



City of Tacoma

City Council Action Memorandum

TO: Elizabeth A. Pauli, City Manager
FROM: Christopher Bacha, City Attorney *CDB*
COPY: City Council and City Clerk
SUBJECT: Curative Ordinances
DATE: January 9, 2024

SUMMARY AND PURPOSE:

A series of 19 ordinances authorizing the ratification and confirmation of 19 ordinances previously adopted by the City Council between November 20, 2023, and December 20, 2023, for the purpose of curing a procedural defect arising from an inadvertent omission in the publication of each ordinance.

BACKGROUND:

The City of Tacoma has adopted an official newspaper for the publication of ordinances as required pursuant to RCW 35.22.288. This statute, together with Section 2.13 of the City Charter, require that the City publish the ordinance in the official newspaper within ten days of passage. Between November 20 and December 20, 2023, the City Council adopted 19 ordinances, in addition to a bond refunding ordinance, and timely requests for publication of each ordinance were filed with the City's official newspaper. The City was notified on the afternoon of December 28, 2023, that the requested notices were not published due to an inadvertent omission by the official newspaper. Failure to publish the ordinances as required by statute and the City Charter has created a procedural defect in each ordinance which can be cured by ratification and confirmation of each ordinance by the City Council. The following adopted ordinances are subject to the above-described procedural defect: 28911, 28912, 28913, 28914, 28915, 28916, 28917, 28918, 28919, 28921, 28922, 28923, 28924, 28925, 28926, 28927, 28928, 28929, and 28930. The City Attorney's Office recommends that the City Council approve each of the 19 proposed ordinances to correct the procedural defects in each ordinance. The procedural defect for Ordinance No. 28920 will be cured separately through adoption of a new ordinance, which will repeal Ordinance No. 28920 upon its passage.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

The Council Action Memorandums filed with each of the 19 previously adopted ordinances to be ratified and reconfirmed describe who will potentially be affected by the proposals set forth in each such ordinance and the community engagement that occurred. No community outreach was conducted for the proposed 19 curative ordinances as there will be no change in the effect of these ordinances.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility: *(Mandatory)*

The proposed legislation will reduce racial and other inequities, disparities, or discrimination to under-represented communities in the manner described in the Council Action Memorandums previously filed with each of the 19 previously adopted ordinances proposed to be ratified and reconfirmed. Curing the procedural defects in each of the previously adopted ordinances will ensure that each ordinance adopted can remain effective to achieve its intended goals.



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Economy/Workforce: *See CAM for each of the 19 previously adopted ordinances*

Education: *See CAM for each of the 19 previously adopted ordinances*

Civic Engagement: *See CAM for each of the 19 previously adopted ordinances*

Livability: *See CAM for each of the 19 previously adopted ordinances*

Explain how your legislation will affect the selected indicator(s).

See CAM for each of the 19 previously adopted ordinances

ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. Not adopt the curative ordinances	None	The validity of each ordinance could be subject to future challenge in the absence of a curative ordinance
2. Adopt replacement ordinances	None	Replacement ordinances will have a delayed effective date and in some instances may not comply with state law.

EVALUATION AND FOLLOW UP:

The City Attorney's Office has researched the viable methods for curing the procedural defect.

STAFF/SPONSOR RECOMMENDATION:

The City Attorney's Office recommends that the Council adopt each proposed ordinance. Each ordinance has been prepared in compliance with state law to cure the procedural defects.

FISCAL IMPACT:

No fiscal impact

Are there financial costs or other impacts of not implementing the legislation?

YES

Will the legislation have an ongoing/recurring fiscal impact?

No

Will the legislation change the City's FTE/personnel counts?

No

ATTACHMENTS:

- Excel spreadsheet identifying each of the 19 adopted ordinance proposed to be ratified.

	Legislation No.	Title	Council Date	Publication Date
1	Ordinance No. 28911	An ordinance amending Chapter 12.06 of the Municipal Code, relating to Electric Energy - Regulations and Rates, to add a new Section 12.06.266, entitled "Very large load service of 10 aMW or more - Schedule VLL", and by amending various sections to align with the new Schedule VLL, effective January 1, 2024.	11/21/2023	11/30/2023
2	Ordinance No. 28912	An ordinance amending Chapter 12.10 of the Municipal Code, relating to Water - Regulations and Rates, by amending Section 12.10.301, entitled "Fire hydrant services fee", and Section 12.10.400, entitled "Rates – Inside and outside City limits", effective January 1, 2024.	11/28/2023	11/30/2023
3	Ordinance No. 28913	An ordinance authorizing an increase in the Ad Valorem general property tax revenue collection in terms of both dollars and percentage for the general property tax levy in 2024.	11/28/2023	11/30/2023
4	Ordinance No. 28914	An ordinance fixing the amount of the Ad Valorem tax levies necessary to identify the amount of the estimated revenues from property tax levies to match estimated expenditures for debt service and other funding requirements.	11/28/2023	11/30/2023
5	Ordinance No. 28915	An ordinance authorizing an increase for the Emergency Medical Services property tax levy in terms of both dollars and percentage.	11/28/2023	11/30/2023
6	Ordinance No. 28916	An ordinance fixing the amount of the Emergency Medical Services levy necessary to identify the amount of the estimated revenues from the property tax levy to match estimated expenditures for debt service and other funding requirements.	11/28/2023	11/30/2023
7	Ordinance No. 28917	An ordinance modifying the 2023-2024 Biennial Operating Budget to appropriate funds for contractual obligations, transfers, and other budget adjustments; authorize interfund transfers and contributions; and accept, deposit, and appropriate miscellaneous donations, contributions, and/or fees.	11/28/2023	11/30/2023
8	Ordinance No. 28918	An ordinance modifying the 2023-2024 Capital Budget to recognize changes in transfers, additional revenues, and budget adjustments.	11/28/2023	11/30/2023
9	Ordinance No. 28919	An ordinance amending Chapter 3.11 of the Municipal Code, relating to Emergency Medical Transportation, by amending Section 3.11.060, entitled "Patient transportation service rates", to restore the Emergency Medical Services levy and allow the levy to pay for medical transport charges incurred by qualified City residents, as passed by voters in Proposition 1 in the August 1, 2023, Primary Election.	12/5/2023	12/7/2023
10	Ordinance No. 28922	An ordinance amending Titles 8 and 17 of the Municipal Code, relating to Animal Control and Public Safety, by amending Section 17.02.140, entitled "Public disturbance noise and public nuisance noise made by an animal", and Section 8.12.060, entitled "Public disturbance noises", to revise requirements for enforcement of an unlawful action and to remove the criminal misdemeanor charge for public disturbance and public nuisance noise made by an animal.	12/5/2023	12/7/2023

