



City of Tacoma

City Council Action Memorandum

TO: Mayor and City Council
FROM: Elizabeth Pauli, City Manager
COPY: Chris Bacha, City Attorney; Nicole Emery, City Clerk
SUBJECT: Charter Amendments Review on July 16, 2024
DATE: July 11, 2024

SUMMARY AND PURPOSE:

At the City Council study session of Tuesday, July 2, 2024, the Council reviewed potential motions that may be considered at the City Council meeting of Tuesday, July 9, 2024, to move proposed Charter amendments to their respective next steps.

At the Tuesday, July 9, 2024, City Council meeting, the Council made motions to advance the below listed proposed Charter amendments to the Tuesday, July 16, 2024, City Council agenda to be considered for placement on the November 5, 2024, ballot.

The proposed Charter amendments and their assigned legislation numbers are listed in the chart below.

PROPOSED CHARTER AMENDMENTS:

Amendment No.	Topic:	Resolution No.
1	Salary Commission	41472
2C	Term Limits	41473
7B	Changes to Council	41474
14B	Planning Commission	41475
21, 22, and C6 (combined)	Eligibility for Employment – Citizenship; Employment Anti-Discrimination; and Use of Term Citizen	41476
C1B	Council meetings	41477
C2B	TPU Board Member Qualifications	41478
C4B	Sale of Waterfront Property	41479



RESOLUTION NO. 41472

1 A RESOLUTION AND PROPOSITION to amend Article II, Section 2.3 of the
 2 Tacoma City Charter to change the name of the “Citizen Commission
 3 on Elected Salaries” to “Commission on Elected Salaries,” and to align
 4 Section 2.3 with Washington State law by stipulating that the Salary
 Commission’s recommendations go into effect without City Council
 action.

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

6 Section 1. That Article II, Section 2.3 of the Tacoma City Charter be
 7 amended to read as follows:

8 **Section 2.3** – A ~~Citizen~~ Commission on Elected Salaries will determine the
 9 compensation and salary of the Mayor and each Council Member. The
 10 Commission shall set the salary and any salary changes for the Mayor and
 11 Council Members. ~~The salary and any salary changes set by the Commission~~
 12 ~~shall be adopted by the City Council.~~ Any change in salary shall be filed by the
 13 Commission with the City Clerk and shall become effective and incorporated into
 14 the City budget without further action of the City Council or Salary Commission.

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 17 (a) The Salary Commission shall consist of seven members appointed as
 18 follows:

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

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

8 (b) Members of the Commission may not include any public office holder, filed
9 candidate for public office, officer, official or employee of the City of Tacoma or
10 any of their immediate family members. For the purpose of this section, the
11 phrase "immediate family member" means the parents, spouse, siblings,
12 children or dependent relative of any officer, official or employee whether or
13 not living in the household of the officer, official or employee.

14 (c) The terms of the Commission shall be as follows:

15 (1) The terms of office for the members shall be three years, except
16 initial appointment to the Commission shall be for the following terms:

17 (2) For the members selected by lot by the Auditor, two shall be
18 appointed to serve a one-year term, two shall be appointed to a two-
19 year term, and the remaining member shall be appointed to serve a
20 three-year term.

21 (3) For the members selected by the Mayor and confirmed by the
22 Council, one shall serve a one-year term and one shall serve a three-
23 year term.



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(d) 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 City Clerk and transmitted to the Council for adoption no later than September 1 of the calendar year.~~

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 41473

1 A RESOLUTION AND PROPOSITION to amend Article II, Section 2.35 of the
 2 Tacoma City Charter to expand the term limits for the Mayor and
 3 Council Members elected in or after year 2025 from 10 consecutive
 4 years to three consecutive full four-year terms; provided that, the new
 expanded term limits will not apply to the Mayor and Council Members
 holding office during the 2025 general election.

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

6 Section 1. That Article II, Section 2.35 of the Tacoma City Charter be
 7 amended to read as follows:

8 **Section 2.35** – Commencing with any Mayor or Council Member first elected
 9 in 2025, No person shall be allowed to serve on the Council for more than ~~ten~~
 10 ~~(10)~~ three (3) consecutive ~~years~~ full terms, either as a Council Member, Mayor,
 11 or combination thereof; provided that, no person holding elected office for the
 12 City at the time of the general election in 2025 shall be allowed to serve on the
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1 Council for more than ten (10) consecutive years, either as a Council Member,
2 Mayor, or combination thereof.

