

Forms of government in Washington's 281 cities

Tacoma Charter Review Committee

January 29, 2024

Sheila Gall, AWC General Counsel



About AWC

- Celebrating 90 years
- Created in October 1933
- 100% membership of all 281 cities and towns
- Advocacy
- Services
- Education



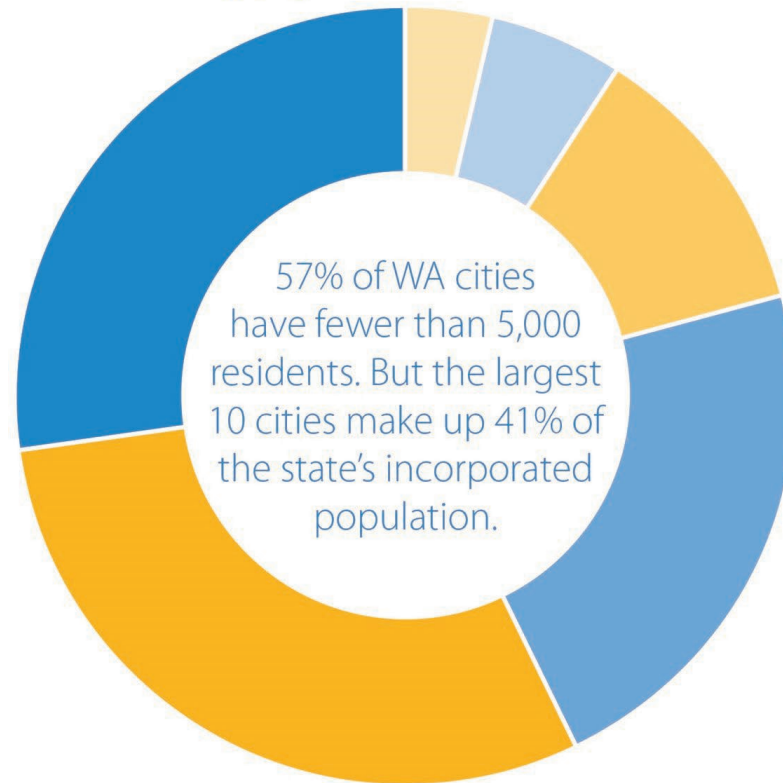
City Basics

281 cities and towns

5.2 million Washingtonians live in cities

68.6% of the state's population

City population distribution



Population | Number of cities



City services & functions



Public safety – Fire, police, and emergency management



Criminal justice – Courts and jails



Transportation – Streets, sidewalks, bridges, transit



Parks, recreation, & open space



Planning, growth management, permitting, and environmental protection



Housing & human services



Economic development

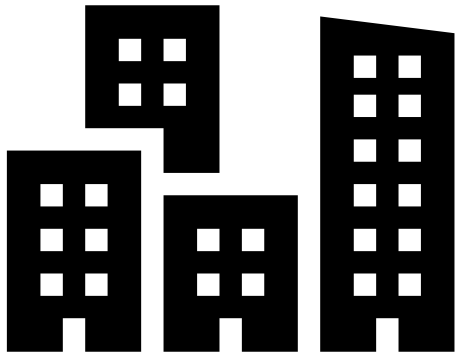


Utilities – Stormwater, power, water, sewer, garbage





City classifications & forms of government



Classifications of cities

1,961 elected city officials

Types of cities (classification)

- **First Class (10)** – Constitution Art XI, Sec. 10 & RCW 35.22
- **Second Class (5)**
- **Towns (68)**
- **Code Cities (197)** – RCW 35A
- **Unclassified (1)** - Territorial charter



First Class (charter) cities

Art XI, Sec. 10

Corporations for municipal purposes shall not be created by special laws; but the **legislature, by general laws, shall provide for the incorporation, organization, and classification in proportion to population, of cities and towns**, which laws may be altered amended or repealed...

Any **city containing a population of ten thousand inhabitants or more shall be permitted to frame a charter** for its own government, consistent with and subject to the Constitution and laws of this state, and for such purpose the legislative authority of such city may cause an election to be had...