	Legislation No.	Title	Council Date	Publication Date
11	Ordinance No. 28923	An ordinance amending Title 17 of the Municipal Code, relating to Animal Control, by adding a new Section 17.02.155, entitled “Cat Declawing”, to establish a ban on performing a procedure that results in the partial or complete declawing of a cat except when conducted by a licensed veterinarian for a therapeutic purpose, effective March 31, 2024.	12/5/2023	12/7/2023
12	Ordinance No. 28924	<p>An ordinance authorizing the annexation of the Manitou Potential Annexation Area, located near Lakewood Drive West and 66th Street West, to the City of Tacoma, effective April 1, 2024, as set forth in the Interlocal Agreement and Memorandum of Understanding with Pierce County executed on December 15, 2021.</p> <p>The annexation area is bounded by Lakewood Dr. W., 65th St. W., 70th St. W., and the County-City Boundaries to the east of 52nd Ave. W. Upon annexation the area will assume the land use and zoning regulations adopted by the City Council per Ordinance No. 28609, on September 24, 2019, and later amended per Ordinance No. 28821, on June 28, 2022. The land use designations for the annexation area are “Low-Scale Residential”, “Mid-Scale Residential”, and “Neighborhood Commercial”. The zoning designations for the annexation are “C1-General Neighborhood Commercial”, “R3-Two Family Dwelling, and “R4L-Low Density Multi-Family Dwelling.” The entire area is also within the South Tacoma Groundwater Protection District (STGPD) zoning overlay.</p>	12/12/2023	12/14/2023; 12/18/2023
13	Ordinance No. 28925	A substitute ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for certain represented and nonrepresented employees; and changes in classifications to reflect the organizational structure.	12/12/2023	12/14/2023
14	Ordinance No. 28926	An ordinance amending Title 9 of the Municipal Code, relating to Public Ways, by repealing Chapters 9.18, 9.19, and 9.20 in their entirety and replacing Chapter 9.20 with a new chapter entitled “Urban Forestry”, to establish permit requirements and related regulations for pruning, removal, and planting of street trees, establish policies and procedures for discretionary review of requests to prune trees on public property, establish a heritage tree program, and provide for enforcement and penalties for violations; amending Title 1 of the Municipal Code, relating to Administration and Personnel, by amending Chapter 1.23 of the Municipal Code, entitled “Hearing Examiner”, to provide for administrative appeals; and establishing effective dates.	12/12/2023	12/14/2023
15	Ordinance No. 28921	An ordinance amending the current non-exclusive Right of Use Agreement and Franchise with Pierce Transit, extending the renewal term an additional five-years and amending the current expiration from January 1, 2024 to January 1, 2029, for transit-related infrastructure within City rights-of-way.	12/19/2023	12/21/2023

	Legislation No.	Title	Council Date	Publication Date
16	Ordinance No. 28927	An ordinance amending Ordinance No. 28910, relating to the Tax and License Code, to include an additional exhibit amending Municipal Code Chapter 6B.10 and 6B.20, effective November 13, 2023.	12/19/2023	12/21/2023
17	Ordinance No. 28928	An ordinance amending Subtitle 6B of the Municipal Code, relating to the License Code, by amending Section 6B.10.030, entitled "License definitions", and Section 6B.10.190, entitled "Investigations and background checks", to meet Federal Bureau of Investigation requirements to allow the City to conduct nationwide background checks for certain license applicants.	12/19/2023	12/21/2023
18	Ordinance No. 28929	An ordinance amending Subtitle 6A of the Municipal Code, relating to the Tax Code, by amending Section 6A.30.065, entitled "Job credits", to narrow the definition of a green job and increase the value of the green job tax credit from \$250 to \$1,000 per year; and amending various sections throughout Chapter 6A.30, to update language, address areas of inconsistency, and comply with state law.	12/19/2023	12/21/2023
19	Ordinance No. 28930	An ordinance amending Chapter 6A.30 of the Municipal Code, relating to Business and Occupation Tax, by adding a new Section 6A.30.067, entitled "Job Credit - Work Opportunity", to provide a new \$1,000 job tax credit for employers adding a new position and filling the position with an individual with a disability, as identified through the vocational referral in the federal Work Opportunity Tax Credit.	12/19/2023	12/21/2023