

CRC Recommendation 24C – Reorganization of Government

Council Proposed Amendment
VERSION C
REORGANIZATION OF GOVERNMENT

Brief Summary of Amendment

The proposed amendment would repeal and replace Article II (the Legislative Branch) and Article III (the Administrative Branch) of the City Charter and amend Article V (Nominations and Elections) and Article X (Succession in Government) of the City Charter. The effect of the repeal and amendments would be to re-organize the form of government from a council-manager to a mayor-council form of government. The first election of the new nine-member council and mayor would occur at the general election in 2025. New council member number nine and the new mayor as executive would take office January 1, 2026.

The structure for the proposed re-organization is set forth in new articles II and III and is taken, with some modifications, from the mayor-council form of government established at Chapter 35A.12 RCW. This statute establishes the mayor-council plan of government for code cities. Where possible and practical the statutory language was retained and has been supplemented with current provisions in the City Charter when necessary and appropriate. One significant change is that the position of mayor as executive would not preside over council meetings. This function would be performed by a council president.

Proposed Amendment Language

Article II of the City Charter, shall be repealed in its entirety as provided at Section 10.6 of this charter, as amended, and re-enacted to read as follows:

ARTICLE II

THE LEGISLATIVE BRANCH

Section 2.05 Elective City Officers – Size of Council.

The government of the city shall be vested in an elected ~~mayor~~Mayor and an elected council. The council shall consist of nine members to be designated, nominated and elected as provided in the charter and state law. The Council shall constitute the legislative and governing body of the City and shall have authority, except as otherwise provided in this charter, to exercise all powers of the City. Council Members shall serve on a full-time basis, and shall have the authority to employ or contract for personnel who will directly report to and advise or assist the Council Members. The Council and its members are permitted to make direct inquiries of administrative staff; provided that, neither the Council nor any member thereof shall give orders to the Mayor's subordinates or otherwise interfere with administrative functions through such means as directing or requesting the appointment or removal of any of the Mayor's subordinates; or the making of particular purchases from or contracts with any specific individual or organization.

Section 2.10 Eligibility to hold elective office.

No person shall be eligible to hold elective office for the City unless the person is a registered voter of the city at the time of filing their declaration of candidacy and has been a resident of the city for a period of at least two years next preceding their election; provided that, if running for a district position, such person shall be a resident of their district for one year next preceding their election. Residence and voting within the limits of any territory which has been included in, annexed to, or consolidated with the city is construed to have been residence within the city. A ~~mayor~~Mayor or ~~councilmember~~Council Member shall hold within the city government no other public office or employment. A candidate for the office of ~~mayor~~Mayor shall not be ineligible by reason of holding the office of ~~council member~~Council Member; provided that, if elected, the council office of any such candidate shall, upon taking office as ~~mayor~~Mayor, be and become vacant.

Section 2.15 Elections—Terms of elective officers—Numbering of council positions – Oath of Office – Term Limits.

Officers shall be elected at biennial municipal elections to be conducted as provided in state law. The ~~mayor~~Mayor and the ~~councilmember~~Council Members shall be elected for four-year terms of office and until their successors are elected and qualified and assume office in accordance with state law; provided that, the terms of the ~~councilmember~~Council Members shall be so staggered that no more than five ~~councilmember~~Council Members shall be elected to office for a full term at each general municipal election. The requisite number of ~~councilmember~~Council Members shall be elected biennially as the terms of their predecessors expire and shall serve for terms of four years. The positions to be filled on the city council shall be designated, nominated and elected as provided in Article V of this charter and shall be dealt with as separate offices for all election purposes. The ~~mayor~~Mayor and ~~councilmember~~Council Members shall qualify by taking an oath or affirmation of office as provided by law, charter, or ordinance.

Commencing with any ~~mayor~~Mayor or ~~Council member~~Council Member first elected in 2025, no person shall be allowed to serve on the Council or as ~~mayor~~Mayor for a total of three (3) full consecutive terms on the Council and two (2) full consecutive terms as Mayor.

Section 2.20 Vacancies in Office.

The office of a ~~mayor~~Mayor or ~~councilmember~~Council Member shall become vacant, if the person who is elected or appointed to that position fails to qualify as provided by law or fails to enter upon the duties of that office at the time fixed by law without a justifiable reason, for nonattendance as provided in this charter, or if the office is vacant as provided in state law.

