



CITY OF TACOMA CHARTER REVIEW COMMITTEE RECOMMENDATIONS

May 7, 2024

Charter Review Committee Report

A. Letter from Chair

Insert Steve's letter

DRAFT

B. Introduction

The existing City of Tacoma Charter was adopted in 1953 and since 2004 requires the City Council to commence a review of the Charter no less frequently than once every ten years. The Charter may be reviewed by appointing citizens to a charter review committee or by the election of a board of freeholders.

On October 17, 2023, the Tacoma City Council adopted [Resolution 41282](#) creating the Charter Review Committee (CRC) consisting of 15 citizens (residents), for the purpose of reviewing the existing Charter of the City of Tacoma and making recommendations to the City Council for amendments to the Charter. In December 2023, the Council adopted [Resolution 41324](#) appointing the 15 members of the CRC and naming Steve Wamback as Chair of the Committee.

The CRC began meeting on January 11, 2024. The Committee established a [committee charter](#) and [meeting guidelines](#) to govern the CRC meetings. They reviewed the issues the City Council requested they consider and identified additional issues of importance to the CRC members.

To assist in their discussions, the CRC formed seven subcommittees that were tasked with discussing issues in their subject area and returning to the Committee of the Whole (COW) with recommendations for consideration by the full committee. The following are the subcommittees formed by the CRC:

- Administration
- Form of Government
- Miscellaneous
- Police Accountability
- Power of the People
- Public Utilities
- Public Outreach

The COW **met 35 times** from January 11, 2024 to May 2, 2024. In addition to the COW meetings, the subcommittees each held multiple informal meetings. While the meetings were informal, the work produced by each subcommittee was substantive and forms the foundation of the CRC recommendations to the City Council.

The CRC held two meetings allowing for extended public comment on February 26, 2024 and April 18, 2024 to hear comments from members of the public.

The CRC transmitted its final report to the City Council on **May 7, 2024**.

C. Charter Review Committee Members

Baird, Katie – selected through interview process
Carr, Nicholas – selected by then Council Member Hines
Castro, Maricres – selected by Council Member Bushnell
Chhun, Silong¹ – selected through interview process
Fischer, Patrick – selected by Council Member Ushka
Flint, Bryan – selected by then Deputy Mayor Walker
Gauthier, Jason – selected by Council Member Daniels
Jimenez, Andre – selected by former Council Member Blocker
Malott, Melissa – selected by Council Member Diaz
Palmer, Latasha – selected through interview process
Reay, Andrea – selected through interview process
Stith, Rebecca – selected by Council Member Rumbaugh
Wamback, Stephen (Chair) – selected by Mayor Woodards
Winston, Diamtris – selected through interview process
Wu, Lok Yin – selected through interview process

¹ Silong Chhun submitted a letter of resignation to CRC Chair Wamback on April 3, 2024 due to work commitments

D. Table of Contents		Page
A.	Letter from Chair Stephen Wamback	1
B.	Introduction	2
C.	Charter Review Committee Members	3
D.	Table of Contents	4
E.	Amendment Recommendations	
1.	Sec. 2.3 - Salary Commission	6
2.	Sec. 2.35 - Term Limits	8
3.	Sec. 2.20 - Referendum	9
4.	Sec. 2.22 - Initiative	11
5.	Sec. 2.25 - Charter Review	13
6.	New Section 2.26 - Neighborhood Council	15
7.	New Section 2.XX - Council – Full-Time; Staff; Investigative Authority	17
8.	New Section 3.XX – Policing Accountability	19
9.	New Section 3.XX – Climate Commission	22
10.	Sec. 3.10 – Humane Society	25
11.	Sec. 3.13 - Landmark Preservation Commission	26
12.	Sec. 3.2 - Council – “Purposes of Inquiry”	27
13.	Sec. 3.5/3.6 - City Attorney	29
14.	Sec. 3.8 - Planning Commission	31
15.	Sec. 4.1/4.10 - Tacoma Public Utilities – Internet as a Utility	33
16.	Sec. 4.8/4.9: Tacoma Public Utilities – Board Membership	35
17.	Sec. 4.15 - Tacoma Public Utilities – Shared Services	37
18.	Sec. 4.19 - Tacoma Public Utilities – “Purposes of Inquiry”	38
19.	Sec. 5.5 – Ranked-Choice Voting	40
20.	New Section 5.6 - Campaign Finance	42
21.	Sec. 6.3 –Eligibility for employment - Citizenship	44
22.	Sec. 6.7 - Employment Anti-Discrimination	46
23.	New Section 9.6 – Official Newspaper	48
24.	Form of Government	49

F.	Failed Amendments	
1.	Sec. 9.1- Disposition of City-owned Property	66
G.	Ancillary Recommendations	
1.	Land Acknowledgement	67
2.	Make Protected Categories in the City’s Antidiscrimination Laws Consistent	68
3.	Study Whether “Caste” Should be Added as a Protected Category	68
4.	Ranked-Choice Voting	68
5.	Campaign Finance	69
6.	Democracy Vouchers	70
7.	Election Commission Statement	70
8.	Neighborhood Council	71
9.	Explanation of “Inspection Authority of Crime Scenes” under “The Office has the following access and authority” under the Office of Policing Accountability recommendation	72
10.	Policing Accountability	72
11.	Consider Adding “Political Affiliation” to the TMC as a Protected Category	73
12.	Information to Consider Regarding CRC’s Mayor-Council-CAO Recommendation	73
13.	Amend “Citizen” References in All Sections	74

E. Amendment Recommendations

1. Sec. 2.3 - Salary Commission

Charter Review Committee

Recommendation Summary

Section 2.3

Brief Summary of Amendment

- Changes the Salary Commission procedure to align with the requirements of RCW 35.21.015 by removing the requirement for Council adoption.
- Changes the commission title from “Citizen Commission on Elected Salaries” to “Commission on Elected Salaries.”

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Patrick Fischer, Bryan Flint, Jason Gauthier, Melissa Malott, Latasha Palmer, Andrea Reay, Rebecca Stith, Steve Wamback, Diamatris Winston, Lok Yin Wu

No: None

Abstain: None

Absent: Andre Jimenez

Amendment

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. Any change in salary shall be filed by the Commission with the City Clerk and shall become effective and incorporated into the City budget without further action of the City Council or Salary Commission.

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

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

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

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

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

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

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

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

(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.~~

Amendment Positions

Rationale for Amendment:

Washington law, RCW 35.21.015, allows salaries for elected officials in towns and cities to be set by salary commissions. In 2014, Tacoma voters approved a charter amendment creating a salary commission to determine the salary of the Mayor and Council Members. RCW 35.21.015(3) provides, *“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.”* (Italics added.) Section 2.3 of the current charter requires the Council to adopt the Commission’s salary changes, which is inconsistent with the state law making such changes automatic. The 2024 Charter Review Committee recommends amending the charter to remove the requirement of formal Council adoption of such changes and to add language stating that such changes shall occur without further action by the Council.

Dissenting Position:

None

Charter Review Committee

Amendment Summary

Section 2.35

Brief Summary of Amendment

Limits the time a person may serve on the City Council and as Mayor to three full consecutive terms on the Council and two full consecutive terms as Mayor.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Patrick Fischer, Melissa Malott, Andrea Reay, Rebecca Stith, Diamatris Winston

No: Bryan Flint, Andre Jimenez, Steve Wamback,

Abstain: Latasha Palmer

Absent: Jason Gauthier, Lok Yin Wu

Amendment

Section 2.35 – No person shall be allowed to serve on the Council or as Mayor for more than ~~ten (10)~~ consecutive years, either as a Council Member, Mayor, or combination thereof a total of three (3) full consecutive terms on the Council and two (2) full consecutive terms as Mayor.

Amendment Positions

Rationale for Amendment:

The current charter (Section 2.35) restricts council members and the mayor's service to no more than 10 consecutive years. This charter amendment would loosen these restrictions by permitting a maximum of 3 consecutive terms (12 years) for council members, and 2 consecutive terms (8 years) for the mayor. This recommendation would thus allow elected city officials to serve in their role for a longer period, which would allow the city's residents to benefit from the expertise and experience that comes with time in office. The recommendation also addresses the odd feature of "10 years" which corresponds with 2-1/2 terms, and can result in a council member having to resign before running for mayor.

Dissenting Position:

This proposed amendment effectively ends the current time limits that one person can serve on city council and as mayor, which represents a marked shift from our current charter. By doubling the allowable time in office, this amendment not only consolidates power among a select few over longer periods but could also significantly reduce new voices and diverse perspectives that are essential for inclusive governance. This amendment could lead to a city council less reflective of our community's demographics and less responsive to its evolving needs. A restriction on fresh ideas and leadership participation diminishes the opportunity for individuals from various backgrounds to contribute, undermining the council's representativeness and efficacy. Maintaining shorter term limits is crucial for fostering a dynamic, inclusive, and equitable political environment, which supports leadership that is continually refreshed and remains closely aligned with the interests and concerns of all residents.

Charter Review Committee

Amendment Summary

Section 2.20

Brief Summary of Amendment

- Increases the number of days to collect signatures for a Referendum Petition from 30 to 90 calendar days.
- Changes the references from “citizens” to “residents who are qualified electors under state law.”

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Patrick Fischer, Bryan Flint, Jason Gauthier, Melissa Malott, Latasha Palmer, Rebecca Stith, Steve Wamback, Diamatris Winston, Lok Yin Wu

No: Andrea Reay

Abstain: None

Absent: Andre Jimenez

Amendment

Section 2.20 – ~~Citizens~~ Residents of Tacoma who are qualified electors under state law may ask that ordinances passed by the City Council, except for ordinances which take effect immediately as allowed in Section 2.13 of the Charter, or as otherwise prohibited by state law, be referred to the voters for approval or rejection by the following process:

- (a) The petitioners shall file a Referendum Petition with the City Clerk not later than ten (10) calendar days after the City Council approved the ordinance.
- (b) The filing of a Referendum Petition, and progression by the petitioners through the steps outlined as follows, causes the suspension of the effective date of the ordinance.
- (c) The City Clerk shall forward the petition to the City Attorney within one (1) working day of receipt.
- (d) Within ten (10) working days of receipt, the City Attorney shall review the petition and make contact with the petitioner as necessary, and if the petition is proper in terms of form and style, the City Attorney will write a concise, true, and impartial statement of the purpose of the measure, not to exceed the number of words as allowed under state law for local referendums. The statement will be phrased in the form of a positive question.
- (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)~~ ninety (90) 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 people at the next Municipal or General Election that is not less than ninety (90) days after the date on which the signatures on the petition are validated.

Amendment Positions

Rationale for Amendment:

In a vibrant democracy, citizen participation is the cornerstone of effective governance. Extending the timeframe for petitioners to gather signatures for a referendum from 30 to 90 days aligns with this fundamental principle. A 30-day window can be unduly restrictive, especially for grassroots movements and issues that require deeper community engagement. Providing petitioners with a 90-day period empowers diverse voices and ensures adequate time for meaningful dialogue, education, and outreach. A 90-day period mirrors the referendum signature timeframe allowed at the state level. This amendment fosters inclusivity, greater representation of diverse viewpoints, and an enhanced democratic process. It also acknowledges and corrects the sometimes insurmountable challenges petitioners now face, such as logistical and time constraints, given the need to reach a wide array of constituents in order to meet the 10% valid-signature threshold. Ultimately, this extension promotes a more democratic environment where residents can effectively exercise their right to participate in the referendum process.

Dissenting Position:

The current referendum process that allows Tacoma citizens the opportunity to refer Council adopted ordinances to the citizens of Tacoma for an up or down vote has worked well since it was placed in the charter. The current requirement of 30 days to gather referendum signatures establishes a reasonable and properly timed process. This is especially true since the Council typically takes many months from introduction to final passage of an ordinance where many hearings and much debate and compromise occurs before final passage. Given this significant amount of Council consideration time, coupled with the existing ballot title drafting process and petitioners' likely involvement, the current charter language gives petitioners sufficient time to prepare for and gather the necessary referendum signatures within 30 days from the date the ballot title is approved. This proposed amendment is a solution looking for a problem to solve where none exists.

Charter Review Committee

Amendment Summary Section 2.22

Brief Summary of Amendment

Prohibits the Council from submitting any proposed ordinance to the voters that contains provisions that would substantially conflict with an ordinance that has been proposed by an Initiative Petition filed with the City Clerk.

Committee Vote

Yes: Katie Baird, Maricres Castro, Patrick Fischer, Bryan Flint, Andre Jimenez, Melissa Malott, Latasha Palmer, Rebecca Stith, Lok Yin Wu

No: Jason Gauthier, Andrea Reay, Steve Wamback

Abstain: Nicholas Carr

Absent: Diamatris Winston

Amendment

Section 2.22 – The Council by its own motion may submit ~~any~~ a proposed ordinance to the qualified electors for their approval or rejection in the same manner as provided for its submission upon petition- except that any proposed ordinance submitted by the Council may not contain provisions that would substantially conflict with any proposed ordinance that has been provided to the City Clerk in the form of an Initiative Petition.

Amendment Positions

Rationale for Amendment:

The proposed amendment to the Charter specifies that while the City Council retains the authority to submit a proposed ordinance to the voters for approval or rejection, it introduces a safeguard concerning citizen-led initiatives. Specifically, ordinances proposed by the Council cannot contain provisions that substantially conflict with another proposed ordinance that has already been submitted to the City Clerk in the form of an Initiative Petition. This change is designed to protect the integrity of citizen-led initiatives, ensuring that such proposals are given a fair chance to be considered by voters without interference from conflicting Council-proposed ordinances. This adjustment ensures that the Council's power to propose ordinances directly to the voters does not undermine or negate the efforts of citizens interested in shaping policy through the initiative process.

Dissenting Position(s):

Restricting the City Council's authority to place ordinances onto the ballot stifles a deliberative and democratic policy making process and undermines the Council's ability to effectively serve the interests of the broader community. By prohibiting the council from introducing similar ordinances, it sidelines elected officials and diminishes their mandate to govern.

