

Article III: Administrative Branch Charter Sub-committee

1. Sections 2.13; 6.14; 7.11 | Replace "Official newspaper of the City of Tacoma" with relevant communication/media language

- Replacing current language with something like "on the official website and preferred digital media" would work
 - i. Unclear whether adding a reference to a newspaper is even necessary, but feel free to offer us additional language

2. Section 3.2 | Clarification of "for Purpose of Inquiry"

- We would like to define purpose of inquiry to ensure that the Council has adequate guidance on what is allowed and prohibited -that it not be dependent on Manager discretion; we attempt to define "inquiry" by adding a sentence below the prohibitions.
- *Section language*

The Manager shall be responsible to the Council for the administration of all units of the City government under the Manager's jurisdiction. ~~Except for the purpose of inquiry, the Council and its members shall deal with administrative officers and employees under jurisdiction of the Manager solely through the Manager.~~ Neither the Council nor any member thereof shall give orders to the Manager's subordinates or otherwise interfere with managerial functions through such means as directing or requesting the appointment or removal of any of the Manager's subordinates, or the making of particular purchases from or contracts with any specific individual or organization.

Add option #1: Outside of these prohibited actions, all Council inquiries of city staff shall be permitted without needing the Manager's permission.

Add option #2: Council inquiries shall be permitted. Manager and staff are obligated to provide all requested information with relevant context without a subjective review of purview outside of the definitively stated prohibitions above.

Add option #3: Outside of these prohibitions, the Council is permitted to make direct inquiries of staff. Staff should share with the Council information relevant to the formation of policy.

Neither do the provisions of this section prohibit the council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs. The Manager shall have the right to attend all meetings of the Council and to take part in the discussion of matters coming before the Council, but not the right to vote.

Commented [NC1]: Martha: Is this specific language necessary under state law? [35A.13.120](#)

Commented [NC2]: Added this directly from 35A.13.120, I liked the clarification it provided and feel like it strengthens our case.

3. **Section 3.8 | Diversify and expand the Planning Commission to include additional expertise and eliminate the prohibition on pay**

- In addressing the request of some Council members to look at expansion or diversification of the Planning Commission to provide additional capacity, we consulted externally and offer some minor changes based on those conversations; we also eliminated the prohibition on pay without specifying the need to pay
- *Section language*

There shall be a Planning Commission, composed of ~~nine~~ **eleven (911)** members, with such powers and duties as are provided by ordinance. The ~~nine~~ **eleven** members shall be residents of the City of Tacoma and be appointed and confirmed by the City Council for terms of three (3) years each. One member shall be appointed by the City Council for each of the five council districts. The Council shall appoint to the four remaining positions an individual from each of the following:

- (a) the development community;
- (b) the environmental community;
- (c) public transportation,
- (d) **the affordable housing community,**
- (e) **the public health community, and**
- (f) a designee with background of involvement in architecture, historic preservation, and/or urban design.

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.~~

4. **Section 3.12 | Revising and creating an independent section for the Tacoma Landmarks Commission**

- We intend to add members to diversify Commission voices to include the South and East neighborhoods of Tacoma, while providing more flexibility to membership requirements in the city in code
- *Section language*

~~There shall be a Landmarks Preservation Commission, composed of members with such powers and duties as are provided by ordinance. The members shall be residents of the City of Tacoma and be appointed and confirmed by the City Council.~~ **There shall be a Landmarks Preservation Commission, composed of members with such powers and duties as are provided by the Tacoma Municipal Code. The members shall be residents of the City of Tacoma, except as provided by the Municipal Code, and be appointed and confirmed by the City Council. One member shall be appointed by the City Council for**

each of the five (5) council districts. The Council shall appoint to the remaining positions individuals with prior professional experience in historic preservation or cultural resources, with a priority for those with architectural or design qualifications.

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.