Such charter may be amended by proposals therefor submitted by the legislative authority of such city to the electors thereof at any general election...



Home rule v. Dillon's rule

- Home rule - The WA state constitution gives cities strong home rule powers: “Any county, city, town, or township may make and enforce within its limits all such local police, sanitary, and other regulations as are not in conflict with general laws.”
- Dillon's rule – State must give cities permission to act
- First-class (charter) & code cities (RCW 35A) have broad home rule powers
- Home rule v. pre-emption
 - The state has preempted certain areas of law/regulation
 - Sales and property tax limits
 - Regulation of firearms, drugs, tobacco



Forms of government

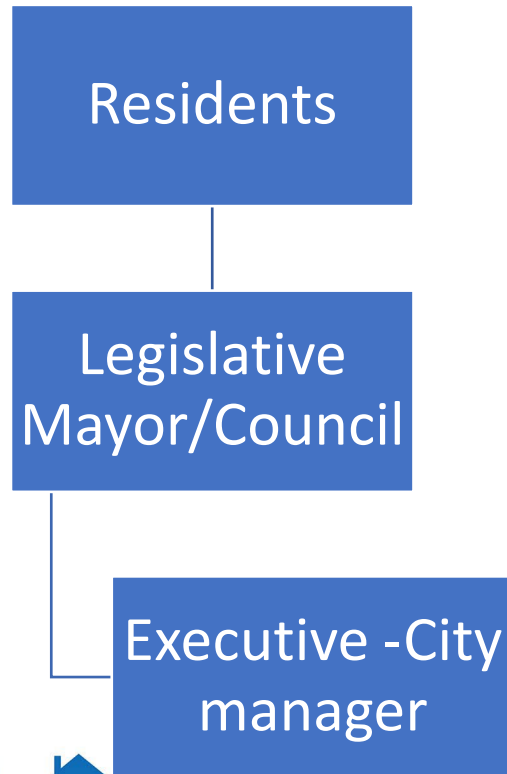
Forms of government

- **Mayor-council** (strong mayor) (227)
- **Council-manager** (54)
- **Commission** (0)

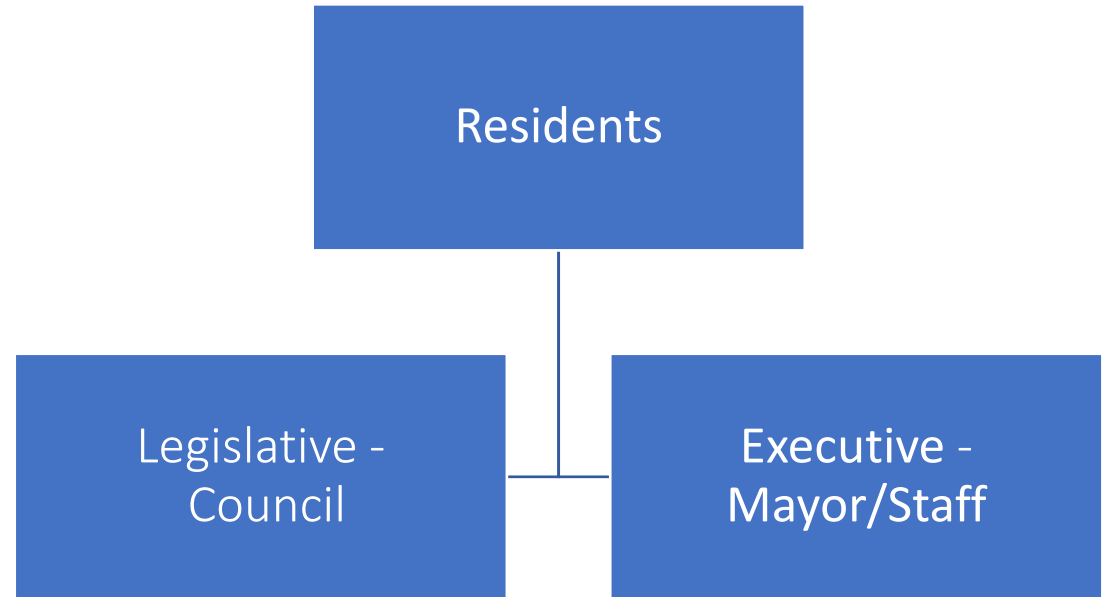
Source: MRSC.org

City branches - Separation of power

Council-Manager



Mayor-Council (Executive Mayor)