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4 Adopted _____

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7 Mayor

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10 Attest:
11 City Clerk

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13 Approved as to form:
14 City Attorney

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RESOLUTION NO. 41474

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A RESOLUTION AND PROPOSITION to add a new Section to Article II of the Tacoma City Charter to clarify the priorities and time investment necessary for Council Members to carry out their duties, and authorize the City Council to employ or contract for personnel who will directly report to and advise or assist the Council Members.

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

Section 1. That Article II of the Tacoma City Charter is amended by the addition of a new section, to be numbered by the City Clerk, and reading as follows:

Section XX – Council Members shall prioritize their City Council work and shall devote sufficient time to fully carry out their obligations and duties, and shall have the authority to employ or contract for personnel who will directly report to and advise or assist the Council Members.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 41475

1 A RESOLUTION AND PROPOSITION to amend Article III, Section 3.8 of the
2 Tacoma City Charter relating to Planning Commission composition.

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

4 Section 1. That Article III, Section 3.8 of the Tacoma City Charter be
5 amended to read as follows:

6 **Section 3.8** – There shall be a Planning Commission, composed of ~~nine (9)~~
7 eleven (11) members, with such powers and duties as are provided by
8 ordinance. The ~~nine~~ eleven (11) members shall be residents of the City of
9 Tacoma and be appointed and confirmed by the City Council for terms of three
10 (3) years each. The Council must ensure the appointments provide for diversity
11 of Planning Commission members. The diversity should include race, ethnicity,
12 gender, backgrounds, experiences, and expertise and must not be over-
13 represented in any areas of expertise or experience. The membership of the
14 Commission shall include ~~O~~ne member ~~shall be~~ appointed by the City Council
15 for each of the five council districts. ~~The Council shall appoint to the four~~

16 ~~remaining positions an individual from each of the following:~~

- 17 ~~(a) the development community;~~
- 18 ~~(b) the environmental community;~~
- 19 ~~(c) public transportation, and~~
- 20 ~~(d) — a designee with background of involvement in architecture, historic~~
- 21 ~~preservation, and/or urban design.~~

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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.~~

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 41476

1 A RESOLUTION AND PROPOSITION to amend Article II, Sections 2.3, 2.19, 2.20,
2 and 2.25, Article VI, Sections 6.3 and 6.7, and Article IX, Section 9.2, of the
Tacoma City Charter related to equity of access.

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

4 Section 1. That Article II, Sections 2.3, 2.19, 2.20, and 2.25 of the Tacoma

5 City Charter be amended to read as follows:

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8 **Section 2.3** – A ~~Citizen~~ Commission on Elected Salaries will determine the
9 compensation and salary of the Mayor and each Council Member. The
10 Commission shall set the salary and any salary changes for the Mayor and Council
11 Members. The salary and any salary changes set by the Commission shall be
12 adopted by the City Council.
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15 **Section 2.19** – ~~Citizens~~ Residents of Tacoma may by initiative petition ask the
16 voters to approve or reject ordinances or amendments to existing ordinances,
17 subject to any limitation on topics in state law, by the following process:
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- 19 (a) The petitioners shall file an Initiative Petition with the City Clerk.
- 20 (b) The City Clerk shall forward the petition to the City Attorney within one (1)
21 working day of receipt.
- 22 (c) Within ten (10) working days of receipt, the City Attorney shall review the
23 petition and make contact with the petitioner as necessary, and if the petition is
24 proper in terms of form and style, the City Attorney will write a concise, true, and
25 impartial statement of the purpose of the measure, not to exceed the number of
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words as allowed under state law for local initiatives. The statement will be
1 phrased in the form of a positive question.

2 (d) The City Attorney shall file this concise statement with the City Clerk as the
3 official ballot title.
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5 (e) The City Clerk shall assign an initiative number to the ballot title and notify the
6 petitioner that the ballot title becomes final and signature gathering may begin in
7 ten (10) working days if there is no judicial review. Notification of the ballot title
8 shall be posted at City Hall and on the City's web page.
9

10 (f) Persons dissatisfied with the ballot title prepared by the City Attorney may seek
11 judicial review by petitioning the Pierce County Superior Court within ten (10)
12 working days of the notification of the ballot title having been posted as required
13 under (e). The Court shall endeavor to promptly review the statements and render
14 a decision as expeditiously as possible. The decision of the Court is final.
15

16 (g) Petitions must include the final, approved ballot title, initiative number, the full
17 text of the ordinance, or amendment to existing ordinance, that the petitioners seek
18 to refer to the voters, and all other text and warnings required by state law.

