

City of Tacoma

Charter Review Committee

January 25, 2024
5:30 p.m.

Tacoma Municipal Building, 747 Market Street, Tacoma, WA 98402
Conference Room 243

REVISED

AGENDA

1. **Call To Order**
Roll Call
2. **Welcome**
3. **Public Comment**
4. **CRC Member Requests Discussion**
5. **CRC Member Discussion of Council and Staff Requests**
6. **Break**
7. **Timeline Discussion**
8. **Meeting Format Discussion**
9. **Adjourn**

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CHARTER OF THE CITY OF TACOMA

City Council Recommendations for Charter Review Commission Consideration

By Article Section

Article Section

I. Incorporation and General Powers

Incorporation and Boundaries1.1

General Powers of the City1.2

II. The Legislative Branch

- **Leg Branch**

Creation and Composition of the City Council2.1

- **Sec. 2.1 / Sec. 5.3 - Number of Council districts (adding districts)**
 - **Number of Council districts (6 requests)**
 - Composition of Council Members/Districts would likely need to be modified under a proposed form of government change
 - **2.1 Creation & Composition of City Council**

Qualifications and Compensation of Council Members 2.2 – 2.35

- **Sec. 2.3 - Review salary commission to ensure there is not a conflict with state law**
 - **Reviewing structure and role of the Citizens Commission on Elected Salaries (the “Commission”) (3 requests)**
 - **Should the Commission also be charged with considering compensation of the TPU Board of Commissioners?**
 - **Should the Commission be charged with considering compensation recommendations for other City boards and commissions.**
 - **Should Commission members be drawn by lot or is there a way to modernize/professionalize the Commission? An example would be the City of Spokane’s Salary Review Commission.**
 - **Should the name be changed to remove “Citizens”?**
 - Review its operation to understand if any tweaks are needed
 - **The ~~Citizen~~ Commission on Elected Salaries needs a complete overhaul with more realistic guardrails to ensure adequate compensation for Council Members**
 - Council action to adopt salary that is set by the Citizen Commission on Elected Salaries – possible conflict with RCW 35.21.015.
 - RCW 35.21.015(3): “Any change in salary shall be filed by the commission with the city clerk and shall become effective and

incorporated into the city or town budget without further action of the city council or salary commission.”

- Section 2.3: “A Citizen 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. The salary and any salary changes set by the Commission shall be adopted by the City Council.
- 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.”

- Sec. 2.35 - Length a person may serve consecutively on Council; consider current term limits - (4 requests)
 - Reviewing the length of consecutive service as Councilmember, Mayor, or combination of
 - Should there be any length of service limitation? If yes, should Mayoral service be removed and added as a separate length of service limitation?
 - Should it be amended to note terms of service rather than years?
 - Term limits
 - 10 years is a weird and arbitrary number, should be simplified to X terms of X years
- Sec. 2.35 – Consider disconnecting the allowable time served as a Council Member from the amount of time served as the Mayor
 - 2.35 (which seems numerically out of order!) Term Limits
 - Sec. 2.35 – Consider disconnecting the allowable time served as a Council Member from the amount of time served as the Mayor
- Expectations for a full time council
 - Full Time Council with additional staff (see also 3.2-3.4)
 - Expectations for a full time council

The Mayor2.4

- Sec. 2.4 - Review term limits for council, particularly the Mayor’s role – we want experienced CM’s to be able to run for Mayor (1 requests)
 - Term limits
 - Section 2.4 – making it so a mayor can serve a full term after serving two terms as a city council member
 - Sec. 2.4 - Review term limits for council, particularly the Mayor’s role – we want experienced CM’s to be able to run for Mayor
- Mayor's role
- Mayor’s role would change in this section should form of government change
- 2.4 The Mayor

- **Full Time Council with additional staff** (see also 3.2-3.4)
- Salary adopted by ordinance – possible conflict with RCW 35.21.015 and duplicates what is in Charter Section 2.3.
- Section 2.4: “... The compensation to be paid to the Mayor for the performance of the Mayor’s duties as such shall be fixed by ordinance, which sum shall be inclusive of compensation as a Council Member. Except as otherwise provided herein, all provisions relating to the office of Council Member shall relate also to the office of Mayor.”

Removal from or Forfeiture of Office2.5 – 2.6

Council Vacancies2.7

- **2.7 Council Vacancies**

Procedure of the Council2.8 – 2.10

- **Sec. 2.8 – The number of mandated council meetings – (5 requests)**
 - **Number of Council meetings (2 requests)**
 - Are 46 meetings necessary to conduct the business of the City over a calendar year? If no, what is the correct number?
 - Could revisit the forty-six (46) times per calendar year without severely affecting city business.
 - Add hybrid option language?
- Section 2.9“...members present may adjourn the meeting to a later date [or have the meeting and not be allowed to vote on any business.]”

