



# Amendment Process

City of Tacoma | City Attorney's Office

City Council Meeting/GPFC  
July 16, 2019



## OVERVIEW



- Background information on current “process” for amending Council legislation
- Policy and process issues
- Review amendment rules from other jurisdictions
- Next steps

## BACKGROUND



- There are no state laws governing how an ordinance (or resolution) is to be amended in a first class city. Individual city charters may, however, dictate the procedure that must be used.
- Tacoma City Charter Section 2.14 – 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....

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## BACKGROUND



- Section 2.24 – No ordinance heretofore or hereafter enacted by vote of the people shall be amended or repealed by the Council within two years after enactment, unless such amendatory or repealing ordinance shall be submitted to the qualified electors for their approval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.

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## BACKGROUND



Rules of Procedure of the City Council do not provide a process or procedure for amending ordinances or resolutions.

Current practice varies greatly, but a single Council member may present an amendment in the follow ways:

1. Distribute draft to members 1-2 weeks prior to the meeting date.

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## BACKGROUND



2. Draft placed in the published agenda, distributed to members as part of the Thursday agenda packet.
3. Draft directly sent to Council members prior to the regular meeting, but after agenda distributed.
4. Draft distributed at Study Session prior to regular meeting.
5. Draft distributed at the regular meeting.
6. Variation of the above.

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## Policy and Process Issues



### Policy Issues

- Public and constituent group(s) input
- Fair and equitable
- Solid analysis
- Transparent
- Effective and efficient
- Respect (surprises, choices, compromise, and credit)

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## Policy and Process Issues



### Process Issues

- How and when should Council receive the amendment?
- When should Council consider the amendment for a vote?
- Should the amendment be part of the published agenda?
- Should the amendment be printed and distributed at a separate meeting before discussed at the regular meeting?
- Should the public, constituent groups, and interested parties be allowed to comment on the amendment?

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## Policy and Process Issues



### Process Issues (cont'd)

- Should the amendment be referred to the City board, committee, or commission that originally referred/recommended or gave input on the legislation for comment prior to the entire Council considering it?
- Should the amendment be referred to outside organizations and groups for comment who may have provided input on the original legislation?
- Should staff or other “experts” give input?

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## What Other Jurisdictions Do



Seattle: Formal rule, no amendments can be presented to full Council unless previously circulated to Council and review by law department two hours before meeting.

Vancouver: Formal rule, if amendments submitted, Council can defer final action until the new language has been embodied in the document and resubmitted, or pass or adopt

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## What Other Jurisdictions Do

Los Angeles: Formal rule, may amend by motion in writing, upon amendment it is treated as newly introduced ordinance and then must be resubmitted to Council or Council Committee for consideration

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## What Other Jurisdictions Do

King County: Formal rule, if legislation was reviewed or recommended by regional committee, if amended, it must go back to that committee for review/ recommendation (within 60 days)

- Cannot change scope, restricted to one subject
- Filed w/in 30 minutes of meeting
- In writing
- Substitute legislation may come before Council only after consideration by standing committee

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## What Other Jurisdictions Do



Pierce County: Formal rule, agenda approved by the Rules and Operations Committee

- Any proposal can be placed on the draft agenda if sponsored by one or more members
- No amendments if changes scope/object of resolution or ordinance

City of Lakewood: No formal rule, but have enacted a protocol that new topics or issues first raised at study session must have "consensus" to be added to the full Council agenda

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## Next Steps



- Determine if a formal rule should be developed?
- If yes, what elements should be included in the rule?
- Where should the rule be added - Council Rules of Procedure, a Resolution or an Ordinance?

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