Section 2.25 Filling Vacancies in Office - Council.

Whenever a vacancy occurs in the office of council, 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; 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~~Mayor shall make the appointment, subject to the confirmation of the remaining members of the council.

Section 2.30 Filling Vacancies in Office – Mayor.

Vacancies in the office of ~~mayor~~Mayor shall be filled by appointment by the City Council for a term expiring at the time a 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, then the office of ~~mayor~~Mayor shall also be placed upon the ballot for the primary and general elections. The Mayor elected at such general election shall be elected for a full four-year term and shall take office at the same time as City Council Members elected at said general election. In the event that the vacancy occurs subsequent to such time for filing, the appointment shall be for the unexpired term.

Section 2.35 Vacancy for nonattendance.

A council position shall become vacant if the ~~councilmember~~Council Member fails to attend three consecutive regular business meetings of the council without being excused by the council.

Section 2.40 Council President.

Biennially at the first meeting of a new council, the members thereof, by majority vote, shall designate one of their number as council president for a two-year term or such other period as the council may specify, to preside over all meetings of the council, and may, by majority vote, designate one of their number as council president pro tempore in the event of the absence or disability of the council president.

In the event of the extended excused absence or disability of a ~~councilmember~~Council Member, the remaining members by majority vote may appoint a ~~councilmember~~Council Member pro tempore to serve during the absence or disability.

Section 2.45 Council meetings.

The city council shall meet regularly, at least once a month, at a place and at such times as may be designated by the city council. All final actions on resolutions and ordinances must take place within the corporate limits of the city, except as may be otherwise provided by state law. Special meetings may be called by the council president or any three members of the council by written notice delivered to each member of the council at least twenty-four hours before the time specified for the proposed meeting. All actions that have heretofore been taken at special council meetings held pursuant to this section, but for which the number of hours of notice given has been at variance with requirements of state law, are hereby validated. All council meetings shall be open to the public except as permitted by state law. No ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed at any meeting not open to the public, nor at any public meeting the date of which is not fixed by ordinance, resolution, or rule, unless public notice of such meeting has been given by such notice as provided in state law. Meetings of the council shall be presided over by the council president, if present, or otherwise by the council president pro tempore if one has been appointed, or by a member of the council selected by a majority of the ~~councilmember~~Council Members at such meeting. In the absence of the clerk, a deputy clerk or other qualified person appointed by the clerk, the council, may perform the duties of clerk at such meeting. A journal of all proceedings shall be kept, which shall be a public record.

Section 2.50 Council—Quorum—Rules—Voting.

At all meetings of the council a majority of the ~~councilmember~~Council Members shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The council shall determine its own rules and order of business, and may establish rules for the conduct of council meetings and the maintenance of order. At the desire of any member, any question shall be voted upon by roll call and the ayes and nays shall be recorded in the journal.

The passage of any ordinance, grant or revocation of franchise or license shall require the affirmative vote of at least a majority of the whole membership of the council.

Section 2.55 Compensation of elective officers—Expenses.

2.55.1 A Commission on Elected Salaries will determine the compensation and salary of the Mayor and each Council Member. The Commission shall set the salary and any salary changes for the Mayor and Council Members.

Any change in salary shall be filed by the Commission with the City Clerk and shall become effective and incorporated into the City budget without further action of the City Council or Salary Commission.

2.55.2 The Salary Commission shall consist of seven members appointed as follows:

2.55.2.1 Five of the seven Commission members shall be selected by lot by the 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 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.

2.55.2.2 The remaining two of the seven Commission members must be residents of the 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.

2.55.3 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.

2.55.4 The terms of the Commission shall be as follows:

2.55.4.1 The terms of office for the members shall be three years, except initial appointment to the Commission shall be for the following terms:

2.55.4.2 For the members selected by lot by the Auditor, two shall be appointed to serve a one-year term, two shall be appointed to a two-year term, and the remaining member shall be appointed to serve a three-year term.

2.55.4.3 For the members selected by the Mayor and confirmed by the Council, one shall serve a one-year term and one shall serve a three-year term. 2.55.5 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 2025 in one or more regular or special meetings to carry out its duties set forth in this section.

Section 2.60 Ordinances—Style—Requisites—Veto.

