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**RESOLUTION NO. U-10921**

A RESOLUTION relating to Tacoma Water; amending Section 12.10.400 of the Tacoma Municipal Code, regarding temporary water service contracts.

WHEREAS the Tacoma City Charter (“City Charter”) Section 4.10 provides that “[t]he Public Utility Board, subject only to the limitations imposed by this charter and the laws of this state, shall have full power to construct, condemn and purchase, acquire, add to, maintain, and operate the electric, water, and belt line railway utility systems,” and

WHEREAS, pursuant to City Charter section 4.10, the Public Utility Board has the authority to enter into contracts with its customers that set the terms and conditions for providing utility service, and

WHEREAS City Charter section 4.11 provides in pertinent part that “[a]ll matters relating to system expansion and the making of additions and betterments thereto or extensions thereof, the incurring of indebtedness, the issuance of bonds, and the fixing of rates and charges for utility services under the jurisdiction of the Board shall be initiated by the Board, subject to approval by the Council...,” and

WHEREAS City Charter section 4.11 requires that contracts that contain rates or charges for utility service shall be initiated by the Public Utility Board and approved by the City Council, and

WHEREAS City of Tacoma Municipal Code section 12.10.400 provides in part that<sup>1</sup>:

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<sup>1</sup> Note the below language is currently codified under Tacoma Municipal Code subsection 12.10.400.H, but is subject to recodification to 12.10.400.E as part of City Council Ord. 28413.



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The Superintendent, with the approval of the Board, shall have the right to enter into contracts for periods up to 20 years where service conditions are extraordinary; provided, that such contracts shall contain applicable rates as adopted by the Board and the City Council, and

WHEREAS removing the above Code section will not infringe upon the Public Utility Board's Charter authority to manage the services provided by Tacoma Water, or otherwise diminish TPU's commitment to economic development in the region or engaging in transactions that generally benefit retail customers, and

WHEREAS Tacoma Water recommends that the Public Utility Board approve removal of the subsection in TMC 12.10.400, related to temporary water service contracts as such action is in the best interest of the citizens of Tacoma and the customers of Tacoma Water; Now, Therefore,

BE IT RESOLVED BY THE PUBLIC UTILITY BOARD OF THE CITY OF TACOMA:

The proposed amendment to TMC 12.10.400 removing the following language:

Special Contracts. The Superintendent, with the approval of the Board, shall have the right to enter into contracts for periods up to 20 years where service conditions are extraordinary; provided, that such contracts shall contain applicable rates as adopted by the Board and the City Council.

is hereby approved, and the Council of the City of Tacoma is requested to pass an ordinance approving such revision by amending section 12.10.400 of the



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Tacoma Municipal Code, and in a final form to be approved by the City Attorney.

Approved as to form and legality:

Ward Groves  
Chief Deputy City Attorney

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Clerk

Adopted \_\_\_\_\_