19 (h) Petitioners have one hundred and eighty (180) calendar days to collect
20 signatures from registered voters.
21

22 (i) The number of valid signatures shall be equal to ten percent (10%) of the votes
23 cast in the last election for the office of Mayor.

24 (j) The City Clerk shall forward the signatures to the County Auditor to be verified.

25 Based on the Auditor's review, the City Clerk shall determine the validity of the
26 petition. If the petition is validated, the City Council may enact or reject the



1 Initiative, but shall not modify it. If it rejects the Initiative or within thirty (30)
2 calendar days fails to take final action on it, the City Council shall submit the
3 proposal to the people at the next Municipal or General Election that is not less
4 than ninety (90) days after the date on which the signatures on the petition are
5 validated.

6 **Section 2.20** – ~~Citizens~~ Residents of Tacoma may ask that ordinances passed by
7 the City Council, except for ordinances which take effect immediately as allowed in
8 Section 2.13 of the Charter, or as otherwise prohibited by state law, be referred to
9 the voters for approval or rejection by the following process:
10

11 (a) The petitioners shall file a Referendum Petition with the City Clerk not later than
12 ten (10) calendar days after the City Council approved the ordinance.

13 (b) The filing of a Referendum Petition, and progression by the petitioners through
14 the steps outlined as follows, causes the suspension of the effective date of the
15 ordinance.
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17 (c) The City Clerk shall forward the petition to the City Attorney within one (1)
18 working day of receipt.

19 (d) Within ten (10) working days of receipt, the City Attorney shall review the
20 petition and make contact with the petitioner as necessary, and if the petition is
21 proper in terms of form and style, the City Attorney will write a concise, true, and
22 impartial statement of the purpose of the measure, not to exceed the number of
23 words as allowed under state law for local referendums. The statement will be
24 phrased in the form of a positive question.
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(e) The City Attorney shall file this concise statement with the City Clerk as the official ballot title.

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

(h) Petitions must include the final, approved ballot title, referendum number, the full text of the ordinance that the petitioners seek to refer to the voters, and all other text and warnings required by state law.

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

(j) The number of valid signatures shall be equal to ten percent (10%) of the votes cast in the last election for the office of Mayor.

(k) The City Clerk shall forward the signatures to the County auditor to be verified. Based on the Auditor's review, the City Clerk shall determine the validity of the petition. If the petition is validated, the City Council shall immediately reconsider the ordinance, and if it does not repeal the ordinance, submit the proposal to the



1 people at the next Municipal or General Election that is not less than ninety (90)
2 days after the date on which the signatures on the petition are validated.

3 * * *

4 **Section 2.25** – The City Council shall commence a review of this charter no less
5 frequently than once every ten years, by appointing ~~citizens~~ Tacoma residents to a
6 charter review committee, or by the election of a board of freeholders in the
7 manner provided in state law. Any freeholders shall be nominated and elected by
8 position and by district. The charter review committee, which shall be provided with
9 sufficient staff and budget to perform a comprehensive review, shall report any
10 recommended amendments to the City Council. The City Council may accept,
11 reject or modify the recommended amendments and may submit any
12 recommended charter amendments to the voters in the manner provided in state
13 law. The recommendations of a board of freeholders shall be placed before the
14 voters in the manner provided in state law. Nothing in this section shall limit the
15 right of ~~citizens~~ Tacoma residents to initiate amendments to this charter in any
16 other manner allowed by state law.

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19 Section 2. That Article VI, Section 6.3 of the Tacoma City Charter be
20 amended to read as follows:

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23 **Section 6.3** – ~~No person shall be eligible for employment in the City service who~~
24 ~~is not a citizen of the United States; provided that, as to laborers, this~~
25 ~~requirement may be waived by the Human Resources Director when laborers~~
26 ~~who are citizens are not available.~~ No person shall be eligible to employment in



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the classified service who is not a resident of the City at the time of 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.

* * *

Section 3. That Article VI, Section 6.7 of the Tacoma City Charter be amended to read as follows:

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~~disability; provided, however, that affirmative action may be used to remedy prior discrimination in the employment and promotion of City appointed officers and employees. The City Council shall periodically review, and amend as appropriate, the anti-discrimination ordinances applicable to City applicants and employees.