Every legislative act of the Council shall be by ordinance, which shall be numbered consecutively, clearly entitled and contain but one subject which shall be expressed in the title. The enacting clause of all ordinances shall be: “Be it ordained by the City of Tacoma.”

No ordinance or section thereof shall be revised, reenacted or amended by reference to its title, but the ordinance or section to be revised, reenacted, or amended shall be reenacted at length as revised or amended. No ordinance or section thereof shall be repealed, suspended, or any person exempted from the provisions thereof, except by ordinance repealing the same.

No ordinance shall be finally passed within five days of its introduction, except when the Council declares in such ordinance that a public emergency exists and therein states the facts constituting such emergency, and except ordinances relating to local improvements and assessments and authorization of bonds therefor. All ordinances passed as emergency measures shall require an affirmative vote of at least six Council Members. No ordinance granting any franchise, right, or privilege shall ever be passed as an emergency measure.

No ordinance shall take effect until five days after the date of its publication unless otherwise provided by statute or charter, except that an ordinance passed by a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption, but such ordinance may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money.

Section 2.65 – Ordinance – Presentation to Mayor.

Every ordinance which passes the council in order to become valid must be presented to the ~~mayor~~Mayor by the City Clerk; if the ~~mayor~~Mayor approves it, the ~~mayor~~Mayor shall sign it, but if not, the ~~mayor~~Mayor shall return it to the City Clerk with written objections to the council and the council shall cause the ~~mayor~~Mayor’s objections to be entered at large upon the journal and proceed to a reconsideration thereof. If upon reconsideration a majority plus one of the whole membership, voting upon a call of ayes and nays, favor its passage, the ordinance shall become valid notwithstanding the ~~mayor~~Mayor's veto. If the ~~mayor~~Mayor fails for ten days following presentation to either approve or veto an ordinance, it shall become valid without the ~~mayor~~Mayor’s approval. Ordinances shall be signed by the ~~mayor~~Mayor and attested by the clerk.

Section 2.70 Ordinances—Authentication and recording.

All ordinances and their amendments shall be recorded in a book to be called the “Ordinance Record,” which record of each ordinance shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 2.75 Publication of ordinances or summary—Public notice of hearings and meeting agendas.

Promptly after adoption, the text of each ordinance or a summary of the content of each ordinance shall be published at least once in the city's official newspaper.

For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. Publication of the title of an ordinance authorizing the issuance of bonds, notes, or other evidences of indebtedness shall constitute publication of a summary of that ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be made available upon request.

An inadvertent mistake or omission in publishing the text or a summary of the content of an ordinance shall not render the ordinance invalid.

In addition to the requirement that a city publish the text or a summary of the content of each adopted ordinance, the city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

Section 2.80 Compilation and Codification of Ordinances.

The Council shall arrange for the compilation or codification of the charter and all ordinances of a general, public, or permanent nature, or imposing a fine, penalty, or forfeiture, and shall file the same with the City Clerk. When adopted by the Council by ordinances, such codification shall become the official code of the City. All ordinances of like nature, not affecting private or contract rights passed prior to such adoption and not contained in such code, shall be deemed prima facie to have been repealed thereby.

Powers of the People

Section 2.85 Charter Amendments

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.

Section 2.90 Initiative Power

Residents 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:

2.90.1 The petitioners shall file an Initiative Petition with the City Clerk.

2.90.2 The City Clerk shall forward the petition to the City Attorney within one (1) working day of receipt.

2.90.3 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 the number of words as allowed under state law for local initiatives. The statement will be phrased in the form of a positive question.

2.90.4 The City Attorney shall file this concise statement with the City Clerk as the official ballot title.

2.90.5 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 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.

2.90.6 Persons dissatisfied with the ballot title prepared by the City Attorney may seek judicial review by petitioning the Pierce County Superior Court within ten (10) working days of the 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.

2.90.7 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.

2.90.8 Petitioners have one hundred and eighty (180) calendar days to collect signatures from registered voters.

2.90.8.1 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.

2.90.8.2 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 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.

Section 2.95 Referendum Power

Residents of Tacoma may ask that ordinances passed by the City Council, except for ordinances which take effect immediately as allowed in Section 2.60 of the Charter, or as otherwise prohibited by state law, be referred to the voters for approval or rejection by the following process:

2.95.1 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.

2.95.2 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.

