budget to perform a comprehensive review, shall report any recommended amendments to the City Council. The City Council may accept, reject or modify the recommended amendments and may submit any recommended charter amendments to the voters in the manner provided in state law. The recommendations of a board of freeholders shall be placed before the voters in the manner provided in state law. Nothing in this section shall limit the right of citizens to initiate amendments to this charter in any other manner allowed by state law. (Amendment approved by vote of the people November 2, 2004.)

Citizen Boards, Commission, Committees & Neighborhood Councils

City Planning Commission

(Former Section 3.8 moved and re-numbered but otherwise unchanged) Section 10.9 — There shall be a Planning Commission, composed of nine (9) members, with such powers and duties as are provided by ordinance. The nine members shall be residents of the City of Tacoma and be appointed and confirmed by the City Council for terms of three (3) years each. One member shall be appointed by the City Council for each of the five council districts. The Council shall appoint to the four remaining positions an individual from each of the following: (a) the development community; (b) the environmental community; (c) public transportation, and (d) a designee with background of involvement in

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1 Section 2.21 was deleted as a result of the amendments approved by the vote of the people November 2, 2004. The remaining portion of this Article has been renumbered to maintain consistency throughout the Charter.
2 See Chapter 13.02 - Planning Commission
architecture, historic preservation, and/or urban design. A majority of the voting members of such
Commission shall constitute a quorum for the transaction of business. The Commission shall be
authorized to adopt rules for the transaction of business not inconsistent with this charter or ordinances
of the City of Tacoma. Said Planning Commission members shall serve without pay. (Amendments
approved by vote of the people September 18, 1973 and November 3, 1992.)

Tacoma Public Library
(Former Section 3.9 moved and re-numbered but otherwise unchanged) Section 10.10 – The Tacoma
Public Library shall be administered by a board of trustees in the manner provided by state law or city
ordinance not inconsistent therewith.

Civil Service Board
(Former Section 6.11 moved and re-numbered and showing amendment recommended to Section
6.11 but otherwise unchanged) Section 10.11 – (a) There shall be a Civil Service Board, consisting of five
resident and qualified voters, three to be elected from the City at large by the qualified electors thereof,
one to be appointed by the classified civil service employees of the City in a manner of their choosing
and one jointly by the Mayor and the Director of Public Utilities, each for a term of four years.
When each of the current six-year terms expires, the term of that office will convert to a four-year term,
beginning in 1974, then to continue as a four-year term. The initial appointee terms will be as follows:
The appointee of the civil service employees shall serve a four-year term beginning in 1974; the
appointee of the Mayor and Utilities Director shall initially be for two years beginning in 1974 and will be
four years with the second appointment.
(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.
(c) The Board shall provide for its own organization and the rules of the conduct of meetings; provided,
that all meetings be public to the extent required by state law and that three members shall constitute a
quorum. Said Civil Service Board members shall serve without pay. The Board, in its discretion, may
allow a hearings examiner to hear any adjudicatory matter which would be properly presented to the
Board. Recommendation of a hearings examiner may be reviewed by the Board at the request of either
party under rules adopted by the Civil Service Board. The Board’s final decision must be based on
evidence in the record. A record of the proceedings shall be made. Neither the personnel director nor
his or her the director’s staff shall serve as hearings examiner.
(d) In the performance of its adjudicatory functions (Charter Section 6.12(c) and (d)), the Board shall:
(1) adopt, and observe fair and reasonable rules for notice and evidence;
(2) maintain an appearance of fairness as has been otherwise applied in this state to elected public
bodies making quasi-judicial decisions;
(3) provide an electronically-recorded record, one copy of which shall be available without cost to any
party appealing a decision of the Board to the superior court; and
(4) conduct hearings and render decisions on a timely basis.