Legislation2.11 – 2.15

- ~~“official newspaper of the City”~~ needs to be updated throughout the Charter for the century to come (city website/social media); there is a problem with a national conglomerate being considered the “local” paper of record
- **2.13- the issue identified about the official newspaper of the city (4 requests)**

Compilation and Codification of Ordinances2.16

Penalties for Non-compliance with Ordinances2.17

- Section 2.17- when was this passed? Are these fines meaningful?

Powers of the People2.18 – 2.25

- Sec, 2.18, 2.19, 2.20 - The citizens’ initiative process, including best practices such as the number of required signatures
- Sec. 2.18 – Sec 2.25 – Review how the Charter allows the use of initiatives to change City ordinances, including the possibility of a third party review similar to the Attorney General review of State initiatives

- Sec. 2.25 - Replace “freeholder” with appropriate language such as ‘steward’ or as otherwise defined in state law
 - Getting rid of “freeholder” and citizenship requirements (4 requests)
- **Initiatives**
- **Should revisit increased metrics for qualified signatures to get an initiative considered/on the ballot; 10% of votes cast in a Mayoral election is a small fraction of the overall community**
- **Sec. 2.19-2.20 –**
 - **Require Citizens of Tacoma to carry out complicated bureaucratic procedures before ordinances or amendments are voted on by the people. While some ordinances may not be of significant concern to the majority of citizens, these procedure requirements are carried out in a way that assumes public input or approval is unnecessary for most ordinances, even on topics that are known to be of major concern to citizens, like housing and crime. Tacoma is capable of innovating a more inclusive procedure in which it is instead assumed that citizens want their voices to be heard in these decisions and can opt-out if they do not, even if only for known special topics.**
- **Section 2.19e “Notification of the ballot title shall be posted at City Hall, on the City’s web page[, and a newspaper chosen by the City to publish news.]”**
- **Section 2.19h “... to collect signatures [via written form or through e-signatures online from registered voters].”**
- **2.18 Powers of the People**
- **2.19 Initiative by the People re new ordinance/amendment to existing ordinance**
- **2.20 Referendum by the People on Passed Ordinances**
- **2.21 Special election for initiated and referred ordinances**
- **2.22 Council Referendum on Proposed Ordinances**
- **2.25 Charter Review Committee & Board of Freeholders**
 - **2.25- Review why the council must review recommended amendments before they go to a public vote**
- **2.26- Review why the council must review recommended amendments before they go to a public vote**
- **2.26- The inclusion of neighborhood councils should be reviewed**

III. The Administrative Branch

- Review the inclusion of boards and commissions in the charter, including a review of the Landmarks Preservation Commission, Tacoma Humane Society, and the Planning Commission. The review should include consideration of state law requirements.
 - **Review the inclusion of boards and commissions in the city charter in Section 3. In particular, I would like to explore the possibility of including a Community Police Advisory Commission.**
- **Administrative Branch**

The City Manager3.1

- **3.1 The City Manager**

Council-Manager Relationships3.2 – 3.4

- **Form of Government – (3 requests- see also Council-Manager Relationships)**
- **Council-Manager Relationships- form of government (10 requests)**
 - **Shift from Council-Manager form of government to a more elected accountable Mayor-Council form**
 - **Section 3.2 - “Except for purposes of Inquiry”**
 - **Revise for more clarity**
 - **Form of Governance:**
 - **Explore pros and cons of existing system vs. strong mayor**
 - **Can we explore ways to increase accountability of staff for mayor/council actions and interests?**
 - **The electorate thinks that when they elect the mayor, they are electing the person who is where the buck stops, so to speak, but they aren’t because departments report to the city manager. Is there a way to make things more transparent to the public?**
 - **Potentially have the sheriff report directly to the mayor?**
 - **Provide for the City Council to have its own City Attorney who reports directly to the City Council.**
 - **Have City Clerk report to City Council?**
- **A functional Legislative Branch requires their own employees and discretion to support the work of legislating; the City Manager hiring and managing the support staff for Council is not warranted and should be changed if the form of government is not (2 requests)**
- **Barring a change in form of government, I would like to see more input and decision making on city departmental Director hiring by Council rather than simple notification, meet/greet, or confirmation of chosen candidate**
- **Roles (Council, Mayor, City Manager) - the FOG concerns/addressing challenges, without changing the FOG**