2.95.3 The City Clerk shall forward the petition to the City Attorney within one (1) working day of receipt.

2.95.4 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 the number of words as allowed under state law for local referendums. The statement will be phrased in the form of a positive question.

2.95.5 The City Attorney shall file this concise statement with the City Clerk as the official ballot title.

2.95.6 The City Clerk shall assign a referendum number to the ballot title and notify the petitioner that the ballot title becomes final and signature gathering may begin in 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.

2.95.7 Persons dissatisfied with the ballot title prepared by the City Attorney may seek judicial review by petitioning Pierce County Superior Court within ten (10) working days of the 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.

2.95.8 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.

2.95.8.1 Petitioners have thirty (30) calendar days to collect signatures from registered voters.

2.95.8.2 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.

2.95.9 The City Clerk shall forward the signatures to the County auditor to be verified. Based on the Auditor's review, the City Clerk shall determine the validity of the petition. If the petition is validated, the City Council shall immediately reconsider the ordinance, and if it does not repeal the ordinance, submit the proposal to the people at the next Municipal or General Election that is not less than ninety (90) days after the date on which the signatures on the petition are validated.

Section 2.100 Election

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.

Section 2.105 Council Proposals

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 2.110 Procedures upon Election

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 2.115 Amendment or Repeal

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 2.120 Review of Charter

The City Council shall commence a review of this charter no less frequently than once every ten years, by appointing ~~citizens-residents~~ 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-residents~~ to initiate amendments to this charter in any other manner allowed by state law.

Article III of the City Charter shall be repealed in its entirety, as provided at Section 10.6 of this charter, as amended, and re-enacted to read as follows:

ARTICLE III

THE ADMINISTRATIVE BRANCH

Section 3.05 Duties and authority of the ~~mayor~~Mayor—Veto—Tie-breaking vote.

The ~~mayor~~Mayor shall be the chief executive and administrative officer of the city, in charge of all departments and employees, with authority to designate assistants and department heads. The ~~mayor~~Mayor may appoint and remove chief administrative officers and assistant administrative officers.

The ~~mayor~~Mayor shall see that all laws and ordinances are faithfully enforced and that law and order is maintained in the city, and shall have general supervision of the administration of city government and all city interests. All official bonds and bonds of contractors with the city shall be submitted to the ~~mayor~~Mayor or such person as the ~~mayor~~Mayor may designate for approval or disapproval. The Mayor shall see that all contracts and agreements made with the city or for its use and benefit are faithfully kept and performed, and to this end the ~~mayor~~Mayor may cause any legal proceedings to be instituted and prosecuted in the name of the city, subject to approval by majority vote of all members of the council.

The Mayor shall report to the council concerning the affairs of the city and its financial and other needs, and shall make recommendations for council consideration and action. The Mayor shall prepare and submit to the council a proposed budget, as required by state law.

The ~~mayor~~Mayor shall have the power to veto ordinances passed by the council and submitted to the ~~mayor~~Mayor as provided in this charter but such veto may be overridden by the vote of a majority of all ~~councilmember~~Council Member~~s~~ plus one more vote.

The ~~mayor~~Mayor shall be the official and ceremonial head of the city and shall represent the city on ceremonial occasions, except that when illness or other duties prevent the ~~mayor~~Mayor's attendance at an official function the council president or president pro tempore, or in their absence some other suitable person, may be designated by the ~~mayor~~Mayor to represent the city on such occasion.

Section 3.10 Appointive officers—Duties—Compensation.

The appointive officers shall be those provided for by charter or ordinance and shall include a city clerk and a chief law enforcement officer. The authority, duties and qualifications of all appointive officers shall be prescribed by charter or ordinance, consistent with the provisions of this section, and any amendments thereto, and the compensation of appointive officers shall be prescribed by ordinance.

Section 3.15 Appointment and removal of officers—Terms.

The ~~mayor~~Mayor shall have the power of appointment and removal of all appointive officers and employees subject to any applicable law, rule, or regulation relating to civil service. The head of a department or office of the city government may be authorized by the ~~mayor~~Mayor to appoint and remove subordinates in such department or office, subject to any applicable civil service provisions. All appointments of city officers and employees shall be made on the basis of ability and training or experience of the appointees in the duties they are to perform, from among persons having such qualifications as may be prescribed by ordinance, and in compliance with provisions of any merit system applicable to such city. Confirmation by the city council of appointments of officers and employees shall be required only when the city charter, or the council by ordinance, provides for confirmation of such appointments. Confirmation of ~~mayor~~Mayor appointments by the council may be required by the council in any instance where qualifications for the office or position have not been established by ordinance or charter provision. Appointive offices shall be without definite term unless a term is established for such office by law, charter or ordinance.