3 See Chapter 1.16 - Library
(e) Any employee shall be entitled to appeal to the Civil Service Board those matters which are authorized under this charter or the personnel ordinance or ordinances adopted pursuant thereto; provided, however, that no person shall be entitled to appeal to the Civil Service Board any matter that already has been the subject of binding arbitration under a labor contract, or administrative complaint hearing pursuant to equal employment opportunity governing statutes. (Amendments approved by vote of the people September 18, 1973, November 3, 1992 and November 2, 2004).

Powers and Duties of the Civil Service Board
(Former Section 6.12 moved and re-numbered but otherwise unchanged) Section 10.12 – The Civil Service Board shall have the power and shall be required:

(a) To advise the Council and administrative officials on all matters relating to Civil Service and personnel administration in the City service.

(b) To investigate any or all matters relating to conditions of employment in the service of the City, either in response to employee complaints or on its own initiative.

(c) To investigate and pass upon the claim of any person whose name appears on an eligible list, that he has been deprived of a position to which he is entitled under the provisions of this charter and the Civil Service and Personnel Rules governing the classified service, in which case the decision of the Board shall be binding on the appointing authority; provided, that such person shall not be entitled to any claim for salary from the city for the period prior to the date of filing such claim.

(d) To hear appeals from any action suspending for more than thirty days, reducing in rank or pay, or discharging any employee in the classified service, and further to hear appeals on any and all other controversies or matters arising out of or in connection with the Civil Service and Personnel Rules. The findings and decisions of the Board shall be reduced to writing and shall be final and binding upon all parties concerned. (Approved by vote of the people November 4, 1958.)

Citizen Commission on Elected Salaries
(Former Section 2.3 moved and re-numbered and showing recommended amendment to Section 2.3)
Section 10.13 – Each councilman shall be paid the sum of twenty-five dollars for each day’s attendance at council meetings, but not to exceed twelve-hundred dollars per year. A Citizen Commission on Elected Salaries will recommend the compensation and salary of the Mayor and each council member. The Commission shall have the power and responsibility to recommend to the City Council setting the salary and salary increase for the City of Tacoma Mayor and City of Tacoma Council Members.

The Salary Commission shall consist of 7 members appointed as follows:

Five (5) of the seven (7) commission members shall be selected by lot by the Pierce County Auditor from among those registered City of Tacoma voters eligible to vote at the time the persons are selected for appointment to the Commission. There shall be one (1) member selected from each of the City’s Council districts. The Auditor shall establish policies and procedures for conducting the selection by lot to be forwarded to the City Council for appointment.

The remaining two (2) of the seven (7) commission members must be residents of City of Tacoma and shall be appointed by the Mayor and confirmed by the Council. One person shall have experience in human resource management. The second person shall have experience in the legal profession.

Members of the Commission may not include any public office holder, filed candidate for public office, officer, official or employee of the City of Tacoma or any of their immediate family members. For the
purpose of this section, the phrase “immediate family member” means the parents, spouse, siblings, children or dependent relative of any officer, official or employee whether or not living in the household of the officer, official or employee.

a. The Terms of the Commission shall be as follows:

i. The terms of office for the members shall be three (3) years, except initial appointment to the Commissions shall be for the following terms:

ii. For the members selected by lot by the Auditor, two (2) shall be appointed to serve a one (1) year term, two (2) shall be appointed to a two (2) year term and the remaining member shall be appointed to serve a three (3)-year term.

iii. For the members selected by Mayor and confirmed by council one (1) shall serve a one (1) year term and one (1) shall serve a three-year term.

b. Upon a vacancy in any position on the Commission, a successor shall be selected and appointed to fill the unexpired term in the same manner as outlined in this section.

The Commission shall meet each year beginning in 2015 in one or more regular or special meetings to carry out its duties set forth in this section. Recommendations for any change in the salaries of these elected officials shall be filed with the Clerk of the City of Tacoma and transmitted to the Council for Approval no later than September 1 of the calendar year.