This amendment sets a troubling precedent by prioritizing one form of civic engagement over another. While initiatives brought forth by citizens deserve respect and consideration, they should not serve as an absolute constraint on the council's legislative authority. Such a restriction risks entrenching gridlock and stifling productive dialogue within the legislative process.

Further, the language of the amendment lacks clarity and fails to define what constitutes a "substantially similar" ordinance, leaving it open to subjective interpretation and potential abuse. This ambiguity only adds to the uncertainty surrounding the proposed change and raises concerns about its implications for future governance.

Finally, if the voters were to approve a change in form of government including this language, the Council would find itself in a diminished position compared to the Mayor empowered to veto ordinances. The Council might find itself competing with the public to advance policy in the face of Mayoral veto threats.

Charter Review Committee

Amendment Summary

Section 2.25

Brief Summary of Amendment

- Clarifies that a charter review process must occur at least every ten years and last for a duration of at least six months.
- Adds that the Charter Review Committee shall be provided sufficient time to perform comprehensive review and clarifies that the comprehensive review is to include, but not be limited to: public outreach, anti-racist analysis, stakeholder and expert interviews, budgetary and fiscal impacts, and drafting of recommended changes.
- States that the Charter Review Committee may publish its findings.
- Changes word “citizen” to “resident” and designates the title of “elector” to the state mandated role of “freeholder.”

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Patrick Fischer, Bryan Flint, Jason Gauthier, Andre Jimenez, Melissa Malott, Latasha Palmer, Andrea Reay, Rebecca Stith, Steve Wamback, Lok Yin Wu

No: None

Abstain: None

Absent: Diamatris Winston

Amendment

Section 2.25 – The City Council shall commence a review of this charter ~~no less frequently than once at~~ least every ten years, by appointing, for a duration of at least six months, ~~citizens~~ Tacoma residents to a charter review committee, or by the election of a board of electors to serve as freeholders in the manner provided in- state law. Any such electors ~~freeholders~~ shall be nominated and elected by position and by district. This charter rejects any historical requirement of ownership of real property as prerequisite to service on such board of electors. ~~The~~ Any charter review committee, ~~which~~ shall be provided with sufficient staff, ~~and budget, and time~~ to perform a comprehensive review, which includes, but is not limited to, public outreach and education, an anti-racist analysis, stakeholder and expert interviews, an estimation of fiscal and budgetary impact, and drafting of proposed amendment and ballot language. The charter review committee shall report any recommended amendments to the City Council and may publish its findings. The City Council may accept, reject or modify the recommended amendments and may submit any recommended charter amendments to the voters in the manner provided in state law. The recommendations of a board of ~~freeholders~~ electors shall be placed before the voters in the manner provided in state law. Nothing in this section shall limit the right of citizens to initiate amendments to this charter in any other manner allowed by state law.

Amendment Positions

Rationale for Amendment:

Based on our collective experience reviewing the Charter in four short months, we believe this amendment is necessary so that the residents of Tacoma get the best review possible. The amendment simplifies the language to make it clear the review can take place more frequently than every ten years. It also clarifies that an appointed charter review committee needs to have a minimum of six months to ensure a comprehensive review with thorough deliberation and analysis.

Providing the committee with adequate resources - staff, budget, and time - is paramount for conducting a comprehensive review. This includes engaging in public outreach, anti-racist analysis, and stakeholder and expert interviews. The committee's ability to understand the fiscal and budgetary impacts will only improve the end product. Granting the charter committee the clear authority to publish its findings will promote transparency and accountability. Additionally, this amendment updates language to be more inclusive.

Dissenting Position(s):

None

Charter Review Committee

Amendment Summary Section 2.26 (New Section, Article II)

Brief Summary of Amendment

- Establishes the Neighborhood and Community Councils in Charter.
- Establishes an Equity Committee within the Community Council to create a more inclusive and equitable environment for Tacoma residents.
- Charges the Neighborhood Councils and Community Council to act as advisory entities to City Council, Mayor, City Departments, and City boards, commissions, and committees and to have periodic meetings with City officials.
- Requires City Council to set Neighborhood Council boundaries by resolution in recognition of neighborhood groups and City service delivery.
- Requires the City to make a good-faith effort to notify relevant Neighborhood Councils and Community Council of matters of local concern and to the extent allowed by law to request and incorporate Neighborhood and Community Council input prior to making a final decision on matters of local concern.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Patrick Fischer, Bryan Flint, Jason Gauthier, Andre Jimenez, Melissa Malott, Latasha Palmer, Rebecca Stith, Steve Wamback, Diamtris Winston, Lok Yin Wu

No: Andrea Reay

Abstain: None

Absent: None

Amendment

NEW SECTION. Section 2.26 -- In order to foster communication and promote resident-based neighborhood involvement in the policies and operations of the City, there shall be independent Neighborhood Councils and a Community Council. The Community Council shall include an Equity Committee for the promoting of diversity, equity, and inclusion, to proactively identify and address bias or discrimination, and for the creation a more inclusive and equitable environment for all Tacoma residents.

The Neighborhood Councils and Community Council shall act as advisory entities to the City Council, Mayor, City departments, boards, commissions, and committees and shall have periodic meetings with appropriate City officials.

The City Council shall, by resolution, determine the boundaries of the Neighborhood Councils.

Boundaries will be determined with the intention of recognizing neighborhood groups and monitoring the delivery of City services in the respective areas.

The City will make a good-faith effort to notify the relevant Neighborhood Councils and the Community Council of matters of local concern to include but not be limited to any significant policy matters, projects, proposals, events, or services that directly impact the neighborhood. Notice should be provided as early in the planning or review process as possible. Subject to applicable law, the City Council and relevant city departments shall request and incorporate Neighborhood Council and Community Council input prior to making a final decision on any matter of local concern.

Amendment Positions

Rationale for Amendment:

The proposed amendment would incorporate Neighborhood Councils (NCs) and the Community Council of Tacoma (CCOT) into the City's charter, which would align with the Tacoma 2025 community vision of enhanced civic engagement, prioritizing resident-based engagement and effective communication channels. This proposed amendment would restore the advisory role of NCs, promote timely collaboration with the city, and secure adequate training for them to fulfill their role effectively. Maintaining NCs' independence also fosters inclusive civic engagement, enabling them to offer valuable assistance to the City Council. Additionally, the amendment highlights key elements of the new CCOT Equity Committee, which include promoting diversity, creating clear mission statements, encouraging open communication, and providing ongoing training on equity issues. These measures will bolster diversity, equity, and inclusion within NCs and enhance Tacoma's governance structure's integrity and responsiveness to the community.

Dissenting Position(s):

As voluntary organizations serving Tacoma's local neighborhoods, Neighborhood Councils are an important part of Tacoma's political and community engagement scene. Their status is embodied in ordinances; any change, addition, or modification to their status can likewise be handled through ordinances. The charter, on the other hand, should not be used to promote organizations that lack democratic oversight, nor should it provide such organizations with an advisory role. The inclusion here of financial support for Neighborhood Councils is better handled by ordinance, where City Council can consider and weigh competing resource needs across the city when making budgetary decisions.

Charter Review Committee

Amendment Summary Section 2.XX (New Section, Article II)

Brief Summary of Amendment

- Requires Council Members to serve on a full-time basis.
- Authorizes Council Members to employ or contract for personnel to directly report to and advise or assist the Council.
- Authorizes the Council to audit and conduct investigations into the affairs of the City and the executive branch.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Patrick Fischer, Bryan Flint, Andre Jimenez, Melissa Malott, Latasha Palmer, Rebecca Stith, Andrea Reay, Steve Wamback, Diamatris Winston

No: None

Abstain: None

Absent: Jason Gauthier, Lok Yin Wu

Amendment

New Section. Section 2.XX – Council Members shall serve on a full-time basis and shall have the authority to employ or contract for personnel who will directly report to and advise or assist the Council Members.

New Section. Section 2.XX -

In addition, the Council may as a whole or by committee, conduct public hearings on matters of public concern and, further, may audit and make other investigations into the affairs of the City and the conduct of the executive branch including any City department, office, agency, board, commission, or committee, and for this purpose may retain special counsel and subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

Amendment Positions

Rationale for Amendment:

One of the primary consensus goals of the 2024 Charter Review Committee has been empowering the City Council by affirming that its members serve on a full-time basis, authorizing the Council to hire its own staff (e.g., a chief of staff, policy advisors, and legal advisors), and allowing the Council to audit and investigate the affairs of the City and the conduct of its administration. The proposed investigatory power is recommended as a best practice in the National Civic League’s 2021 Model City Charter, Section 2.10, and draws further support from RCW 35.18.060, which permits a city council to audit any

city department or office. A strengthened Council will be in an enhanced position to serve its constituents under either the council-manager or the mayor-council form of government.

Dissenting Position:

None

DRAFT

Charter Review Committee

Amendment Summary

Section 2.XX and Section 2.XX (New Sections, Article II)

Brief Summary of Amendment

- Establishes an Office of Policing Accountability for the purpose of providing oversight to the Tacoma Police Department.
- Establishes that the Director of the Office of Policing Accountability is appointed by, reports to, and is supervised by the Council.
- Mandates appointment and removal of the Director of the Office of Policing Accountability is by a majority of the Council.
- Assigns powers and duties to Office of Policing Accountability to be provided for by ordinance.
- Establishes a civilian Community Oversight Committee for Policing Accountability consisting of the existing Community's Police Advisory Committee or successor committee to review, advise, and report on the activities and effectiveness of Office of Policing Accountability.
- Assigns membership, powers, and duties to Community Oversight Committee to be further implemented by ordinance.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Jason Gauthier, Andre Jimenez, Latasha Palmer, Rebecca Stith, Steve Wamback, Diamatris Winston

No: Patrick Fischer

Abstain: Andrea Reay

Absent: Bryan Flint, Melissa Malott, Lok Yin Wu

Amendments

NEW SECTION. Section 2.XX.

An Office of Policing Accountability shall be established for the purpose of independent oversight of the Tacoma Police Department. The Director of the Office of Policing Accountability shall be appointed by the Council subject to qualifications established by ordinance. The Director shall report to and be supervised by the Council, and may be removed at any time for cause. Appointment of the Director shall be by a majority of the Council and removal of the Director shall require the affirmative vote of no less than two-thirds of the members of the Council. The Office shall have the authority to hire and supervise its staff or contractors and shall be provided with a sufficient budget to carry out its powers and duties.

The powers and the duties of the Office of Policing Accountability shall be as provided by ordinance and shall include, but not be limited to the following:

- (a) manage and administer an external and accessible civilian complaint process;
- (b) review and analysis of conduct of sworn Tacoma Police Department officers that have been the subject of a complaint;
- (c) review and analysis of use of force conduct by sworn Tacoma Police Department officers whether or not the use of force it has been the subject of a complaint;
- (d) review and analysis of internal investigations conducted and disciplinary action taken by the Chief of Police regarding conduct or use of force by sworn Tacoma Police Department officers;
- (e) make and publish findings, conclusions and recommendations related to the Office of Policing Accountability's oversight of the Tacoma Police Department; and
- (f) recommend specific disciplinary actions to be implemented by the Chief of Police.

The Office has the following access and authority:

- (a) independent investigatory powers;
- (b) full access to and cooperation from the Chief of Police and Tacoma Police Department internal affairs staff; and
- (c) access to all relevant information and authority, including, but not limited to, the following:
 - (1) review and copying of relevant Tacoma Police Department files;
 - (2) subpoena of witnesses, documents and other evidence;
 - (3) administration of oaths;
 - (4) inspection of crime scenes;
 - (5) conduct of interviews;
 - (6) conduct of investigations; and
 - (7) holding hearings.

The implementation of disciplinary recommendations made by the Office of Policing Accountability shall be monitored and evaluated by the Council subject to a systematic and transparent process provided by ordinance. Any witnesses subpoenaed by or appearing before the Office of Policing Accountability shall have the right to be represented by counsel.

NEW SECTION. Section 2.XX.

The Community Oversight Committee for Policing Accountability shall be established. The Oversight Committee shall consist of the existing Community's Police Advisory Committee or successor committee. The Community Oversight Committee shall review, advise, and report on the activities and effectiveness of Office of Policing Accountability. The membership, qualifications, process for appointment, powers, duties, and procedures of the Community Oversight Committee for Policing Accountability shall be provided by ordinance and shall include but not be limited to:

- (a) review the Office of Policing Accountability's reports, findings, and recommendations prior to finalization and presentation to the Council by the Office of Policing Accountability;
- (b) conduct community outreach to seek input on equity and social justice matters, services, programs, policies, procedures, rules, training, and issues of public safety;
- (c) advise the Chief of Police and the City Council on opportunities for systemic improvement in the law enforcement practices of the Tacoma Police Department; and

- (d) provide advice and recommendations to the Mayor, City Council, City Manager, Chief of Police, and the Office of Policing Accountability on equity and social justice matters, services, programs, policies, procedures, rules, training, and issues of public safety.

Amendment Positions

Rationale for Amendment:

The proposed amendment would establish an Office of Policing Accountability in Tacoma, which is responsible for overseeing the Tacoma Police Department in use of force investigations. Operating under the supervision of the Council, the Office would manage an external civilian complaint process, review police conduct and use of force, conduct parallel internal investigations, and recommend disciplinary actions. It would have powers to conduct independent investigations, access police files, subpoena evidence, and hold hearings. An Oversight Committee, consisting of the existing Community's Police Advisory Committee, would review the Office's findings and conduct community outreach to influence policing policies. The Oversight Committee would also have the power to advise the Chief of Police, the City Council, and the Mayor on opportunities for systemic improvement within the Tacoma Police Department. This amendment aims to enhance accountability and transparency in police operations in Tacoma and end the practice of police investigating themselves.

Dissenting Position(s):

The establishment of an Office of Policing Accountability as presented adds significant layers of oversight that don't appear necessary and is most certainly not inexpensive. In early discussions it was envisioned that this Office would report to the City Council but also contained the proviso that it could be expanded by the Council in the future to provide for oversight to other divisions and departments of City Government. Given that this proviso has been omitted, the structure proposed in this amendment is not cost effective. Additionally it was troubling that an impetus for creation of this board seemed to contain a "presumption of guilt" as a reason it is needed. Such a presumption, of course, is contrary to a basic tenet embedded in the way this country is governed. For these reasons I have opposed this charter provision.