Section 3.20

Within the framework established by this charter, the administrative service of the City government shall be divided into such offices, departments, and divisions as provided by ordinance upon recommendation of the Mayor. Such ordinance shall be known as the "Administrative Code."

Section 3.25

The City Council may remove any appointed member of any City board, commission, or board of trustees, for cause, after notice and public hearing, if that member is found to have violated the oath of office under this charter (Section 6.4) or has committed any acts specified in state law as grounds for the recall and discharge of an elective public officer. The City Council, in its discretion, may allow a hearings examiner to hear such a matter. Recommendation of a hearings examiner shall be subject to review by the City Council. The City Council's final decision shall be based on the evidence in the record. A record of the proceedings shall be made.

Section 3.30 City Attorney

The ~~mayor~~Mayor shall appoint, subject to City Council confirmation, 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 the profession within the State of Washington for not

less than five years next preceding the appointment. The City Attorney shall have power to appoint and remove, subject to the approval of the ~~mayer~~Mayor, professional assistants who shall also be attorneys admitted and qualified to practice in the Supreme Court of the State of Washington.

The City Attorney shall be legal advisor to the City Council, ~~mayer~~Mayor, and all officers, departments, and boards of the City in matters relating to City affairs. The City Attorney shall represent the City in litigations in which the City is interested; shall provide written legal opinion on official matters when requested by the council, ~~mayer~~Mayor, commissions, boards, or other City officers; shall review for legal correctness contracts, bonds, franchises, and other instruments in which the City is concerned; and perform such other duties as may be prescribed by ordinance or otherwise by law.

Section 3.35 City Clerk

The ~~mayer~~Mayor shall appoint a City Clerk who shall:

- 3.35.1 attend all meetings of the council and keep a permanent journal of its proceedings,
- 3.35.2 record and certify all ordinances and resolutions,
- 3.35.3 serve as custodian of the City seal and official City records,
- 3.35.4 prescribe and furnish sample forms for petitions provided for by this charter, and
- 3.35.5 perform such other duties as may be prescribed by the ~~mayer~~Mayor, state law, this charter, or by ordinance.

The City clerk with the approval of the ~~mayer~~Mayor may designate deputy clerks, who shall have all the powers and perform all the duties of the City clerk in the clerk's absence.

Section 3.40 City Planning Commission

There shall be a Planning Commission, composed of eleven (11) members, with such powers and duties as are provided by ordinance. The eleven 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. The Council must ensure the appointments provide for diversity of planning commission members. The diversity should include race, ethnicity, gender, backgrounds, experiences, and expertise and must not be over-represented in any areas of expertise or experience. The membership of the commission shall include one member appointed by the City Council for each of the five council districts.

Section 3.45 Tacoma Public Library

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.

Section 3.50 Landmarks Preservation Commission.

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.

Section 3.55 Tacoma Humane Society.

The City Council is hereby authorized to enter into a contract with the Tacoma Humane Society, or any other agency or agencies performing similar duties and functions, granting to said society, agency, or agencies the control and operation of all city pounds and delegating certain duties and responsibilities with reference to the control of animals. Such contract(s) shall provide, among other things, that said society or agency (agencies) shall faithfully operate said pounds, shall pay all expenses in connection therewith, shall receive all licenses, fines, penalties and proceeds of every nature connected therewith, and such other sums as may be legally appropriate therefor, subject only to accounting as provided by law. The Council is further authorized, notwithstanding the provisions hereof, to determine that the City shall operate its own city pounds or detention facility and otherwise regulate and control animals within its corporate limits. Any contract entered into pursuant to the authority hereof shall be subject to cancellation by the City for good cause.

Section 5.3 of the City Charter shall be and is hereby amended to read as follows:

ARTICLE V

NOMINATIONS AND ELECTIONS

* * *

Election of Council Members – Numbered Positions

Section 5.3 – Before the general municipal election to be held in the year 1975, the council 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 council shall change the lines of the election districts, in the time and manner as prescribed by state law.