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Section 4. That Article IX, Section 9.2 of the Tacoma City Charter be

amended to read as follows:

Section 9.2 – All records and accounts of every office, department, or agency of the City shall be open to inspection by any ~~citizen~~ requester, to include but not be limited to any representative of ~~any citizen's~~ organization, or any representative of the press, at all reasonable times and under reasonable regulations established by the City Council, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish. All such records and accounts shall be City property and be kept as such by the proper officers and employees during their continuance in office, and then delivered to their successors.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 41477

1 A RESOLUTION AND PROPOSITION to amend Article II, Section 2.8 of the
2 Tacoma City Charter to remove the prohibition upon meeting more than
3 weekly and to increase the number of required regular meetings.

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

5 Section 1. That Article II, Section 2.8 of the Tacoma City Charter be

6 amended to read as follows:

7 **Section 2.8** – The Council shall meet at such times and places as it may
8 determine, provided it shall hold regular ~~not oftener than once a week~~, periodic
9 meetings at least ~~forty-six~~ seventy (4670) times each calendar year. Special
10 meetings shall be called by the City Clerk on the written request of the Mayor
11 or any three Council members. Such request shall state the subject or subjects
12 to be considered at such meeting, and no other subject shall be considered
13 thereat. Each Council member shall be given such notice that may be required
14 by State law, but in no event less than twelve hours' notice, of the time and
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1 place of such special meetings. All meetings of the council shall be public as
2 prescribed by State law.

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4 Adopted _____

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7 Mayor

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9 Attest: _____
10 City Clerk

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12 Approved as to form: _____
13 City Attorney

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RESOLUTION NO. 41478

1 A RESOLUTION AND PROPOSITION to amend Article IV, Section 4.9 of the
2 Tacoma City Charter to clarify that members of, or applicants for, the
3 Public Utility Board may hold other elected public office but may not
4 hold Tacoma City Council positions.

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

6 Section 1. That Article IV, Section 4.9 of the Tacoma City Charter be
7 amended to read as follows:

8 **Section 4.9** – Members of the Board shall be qualified electors and shall be
9 residents of the City for two years immediately preceding the time of
10 appointment and may not serve on the Tacoma City Council during the term
11 of their appointment as a board member~~shall have the same qualifications as~~
12 ~~provided in this charter for Council Members~~. Members shall be entitled to
13 reimbursement for expenses incurred in carrying out their official duties, other
14 than those incident to attending board meetings held within the City of
15 Tacoma.
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17 Adopted _____
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19 _____
20 Mayor

21 Attest:
22 _____
23 City Clerk

24 Approved as to form:
25 _____
26 City Attorney



RESOLUTION NO. 41479

1 A RESOLUTION AND PROPOSITION to amend Article IX, Section 9.1 of the
2 Tacoma City Charter to allow sale or other transfer of City-owned
3 waterfront property only to other public agencies with a guarantee that
4 the property will stay in public ownership and be used only for park
5 purposes, park structures, or open space in perpetuity.

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

7 Section 1. That Article IX, Section 9.1 of the Tacoma City Charter be
8 amended to read as follows:

9 **Section 9.1** – Except as otherwise provided in this charter or in state law, the sale,
10 lease or conveyance of real or personal property belonging to the City shall be
11 upon authorization of the Council; provided that machinery or equipment may be
12 leased from day to day on written agreement therefore approved by the City
13 Manager or Director of Utilities, as the case may be, and filed with the Director of
14 Finance; provided further that, the lease of real or personal property for a term of
15 less than a one year period without renewal options shall not require authorization
16 of the Council. Any lease of real or personal property for a period longer than five
17 (5) years shall contain provisions for adjustment of rentals at intervals not to
18 exceed five (5) years. The City ~~shall never~~ may authorize the sale or disposition of
19 any waterfront property belonging to the City solely to public agencies for the
20 guaranteed purpose of perpetual public ownership and public access, to be used
21 for park purposes, park structures, or open space in perpetuity and, subject to the
22 provisions of state law, the City shall not lease waterfront property for a period
23 longer than seventy-five years at any one time. All conveyances, contracts for sale
24 of land owned by the City, and leases of such land for a term of longer than one
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1 year, including any renewal options, shall be executed by the Mayor and attested
2 by the City Clerk.

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4 Adopted _____

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7 Mayor

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9 Attest: _____
10 City Clerk

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12 Approved as to form: _____
13 City Attorney

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