Citizens Commission on Redistricting

Section 10.14 – Every ten years as prescribed by state law the council districts shall be re-districted. The Mayor shall appoint, subject to confirmation by the Council, a 5 member Citizens Commission on Redistricting one from each Council-district. The first meeting of this Commission shall be 60 days after publication of the first federal census following the effective date of this Charter provision.

The Commission shall have the power to redraw the lines of the five Council districts as prescribed by state law and this charter.

Before the general municipal election to be held in the year 2017, the Commission shall divide the city into five election districts so that each district shall comprise as nearly as possible one-fifth of the population of the city; provided, that the territory comprised in any voting precinct of such district shall remain compact and shall not be divided by the lines of said district. The Commission shall change the lines of the election districts, in the time and manner as prescribed by state law.

The Commission shall submit their final map to the City Council for approval no later than November 1. Once the commission submits its final product the commission is henceforth dissolved.

Landmarks Preservations Commission

Section 10.15 – There shall be a Landmarks Preservation Commission, composed of members, with such powers and duties as are provided by ordinance. The members shall be residents of the City of Tacoma and be appointed and confirmed by the City Council for terms of 3 years each. One member shall be appointed by the City Council for each of the council districts. The Council shall appoint the two remaining positions individuals from the following: Historic preservation, the environmental community, architecture or urban design. The Commission shall be authorized to adopt rule for the
transaction of Commission business not inconsistent with this charter or ordinance of the City of Tacoma or the Open Records or Open Meeting Acts. Said Landmarks Preservation Commission shall serve without pay.

**The Public Utility Board**

Section 10.16 – There shall be, as prescribed in this charter, a Public Utility Board.

**Neighborhood Councils**

Section 10.17 – In order to foster communication and to promote citizen-based neighborhood involvement, there shall be independent neighborhood councils and a Community Council. The neighborhood councils and Community Council shall act as advisory entities to the City Council, Mayor, and City Manager. The City Council shall determine the boundaries of the neighborhood councils with the intention of recognizing neighborhood groups, and shall set those boundaries by resolution. A neighborhood council may propose boundary adjustments for consideration by the City Council so long as there is agreement by any impacted neighborhood councils prior to request for consideration by the City Council. The Community Council shall be composed of member from each neighborhood council. Neighborhood councils and the Community Council shall have the power to make bylaws and rules for the conduct of their business.

**Rationale for Change:**

Creation of new Article X places all provisions relating to powers of the citizens into one section of the Charter. The provisions relating to initiative and referendum power are moved from existing Article II, Sections 2.19 and 2.20, and shown with recommended amendments. Existing Boards and Commissions contained in Charter (Planning Commission, Library, Civil Service Board) are moved here as well, and shown with recommended amendments if any. New Boards and Commissions recommended to be added to Charter (Landmarks Preservation Board, Neighborhood Councils, Salary Commission, Redistricting Commission) are placed here. Public Utility Board is mentioned here but details of Utility Board remain in Article IV.

**Rationale against Change:**

None presented.
Article X; Section 10.14 – Redistricting

Current Language:
None.

Proposed Language:
Citizens Commission on Redistricting

Section 10.14 – Every ten years as prescribed by state law the council districts shall be re-districted. The Mayor shall appoint, subject to confirmation by the Council, a 5-member Citizens Commission on Redistricting—one from each Council district. The first meeting of this Commission shall be 60 days after publication of the first federal census following the effective date of this Charter provision.

The Commission shall have the power to redraw the lines of the five Council districts as prescribed by state law and this charter.

Before the general municipal election to be held in the year 2017, the Commission shall divide the city into five election districts so that each district shall comprise as nearly as possible one-fifth of the population of the city; provided, that the territory comprised in any voting precinct of such district shall remain compact and shall not be divided by the lines of said district. The Commission shall change the lines of the election districts, in the time and manner as prescribed by state law.

The Commission shall submit their final map to the City Council for approval no later than November 1. Once the commission submits its final product the commission is henceforth dissolved.

Rationale for Change:
This change creates authority for redistricting in anticipation of future need.