Charter Review Committee

Amendment Summary

Section 3.XX and Section 3.XX (New Sections, Article III)

Brief Summary of Amendment

- Adds a new Section to Article III to require the City to establish a carbon budget designed to reach net zero emissions by 2050.
- Adds a new section to Article III to create a Climate Accountability and Sustainability Commission.
- Provides for an eleven-member commission and establishes criteria for the appointment of the members, including diversity, experience, and expertise.
- Requires the Climate Accountability and Sustainability Commission to track and report on the City’s progress on its climate action plan, including monitoring the carbon budget and other sustainability measures.

Committee Vote

Yes: Nicholas Carr, Maricres Castro, Jason Gauthier, Andre Jimenez, Melissa Malott, Latasha Palmer, Rebecca Stith, Diamatris Winston

No: Katie Baird, Patrick Fischer, Andrea Reay

Abstain: Steve Wamback

Absent: Bryan Flint, Lok Yin Wu

Amendment

NEW SECTION. Sec. 3.XX -- The City shall include, within its climate action plan, a carbon budget, defined as the allocation or limitation of greenhouse gas emissions within a certain timeframe, set at a local and regional scale, and which sets targets for reducing emissions to mitigate climate change and which is designed to reach net-zero emissions by 2050.

NEW SECTION. Sec. 3.XX –A Climate Accountability and Sustainability Commission shall be created to replace the existing Sustainable Tacoma Commission. The Climate Accountability and Sustainability Commission shall be composed of eleven members, appointed by the City Council for three-year terms.

The Council must ensure the appointments provide for membership diversity of the Commission. The diversity shall include race, ethnicity, gender, backgrounds, experiences, and expertise, and must not be over-represented in any areas of expertise or experience. The members shall be residents of the City of Tacoma. One member shall be appointed for each of the five council districts. Members should have expertise or experience that may include, but not be limited to the following:

- (a) climate science;
- (b) environmental policy and justice;

- (c) green economies; and
- (d) overburdened communities.
- (e) transportation;
- (f) housing;
- (g) public health;
- (h) the small business community as defined by the Small Business Administration;
- (i) the labor community;
- (j) maritime industries;
- (k) the education community; and
- (l) the building industries.

At least one of the eleven positions must be filled by a youth member (age 17-25).

The City shall assign at least two staff members to support the Commission and the Commission shall have such duties and responsibilities as are provided below and by ordinance. The Commission's duties shall include advising, providing oversight, and reporting to the Council on the City's progress in meeting the goals of its climate action plan and sustainability measures, including, but not limited to by:

- (i) monitoring the carbon budget;
- (ii) reporting on climate goals, including impediments to such goals;
- (iii) monitoring Council's existing and future resolutions and ordinances and advising on their operational alignment with the climate action plan;
- (iv) monitoring the City's departmental budgets and advising on their alignment with the climate action plan;
- (v) monitoring and advising on sustainability measures with broad public interest and long-term impact; and
- (vi) carrying out such other duties and responsibilities as may be set forth in ordinance.

A majority of the voting members of the Commission will constitute a quorum for the transaction of business. The Commission is authorized to adopt rules for the transaction of its business not inconsistent with this charter or ordinances of the City of Tacoma.

Amendment Positions

Rationale for Amendment:

Despite being an existential threat to human society, climate change is not mentioned in the City code or charter. Council intentions on climate to not make it to code. The Sustainable Tacoma Commission was created in 2008 by Resolution No. 37631. A resolution does not have the same legislative impact as an ordinance. As such, it has since never been added to the municipal code or Charter.

The City's climate emergency resolution (2022 -Resolution No. 40776) committed the city to reduce municipal operations emissions, especially restricting natural gas use in existing municipal buildings and new capital investments, decarbonize transportation, and conduct studies that identify strategies for success and assess impact. This resolution has also never been added to code.

The city must effectively track and hold accountable its commitments to sustainability and climate goals. Our intent is for this Commission to inform Council, improve climate policy and prioritize long term sustainability.

Dissenting Position(s):

DRAFT

Charter Review Committee

Amendment Summary

Section 3.10

Brief Summary of Amendment

Removes Section 3.10, which authorizes a contract with the Tacoma Humane Society or other similar animal control agencies, from the Charter.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Patrick Fischer, Bryan Flint, Jason Gauthier, Andre Jimenez, Melissa Malott, Latasha Palmer, Andrea Reay, Rebecca Stith, Steve Wamback, Diamatris Winston, Lok Yin Wu

No: None

Abstain: None

Absent: None

Amendment

Tacoma Humane Society

~~**Section 3.10**—The City Council is hereby authorized to enter into a contract with the Tacoma Humane Society, or any other agency or agencies performing similar duties and functions, granting to said society, agency, or agencies the control and operation of all city pounds and delegating certain duties and responsibilities with reference to the control of animals. Such contract(s) shall provide, among other things, that said society or agency (agencies) shall faithfully operate said pounds, shall pay all expenses in connection therewith, shall receive all licenses, fines, penalties and proceeds of every nature connected therewith, and such other sums as may be legally appropriate therefor, subject only to accounting as provided by law. The Council is further authorized, notwithstanding the provisions hereof, to determine that the City shall operate its own city pounds or detention facility and otherwise regulate and control animals within its corporate limits. Any contract entered into pursuant to the authority hereof shall be subject to cancellation by the City for good cause.~~

Amendment Positions

Rationale for Amendment:

The Charter Review Committee recommends removing Section 3.10, Tacoma Humane Society, in its entirety. As the primary governing document of the City, the charter should not name any private entity as a contractor of the City, thereby giving it preferential treatment over all other organizations. This recommendation is not passing judgement on the Humane Society, but rather implementing a principle of fairness into the Charter. This section was added in 1973, more than fifty years ago. Deleting Section 3.10 will not impact the Council’s ability to contract for animal-control services from THS or any other legally qualified animal-control entity. See TMC 17.01.010.6, “Animal shelter means a facility operated by the Humane Society or another facility that contracts with the City to provide for the care of animals;” see also RCW 16.52.015, 16.52.020, 16.52.025.

Dissenting Position(s):

None

Charter Review Committee

Amendment Summary

Section 3.13

Brief Summary of Amendment

- Modifies membership of the Landmarks Preservation Commission to require members be appointed from each of the five council districts and requires certain expertise or experience of appointed members other than those appointed by Council district.
- Adds an exception to the requirement the members be residents of the City of Tacoma to allow the Council to provide otherwise by ordinance.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Patrick Fischer, Bryan Flint, Jason Gauthier, Andre Jimenez, Melissa Malott, Latasha Palmer, Andrea Reay, Rebecca Stith, Steve Wamback, Diamatris Winston, Lok Yin Wu

No: None

Abstain: None

Absent: None

Amendment

Section 3.13 – 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, except as otherwise provided by ordinance, and be appointed and confirmed by the City Council.

One member shall be appointed from each of the five (5) council districts and the remaining members shall consist of individuals with current or prior professional experience in historic preservation or cultural resources, with a priority for those with architectural or design expertise or experience.

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.

Amendment Positions

Rationale for Amendment:

The Landmarks Preservation Commission has been in ordinance for 20 years and enshrined in the Charter for a decade. When added to the Charter in 2014, membership was limited to residents of the city of Tacoma. This has created a difficult situation in recruitment of professional expertise. Additionally, the Commission is over-represented by more affluent areas of the city. This modest change does two things: 1) allows for more flexibility in recruitment of professional expertise by modifying the resident requirement to allow for considerations based on potentially expansive ordinance language, and 2) diversifies the Commission by requiring Council District representation in the overall membership. It does not prohibitively change the overall mission or function of the Commission.

Dissenting Position(s):

None

Charter Review Committee

Amendment Summary

Section 3.2

Brief Summary of Amendment

- Eliminates the references to Council engagement with staff “for purposes of inquiry”.
- Clarifies role of Council with respect to City Manager staff.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Patrick Fischer, Bryan Flint, Andre Jimenez, Melissa Malott, Latasha Palmer, Rebecca Stith, Steve Wamback, Diamatris Winston

No: Andrea Reay

Abstain: None

Absent: Jason Gauthier, Lok Yin Wu

Amendment

Section 3.2 – 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. Outside of these prohibitions, the Council is permitted to make direct inquiries of and receive relevant and timely information from staff for the purposes of the formation of budget and policy. 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.

Amendment Positions

Rationale for Amendment:

The City Council is allowed contact with City staff under a provision known as “for purpose of inquiry.” This means that the Council is able to communicate with staff only for such purposes as those for “inquiry.” Yet, the language fails to define exactly what such inquiry encompasses, and is therefore left as a subjective determination by the City Manager, which can lead to miscommunication and a lack of transparency. This edit simplifies the language and process for both the Council and staff by defining

exactly what explicit communication prohibitions exist between the Council and staff, while conversely outlining what direct communication is allowed and even encouraged.

Dissenting Position:

In order to execute the most effective, efficient, accountable and transparent form of government for the citizens of Tacoma, the areas and lines of governance and operations must be clear and well defined between Council and staff. A healthy and clear Council/staff relationship and lines of communication are critical to executing the work and ensuring accountability. Any blurring of those lines or adding or aiding to ambiguity between whom or what authority and process or hierarchy thereof could potentially create confusion and an ineffective work environment.

DRAFT

Charter Review Committee

Recommendation Summary

Section 3.5

Brief Summary of Recommendation

- Requires Council to review and approve candidates for City Attorney.
- Requires Council approval of City Manager's removal of City Attorney.
- Allows a majority of the Council to approve retaining special counsel in the event of City Attorney's potential or actual conflict of interest.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Patrick Fischer, Bryan Flint, Andre Jimenez, Melissa Malott, Latasha Palmer, Rebecca Stith, Diamatris Winston

No: Steve Wamback

Abstain: Andrea Reay

Absent: Jason Gauthier, Lok Yin Wu

Amendment

Section 3.5 – The City Manager shall appoint a City Attorney, who only after a Council review of candidates, and subject to the Council's approval of the final candidate. The City Attorney shall be an attorney admitted and qualified to practice in the Supreme Court of the State of Washington and who shall have practiced the profession within the State of Washington for not less than five years next preceding the appointment. The City Attorney shall have power to appoint and remove, subject to the approval of the Manager, professional assistants who shall also be attorneys admitted and qualified to practice in the Supreme Court of the State of Washington. The City Manager shall have the power to remove the City Attorney only upon the approval of the Council. Upon approval of a majority of the City Council, special counsel may be retained in the event a potential or actual conflict of interest arises in the City Attorney's representation of any of the above.

Amendment Positions

Rationale for Amendment

The proposed amendment is a component of the ongoing initiative to strengthen the City Council's authority, enabling it to fully engage in its legislative functions and advance equity more effectively. Presently, concerns persist regarding the potential for disproportionate influence wielded by the City Manager over the City Attorney, which could compromise the Attorney's impartiality in situations of conflicting viewpoints between the Manager and Council.

This amendment gives Council the responsibility to scrutinize City Attorney candidates and approve the Manager's selection and dismissal of the Attorney. Its principal aim is to empower the Council, ensuring alignment between the Attorney's actions and the Council's objectives in scenarios where disparities in priorities or perspectives arise between the Manager and Council.

Moreover, the amendment affords the Council the prerogative to engage special counsel should conflicts of interest arise between the Council and the Attorney, further reinforcing transparency and accountability within our governance framework.

Dissenting Position:

Under the Council-Manager Form of Government, the City Council hires the City Manager “to be responsible to the Council for the administration of all units of the City government under the Manager’s jurisdiction” (Section 3.2) and to “supervise and be responsible for the effective management of the administrative affairs of the City.” (Section 3.3) Charter Section 3.4 already requires Council confirmation of “department heads”.

Sections 3.3 and 3.4 of the Charter provide the City Manager with the responsibility to remove a department head if that is necessary “for the proper execution of the policies set by the Council and the enforcement of all laws and ordinances.” This amendment politicizes that responsibility by requiring Council concurrence to terminate the City Attorney.

The additional language at the end of section 3.5 further politicizes obtaining legal advice; but if that were desired, the allowance should appear in section 3.6.

Charter Review Committee

Recommendation Summary Section 3.8

Brief Summary of Amendment

- Increases the membership of the Planning Commission from 9 to 11.
- Changes the composition of the Planning Commission to require diversity of membership.
- Changes the six positions that are not appointed to represent a district to general appointments that provide more flexibility and diversity of appointments. The six positions should be filled with members with diverse experience and provides a list of potential membership expertise.
- Eliminates the Charter prohibition on Planning Commission members receiving pay.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Patrick Fischer, Bryan Flint, Jason Gauthier, Melissa Malott, Latasha Palmer, Andrea Reay, Rebecca Stith, Steve Wamback, Diamatris Winston, Lok Yin Wu

No: None

Abstain: None

Absent: Andre Jimenez

Amendment

Section 3.8 – There shall be a Planning Commission, composed of ~~nine (9)~~ eleven (11) 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.

The Council must ensure the appointments provide for diversity of planning commission members. The diversity should include race, ethnicity, gender, backgrounds, experiences, and expertise and must not be over-represented in any areas of expertise or experience. The membership of the commission shall include ~~One member shall be appointed by the City Council for each of the five council districts and the Council shall appoint to the four~~ six remaining positions an individual from each of the members appointed by the Council with experience that may include, but is not limited to, the following:

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

(g) public health; or

(h) the business community.

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.~~

Amendment Positions

Rationale for Amendment:

Our city's planning commission plays an important role in shaping the future development and growth of our community. However, the current commission needs more capacity and flexibility in representation. By expanding the commission to eleven members and proactively recruiting members with diverse racial, ethnic, gender, and professional backgrounds, we can ensure that a wider range of perspectives and lived experiences inform crucial decisions about zoning, infrastructure, housing, and public spaces. An expanded and more diverse commission will better understand the unique needs and priorities of different neighborhoods, allowing for more equitable and inclusive planning while bringing fresh ideas and innovative approaches to longstanding urban challenges. Prioritizing diversity and inclusion on the planning commission is essential for building a city that truly works for all its residents.