The City clerk shall designate, by consecutive numbers commencing with number one and ending with number five, all positions on the council to be nominated by district and shall further designate, by consecutive numbers commencing with number six and ending with number eight, all positions on the council to be elected at large, and all of such designations shall thereafter be permanent and the positions so designated shall thereafter be considered as separate offices for election purposes.

Before the general municipal election to be held in the year 2025, the City clerk shall designate by consecutive numbers commencing with number one and ending with number five, all positions on the council to be nominated by district and shall further designate, by consecutive numbers commencing with number six and ending with number nine, all positions on the council to be elected at large, and all of such designations shall thereafter be permanent and the positions so designated shall thereafter be considered as separate offices for election purposes as provided in this Charter.

The qualified electors of each election district, and they only, shall nominate from among their number candidates for the office of ~~council member~~Council Member of such election district to be voted for at the following general election.

The qualified electors of the City shall nominate from among their number candidates for the office of ~~council member~~Council Member at large to be voted for at the following general election.

The two candidates having the highest vote totals for each council position shall be certified as having been nominated and shall run for that position in the general election. ~~Council member~~Council Members nominated by district shall be elected by all of the qualified voters of the district, and the person receiving the highest number of votes for the office of Council Member for the position for which they are a candidate shall be declared duly elected.

~~Council member~~Council Members nominated at large shall be elected by all of the qualified voters of the City. The person receiving the highest number of votes for the office of Council Member for the position for which they are a candidate shall be declared duly elected. On expiration of the present term of office, council positions nominated by council district shall be elected by the qualified voters in that district.

In the event any ~~council member~~Council Member nominated from a district shall, after election, move or reside outside the district from which the ~~council member~~Council Member was nominated, the ~~council member~~Council Member shall, by virtue thereof, be deemed to have forfeited their office, and their seat shall become vacant and shall be filled in the manner provided herein for the filling of vacancies.

Article X of the City Charter shall be and is hereby amended to read as follows:

ARTICLE X

SUCCESSION IN GOVERNMENT

Continuance of Ordinances and Vested Rights

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 confirmed as provided in this charter.

The legislative and administrative organization under this charter in force at the time that the amendments to this charter to effect the re-organization of the form of government from council-manager to council-~~mayer~~Mayor form of government approved by the electors of the

City at the 2025 general election, shall continue in effect until changed in accordance with Section 10.6 of this charter.

Transfer of Functions and Personnel

Section 10.3 – Whenever by provisions of this charter, or amendments to 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, or amendments thereto, shall go into effect shall be transferred accordingly and be deemed to have been regularly appointed to the respective positions.

Section 10.4 Delegation of Duties, Functions and Authority to Mayor.

Effective the date established by state law for commencement of the term of office of the ~~council member~~Council Members and ~~mayor~~Mayor elected at the 2025 general election, whenever by provisions of this charter, duties or functions are performed by the City Manager or authority is delegated to the City Manager, such duties, functions and authority shall be and are hereby delegated and assigned to the ~~mayor~~Mayor.

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 Amendments to Effect Reorganization

Section 10.6 – For the sole purpose of nominating and electing ~~Council member~~Council Members and the ~~mayor~~Mayor, as chief executive and administrative officer, at the 2025 primary and general elections, amendments to Articles II and III of this charter as approved by the voters at the 2024 general election to effect the re-organization of the form of government from council-manager to ~~mayor-council-mayor form of government~~ shall take effect from the time of certification of its approval by the electors of the City at the 2024 general election; for all other purposes said amendments to this charter shall take effect on the date established by state law for commencement of the term of office of the ~~council~~Council-members and ~~mayor~~Mayor elected at the 2025 general election, whereupon Article II and Article III of the charter of the City as ~~it they~~ existed prior to ~~certification of the 2025 general elections~~such date shall be and are hereby repealed. The first election under this charter, as amended to effect the re-organization of the form of government, shall take place at the primary and general elections in 2025 whereupon, new at-large council position number nine and the new position of ~~mayor~~Mayor as chief executive and administrative officer shall be on the ballot for election to office for the first time. The terms of council positions designated as one through eight shall not be affected by the re-organization of the form of government and such persons elected or appointed to those positions may serve the remainder of their terms in office.