City Attorney 3.5 – 3.6

- **Section 3.5 – Appointment of the City Attorney (2 requests)**
 - **City Attorney should be appointed by the Council (Leg Branch); responsible to Council, but still retaining advisory role to rest of city administration**
 - **3.5 & 3.6 City Attorney**
 - **Section 3.5 – Appointment of the City Attorney**

City Clerk3.7

- **For potential discussion in relation to providing better information access to the City Council**

City Planning Commission3.8

- Section 3.8 - Planning Commission representation from certain communities/ industries/vocation of interest
- Section 3.8 – Planning Commission. Consider adding a note indicating “one or more” planning commissions to allow consideration of tiers of Planning Commissions or ways to triage and prioritize work between two commissions in the TMC in order to allow for more timely review of planning issue
- Planning Commission
 - Removing the prohibition on compensation for the Planning Commission
- **Section 3.8b “... environmental [health] community;”**

Tacoma Public Library3.9

Tacoma Humane Society3.10

- Is it appropriate for a city charter to call out a specific organization that existing outside the city structure in this document?
- **Remove reference to a private entity in the Charter. Consider if the section needs to be there at all.**

Administrative Organization3.11 – 3.12

- Sec. 3.12 - Review boards defined in the charter, to include parameters to remove board members for dereliction of duties
 - If an appointee no longer meets the residence requirement, add that change in status as a reason for removal.

Landmarks Preservation Commission3.13

- **Section 3.13 “... composed of members with such powers and duties as are provided by the ordinance [with respect and acknowledgement to the indigenous lands we inhabit.]”**

IV. Public Utilities

- **Public Utilities (4 requests)**
- Wouldn't mind seeing an added provision in these Sections that gives the Utility Board staff support to help with Board decision making and/or gauge performance metrics

General Powers Respecting Utilities4.1

- Sec. 4.1 - Clarifying internet as a Utility
 - Powers Respecting the Utility
 - Should “internet service” be added a public utility?
 - **Add internet as a listed utility**

Power to Acquire and Finance4.2

Rates4.3

Diversion of Utility Funds 4.4 – 4.5

Disposal of Utility Properties 4.6

Franchises for Water or Electric Utilities4.7

The Public Utility Board 4.8 – 4.9

- **Sec. 4.8 – The Public Utility Board and all other sections related to their powers and duties**
- **Sec. 4.8 - TPU Board membership and barriers to serving on the TPU board (3 requests)**
 - I would be willing to entertain a conversation about a rotating, non-voting member of the Board that represents the interests of adjacent communities who receive service from the city’s utility
 - **Sec. 4.8 - Number of Utility Board Members; Membership of the Utility Board Defined**
- **Sec. 4.9 - Compensation for TPU board members – (2 requests)**
 - Current Utility Board members can apply for certain reimbursement, but we should consider formalized compensation for their time and work.
 - **Residency requirement for Board membership - allow at least one member to be from the utility territory outside the City limits.**

Powers and Duties of the Public Utility Board 4.10 – 4.17

- **Sec. 4.12 - TPU budget submittal to council**
- **Sec. 4.13 Utility Board meetings Add hybrid option language?**
- **Section 4.13 “... The time and place of all meetings shall be publicly announced [at least 2 weeks in advance...]”**
- **Sec. 4.14 and 4.15 - Public Utilities performance and rate audit (does SAO do this or external)**
- **Sec. 4.17 – Shared services/ Duplication of services, including the structure of the public utility as a separate entity- – (2 requests)**
 - **Review the effectiveness of this provision in the current environment**

Administrative Organization4.18 – 4.22

- **Section 4.19 - “Except for purposes of Inquiry”**
 - **Revise for more clarity**

Location and Relocation of Utility Works 4.23

V. Nominations and Elections

- Add a campaign finance section that institutes contribution limits (2 requests)
- Application of State Election Laws 5.1**
- Filing and Certification of Candidates5.2**
- Election of Council Members – Numbered Positions 5.3**

- Section 2.1 / Section 5.3 - Number of Council districts (adding districts)
 - Number of Council Districts (4 requests)
 - Should the CRC consider adding a 6th council district to better represent district residents
 - Would the addition of a 6th district increase number of Councilmember to 9 or would the CRC remove 1 at-large council position to have total number of Councilmember remain at 8?
 - Would be interested in looking at a different composition of Council Members/Districts outside of a change in form of government
 - 5.3- change "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." to voters rank candidates for an office or offices in order of the voter’s preference and ballots are counted in rounds. The person with the highest number of votes after these rounds for the office of Council Member for the position for which they are a candidate shall be declared duly elected.
 - 5.3- change "The Council shall change the lines of the election districts, in the time and manner as prescribed by state law." to A Citizen's Commission on Redistricting shall change the lines of the election districts, in the time and manner as prescribed by state law.