Dissenting Position:

None

Charter Review Committee

Amendment Summary

Sections 4.1 and 4.10

Brief Summary of Amendment

- Specifies “internet” as among the public utilities within the City’s powers to construct, condemn and purchase, acquire, add to, maintain, or operate.
- Adds “internet” to the specific utilities under the jurisdiction of the Public Utilities Board.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Bryan Flint, Jason Gauthier, Andre Jimenez, Melissa Malott, Latasha Palmer, Rebecca Stith, Steve Wamback, Diamatris Winston, Lok Yin Wu

No: Patrick Fischer, Andrea Reay

Abstain: None

Absent: None

Amendment

Section 4.1 – The City shall possess all the powers granted to cities by state law to construct, condemn and purchase, purchase, acquire, add to, maintain, and operate, either within or outside its corporate limits, including, but not by way of limitation, public utilities for supplying water, light, heat, power, internet, transportation, and sewage and refuse collection, treatment, and disposal services or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver any of the utility services above mentioned outside its corporate limits, to the extent permitted by state law.

Section 4.10 – The Public Utility Board, subject only to the limitations imposed by this charter and the laws of this state, shall have full power to construct, condemn and purchase, acquire, add to, maintain, and operate the electric, water, internet, and belt line railway utility systems.

Amendment Positions

Rationale for Amendment:

Tacoma Public Utilities invested hundreds of millions of dollars in a high-speed fiber optic network to better serve its utility communication needs. In the 1990’s the network’s excess capacity was used to create the Click! cable network, which lowered costs and improved service for all cable subscribers. Now, with ample capacity on the existing public fiber network, Tacoma has the necessary infrastructure to create its own internet utility. The pandemic proved how essential it is that all citizens have

affordable, reliable, and secure Internet access. This amendment does not create an Internet utility. Internet service is currently provided by a private company under contract with Tacoma power. Should this contract no longer serve the public interest this amendment would allow the Tacoma Public Utility Board and the City Council to create an Internet utility in the public's interest to serve all residents, of all incomes, in the city.

Dissenting Position:

A lack of internet access can prove to be just as detrimental at times as living without power and water. Disadvantaged communities continue to suffer when a lack of connectivity hampers healthcare, learning, and denies opportunities in the workforce. The internet is already regulated by the FCC as an interstate service, is identified as a utility in State law, and doing anything within the Charter will only set a false expectation within the community that a “public utility network” is achievable. TPU, supported by recent case law, cannot create a utility that does not pay for itself. The only option for a public broadband utility is for the City of Tacoma to use general fund dollars to stand up a citywide broadband network which would cost hundreds of millions if not billions of dollars when considering the desire for customer rates well below those found in the competitive private market.

DRAFT

Charter Review Committee

Amendment Summary Section 4.9

Brief Summary of Amendment

- Requires one member of the of the Public Utility Board to be resident of Pierce County who is not also a resident of Tacoma.
- The member must also be a residential customer and account holder of one or more of the public utilities operated by the City of Tacoma.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Patrick Fischer, Bryan Flint, Andre Jimenez, Melissa Malott, Latasha Palmer, Andrea Reay, Rebecca Stith, Diamatris Winston, Lok Yin Wu

No: Jason Gauthier, Steve Wamback

Abstain: None

Absent: None

Amendment

Section 4.9 – Members of the Board shall have the same qualifications as provided in this charter for Council Members, with the exception that beginning on or before January 1, 2030, one member shall be a resident of Pierce County that is outside of the city limits of the City of Tacoma and an account holder of and recipient of retail service from one or more of the public utilities operated by the City of Tacoma’s Department of Public Utilities. Members shall be entitled to reimbursement for expenses incurred in carrying out their official duties, other than those incident to attending board meetings held within the City of Tacoma.

Amendment Positions

Rationale for Amendment:

Tacoma owns and manages a broad serving utility that brings affordable power and water to its residents. For over a hundred years the utility also serves a large population of those who live outside of Tacoma’s city limits. These ratepayer’s substantial contribution offsets the risk that Tacoma residents bear via ownership of the utility, but have no formal Board representation. Ratepayers outside the city limits help insure the historically affordable and stable rates that all ratepayers benefit from. Based on this structure, retail ratepayers outside the city are contributing half of the utility’s total revenue for operation. Although the city’s residents are still responsible for the utility’s operations, maintenance, and potential risks, we can’t ignore the significant disparity in revenue and subsequent lack of representation that exists for ratepayers outside of the city limits. This modest amendment would allow

for one board seat to be representative of these communities' views, making the utility's budget and policy decisions more equitable for the whole population it serves.

Dissenting Position(s):

Tacoma owns the assets of Tacoma Power, Tacoma Water, and Tacoma Rail on behalf of City residents and taxpayers.

By the Charter, the City Council has delegated management of these Public Utilities to a Public Utility Board, subject to specific Council oversight.

While being an account holder or customer of Tacoma Public Utilities may result in a degree of financial interest, it is not the same thing as being an owner. Tacoma residents, by virtue of being the utilities' owners, carry a greater and superior financial interest.

Giving account holders the same standing as owners risks tipping the scales in favor of simple financial interests over the broader welfare of residents. Board members should be intimately familiar with the challenges and aspirations of the City they serve, ensuring decisions align with the collective well-being rather than individual financial considerations. Residency remains the cornerstone of effective representation and accountability.

Charter Review Committee

Amendment Summary Section 4.15

Brief Summary of Amendment

Requires a performance and financial audit of the general government department services utilized by Tacoma Public Utilities.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Patrick Fischer, Bryan Flint, Jason Gauthier, Andre Jimenez, Melissa Malott, Latasha Palmer, Andrea Reay, Steve Wamback, Diamatris Winston, Lok Yin Wu

No: None

Abstain: Rebecca Stith

Absent: None

Amendment

Section 4.15 – The Board shall have authority to secure the services of consulting engineers, accountants, special counsel, and other experts. At intervals not exceeding ten years the Council shall, at the expense of the utilities involved, cause a general management survey to be made of all utilities under the jurisdiction of the board by a competent management consulting ~~or industrial engineering~~ firm, and at the same intervals cause a performance and financial audit by a qualified independent auditor to be made of the services of the City’s General Government departments used by the Department of Public Utilities, the report and recommendations of which shall be made public; provided, that the first such survey shall be made within three years of the effective date of this charter.

Amendment Positions

Rationale for Amendment:

This recommendation would require independent performance and financial audit of the cost and value of the shared services that Tacoma Public Utilities (TPU) receives from the City’s General Government every 10 years. The purpose is to ensure that the performance and cost of the services are of benefit to TPU ratepayers and Tacoma taxpayers. This would ensure that the charges for service are accurate, justified, and in line with the services received. It would identify opportunities for cost savings or efficiencies to ensure fair and equitable allocation of costs among different departments within the City. It also provides objective and transparent analysis to managers and policy makers in both TPU and General Government as to the cost and effectiveness of the shared services arrangement, providing both with the opportunity to make solid decisions in the public interest.

Dissenting Position:

None

Charter Review Committee

Amendment Summary

Section 4.19

Brief Summary of Amendment

- Eliminates the references to the Tacoma Public Utility Board engagement with staff “for purposes of inquiry”.
- Clarifies the role of TPU Board members with respect to TPU staff.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Patrick Fischer, Bryan Flint, Andre Jimenez, Melissa Malott, Latasha Palmer, Rebecca Stith, Steve Wamback, Diamatris Winston

No: Andrea Reay

Abstain: None

Absent: Maricres Castro, Jason Gauthier, Lok Yin Wu

Amendment

Section 4.19 – ~~Except for purposes of inquiry, the Board and its members shall deal with officers and employees of the Department of Public Utilities only through the Director.~~

Neither the Board nor any member thereof may request any specific executive action by the Director’s subordinates or otherwise create any interference with managerial functions through means such as but not limited to directing or requesting the appointment or removal of any of the Director’s subordinates, or the making of particular purchases from or contracts with any specific individual or organization. Outside of these prohibitions, the Board is permitted to make direct inquiries of, and receive relevant and timely information from staff for the purposes of the formation of budget and policy.

Amendment Positions

Rationale for Amendment:

The Utility Board is allowed contact with Utility department staff under a provision known as “for purpose of inquiry.” This means that the Board is able to communicate with staff only for such purposes as those for “inquiry.” Yet, the language fails to define exactly what such inquiry encompasses, and is therefore left as a subjective determination by the Director of the Department, which can lead to miscommunication and a lack of transparency. This edit simplifies the language and process for both the Board and staff by defining exactly what explicit communication prohibitions exist between the Board and staff, while conversely outlining what direct communication is allowed and even encouraged.

Dissenting Position:

In order to execute the most effective, efficient, accountable and transparent execution of oversight for Tacoma's electric and water and industrial freight-switching railroad for the citizens, the areas and lines of governance and operations must be clear and well defined between the public utility board and staff. A healthy and clear board/staff relationship and lines of communication are critical to executing the work and ensuring accountability. Any blurring of those lines or adding or aiding to ambiguity between whom or what authority and process or hierarchy thereof could potentially create confusion and an ineffective work environment.

DRAFT

Charter Review Committee

Amendment Summary Section 5.5 Elections

Brief Summary of Amendment

- Specifies that ranked-choice voting is among the election-related matters that the City Council may set forth in ordinance, but does not require that ranked-choice voting be used or adopted.
- States that in the event ranked-choice voting is adopted by ordinance that the election procedures contained in ordinance control over conflicting procedures in charter.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Jason Gauthier, Andre Jimenez, Melissa Malott, Latasha Palmer, Andrea Reay, Rebecca Stith, Steve Wamback, Diamatris Winston, Lok Yin Wu

No: Patrick Fischer, Bryan Flint

Abstain: None

Absent: None

Amendment:

Section 5.5 – All matters pertaining to elections and not provided for in the charter or by law, which may include ranked-choice voting, shall be as provided by ordinance. No informalities in conducting municipal elections shall invalidate the same if they have been conducted fairly and in substantial conformity with the requirements of this charter. In the event the City Council by ordinance authorizes the use of ranked-choice voting for the election of city officers in any municipal election, the nomination and election procedures contained in such ordinance shall prevail over any conflicting procedures contained in this charter.

Amendment Positions

Rationale for Amendment:

Authorizing ranked-choice voting (RCV) in Tacoma's charter is vital for revitalizing our democracy. RCV ensures every vote counts. When Tacoma adopts RCV, leveraging existing resources and partnerships would streamline implementation and reduce costs. RCV has many benefits. It fosters positive campaigning while ensuring equitable representation. It may also boost voter participation and save time and money. Studies show RCV is user-friendly and does not negatively impact voter behavior. Cities

like Seattle and Portland are implementing RCV, which can serve as models for Tacoma. Additionally, the proposed amendment would supersede conflicting charter provisions on elections and establish a straightforward path for the council to adopt ranked-choice voting. Tacoma should lead the way by modernizing our electoral process and empowering its residents through ranked-choice voting.

Dissenting Position:

Ranked-choice voting (RCV) requires voters to rank candidates in order of preference, which may not accurately reflect their true sentiments. RCV introduces complexity and potential confusion into the electoral process. Tabulation process in RCV can be convoluted, leading to delays in election results and increased costs for administering elections. Furthermore, RCV can perpetuate a lack of accountability, as candidates may focus more on being the second or third choice of voters rather than addressing issues head-on. RCV systems often remove the primary election from the process when primaries create a lower barrier entry for new and emerging candidates. Ultimately, RCV undermines the simplicity and clarity of traditional voting systems and may not necessarily lead to better representation or governance.

DRAFT

Charter Review Committee

Amendment Summary Section 5.XX (New Section)

Brief Summary of Amendment

- Adds a new section 5.XX to Article V, Elections providing Council authority to enact ordinances to limit campaign contributions and expenditures.
- Specifies that the City has the authority, to the extent consistent with state and federal law, to enact ordinances to limit campaign contributions and expenditures and to create public campaign financing by democracy vouchers.
- Allows but does not require enactment of ordinances related to limitations on campaign contributions and expenditures and to create a public financing program.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Patrick Fischer, Bryan Flint, Jason Gauthier, Melissa Malott, Latasha Palmer, Andrea Reay, Rebecca Stith, Steve Wamback, Diamatris Winston, Lok Yin Wu

No: None

Abstain: None

Absent: Andre Jimenez

Amendment

NEW SECTION. Section 5.XX - In order to combat the potential for, and appearance of, corruption, and to preserve the ability of all qualified community members to run for public office, the City Council may, in so far as is permitted by state and federal law, enact ordinances designed to limit contributions and expenditures by, or on behalf of, candidates for City elected office. Such ordinances may include but are not limited to:

- a) limitations on the amount, time, place, and source of financial and in-kind contributions to candidates, candidate committees and campaigns; and
- b) financial or non-financial incentives in support of voluntary limitations on candidate, and candidate committee, and campaign expenditures; and
- c) development of public financing of campaigns, including democracy vouchers.

If enacting such ordinances, the Mayor and Council shall appoint an Elections Commission or delegate an existing body to determine campaign contribution limits and lobbying regulations and to oversee the creation and implementation of such ordinances.

Amendment Positions

Rationale for Amendment:

Creating a campaign finance section with language that supports the option to implement public financing and create an Election Commission would work to improve public trust in elections. It also encourages democratic innovations that empower residents to support campaigns and run for office. Seattle's success with Democracy Vouchers can serve as a model for Tacoma. Public financing ensures a more varied candidate pool and democratizes campaign funding by increasing voter engagement and diversity in donations. The amendment follows the advice of local and national election reform groups that recommend the establishment of an Election Commission to ensure informed decision-making, equity, and transparency. The Commission could study and prepare public fundraising plans while fostering accountability and citizen engagement. By passing this proposed amendment, the City shows its support for enhancing representation, strengthening democracy, and building a more equitable future for all Tacomans.

Dissenting Position(s):

None

Charter Review Committee

Amendment Summary

Section 6.3

Brief Summary of Amendment

- Eliminates language requiring that City employees be United States citizens and retains the requirement that City employees be Tacoma residents.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Patrick Fischer, Jason Gauthier, Andre Jimenez, Melissa Malott, Latasha Palmer, Andrea Reay, Rebecca Stith, Steve Wamback, Diamatris Winston

No: None

Abstain: None

Absent: Bryan Flint, Lok Yin Wu

Amendment

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.