Rationale against Change:
None presented.
Article X; Section 10.15 – Landmarks Preservation Commission

(Also proposed to be housed in Article III as new Section 3.13)

Current Language:
None.

Proposed Language:
Section 10.15 – There shall be a Landmarks Preservation Commission, composed of members, with such powers and duties as are provided by ordinance. The members shall be residents of the City of Tacoma and be appointed and confirmed by the City Council for terms of three years each. One member shall be appointed by the City Council for each of the Council districts. The Council shall appoint the two remaining positions individuals from the following: Historic preservation, the environmental community, architecture or urban design. The Commission shall be authorized to adopt rule for the transaction of Commission business not inconsistent with this charter or ordinance of the City of Tacoma or the Meeting Acts. Said Landmarks Preservation Commission shall serve without pay.

Rationale for Change:
The Landmarks Commission is part of the requirement that the City of Tacoma has with the Department of the Interior in managing historic tax breaks and grants for preservation purposes. With it, the City of Tacoma is established as a Certified Local Government (CLG). It also allows for the City to have access to grants and programs operated through the State Historic Preservation Office. Historic Preservation is a community asset-pursuing it is a key factor in developing a “sense of place” in a city. Preservation is the nexus between livability and economic development. Studies have shown communities with a strong preservation program are able to attract urban entrepreneurs at a higher rate than those cities without such efforts. The inclusion of the Landmarks Commission in the Charter demonstrates the commitment by the City of Tacoma and its citizens to make preserving historic heritage in our community a priority. It is more difficult to eliminate this Commission if it is included in the Charter. There is no increase in cost to the city. There are no dedicated FTE’s.

Rationale against Change:
Currently, there are three boards/commissions in the charter: Public Utilities Board, Civil Service Board and Planning Commission. Each of these makes recommendations to the Council but is also autonomous, acting on its own authority in a limited area. The Landmarks Preservation Commission does not fit this description.

Don’t add more rules or bureaucracy in the charter to this well organized system.

Budget could be cut at the discretion of the City Manager or Council and weaken their impact. Why include this commission and not the other 23?

Members appointed by the City Council.
Article X; Section 10.17 – Neighborhood Councils

Current Language:
None.

Proposed Language:

Neighborhood Councils

Section 10.17 – In order to foster communication and to promote citizen-based neighborhood involvement, there shall be independent neighborhood councils and a Community Council. The neighborhood councils and Community Council shall act as advisory entities to the City Council, Mayor, and City Manager. The City Council shall determine the boundaries of the neighborhood councils with the intention of recognizing neighborhood groups, and shall set those boundaries by resolution. A neighborhood council may propose boundary adjustments for consideration by the City Council so long as there is agreement by any impacted neighborhood councils prior to request for consideration by the City Council. The Community Council shall be composed of member from each neighborhood council. Neighborhood councils and the Community Council shall have the power to make bylaws and rules for the conduct of their business.

Rationale for Change:
Currently, there are three boards/commissions in the Charter: Public Utilities Board, Civil Service Board, and the Planning Commission. Each of these makes recommendations to the Council but is also autonomous, acting on its own authority in a limited area. The Neighborhood Councils are the only other commission/board/council/committee that fits this description.

They are a non-profit organization, receiving funds from the City and other sources.

They have a strong platform for civic engagement and communications from the Council to the community. They represent a neighborhood voice in government, especially for minorities and those living in poverty.

There is no increase cost to the City. There are no dedicated FTE’s and the General Fund support of operational funding is $90,000 per biennium, a non-competitive line item in the budget.

Mumblings have been heard in the Council of doing away with these organizations. It’s harder to eliminate them if they are in the Charter. Their value to the City warrants inclusion.

It is included in the Spokane Charter.