Election Contests 5.4

Other Provisions 5.5

VI. City Officers and Personnel

- City Personnel and Boards (2 requests)
- Making it so people who serve on boards and commissions can be paid for their time, in order to get more diversity.

Unclassified Service6.1

- Unclassified Service
 - Should the Charter add unclassified services to serve the City Council. An example of this language would be, *“all principal officers and assistants to the Council as prescribed by the affirmative vote of not less than six members”*
 - Change to Tacoma Venues and Events

Classified Service	6.2
Eligibility for Employment	6.3 (7 requests)
<ul style="list-style-type: none"> • Sec. 6.3 - Employee residency requirements– the city cannot enforce this; it limits some hiring pools and it cannot be enforced • Sec. 6.3 - Requires that COT employees be citizens – this should be removed <ul style="list-style-type: none"> ○ Remove citizenship requirement • Sec. 6.3 – Eligibility for employment <ul style="list-style-type: none"> ○ Eligibility for Employment <ul style="list-style-type: none"> ▪ Under state and federal law is this section enforceable? If yes, which sections? If no, which sections? ▪ CRC should consider removing unenforceable requirements ○ Remove city resident eligibility for employment, it’s not enforced and it doesn’t make sense ○ Sec. 6.3 - Resident requirement (classified) ○ 6.3 Eligibility for Employment ○ Requiring department heads and managers to live in the city. ○ Residency and Citizenship Requirements for employees needs review and clarification. 	
Oath of Office	6.4
Surety Bonds	6.5
Pecuniary Interest	6.6
Discriminatory Actions	6.7
<ul style="list-style-type: none"> • Section 6.7 - Discriminatory Actions/update classes <ul style="list-style-type: none"> ○ 6.7 Discriminatory Actions (4 requests) <ul style="list-style-type: none"> ▪ Section 6.7 “No applicant for employment and no appointed officer or employee shall be discriminated against in any personnel decision on the based of religion, race, [caste system], color, national origin or ancestry, political affiliation, sex, gender identity, sexual orientation, age, familial status, honorably discharged veteran or military status...]” • Broaden discrimination statement or change charter to require a predicted regular update to this statement or reference the Tacoma Municipal Code that will allow for more frequent updates 	
Political Activity	6.8

- This seems interesting to address in certain situations, especially if Council Members are not paid a housing/living wage.

Compensation of Officers and Employees6.9

- **Compensation**

- **Should this section add specific Boards (TPU? Library) and Commissions, or generally note that Boards and Commissions are eligible to be compensation in accordance with ordinances adopted by the Council?**

Employee Welfare Benefits 6.10

Civil Service Board 6.11

- **Review Civil Service Board term limits**

Powers and Duties of the Civil Service Board 6.12

Human Resources Director 6.13

Personnel Rules 6.14

- **Review rules related to how long employment lists should be kept (under civil service) as this charter requirement is in conflict with best and successful hiring practices and may be in conflict with equity goals.**
- **Section 6.14 Personnel Rules**
 - **Subsection (a) - City Council Comprehensive plan should create a diverse and inclusive workforce**
 - **Subsection (c)(3) - Include underrepresented demographic groups in addition to veterans for 10% grade provision**
 - **Add Subsection (c)(13) concerning developing a diverse and inclusive work force**

Special Provision Relating to Examinations 6.15

Status of Existing Employees6.16

Arbitration 6.17

Status of New Employee Groups 6.18

VII. General Finance

- **I'd like to learn more about the financial issues the City faces. If for no other reason than because of my background in finance.**

Fiscal Year7.1

The Budget 7.2

Budget Control7.3

- I want to know the relationship between what the Council passes as a budget, and what staff recommend as final passage, especially if there are components that Council Members think they are getting (a study on a policy, for example) that are not included in the staff recommendation; is there adequate notification of an exemption and reasons for it?

Investment of Funds7.4

- Should a Councilmember be added to the Finance committee in addition to the Mayor, Director of Finance, and City Treasurer?
- Include City Council Member here? Worth a discussion
- Section 7.4 – funds should only be invested in ways that increase global sustainability, i.e.-no oil companies.

Department of Finance7.5

Receipt, Custody, and Disbursement of Funds 7.6 – 7.9

Purchasing and Contracts 7.10 – 7.13

Independent Audit 7.14

Taxation and Indebtedness 7.15

Public Sale of Bonds 7.16

VIII. Franchises 8.1 – 8.7

IX. Miscellaneous Provisions

Disposition of City Property 9.1 (2 requests)

- Should the prohibition on the sale or disposition of waterfront property be amended to allow the Metropolitan Park District of Tacoma to purchase / be gifted waterfront property?
- Would make sense to end the prohibition on waterfront property sale in the specific case that the sale is made to Metro Parks Tacoma.