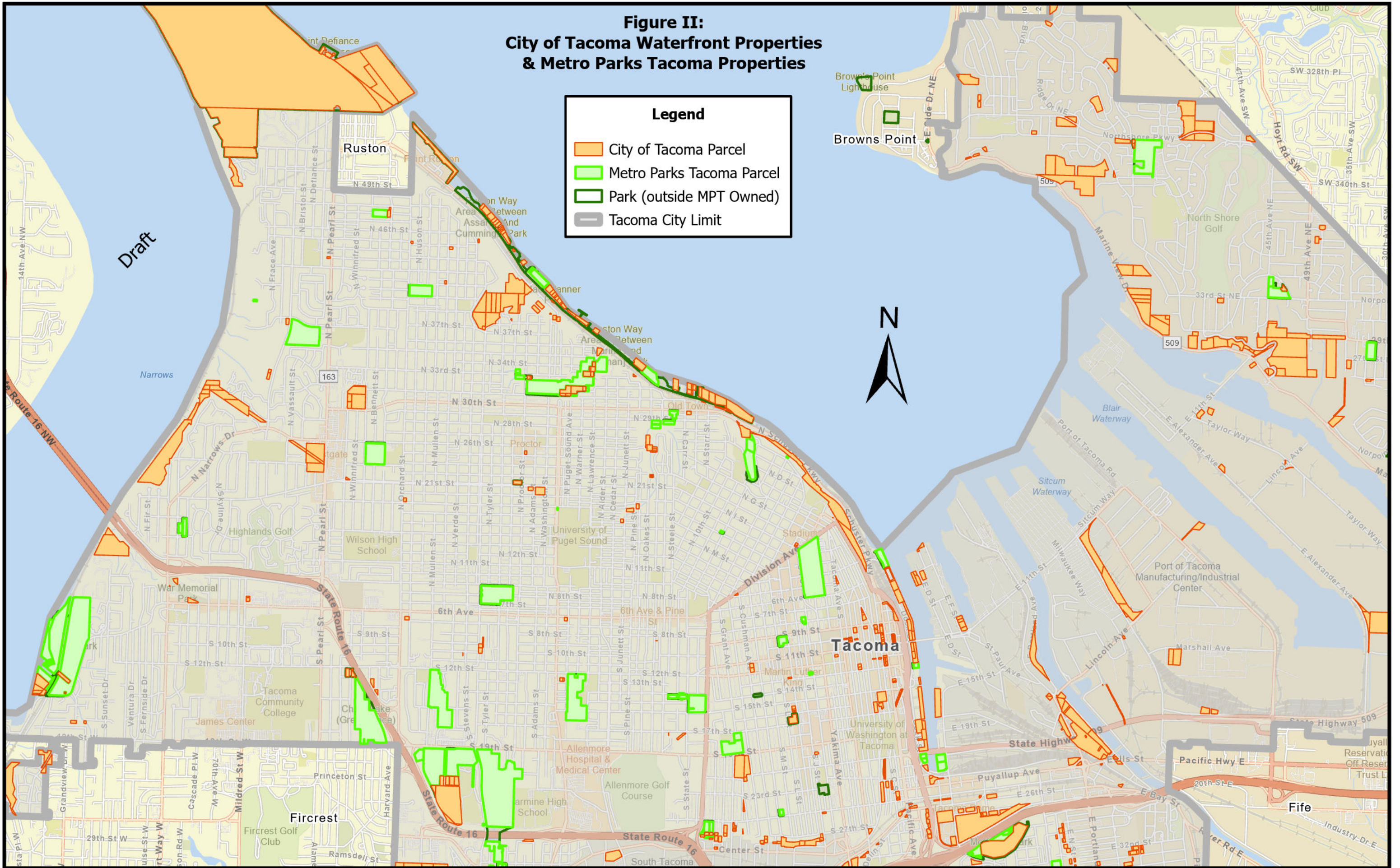
RE: City Charter section 9.1

- The City and Metro Parks have a longstanding master Interlocal Agreement (ILA) and numerous site-specific agreements (MOUs) in which the City pays the Park District to operate certain parks and facilities that the City owns.
- This includes City-owned parcels along the Ruston Way waterfront. In other words, visitors to the waterfront see signage for Metro Parks and may not realize the landowner is actually the City.
- For many years, the City Council and Park Board commissioners have shared a goal of eventually transferring ownership of City-owned properties to Metro Parks. Under this goal, there would be a consistent level of service across all parks in Tacoma with Metro Parks as the operator of all of them.
- The Park District requests an amendment to the Charter to enable the eventual realization of the goal of aligning ownership and maintenance while also honoring the underlying intent of this Charter provision to protect public access to the waterfront.
- *(NOTE: we still have the financial barrier to overcome. Metro Parks can't take ownership until we figure out how to make up for the maintenance fees the City has been paying to the Park District. Still, we need this amendment so that we can do the transfer once we figure out the financial issue.)*

**Figure II:
City of Tacoma Waterfront Properties
& Metro Parks Tacoma Properties**

Legend

- City of Tacoma Parcel
- Metro Parks Tacoma Parcel
- Park (outside MPT Owned)
- Tacoma City Limit



Tacoma Charter Review Committee

Miscellaneous Subcommittee

Amendment Recommendations:

Section 6.3 – Eligibility for Employment

Section 9.1 – Disposition of City Property





Section 9.1

Disposition of City Property

Current Section 9.1

Disposition of City Property

Section 9.1 – Except as otherwise provided in this charter or in state law, the sale, lease or conveyance of real or personal property belonging to the City shall be upon authorization of the Council; provided that machinery or equipment may be leased from day to day on written agreement therefore approved by the City Manager or Director of Utilities, as the case may be, and filed with the Director of Finance; provided further that, the lease of real or personal property for a term of less than a one year period without renewal options shall not require authorization of the Council. Any lease of real or personal property for a period longer than five (5) years shall contain provisions for adjustment of rentals at intervals not to exceed five (5) years. **The City shall never authorize the sale or disposition of any waterfront property belonging to the City** and, subject to the provisions of state law, shall not lease waterfront property for a period longer than seventy-five years at any one time. All conveyances, contracts for sale of land owned by the City, and leases of such land for a term of longer than one year, including any renewal options, shall be executed by the Mayor and attested by the City Clerk.

(Amendments approved by vote of the people September 18, 1973 and November 2, 2004)

Amendment Recommendation Section 9.1

Disposition of City Property

Section 9.1 – Except as otherwise provided in this charter or in state law, the sale, lease or conveyance of real or personal property belonging to the City shall be upon authorization of the Council; provided that machinery or equipment may be leased from day to day on written agreement therefore approved by the City Manager or Director of Utilities, as the case may be, and filed with the Director of Finance; provided further that, the lease of real or personal property for a term of less than a one year period without renewal options shall not require authorization of the Council. Any lease of real or personal property for a period longer than five (5) years shall contain provisions for adjustment of rentals at intervals not to exceed five (5) years. The City ~~shall never~~ may authorize the sale or disposition of any waterfront property belonging to the City and, subject to the provisions of state law, to public agencies for the purposes of public access, use, and benefit, and shall not lease waterfront property for a period longer than seventy-five years at any one time. All conveyances, contracts for sale of land owned by the City, and leases of such land for a term of longer than one year, including any renewal options, shall be executed by the Mayor and attested by the City Clerk.

(Amendments approved by vote of the people September 18, 1973 and November 2, 2004)

Effect

This amendment would allow the City to transfer City owned waterfront real estate to only to public agencies. Usage of the transferred waterfront property would be for public access, use and benefit.



Purpose

The ability to transfer waterfront real estate to public agencies for the purpose of **public access, use, and benefit** would allow the City to become more efficient in the management of its public park properties on the waterfront by transferring those properties to the Metropolitan Park District.

This amendment would also allow the City to fully embrace its surplus property policy, which gives the Puyallup Tribe of Indians the Right-of-First-Refusal to purchase or exchange property in its historic, pre-treaty boundaries, providing the ability to return land to the Puyallup Tribe of Indians.

What is a public agency?

"Public agency" means any agency, political subdivision, or unit of local government of this state including, but not limited to, municipal corporations, quasi municipal corporations, special purpose districts, and local service districts; any agency of the state government; any agency of the United States; any Indian tribe recognized as such by the federal government; and any political subdivision of another state.

Outreach

- **Metro Parks Tacoma** (Hunter George and Joe Brady)
- **Puyallup Tribe of Indians** (Andrew Strobel)
- **Port of Tacoma** (Sean Eagan)





Section 6.3

Eligibility for Employment

Current Section 6.3

Eligibility for Employment

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

(Amendments approved by vote of the people November 2, 2004 and November 4, 2014)

Amendment Recommendation Section 6.3

~~Eligibility for Employment~~

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

(Amendments approved by vote of the people November 2, 2004 and November 4, 2014)

Background

In 2020, the state legislature passed an amendment to RCW 49.60.010, known as the Washington Law Against Discrimination, prohibiting discrimination on the basis of “citizenship or immigration status.” The 2024 CRC legal advisor, Assistant City Attorney Martha Lantz, has advised that neither the citizenship requirement nor the residency requirement in Section 6.3 is enforceable.

Washington law, RCW 35.18.100, which applies to the council-manager form of government and does not permit a residency requirement for city employees, provides:

“Appointments made by or under the authority of the city manager shall be on the basis of executive and administrative ability and of the training and experience of the appointees in the work which they are to perform. Residence within the city or town shall not be a requirement. All such appointments shall be without definite term.”



Effect

This amendment would remove Section 6.3 of the current charter.



Purpose

This amendment would remove citizenship and City residency as requirements for eligibility for City employment by deleting Section 6.3 to conform with the requirements of Washington state law.