Rationale against Change:
None presented.
Article XI
(Formerly Article X)

Current Language (contained in the current Article X):
Section 10.1 – All ordinances and resolutions in force at the time this charter shall go into effect, and not inconsistent therewith, shall remain in force until amended or repealed or until they expire by limitation. All rights and obligations in favor of or against the city existing at the time this charter shall go into effect, shall continue without modification. All street and other improvements, all vacations of public streets, alleys, or places, all assessments for improvements, all suits and actions in court, all fines and forfeitures, and all other matters, relating to the city that have been begun and not completed, shall be completed according to the charter, ordinances, and laws existing prior to the time this charter shall go into effect. All taxes and assessments levied and remaining unpaid when this charter shall go into effect, shall be collected as provided by the charter existing and in effect at the time the same were levied.

Continuance of Departments and Officers
Section 10.2 – The administrative organization in force at the time this charter takes effect shall continue until changed in accordance with the provisions of this charter. All persons holding appointive office at the time this charter takes effect shall continue in office and in the performance of their duties until their successors have been appointed and qualified as provided in this charter. Pending the passage of an ordinance distributing the work of departments under the supervision and control of the Manager among specific divisions thereof, the Manager may establish temporary divisions.

Transfer of Functions and Personnel
Section 10.3 – Whenever by provisions of this charter duties and functions performed by, through, or under the supervision of any department, board, or office have been transferred to some other department, board, or office, the employees engaged in the performance of such duties and functions at the time this charter shall go into effect shall be transferred accordingly and be deemed to have been regularly appointed to the respective positions involved in the performance of such duties and functions, until removed therefrom in accordance with the provisions of this charter.

Preliminary Meetings of the Council
Section 10.4 – On the third business day following the certification of the result of the first election of councilmen under this charter, the newly elected members of the Council shall meet at 7:30 o’clock p.m. in the council chamber of the city hall for the purpose of considering the appointment of a City Manager and the preparation of such ordinances as may be necessary to effectuate the transition from the present form of government to that established by this charter. The Council-elect shall choose one of its number to be chairman and the City Clerk shall act as its secretary. It shall at its first meeting fix the times and places at which it will hold regular meetings for the above purposes and shall hold such adjourned and special meetings as it may determine by a majority vote of its members. The expenses of the Council-elect, including the expense of advertising for applicants for the position of City Manager and of interviewing and investigating such applicants in Tacoma or elsewhere, shall be paid from the city treasury on vouchers signed by the chairman of the Council-elect. If a Manager has not been appointed and taken office on the first Monday in June, 1953, the Council shall designate a city officer to serve as Acting City Manager and may provide for the filling of other positions in the unclassified service on a temporary basis, pending appointment in accordance with the provisions of this charter.
Transfer of Records, Property, and Funds

Section 10.5 – All records, property, and equipment of any department or office, the functions of which are assigned to any other departments or offices, shall be transferred and delivered to the departments or offices to which such functions are so assigned. All moneys possessed by and revenues accruing to the city, subsequent to the time this charter shall go into effect, shall continue to be accounted for in, and to be disbursed from, the various funds existing at the time this charter shall go into effect, until such time or times as, in the course of administration and reorganization, new funds shall be created by budget or otherwise established. When such new funds are established, the balances in funds replaced or discontinued shall be credited by transfer or apportionment to the new funds to which such balances shall be assigned.

Effective Date of Charter

Section 10.6 – For the purpose of nominating and electing councilmen, this charter shall take effect from the time of its approval by the electors of the city; for all other purposes this charter shall take effect on the first Monday of June, 1953, at 12:01 a.m., whereupon the present charter of the city shall be and is hereby repealed. The first election under this charter shall be held on the second Tuesday in March, 1953, preceded by a primary election held four weeks prior to such date, and the second municipal general and primary elections shall be held in the year 1956 on the dates prescribed for such elections by state law.