Public Records 9.2

Claims Against City 9.3

Parks 9.4

Separability Clause 9.5

X. Succession in Government

Continuance of Ordinances and Vested Rights 10.1

Continuance of Departments and Officers	10.2
Transfer of Functions and Personnel	10.3
Preliminary Meetings of the Council	10.4
• Sec. 10.4 - Preliminary Meeting of Council (1953 reference..)	
Transfer of Records, Property, and Funds	10.5
Effective Date of Charter	10.6

All Sections

- All – ensure gender neutral language throughout
- All – incorporate disability-related equity principals
- All - examine subsets of the City Government and make sure the City Council has oversight over public funds allocated by the City
- Address references/use of the word “citizen” (2 requests)
- **Address any references to “newspaper” or “official newspaper” or “official newspaper of the city of Tacoma” (3 requests)**
 - There are various mentions of official notice to be placed in the newspaper - Assess if this is still the most relevant way to distribute official notices and if there might need to be an electronic alternative or addition.

- **Technical - Translation (use DSHS used languages)**
- **Add Section - Climate Action Plan/Enviro Stewardship**
- New Article X - Review 2014 CRC Update (2014 CRC)
- **Add - Historical Preservation**
- **Preamble “We the People of the City of Tacoma[...to uphold the Constitution and laws of the United States of America and the State of Washington and to promote a more equitable, just, and welcoming City do hereby enact this charter.]”**

2024 Charter Review Staff Suggestions

Section	Topic	Suggestion	Source	Council Request
Article II The Legislative Branch				
2.3	Qualifications and Compensation of Council Members	<p>Council action to adopt salary that is set by the Citizen Commission on Elected Salaries – possible conflict with RCW 35.21.015.</p> <p>RCW 35.21.015(3): “Any change in salary shall be filed by the commission with the city clerk and shall become effective and incorporated into the city or town budget without further action of the city council or salary commission.”</p> <p>Section 2.3 “A Citizen 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. The salary and any salary changes set by the Commission shall be adopted by the City Council. ... 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.”</p>	CAO, City Clerk’s Office	
2.4	The Mayor	<p>Salary adopted by ordinance – possible conflict with RCW 35.21.015 and duplicates what is in Charter Section 2.3.</p> <p>Section 2.4 “... The compensation to be paid to the Mayor for the performance of the Mayor’s duties as such shall be fixed by ordinance, which sum shall be inclusive of compensation as a Council Member. Except as otherwise provided herein, all provisions relating to the office of Council Member shall relate also to the office of Mayor.”</p>	CAO, City Clerk’s Office	
Article IV Public Utilities				
Article VI City Officers and Personnel				
6.1 (i)	Unclassified Service	change to Tacoma Venues and Events	CMO, OEHR	

Example For Discussion Purposes Only

CRC Timeline

Meeting Date(s)	Subject
1/11 – 1/18	Meeting organization
1/22	CRC Member requests - Discussion
1/25	Council Requests - Discussion Timeline
1/29	Form of Government
2/1	Form of Government
2/5	Form of Government - Discussion
2/8	Council Issues
2/13	Council Issues
2/15	Council Issues
2/21 or 2/22	Council Issues or Public meeting
2/24	Possible Public meeting
2/26	Discussion and prioritization of topics Subcommittee discussion
2/28-3/15	Subcommittees meet and develop recommendations (5 meetings if 3 subcommittees meeting 2/wk) a. M/W – 4:30-6:30 b. M/W – 6:30-8:30 c. T/TH - 5:30-7:30
3/18	Three subcommittees report recommendations to COW
3/21	Discussion/voting of recommendations - FOG
3/25	Discussion/voting of recommendations - Council
3/28	Discussion of recommendations – Subcommittee 1
4/1	Discussion/voting of recommendations – Subcommittee 1
4/3	Discussion of recommendations – subcommittee 2
4/4	Discussion/voting of Recommendations – subcommittee 2
4/8	Discussion of Recommendations – subcommittee 3
4/10	Discussion/voting of Recommendations – subcommittee 3
4/11	Discussion/voting of Recommendations - FINAL
4/15	Final Discussion of Recommendations
4/18	Discussion of CRC Report Contents
4/25	Review of CRC Report Contents and Discussion
4/29	Review of CRC Report Contents and Discussion
5/2	CRC approves final report
5/7	Report Submitted to City Council