Amendment Positions

Rationale for Amendment:

Dissenting Position(s):

DRAFT

Charter Review Committee

Amendment Summary Sec. 6.7 Anti-Discrimination

Brief Summary of Amendment

- Replaces “handicap” with “disability”.
- Requires the City Council to periodically review, and amend as appropriate, the anti-discrimination ordinances applicable to City applicants and employees.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Patrick Fischer, Jason Gauthier, Andre Jimenez, Melissa Malott, Latasha Palmer, Andrea Reay, Rebecca Stith, Steve Wamback, Diamatris Winston, Lok Yin Wu

No: None

Abstain: None

Absent: Bryan Flint

Amendment

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.

Amendment Positions

Rationale for Amendment:

Dissenting Position(s):

DRAFT

Charter Review Committee

Amendment Summary Section 9.6 (New Section)

Brief Summary of Amendment

- Adds Section 9.6 to Article IX, Miscellaneous Provisions to define “official newspaper” as that term is used in the Charter.
- Defines official newspaper as meeting the requirements of state law but to include posting on the City’s website.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Patrick Fischer, Bryan Flint, Jason Gauthier, Andre Jimenez, Melissa Malott, Latasha Palmer, Andrea Reay, Rebecca Stith, Steve Wamback, Diamatris Winston, Lok Yin Wu

No: None

Abstain: None

Absent: None

Amendment

NEW SECTION. Section 9.6. As is used in this charter the term official newspaper shall mean a publication of general circulation meeting the qualifications required by state law and which is designated by resolution of the City Council as the official newspaper of the City. All items which are required by this charter, by state law or by ordinance to be published in the official newspaper of the City shall also, be posted on the City’s website.

Amendment Positions

Rationale for Amendment:

State law requires that jurisdictions use the local newspaper of record for public notification of legislative actions. Since the advent of the Internet, newspapers have been declining in readership and reach to the general public, and no longer provides the widest or consistent distribution. The Internet provides a much wider and consistent distribution and is broadly accessible with a computer, phone, or tablet. This amendment would require, throughout the Charter, the inclusion of the City’s website in the official publication of public notices. This will guarantee wider distribution of important public information and a consistent location for members of the public to access information at the time and place of their choosing. This commonsense amendment updates our charter for the Internet age.

Dissenting Position(s):

None

Charter Review Committee

Amendment Summary

Form of Government specific changes to Articles II, III, IV, V, VI, VII, IX, X

Brief Summary of Amendment

- Makes changes throughout the charter necessary to change to the City's form of government from Council Manager to Mayor Council Chief Administrative Officer.
- Transitions the Council from nine members to seven by 2027, with two at-large positions phasing out by the end of 2027, resulting in a Council of five members continuing to be elected by district and two members elected at large.
- Requires the Council to appoint a Council Chair at its first meeting in 202 and a new Chair every calendar year thereafter who will preside over Council meetings and perform the duties of Mayor in the absence or disability of the Mayor.
- Authorizes the next elected Council to serve on a full-time basis, and to employ or contract for staff.
- Confirms that any confirmation or approval actions by Council will be by a majority vote unless otherwise stated.
- Provides Council with investigative authority including subpoena power and ability to retain special counsel.
- Gives Council the power of impeachment or removal of the Mayor.
- Establishes Mayor elected in 2025 as the Chief Executive Officer of the City and requires the Mayor to manage the City through a Chief Administrative Officer who has oversight of City administration and operation and who reports jointly to the Mayor and Council.
- Requires the Mayor and Council to jointly appoint the Chief Administrative Officer and the City Attorney, beginning with the Mayor and Council elected in 2025.
- Gives the Mayor authority to supervise the Chief Administrative Officer, to appoint department directors subject to Council confirmation and to remove department directors or to delegate appointment and removal authority to the Chief Administrative Officer.
- Gives the Mayor the authority to remove the Chief Administrative Officer without Council approval and to remove the City Attorney with Council approval.
- Requires the Mayor to appoint members of boards, committees, and commissions subject to confirmation by Council and for the Mayor or designee to serve as a member of appropriate external boards, committees and commissions, with the exception that the Mayor must appoint a member of the Council to any board, committee or commission that previously included more than

one Council Member. Gives the Mayor legislative veto authority over Council, with certain exceptions, and gives Council certain veto override authority.

- Gives Mayor authority to hire and supervise staff to advise and assist Mayor.
- Makes other necessary changes to replace “City Manager” with “Mayor” or “Chief Administrative Officer”, to clarify the number of Council members needed to constitute a majority or supermajority, to recognize the Mayor’s separately elected executive role, and grammatical and syntax changes throughout.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Patrick Fischer, Andre Jimenez, Melissa Malott, Latasha Palmer, Rebecca Stith, Diamatris Winston, Lok Yin Wu

No: Jason Gauthier, Andrea Reay, Steve Wamback

Abstain: None

Absent: Bryan Flint

Amendment

ARTICLE II

THE LEGISLATIVE BRANCH

Creation and Composition of City Council

Section 2.1XX – ~~The Council shall be composed of the Mayor and eight (8) seven (7) Council Members nominated and elected, as provided hereinafter. At the next general municipal election to be held in the year 1975 on the date prescribed by state law, there shall be elected eight (8) Council Members for terms beginning on the second Monday in January 1976, as set out hereinafter in Section 5.3. Biennially thereafter, on the date prescribed by state law for general municipal elections, four (4) Council Members shall be elected for like terms of four years. Beginning on the date prescribed by state law for general municipal elections in 2025, the Mayor position on the Council shall become a vacant 2-year at-large Position 9, with such vacancy to be filled by an appointment made in the manner provided in this charter by the members of the City Council taking office in January of 2026. Beginning on the date prescribed by state law for general municipal elections in 2027 at-large Positions 8 and 9 shall be eliminated. Biennially thereafter on the date prescribed for municipal elections at-large Council positions 6 and 7 and election district positions 1 through 5 shall be elected for terms of four years.~~ Council Members shall continue in office until their successors are elected and qualified. The Council shall constitute the legislative and governing body of the City and shall have authority, except as otherwise provided in this charter, to exercise all powers of the City.

The Mayor

Section 2.4 – ~~On the date prescribed by state law for the general municipal elections, commencing in the year 1973, the Mayor shall be elected for a term of four (4) years. The Mayor shall become a member and presiding officer of the City Council with the right to speak and vote as any other Council Member. The Mayor shall be the official head of the City government for purposes of ceremony and~~

~~military law and upon declaration of an emergency or disaster which constitutes an event or set of circumstances which demands immediate action to preserve public health, protect life, protect public property, or which reaches such a dimension or degree of destructiveness that exceeds the resources of the City of Tacoma to respond to the situation. The Mayor shall authenticate by signature such instruments as may be required by law, ordinance, or this charter. The Mayor shall have such appointive and other powers, duties, and authority as may be conferred by law, ordinance, or this charter; provided, however, that all appointments where not in conflict with state law shall be made by majority vote of the Council Members from nominees whose names are presented in writing to the Council by the Mayor or by any three members of the Council. This provision shall supersede and prevail over any other provision or ordinance or of the charter inconsistent with or in conflict herewith. A candidate for the office of Mayor shall not be ineligible by reason of holding the office of Council Member; provided that, if elected, the Council office of any such candidate shall, upon taking office as Mayor, be and become vacant. 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. Vacancies in the office of Mayor shall be filled by appointment by the City Council for a term expiring at the time a successor has been elected and qualified as hereinafter provided. In the event such a vacancy occurs during the first or second year of the Mayor's term of office, then the office of Mayor shall also be placed upon the ballot for the primary and general elections. The Mayor elected at such general election shall be elected for a full four-year term and shall take office at the same time as City Council Members elected at said general election. In the event that the vacancy occurs subsequent to such time for filing, the appointment shall be for the unexpired term.~~

NEW SECTION

Council Chair

Section 2.XX - The City Council, at its first annual meeting following the general municipal election of 2025, and thereafter at each first annual meeting, shall, by a majority vote, designate one of its members as Chair of the Council. The Chair shall hold such designation at the pleasure of the City Council and can be replaced upon a motion and majority vote of the Council. The Chair shall preside over Council meetings, and, in the case of the temporary absence of the Mayor, the Chair shall perform the ceremonial duties of the Mayor and other duties of the Mayor as set by ordinance except for the power to veto legislation of the Council.

NEW SECTION

Powers of the Legislative Branch

Section 2.XX –

Council Members shall serve on a full-time basis and shall have the authority to employ or contract for personnel who will directly report to and advise or assist the Council Members. In addition, the Council may as a whole or by committee, conduct public hearings on matters of public concern and, further, may audit and make other investigations into the affairs of the City and the conduct of the executive branch including any City department, office, agency, board, commission, or committee, and for this purpose may retain special counsel and subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

NEW SECTION

Relationship with Other Branches

Section 2.XX – Except in the performance of its legislative and investigative functions under this charter, the Council, as a body or acting through its staff or individual Council Members, shall have no power to direct, hire, or remove, any officer or employee under the supervision of the Mayor, except the Chief Administrative Officer and the City Attorney or as otherwise provided in this charter.

NEW SECTION

Removal of the Mayor

Section 2.XX - The City Council may seek to remove the Mayor from office for commission of a felony, an offense involving moral turpitude, or a willful violation of duty. Such removal process shall require a written Notice of Allegations and Removal to the Mayor, approved by majority vote of at least five (5) members of the City Council, to be personally served at least thirty (30) days before a removal hearing is scheduled. In preparation for, and during such hearing, the Mayor shall be entitled to due process, including the right to be present, to the assistance of special counsel, to offer evidence, and to be heard. Upon the vote of at least five (5) members of the City Council, acting as a court of impeachment, the Mayor shall be removed, and the office shall become vacant.

NEW SECTION

Veto Override Power

Section 2.XX – The City Council shall, by a vote of a majority plus one of the Council Members, have the power to override the veto of the Mayor as set forth in Section 3.XX.

Council Vacancies

Section 2.7 XX– Whenever a vacancy occurs in ~~the an~~ office of the City Council, the City Council shall fill such vacancy by appointment by a majority vote of its remaining members, and such appointee shall continue in office until the commencement of the terms of office of ~~municipal officials succeeding~~ Council Members elected in the next general municipal election occurring after the date of such appointment, and if any unexpired term remains, it shall be filled by election; however, that in the event a majority of the Council fails to make an appointment to fill a vacancy on the Council within a period of sixty (60) days from the date the vacancy occurs, then the Mayor shall make the appointment, subject to the confirmation of the remaining members of the Council.

NEW SECTION

Mayoral Vacancy

Section 2.XX – Whenever a vacancy occurs in the office of the Mayor, whether by removal, recall, resignation, nonresidency, illness, death, or other impediment, the Chair of the City Council shall become the acting Mayor and perform all duties of the Mayor until a new Mayor is duly elected at the next municipal election and sworn into office.

Procedure of the Council

Section 2.8 XX– The Council shall meet at such times and places as it may determine, provided it shall hold regular periodic meetings, not oftener than once a week, at least forty-six (46) times each calendar year. Special meetings shall be called by the City Clerk on the written request of the Council Chair or any ~~three~~ two Council ~~m~~Members. Such request shall state the subject or subjects to be considered at such

meeting, and no other subject shall be considered thereat. Each Council ~~Member~~ shall be given such notice that may be required by State law, but in no event less than twelve hours' notice, of the time and place of such special meetings. All meetings of the ~~e~~Council shall be public as prescribed by State law. Except as otherwise provided in this charter, any reference to an action of the City Council required to confirm or approve shall be by a majority vote.

Section 2.9XX – Subject to the limitations imposed by law and by this charter, the Council shall establish its own rules and order of business. It shall keep a journal of its proceedings which shall be a public record. ~~Five~~ Four (4) Council Members shall be a quorum for the transaction of business, but in the absence of a quorum, the members present may adjourn the meeting to a later date. The Council shall have the authority to punish its members and others for disorderly or otherwise contemptuous behavior in its presence and to compel the attendance of its members and witnesses, and the production of papers and things, before the Council.

Section 2.10XX – Every ordinance and resolution shall require an affirmative vote of at least ~~five~~ (5) four (4) Council Members for passage, and the ayes and nays shall be taken and entered upon the journal. Upon the request of any member, the ayes and nays shall be taken on any question and entered upon the journal. Members present but not voting shall be recorded as abstaining from the vote.

Section 2.12XX – No ordinance shall be finally ~~passed~~ approved by a majority vote of the City Council within five days of its introduction, except when the Council declares in such ordinance that a public emergency exists and therein states the facts constituting such emergency, and except ordinances relating to local improvements and assessments and authorization of bonds therefor. All ordinances passed as emergency measures shall require an affirmative vote of at least ~~six~~ five Council Members. No ordinance granting any franchise, right, or privilege shall conduct of the executive branch including any City department, office, agency, board, commission, or committee, and for this purpose may retain special counsel and subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

Section 2.18XX – A summary of every ordinance shall, within ten days ~~after its passage,~~ after being deemed passed by the City Council and signed by the Mayor, be published once in the official newspaper of the City. Ordinances passed as emergency measures, or relating to local improvements and assessments and authorization of bonds therefore, or adopting annual budgets, or levying taxes, or making appropriations shall be deemed passed by the City Council and signed by the Mayor, and take effect immediately upon passage. Ordinances granting a franchise, right, or privilege, or authorizing the issuance of revenue bonds in an amount exceeding five million dollars, shall be deemed passed by the City Council and signed by the Mayor, and shall be published within ten days thereafter, They shall take effect at such time after publication as the City Council shall determine by ordinance. All other ordinances shall take effect only after the expiration of ten days from publication, subject always to the provisions of this charter concerning referendum.