Proposed Language: (existing Article X amended and re-numbered as Article XI)

Succession in Government
Continuance of Ordinances and Vested Rights

Section 1011.1 – All ordinances and resolutions in force at the time this charter shall go into effect, and not inconsistent therewith, shall remain in force until amended or repealed or until they expire by limitation. All rights and obligations in favor of or against the city existing at the time this charter shall go into effect shall continue without modification. All street and other improvements, all vacations of public streets, alleys, or places, all assessments for improvements, all suits and actions in court, all fines and forfeitures, and all other matters, relating to the city that have been begun and not completed, shall be completed according to the charter, ordinances, and laws existing prior to the time this charter shall go into effect. All taxes and assessments levied and remaining unpaid when this charter shall go into effect, shall be collected as provided by the charter existing and in effect at the time the same were levied.

Continuance of Departments and Officers

Section 1011.2 – The administrative organization in force at the time this charter takes effect shall continue until changed in accordance with the provisions of this charter. All persons holding appointive office at the time this charter takes effect shall continue in office and in the performance of their duties until their successors have been appointed and qualified confirmed as provided in this charter. Pending the passage of an ordinance distributing the work of departments under the supervision and control of the Manager among specific divisions thereof, the Manager may establish temporary divisions.

Transfer of Functions and Personnel

Section 1011.3 – Whenever by provisions of this charter duties and functions performed by, through, or under the supervision of any department, board, or office have been transferred to some other department, board, or office, the employees engaged in the performance of such duties and functions at
the time this charter shall go into effect shall be transferred accordingly and be deemed to have been regularly appointed to the respective positions involved in the performance of such duties and functions, until removed therefrom in accordance with the provisions of this charter.

Preliminary Meetings of the Council

Section 10.4 - On the third business day following the certification of the result of the first election of councilmen under this charter, the newly elected members of the Council shall meet at 7:30 o'clock p.m. in the council chamber of the city hall for the purpose of considering the appointment of a City Manager and the preparation of such ordinances as may be necessary to effectuate the transition from the present form of government to that established by this charter. The Council-elect shall choose one of its number to be chairman and the City Clerk shall act as its secretary. It shall at its first meeting fix the times and places at which it will hold regular meetings for the above purposes and shall hold such adjourned and special meetings as it may determine by a majority vote of its members. The expenses of the Council-elect, including the expense of advertising for applicants for the position of City Manager and of interviewing and investigating such applicants in Tacoma or elsewhere, shall be paid from the city treasury on vouchers signed by the chairman of the Council-elect. If a Manager has not been appointed and taken office on the first Monday in June, 1953, the Council shall designate a city officer to serve as Acting City Manager and may provide for the filling of other positions in the unclassified service on a temporary basis, pending appointment in accordance with the provisions of this charter.

Transfer of Records, Property, and Funds

Section 110.45 - All records, property, and equipment of any department or office, the functions of which are assigned to any other departments or offices, shall be transferred and delivered to the departments or offices to which such functions are so assigned. All moneys possessed by and revenues accruing to the city, subsequent to the time this charter shall go into effect, shall continue to be accounted for in, and to be disbursed from, the various funds existing at the time this charter shall go into effect, until such time or times as, in the course of administration and reorganization, new funds shall be created by budget or otherwise established. When such new funds are established, the balances in funds replaced or discontinued shall be credited by transfer or apportionment to the new funds to which such balances shall be assigned.

Effective Date of Charter

Section 10.6 - For the purpose of nominating and electing councilmen, this charter shall take effect from the time of its approval by the electors of the city; for all other purposes this charter shall take effect on the first Monday of June, 1953, at 12:01 a.m., whereupon the present charter of the city shall be and is hereby repealed. The first election under this charter shall be held on the second Tuesday in March, 1953, preceded by a primary election held four weeks prior to such date, and the second municipal general and primary elections shall be held in the year 1956 on the dates prescribed for such elections by state law.

Rationale for Change:
The changes delete outdated provisions relating to succession of government, but preserve any that might be necessary to accomplish future charter changes. They also re-number to reflect being placed in Article XI, with the assumption that a new Article X is being created.

Rationale against Change:
None - If no new Article X created, re-numbering to reflect placement in Article XI will not be required.