Section 2.25XX – Citizens of Tacoma may ask that ordinances passed by the City Council, except for ordinances which take effect immediately as allowed in Section 2.13XX]of the Charter, or as otherwise prohibited by state law, be referred to the voters for approval or rejection by the following process:

- (a) The petitioners shall file a Referendum Petition with the City Clerk not later than ten (10) calendar days after ~~the City Council approved~~ the ordinance is deemed passed by the City Council and signed by the Mayor.
- (b) The filing of a Referendum Petition, and progression by the petitioners through the steps outlined as follows, causes the suspension of the effective date of the ordinance.
- (c) The City Clerk shall forward the petition to the City Attorney within one (1) working day of receipt.
- (d) Within ten (10) working days of receipt, the City Attorney shall review the petition and make contact with the petitioner as necessary, and if the petition is proper in terms of form and style, the City Attorney will write a concise, true, and impartial statement of the purpose of the measure, not to exceed the number of words as allowed under state law for local referendums. The statement will be phrased in the form of a positive question.
- (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 people at the next Municipal or General Election that is not less than ninety (90) days after the date on which the signatures on the petition are validated.

ARTICLE III

THE ADMINISTRATIVE EXECUTIVE BRANCH

The City Manager Mayor

Section 3.1XX – ~~The Council shall appoint a chief administrative officer of the City government who shall be entitled City Manager, and who shall serve at the pleasure of the Council. Both the appointment and removal shall require the affirmative vote of five members of the Council. The Manager shall be selected on the basis of training, experience, and other administrative qualifications for the office and without regard to place of residence at the time of appointment, but during tenure of office, shall reside within the City limits. The Council shall review the City Manager’s performance annually and every two years~~

shall vote on whether to reconfirm the appointment of the City Manager, with the affirmative vote of at least five members of the Council in a public meeting necessary to effect such reconfirmation. Neither the Mayor nor any Council Member shall be eligible for the position of City Manager within two years after the expiration of their latest term. The Council may directly retain the services of an individual or organization to assist the Council in conducting a search for a City Manager and conducting performance reviews of the City Manager.

The Mayor, who shall be the Chief Executive Officer of the City, shall be nominated and elected by the voters of the City of Tacoma.

- (1) The Mayor shall have the executive powers of the City, except as otherwise provided by this charter, which shall include the power:
 - (a) To appoint, upon the approval of a majority of the City Council, departmental or office heads except the Chief Administrative Officer, the City Attorney, or as otherwise provided by the charter;
 - (b) To remove departmental or office heads except as otherwise provided by this charter;
 - (c) To remove the Chief Administrative Officer without approval of the Council and the City Attorney only upon approval of the City Council;
 - (d) To manage the City through the assistance of the Chief Administrative Officer, who shall oversee the administration and operations of the City and report jointly to the Mayor and City Council;
 - (e) To implement and enforce all ordinances and state laws within the City;
 - (f) To present to the City Council an annual State of the City address outlining the conditions and affairs of the City and the adoption of those recommended measures the Mayor deems necessary and proper;
 - (g) To prepare and present to the City Council a proposed budget and budget priorities for the City in accordance with the time limits prescribed by state law;
 - (h) To prepare and present to the City Council capital improvement and economic development plans for the present and future development of the City;
 - (i) To veto any ordinance adopted by the City Council except as otherwise provided in this charter;
 - (j) To sign, or cause to assign, on behalf of the City, all claims, deeds, contracts and other instruments;
 - (k) To serve, personally, or through a designee, on all appropriate external boards and commissions on which a City Council member was required to serve prior to the adoption of this charter section, with the exception if more than one City Council member was required to serve, the City Council shall appoint a Council member or Council members to serve on the board or commission with the Mayor; and
 - (l) To employ, without Council confirmation, personnel to advise and assist the Mayor.

Council-Manager Relationships

Section 3.2 – 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. 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.~~

NEW SECTION

Appointments by Mayor

Section 3.XX – The Mayor, except as otherwise provided in the charter, shall, subject to confirmation by the City Council, have the authority to appoint department and office heads within sixty (60) days of a vacancy. If the City Council declines to confirm any department or office nominee of the Mayor, then the Mayor shall continue to nominate until such nominee is confirmed. Except for those positions filled by election, and except as otherwise provided in this charter, the Mayor shall appoint members of all boards, commissions, and committees. The appointments by the Mayor shall be subject to confirmation by Council. Appointments by the Mayor filling vacancies on a board, commission or committee shall be transmitted to the Council.

~~**Section 3.3** – The Manager shall supervise and be responsible for the effective management of the administrative affairs of the City. The Manager shall give general direction to the programs and activities of all City departments and offices, except those removed from the Manager’s jurisdiction by this charter, and shall be responsible for the proper execution of the policies set by the Council and the enforcement of all laws and ordinances. The Manager shall keep the Council informed of the conditions and needs of the City and shall make such reports and recommendations as the Manager may deem desirable or as may be requested by the Council.~~

NEW SECTION

Chief Administrative Officer

Section 3.XX – The Mayor and City Council shall jointly appoint, and the City Council shall confirm, a Chief Administrative Officer. The Chief Administrative Officer shall be appointed on the basis of their training, education, experience, community service, commitment to diversity, equity, and inclusion, and other relevant qualifications for the office and without regard to their place of residence at the time of appointment, but during their term of office shall reside within the City. The Chief Administrative Officer shall, under the supervision of the Mayor, oversee the operations of the City, and report jointly and regularly on such operations to the Mayor and City Council. The Mayor may remove the Chief Administrative Officer. The salary of the Chief Administrative Officer shall be fixed and approved by the City Council. Whenever a vacancy exists in the office of the Chief Administrative Officer, the Mayor and Council shall conduct a search for a replacement and the Mayor shall name an interim or acting Chief Administrative Officer, upon approval of the Council, to perform the duties of the office until the next Chief Administrative Officer is appointed and confirmed. The City Council shall annually review the performance of the Chief Administrative Officer and may by majority vote recommend the removal of the Chief Administrative Officer to the Mayor.

~~**Section 3.4XX** – The Manager Mayor, or the Chief Administrative Officer as delegated by the Mayor shall have the power to appoint and remove, and subject to the civil service provisions of this charter and except as otherwise provided in this charter or by state law, may authorize the head of a department or office to appoint, transfer, or remove subordinates in such department or office all officers and employees of the City under the Manager’s jurisdiction, provided, appointments of department heads~~

shall require confirmation by the City Council. The Manager may authorize the head of a department or office responsible to the Manager to appoint and remove subordinates in such department or office.

NEW SECTION

Mayor's Veto and Council's Veto Override

Section 3.XX – The Mayor shall have the power to veto ordinances approved by a majority vote of the City Council, and the City Council shall have the power to override the Mayor's veto of an ordinance and such override shall be deemed effective on the date that the City Council votes to override such veto. All overrides shall require a vote of a majority plus one of the Council Members. Every ordinance approved by a majority vote of the City Council shall be presented by the Clerk to the Mayor within two (2) business days of such approval. The Mayor shall return such ordinance to the Council within five (5) business days of receiving it. If the Mayor signs the ordinance or returns it unsigned, or if the time for returning the ordinance to the City Council lapses without its return, then that ordinance shall be deemed passed and signed. If the Mayor disapproves the ordinance, the Mayor shall, when so returning it, specify objections thereto in writing. The objections of the Mayor shall be promptly published in the City's official newspaper. The Mayor shall have no power to veto emergency ordinances.

City Attorney

Section 3.5XX – ~~The City Manager~~ Mayor and the City Council shall jointly appoint, and the City Council shall confirm, a City Attorney, who shall be an attorney admitted and qualified to practice in the Supreme Court of the State of Washington and who shall have practiced the profession within the State of Washington for not less than five years next preceding the appointment. The City Attorney shall have power to appoint and remove, subject to the approval of the ~~Manager~~ Mayor, professional assistants who shall also be attorneys admitted and qualified to practice in the Supreme Court of the State of Washington. The Mayor may remove the City Attorney only with approval of the City Council.

Section 3.6XX – The City Attorney shall be legal advisor to the Mayor, City Council, Manager, and all officers, departments, ~~and commissions,~~ boards, and committees of the City in matters relating to City affairs. The City Attorney shall represent the City in litigations in which the City is interested; shall provide written legal opinion on official matters when requested by the Mayor, City Council, officers, departments ~~Manager, commissions, boards, or committees~~ other City officers; shall review for legal correctness contracts, bonds, franchises, and other instruments in which the City is concerned; and perform such other duties as may be prescribed by ordinance or otherwise by law. Upon approval of the City Council, special counsel may be retained in the event a potential or actual conflict of interest arises in the City Attorney's representation of any of the above.

City Clerk

Section 3.7XX – ~~The City Manager~~ Mayor shall appoint, and the City Council shall confirm, a City Clerk who shall:

- (a) attend all meetings of the Council and keep a permanent journal of its proceedings,
- (b) record and certify all ordinances and resolutions,
- (c) serve as custodian of the City seal and official City records,
- (d) prescribe and furnish sample forms for petitions provided for by this charter, and

(e) perform such other duties as may be prescribed by the ~~Manager~~ Mayor, state law, this charter, or by ordinance.

The City Clerk with the approval of the ~~City Manager~~ City Council may designate one clerk as deputy, who shall have all the powers and perform all the duties of the City Clerk in the Clerk's absence.

Administrative Organization

Section 3.11XX – Within the framework established by this charter, the administrative service of the City government shall be divided into such offices, departments, and divisions as provided by ordinance upon recommendation of the ~~City Manager~~ Mayor. Such ordinance shall be known as the "Administrative Code."

ARTICLE IV

PUBLIC UTILITIES

Powers and Duties of the Public Utility Board

Section 4.16 – Insofar as is permitted by state law, the Board shall have the same authority, and be governed by the same limitations, in respect to the purchase of materials, supplies, and equipment and awarding of contracts for all improvements for Department of Public Utilities' purposes as does the Council and ~~City Manager~~ Mayor for general government purposes.

Location and Relocation of Utility Works

Section 4.23 – The Board shall have authority to place poles, wires, vaults, mains, pipes, tracks and other works necessary to any utility operated by the Board in the public streets, alleys, and places of the City. Before any such works are commenced, plans and specifications showing the exact location thereof shall be submitted to the ~~City Manager~~ Mayor for approval. Whenever it shall be necessary by reason of the grading, re-grading, widening, or other improvement of any public street or alley to move or readjust the works of any utility, the Board shall cause such works to be so moved or readjusted and the expense thereof shall be charged against such fund as may be agreed upon by the Director of Utilities and the ~~City Manager~~ Mayor, or as determined by the City Council. Upon placing the works of a utility in any public street, alley, or place, the Board, at the expense of the utility involved, shall cause the surface of such street or alley to be replaced as near as may be to its previous condition. Whenever the Board and the ~~City Manager~~ Mayor are unable to reach an accord concerning the moving, readjusting or installation of any utility, works or improvements, or the distribution of the expenses thereof, the matter shall be referred to the City Council, whose finding and determination shall be conclusive.

ARTICLE V

NOMINATIONS AND ELECTIONS

Election of Council Members – Numbered Positions

Section 5.3 – Before the general municipal election to be held in the year 1975, the Council shall divide the city into five election districts so that each district shall comprise as nearly as possible one-fifth of the population of the City; provided, that the territory comprised in any voting precinct of such district

shall remain compact and shall not be divided by the lines of said district. The Council shall change the lines of the election districts, in the time and manner as prescribed by state law.

The City Clerk shall designate, by consecutive numbers commencing with number one and ending with number five, all positions on the Council to be nominated by district. ~~and~~ Before the general municipal election to be held in the year 2025 the City Clerk shall further designate, by consecutive numbers commencing with number six and ending with number eight-nine, all positions on the Council to be elected at large. Before the general municipal election to be held in the year 2027 the City Clerk shall further designate by consecutive numbers commencing with the number six ending with the number seven, all positions on the Council to be elected at large. ~~a~~All of such designations shall thereafter be permanent and the positions so designated shall thereafter be considered as separate offices for election purposes.

The qualified electors of each election district, and they only, shall nominate from among their number candidates for the office of Council Member of such election district to be voted for at the following general election.

The qualified electors of the City shall nominate from among their number candidates for the office of Council Member at large to be voted for at the following general election.

The two candidates having the highest vote totals for each Council position shall be certified as having been nominated and shall run for that position in the general election. Council Members nominated by district shall be elected by all of the qualified voters of the district, and 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.

Council Members nominated at large shall be elected by all of the qualified voters of the City. 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. On expiration of the present term of office, Council positions nominated by Council district shall be elected by the qualified voters in that district.

In the event any Council Member nominated from a district shall, after election, move or reside outside the district from which the Council Member was nominated, the Council Member shall, by virtue thereof, be deemed to have forfeited their office, and their seat shall become vacant and shall be filled in the manner provided herein for the filling of vacancies.

ARTICLE VI

CITY OFFICERS AND PERSONNEL

Unclassified Service

Section 6.1 – The civil service of the City is hereby divided into the classified and unclassified services. The unclassified service shall consist of:

- (a) officers elected by the people and persons appointed to fill vacancies in elective offices;
- (b) the members ~~and of boards, and commissions, and committees;~~
- (c) officers appointed by the Mayor and Council or by boards, ~~and commissions, and committees,~~ as provided by law or by this charter;

- (d) all department heads, one confidential secretary for the ~~City Manager~~ Chief Administrative Officer and one for the Director of Utilities, and such other principal officers and assistants to department heads as the Council may prescribe by the affirmative vote of ~~not less than six~~ a majority plus one of Council Members;
- (e) not more than three administrative assistants or aides to the ~~City Manager~~ Mayor;
- (f) professional personnel in the office of the City Attorney;
- (g) persons employed in a professional or scientific capacity to conduct a special inquiry, investigation, or examination;
- (h) persons employed on special projects or programs of limited duration, including but not limited to special major construction projects, projects or programs financed by grant-in-aid agreements with either federal or state governments, etc., and
- (i) event workers in Public Assembly Facilities.

Civil Service Board

Section 6.10 –

- (a) There shall be a Civil Service Board, consisting of five resident and qualified voters, three to be elected from the City at large by the qualified electors thereof, one to be appointed by the classified civil service employees of the City in a manner of their choosing and one jointly by the ~~City Manager~~ Mayor and the Director of Public Utilities, each for a term of four years.
When each of the current six-year terms expires, the term of that office will convert to a four-year term, beginning in 1974, then to continue as a four-year term. The initial appointee terms will be as follows: The appointee of the civil service employees shall serve a four-year term beginning in 1974; the appointee of the City Manager and Utilities Director shall initially be for two years beginning in 1974 and will be four years with the second appointment.
- (b) Vacancies of the elected members shall be filled by the remaining members of the Civil Service Board by appointment, and such appointed member shall serve until the next general municipal election. If the Board fails to make an appointment within sixty (60) calendar days of when a vacancy occurs, the City Council shall make the appointment.
Vacancies of the appointed members shall be filled by the appointing authority by appointment until the end of the four-year term.
- (c) The Board shall provide for its own organization and the rules of the conduct of meetings; provided, that all meetings be public to the extent required by state law and that three members shall constitute a quorum. Said Civil Service Board members shall serve without pay. The Board, in its discretion, may allow a hearings examiner to hear any adjudicatory matter which would be properly presented to the Board. Recommendation of a hearings examiner may be reviewed by the Board at the request of either party under rules adopted by the Civil Service Board. The Board's final decision must be based on evidence in the record. A record of the proceedings shall be made. Neither the Director of Human Resources nor the Director's staff shall serve as hearings examiner.
- (d) In the performance of its adjudicatory functions (Charter Section 6.12(c) and (d)), the Board shall:
 - (1) adopt, and observe fair and reasonable rules for notice and evidence;
 - (2) maintain an appearance of fairness as has been otherwise applied in this state to elected public bodies making quasi-judicial decisions;
 - (3) provide an electronically-recorded record, one copy of which shall be available without cost to any party appealing a decision of the Board to the superior court; and

- (4) conduct hearings and render decisions on a timely basis.
- (e) Any employee shall be entitled to appeal to the Civil Service Board those matters which are authorized under this charter or the personnel ordinance or ordinances adopted pursuant thereto; provided, however, that no person shall be entitled to appeal to the Civil Service Board any matter that already has been the subject of binding arbitration under a labor contract, or administrative complaint hearing pursuant to equal employment opportunity governing statutes.

Human Resources Director

Section 6.13 – There shall be a Human Resources Director, appointed by the ~~City Manager~~ Mayor and confirmed by the City Council on the basis of experience in and demonstrated knowledge of modern personnel administration, who shall be the administrative head of the Human Resources Department. The Human Resources Director shall be responsible for directing the personnel program of the City in accordance with the provisions of this charter and ordinances supplemental thereto.

Personnel Rules

Section 6.14 –

- (a) It is the intention of this Article to provide for a merit system of employment in the City service. The City Council shall establish and maintain a comprehensive plan setting forth goals and policies regarding the employment and personnel system in the City. The Civil Service Board, except as provided in subsection (b) below, shall make and promulgate all Civil Service and Personnel Rules, and amendments thereto, necessary to carry out and enforce the purpose of this Article, and shall file all such proposed rules and amendments with the City Clerk, who shall present the same to the City Council at its next regular meeting. Within forty-five days after the filing thereof with the City Clerk, the Council shall by ordinance adopt such proposed rules or amendments; provided, however, that the Council, by an affirmative vote of not less than ~~two-thirds~~ a majority plus one of its membership, may change, alter, amend, add to, reject or repeal any such proposed Civil Service Rules or amendments. In the event the City Council shall fail to adopt, change, alter, amend, add to or reject any such rules or amendments within the forty-five day time limit herein above provided for, then and in that event the City Clerk shall cause to be published such rules or amendments in the official newspaper of the City of Tacoma, and such rules or amendments shall ten days thereafter become effective to all intents and purposes the same as if adopted by the Council and published as an ordinance.
- (b) The City Council may propose civil service and personnel rule changes by resolution, which shall include the specific language to be added, altered or repealed. The City Clerk shall then present the proposal to the Civil Service Board at its next meeting, from which time the Board shall have forty-five days to adopt, change, alter, amend, add to, or reject the proposal. The City Clerk shall then present the proposal to the Council at its next meeting, from which time the proposal shall be treated in the same manner as if the Board initiated the proposal under subsection (a) above, including the same required time limits and Council majority to adopt, change, alter, amend, add to, or reject. If the Board does not act upon the proposal or if the Board rejects the proposal within the forty-five days, the Council may then enact its original proposal by regular ordinance.
- (c) Such civil service and personnel rules shall, among other things, provide:
 - (1) For the classification of all positions in the classified service.

- (2) For open, free and competitive examinations to test the relative fitness of applicants for such positions, and for reasonable publication and public advertisement of all examinations.
- (3) For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing on the examination and for the certification of those on the appropriate list to department heads for appointment to fill vacancies and for the manner in which appointments shall be made from such list; provided, that on original appointments in the classified service, honorably discharged veterans of the armed forces who have served in time of war and who receive a passing grade on such examinations shall have ten percent of the grade attained added to such grade.
- (4) For the period of time in which eligible lists shall continue in effect.
- (5) For promotion based upon competitive examination and records of efficiency, conduct and seniority.
- (6) For a period of probation not to exceed one year, both on original and promotional appointments, before the appointment is made permanent, during which time, in the case of an original appointment, the probationer may be discharged, or, in the case of a promotion, returned to a position in their former classification, by the head of the department, board or office in which employed.
- (7) For the establishing of reasonable requirements for the rejection of candidates or eligibles.
- (8) For temporary employment without examination in cases of emergency and pending appointment from an eligible list, but no such temporary employment shall continue after the establishment of an eligible list for the position held.
- (9) For transfer from one position to a similar position in the same class and grade, for reinstatement within two years of persons who without fault or delinquency on their part are separated from the service or reduced in class or grade, and for the reinstatement in a position of their former classification of employees promoted to and later demoted from appointive positions in the unclassified service.
- (10) For the discipline of employees by suspension, demotion, discharge, or other actions not inconsistent with the provisions of this article; provided, that no employee in the classified service shall be suspended for more than thirty days, demoted or discharged except for cause.
- (11) For the certification to the Director of Finance of the names and classifications of all persons legally employed in the City service, without which certification the Director of Finance shall not authorize the issuance of salary warrants.
- (12) For the right of appeal by any employee to the Civil Service Board from any action suspending for more than thirty days, reducing in rank or pay, or discharging any employee in the classified service, and from any and all other matters arising out of or in connection with the Civil Service and Personnel Rules.

Arbitration

Section 6.17 – In determining salaries, wages, hours and working conditions for employment in the City service, the Council, through the ~~City Manager~~ Mayor or Public Utility Board, as the case may be, may bargain collectively with any employee group or representatives thereof. Where, after such bargaining, an agreement has not been reached, the Council may agree to submit the matter in dispute to arbitration and may receive from said arbitrators a recommendation with reference to said dispute but shall not be bound by the decision or decisions resulting from arbitration unless the binding effect

thereof shall be mandated by the laws of the State of Washington. Any agreement, decision or award relating to salaries or wages shall have effect upon the first day of the next ensuing fiscal period for which the Council makes appropriations or at such other times as may be permitted or provided by law.

Article VII

GENERAL FINANCE

Budget Control

Section 7.3 – At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the ~~City Manager~~ Mayor shall submit to the Council data showing the relationship between the estimated income and expenses and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the Council may reduce appropriations, except amounts required to meet contractual obligations and for debt, interest, and other fixed charges, to such a degree as may be necessary to keep expenditures within the cash income.

Department of Finance

Section 7.5 – There shall be a Department of Finance headed by a Director of Finance, who shall be appointed by the ~~City Manager~~ Mayor and confirmed the City Council, and who shall be selected on the basis of administrative abilities and experience in accounting, budgeting, and financial control. The Director of Finance, whose duties shall include those of a controller, shall have charge of the administration of the financial affairs of the City and, except as otherwise provided by law and by this charter, shall:

- (a) Compile for the ~~City Manager~~ Mayor and City Council the estimates for the general government budget and the budget for capital outlay.
- (b) Maintain a general accounting system for the City government and its departments and offices in conformity with the best recognized practices in governmental accounting; keep records for and exercise financial budgetary control over each such department, office or agency; keep separate accounts for the items of appropriation contained in the budget and appropriation ordinance and encumber such items of appropriation with the amount of each purchase order, payroll, or contract approved by the Director, immediately upon such approval; keep such records as shall show at all times for each account the amount of the appropriation, the amounts paid therefrom and remaining unpaid, all encumbrances thereof, and the unencumbered balance; require daily, or at such other intervals as the Director may deem expedient, a report of receipts and disbursements from each of the several departments and offices; prescribe the form of receipts, vouchers, bills, or claims to be used and of accounts to be kept by all departments and offices of the City government and provide suitable instructions for the use thereof; examine all contracts, purchase orders, and other documents which involve financial obligations against the City and approve the same only upon ascertaining that moneys have been appropriated and that an unexpended and unencumbered balance is available to meet the same; audit before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the City and approve the same of proper, legal, and correct; inspect and audit the accounts or records of financial transactions as maintained in each department and office of the City government apart from or subsidiary to the accounts kept in the office of the Director.

- (c) Submit to the Council not later than the 10th day of each month a report of all receipts and disbursements for the preceding month, showing revenues and expenditures for the month and the fiscal year to date and the unexpended balances in all accounts; submit other reports, including a comprehensive annual report, reflecting the financial condition of the City when and in such form as the Council may require.
- (d) Supervise the purchasing activities of all departments, except as otherwise provided in this charter.
- (e) Supervise the receipt, custody, and disbursement of all City funds and moneys; and
- (f) Perform such other duties as may be required by law and by the ~~Manager~~ Mayor and Council.

Receipt, Custody, and Disbursement of Funds

Section 7.6 – There shall be a City Treasurer, appointed by the ~~Manager~~ Mayor and confirmed the City Council, who shall be responsible for the custody of all City funds and moneys.

Purchasing and Contracts

Section 7.10 – Except as otherwise provided in this charter, the ~~City Manager~~ Mayor shall be responsible for all City purchasing but may delegate this responsibility to any subordinate ~~appointed by the City Manager~~.

Article IX

MISCELLANEOUS PROVISIONS

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~~ Mayor 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.

Article X

SUCCESSION IN GOVERNMENT

Preliminary Meetings of the Council

Section 10.4 – On the third business day following the certification of the result of the first election of a Mayor and Council Members under this charter as amended by a vote of the people in the general municipal election of 2024, the newly elected Mayor and members of the Council shall meet at 7:30 o'clock p.m. in the Council Chambers of City hall for the purpose of considering the appointment of

a ~~City Manager~~ Chief Administrative Officer and for the Council's preparation of such ordinances as may be necessary to effectuate the transition from the present form of government to that established by the approved amendments to this charter. The Council-elect shall choose one of its number to be chair and the City Clerk shall act as its secretary. It shall at its first meeting fix the times and places at which it will hold regular meetings for the above purposes and shall hold such adjourned and special meetings as it may determine by a majority vote of its members. ~~The expenses of the Council-elect, including the expense of advertising for applicants for the position of City Manager and of interviewing and investigating such applicants in Tacoma or elsewhere, shall be paid from the City treasury on vouchers signed by the chair of the Council-elect. If a Manager has not been appointed and taken office on the first Monday in June, 1953, †~~ The Council Mayor shall designate a City officer to serve as Acting ~~City Manager~~ Chief Administrative Officer subject to confirmation of the Council and may provide for the filling of other positions in the unclassified service on a temporary basis, pending appointment in accordance with the provisions of this charter.

Amendment Positions

Rationale for Amendment:

The Charter Review Committee recommends an amendment to change our government structure to mayor-council-CAO, which holds the promise of enhanced transparency and accountability, something many Tacomans have long demanded including in the vast majority of public comments submitted to us.

When Tacoma voters elect a mayor, many believe that individual is the City's executive and not another Council member. Under our council-manager structure, the executive is actually an unelected manager chosen by the Council. The unaccountable manager can and does make hugely impactful decisions. The Council, currently unable to hire its own staff, is highly dependent on the manager's staff to propose ordinances. The manager then implements passed ordinances with little opportunity for public input.

Tacomans deserve the chance to vote for an accountable executive. It's time to put mayor-council-CAO on the ballot and let the voters decide.

Dissenting Position(s):

Insert summary of CRC dissenting opinion

F. Failed Amendments

1. Disposition of City-Owned Property

Charter Review Committee

Amendment Summary

Section 9.1

Brief Summary of Recommendation

- Permits the City to sell or dispose of waterfront property under specific circumstances.
- Limits the sale or disposition to only public agencies.
- Property use must be for the guaranteed purpose of perpetual public access, use, and benefit.

Committee Vote – **Amendment Failed**

Yes: Katie Baird, Nicholas Carr, Jason Gauthier

No: Maricres Castro, Patrick Fischer, Bryan Flint, Andre Jimenez, Melissa Malott, Andrea Reay, Rebecca Stith, Diamatris Winston

Abstain: Latasha Palmer, Steve Wamback, Lok Yin Wu

Absent: None

Amendment

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, solely to public agencies for the guaranteed purpose of perpetual public access, use, and benefit but 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.

Amendment Positions

Rationale for Amendment:

N/A

Dissenting Position(s):

N/A

G. Ancillary Recommendations

This section includes recommendations to the City Council that the CRC supported, but did not consider necessary to be included as an amendment to the Charter. The non-amendment recommendations include issues that the CRC is suggesting the Council adopt, as well as considerations for implementation of the amendments to the Charter. The CRC is providing this additional information regarding implementation to explain their goals, objectives, or intentions related to interpretation or implementation of these amendments.

The following recommendations were provided by individual CRC members and were not approved individually by the CRC; however, they were approved for inclusion in the report by the full CRC.

1. **Land Acknowledgement**

Author: Steve Wamback

The National Civic League, which publishes the Model City Charter, recommends that a Charter's Preamble include an intent statement "that underscore[s] or illuminate[s] the characteristics of a municipality, such as the values of the city."

The Charter Review Committee's Miscellaneous Subcommittee recommended updating the Preamble to acknowledge the Puyallup Tribe to highlight a key value: Tacoma's desire for allyship with the Puyallup people.

The Charter Review Committee concurred with the Subcommittee recommendation and asked staff to consult with the Tribe to ensure recognition in the Charter was appreciated and to determine whether the Tribal Council would have concerns about such matters being subject to a vote of Tacoma residents.

We had not received feedback by the time the CRC concluded work on its formal recommendations.

One possible version is this:

We the people of the City of Tacoma, acknowledge that we are on the traditional homelands of the Puyallup Tribe and that the Puyallup people have lived on and stewarded these lands since the beginning of time, and continue to do so today. Further, as a city of first class of the state of Washington, pursuant to the authority granted by the Constitution and Laws of the State of Washington, and in order to avail ourselves of all powers granted such cities and to obtain the benefits of local self-government, we do hereby enact this charter.

See: [Model City Charter - Preamble](#)

2. Make Protected Categories in the City’s Antidiscrimination Laws Consistent

Author: Rebecca Stith

Amend the Tacoma Municipal Code (TMC) to make the protected categories in the City’s antidiscrimination laws consistent with each other. Currently TMC 1.29.010, et seq., which created the Human Rights Commission, prohibits discrimination based on race, religion, color, national origin or ancestry, sex, gender identity, sexual orientation, age, marital status, familial status, honorably discharged veteran or military status, disability, or “pregnancy outcomes.”² Compare this list to the list in TMC 1.24.820.H, which prohibits discrimination based on race, sex, religion, color, national origin, age, marital status, presence of a handicap, or “pregnancy outcomes,” but omits ancestry, familial status, gender identity, sexual orientation, honorably discharged veteran or military status. TMC 1.24.820.H also uses the outdated term, “handicap,” instead of “disability.”³

3. Study Whether “Caste” Should be Added as a Protected Category

Author: Rebecca Stith

Study whether the City of Tacoma should add “caste” to the protected categories in its antidiscrimination laws. During the 2024 CRC discussions, a member proposed that caste be added to Section 6.7, Discriminatory Actions, of the charter. After doing some initial research and hearing the member’s rationale for adding this category, CRC members concluded that both in-depth research and public outreach were needed before such a charter amendment could be recommended. In addition, members felt that it would be appropriate for the Council first to decide whether to add this protected category to the City’s code by ordinance after Council Members and staff have had an opportunity to conduct such research and outreach. It was reported to the CRC that the City’s Immigrant and Refugee Commission supports adding this category.

4. Ranked-Choice Voting

Author: Latasha Palmer

Introducing ranked-choice voting (RCV) into Tacoma’s charter is pivotal to increasing participation in our electoral process and ensuring our representatives remain responsive and qualified. RCV simplifies voting: you select your top choice, then rank backup options. If your first choice doesn’t gain enough support, your vote seamlessly transfers to your next preference, eliminating the pressure to vote strategically.

While Pierce County's RCV encountered obstacles 15 years ago, Tacoma's approach will be different. Leveraging existing resources and partnerships with trusted vendors like Clear Ballot

² See TMC 1.29.010 Findings; 1.29.040 Definitions; 1.29.050 Unlawful discriminatory employment practices; 1.29.060 Additional unlawful discriminatory practices; 11.29.00 Unlawful discriminatory housing practices; 1.29.110 Discrimination in residential real estate-related transactions. It should be noted that “pregnancy outcomes” is listed in quotation marks, which appears to be a scrivener’s error included when the Council passed Ordinances 28858 and 28859 on November 22, 2022, adding this category to the City’s code (where applicable). (Footnote provided by Rebecca Stith)

³ The 2024 CRC will recommend that Section 6.7, Discriminatory Actions, of the current charter be amended to substitute “disability” for “handicap.” (Footnote provided by Rebecca Stith)

would streamline implementation and reduce costs, making RCV feasible and efficient. RCV offers many benefits. For instance, it boosted voter participation by ten percent in the Minneapolis-St. Paul area. Also, RCV has the potential to save time and money by eliminating costly runoff elections and avoiding the spoiler effect. Furthermore, RCV fosters positive campaigning and ensures equitable representation, particularly benefiting underrepresented groups.

Studies show that RCV is user-friendly and doesn't negatively impact voter behavior. Cities like Seattle and Portland are successfully implementing RCV, which serves as a model for Tacoma's reform.

To facilitate RCV's implementation, we propose forming an Election Commission. Local and national groups such as the Campaign Legal Center, FairVote WA, The Sightline Institute, The Piper Fund, People Powered Elections WA, Fix Democracy First, and The Washington Bus are ready and willing to support this effort. This Commission will study best practices, engage stakeholders, perform public outreach, and develop a comprehensive plan, ensuring a smooth transition and a more vibrant democracy for all Tacoma residents.

5. Campaign Finance

Author: Latasha Palmer

As you deliberate on potential amendments to our city charter, it is crucial to highlight the importance of transparency and accountability in our local electoral process. Drawing on the advice provided by the National Civic League's Model Charter, we strongly advocate for the inclusion of a campaign finance section in our charter.

By highlighting the city's authority to enact innovative campaign finance laws, we promote the flexibility to address evolving challenges and explore solutions that best suit our community's needs. Options such as contribution limitations, time limits on fundraising, and public financing can serve as effective tools to promote fairness, accountability, and equal participation in our electoral system.

Furthermore, the establishment of a campaign finance section could promote public trust in the disclosure of candidate contributions and expenditures, aligning with the practices adopted by a vast majority of cities across the United States. By mentioning the requirement for timely disclosure of campaign contributions, including details such as the donor's employer and occupation for contributions above a certain threshold, we empower the public to identify the sources of funding that influence our local elections. This transparency is fundamental to upholding the integrity of our democratic processes.

Incorporating a campaign finance section into our charter reaffirms our commitment to democratic principles and fosters public trust in our local government. It is a proactive step towards ensuring that our electoral processes remain transparent, inclusive, and responsive to the needs of our community.

6. Democracy Voucher Statement

Author: Latasha Palmer

In light of the recommendations outlined by the National Civic League's Model City Charter and the successful implementation of public financing programs like Democracy Vouchers in Seattle, we urge the incorporation of a public fundraising program by ordinance to accompany a new campaign finance section in the charter.

Democracy Vouchers, as demonstrated in Seattle, empower residents to actively participate in the electoral process by providing them with vouchers that they can use to support campaigns or even run for office themselves.

In Seattle, the vouchers diversify the candidate pool for less than the cost of two lattes a year to property owners. By lowering the barrier to entry, they enable more candidates to run for office and foster a more competitive and representative electoral landscape.

Seattle's experience with Democracy Vouchers has yielded other tangible benefits, including successful campaigns that utilized the vouchers for funding. The program has significantly increased the quality of donations, leading to a more diverse donor class and reducing the influence of outside contributions. Candidates, in turn, have been more incentivized to engage directly with voters through canvassing, resulting in a correlation between Democracy Vouchers and higher voter turnout and engagement.

As demonstrated by examples from across the country, including Baltimore City, Berkeley, and Los Angeles, public financing programs are increasingly recognized as essential tools for safeguarding the integrity and fairness of our electoral system.

Therefore, by embracing a public fundraising program like Democracy Vouchers in our charter, we can empower our residents, enhance the diversity of our candidate pool, and uphold the principles of transparency and fairness in our local elections.

7. Election Commission Statement

Author: Latasha Palmer

To combat Tacoma's dwindling voter participation, we recommend establishing an Election Commission study group alongside the proposed campaign finance section in our city's charter to foster transparency, trust, and equity in our electoral process.

The Election Commission would serve as a dedicated body tasked with ongoing research and periodic submission of election reform plans to the City Council. These plans would encompass a broad spectrum of measures aimed at weighing the benefits of limiting contributions, exploring public financing options such as democracy vouchers, and evaluating alternative voting systems like ranked-choice voting.

With nine members, including individuals with expertise in election reform and representation from each Council district, the Commission would ensure diverse perspectives and comprehensive analysis of election-related issues. Additionally, the Commission's commitment

to engaging the public would promote community education and involvement in the electoral reform process.

By mandating regular submission of election reform plans and providing ample time for Council review and public input, the Election Commission would facilitate a transparent and democratic decision-making process. Furthermore, the Commission's role in monitoring the implementation of approved plans and recommending future reforms would ensure continuous improvement and adaptation to evolving electoral needs.

Local and national groups such as the Campaign Legal Center, FairVote WA, The Sightline Institute, The Piper Fund, People Powered Elections WA, Fix Democracy First, and The Washington Bus are ready and willing to support this effort.

Incorporating an Election Commission ordinance underscores our commitment to promoting fair, inclusive, and accountable elections in Tacoma.

8. Neighborhood Councils

Author: Latasha Palmer

In alignment with the Tacoma 2025 strategic plan for the city's future, the proposed charter amendment advocates for the inclusion of neighborhood councils and the community council (CCOT) in the city charter. This amendment aims to empower resident-based neighborhood involvement and foster effective communication channels, supporting Tacoma residents' engagement in shaping a well-run and inclusive city.

Central to this amendment is the commitment to ensure sufficient training for Neighborhood Councils (NCs) to fulfill their mission and their restored advisory role effectively. We recommend that the City collaborate with the CCOT to support and encourage their grassroots, community-based efforts through fundraising initiatives and other means. This collaboration should also ensure adequate training in various areas, such as grant writing, diversity, equity, and inclusion, as well as technical, administrative, and legal support.

Moreover, the amendment emphasizes the importance of maintaining Neighborhood Councils' independence to promote robust, inclusive, and autonomous civic engagement. Independence allows NCs to act as volunteer assistants to the City Council, facilitating proactive, responsive, and multi-faceted research, planning, and observational support.

Additionally, the amendment outlines key elements of the new CCOT Equity Committee, which prioritizes diverse representation, clear mission statements, regular meetings, open communication channels, data-driven decision-making, accountability measures, and ongoing training on equity issues. These components ensure the promotion of diversity, equity, and inclusion within Neighborhood Councils and contribute to Tacoma's governance structures' integrity and effectiveness.

9. Explanation of “Inspection Authority of Crime Scenes” under “The Office has the following access and authority” under the Office of Policing Accountability recommendation.

Author: Maricres Castro

Inspection authority of a crime scene is vital as it is an exercise in due diligence; upholding compliance and seeking opportunities to improve or implement practices that preserve compliance and mitigate risk factors that could potentially compromise a police investigation. However, if there is evidence of malpractice, that inspection will then become an investigation into the crime scene and forensic science used for the case at hand.

Crime scene investigation focuses on the gathering and analysis of physical evidence at a crime scene, forensic science encompasses a wider range of scientific techniques and specialties used to analyze and interpret evidence in order to solve crimes, and it is paramount that the Office of Policing Accountability have the authority to do both.

10. Policing Accountability

Author: Latasha Palmer

As we propose amendments to enhance the oversight of law enforcement in our city, it is imperative to accompany these changes with a comprehensive ordinance to ensure their effective implementation and enforcement. Therefore, we recommend the adoption of an ordinance that facilitates the reporting process for community members and streamlines the oversight office's investigative procedures by establishing the following:

1) a toll-free number for the public, victims, or victims' families to submit complaints to the newly formed oversight office. By providing a centralized platform for submitting complaints, we aim to increase accessibility and transparency in addressing concerns regarding law enforcement conduct.

2) a timeline for the department's (TPD) response to disciplinary recommendations to uphold accountability and responsiveness. The department must present an alternative plan if recommendations are not implemented within 90 days. If the Office does not support the alternative plan, the department has another 30 days to implement the disciplinary recommendations. If no action is taken within 120 days, a hearing will be convened with the City Council to review the situation and identify necessary steps forward.

3) preferred attributes for the Director of the oversight office, emphasizing expertise in criminal justice and civil rights and a commitment to diversity and inclusion. Moreover, it restricts nominations to individuals who have not been employed by a law enforcement agency or whose immediate family members have not been so employed within the previous five years.

4) To ensure effective and transparent accountability measures, it is essential to clearly define the relationship between the Community Oversight Committee—composed of appointed volunteers to CPAC—and the Office of Policing Accountability. Establishing

clear communication channels between these two entities will facilitate more efficient operations and enhance transparency, benefiting both the public and the Office.

11. Consider Adding “Political Affiliation” to the TMC as a Protected Category

Authors: Rebecca Stith, Latasha Palmer, Melissa Malott

Tacoma’s charter, Section 6.7, Discriminatory Actions, prohibits discrimination against City applicants and employees based on several protected characteristics including “political affiliation.” While Title I of the Tacoma Municipal Code provides certain protections against discrimination in municipal employment, private employment, housing, and contracting, among others, no code sections currently prohibit political-affiliation discrimination. Qualified persons should not be denied opportunities based on their real or perceived political beliefs. It is therefore recommended that the Council amend the City’s codified protected categories to make them consistent with Section 6.7 of the charter by adding “political affiliation” protection to the Tacoma Municipal Code.

12. Information to Consider Regarding CRC’s Mayor-Council-CAO Recommendation

Author: Rebecca Stith

Please consider the following information when deciding whether to put the Charter Review Committee’s (CRC’s) proposed mayor-council-chief administrative officer (CAO) amendment to the charter on the ballot.

- The 2024 CRC received roughly 90 written and verbal (combined) public comments in support of submitting the mayor-council charter amendment to the voters, and approximately three against doing so. The 2014 CRC received roughly 20 and 40, respectively, according to its report.
- The CRC’s Form-of Government (FOG) Subcommittee requested, and received from City staff, a budget estimate should the mayor-council amendment pass, which assumed, in the more costly scenario, a doubling of the current mayoral and councilmanic salaries and additional policy and other staff. The total annual budget estimate ranged up to \$5 million. An estimate of transition costs was not available.
- The first executive mayor would be elected in 2025, the current mayoral seat would become a 9th councilmanic position, and the Council would appoint someone to serve for two years in that position. With the 2027 election, the 8th and 9th positions would cease to exist, leaving five district positions and two at-large positions.
- The Council and Mayor would jointly select a CAO to be supervised by the Mayor and annually evaluated by the Council.
- Spokane, which adopted a version of mayor-council-CAO about 25 years ago, served as an instructive model.
- The National Civic League recommends this form above the “strong mayor” form (9th Edition (2021), Appendix 1).

13. Amend "Citizen" References in all Sections of the Charter

DRAFT