Forms of government

Characteristics	Mayor-Council	Council-Manager
Legislative authority	Council	Council
Executive authority	Elected mayor	Appointed manager
Selection of CEO	Popularly elected	Appointed by council on the basis of experience
Removal of CEO	Recall election	Removed by a majority vote of the council
Tenure of executive	4-year term	Indefinite
Tenure of council	4-year term	4-year term
Appointment of department heads	Mayor (with council confirmation if provided)	Manager (no council confirmation)
Removal of department heads	Mayor	Manager
Veto	Mayor	Manager has no veto
Policy development	Mayor can propose	Manager can recommend
Policy implementation	Mayor	Manager
Underlying principles	Separation of powers Political leadership Strong central executive	Separation of politics from administration Promotes economy and efficiency through professional management Strong central executive Follows a business model

Source: MRSC.org



Trend since 1990: council-manager form

Year	Mayor-Council		Council-Manager		Commission		Total No. of Cities	Total Inc. Pop
	No.	% of Inc. Pop.	No.	% of Inc. Pop.	No.	% of Inc. Pop.		
1970	233	57%	24	37%	8	6%	265	1,907,182
1980	230	55%	29	40%	6	5%	265	2,125,392
1990	228	54%	37	45%	3	1%	268	2,287,498
2000	224	50%	54	50%	1	<1%	279	3,387,824
2010	228	58%	52	42%	1	<1%	281	4,196,962
2020	227	58%	54	42%	--	--	281	4,990,730

Source: MRSC.org



First-class cities: government structures

City	Year Incorporated	Population	Form of Government	Council	Mayor
Aberdeen	1890	17,080	Mayor-council	12 (2 each from 6 wards)	Elected
Bellingham	1903	95,960	Mayor-council	7 (6 wards, 1 at-large)	Elected
Bremerton	1901	44,640	Mayor-council	7 (7 districts)	Elected
Everett	1893	114,200	Mayor-council	7 (5 districts, 2 at-large)	Elected
Richland	1958	63,320	Council-manager	7 at-large	Appointed from council (2-year term)
Seattle	1865	779,200	Mayor-council	9 (7 districts, 2 at-large)	Elected
Spokane	1881	232,700	Mayor-council	6 (2 each from 3 districts)	Elected
Tacoma	1884	222,400	Council-manager	9 (5 districts, 3 at-large, mayor)	Elected (4-year term)
Vancouver	1857	199,600	Council-manager	7 (6 at-large, mayor)	Elected (4-year term)
Yakima	1886	98,650	Council-manager	7 (7 districts)	Appointed from council (2-year term)



Pro's & Con's: Mayor-Council

Pro's

- Executive (mayor) is accountable to voters
- Easy to understand – citizen expectation of mayor as head of the city
- Intergovernmental relations with other elected officials: Governor, county, legislators
- Elected executive initiates policy and budget changes
- Mayor veto power in most cities
- Consistent role as face of city

Con's

- Voters do not evaluate mayor's administrative experience and complexity of city operations
- Potential duplication of cost if need professional city administrator who reports to mayor and runs day-to-day operations
- Potential conflict between roles of council and mayor over policy/administration
- Potential disruption in administration due to election cycle
- Mayor cannot be removed, except by election or recall



Pro's & Con's: Council-Manager

Pro's

- Professional manager appointed by and accountable to council
- Council may evaluate prior administrative experience in hiring process
- Resources and associations for professional city managers
- Responsible for supervising city departments
- Consistency of executive management – not subject to election cycle
- May be removed by council decision

Con's

- More difficult to explain to citizens
- Appointed executive not "accountable" to voters
- Cost of professional manager
- Non-elected initiates policy and budget changes
- No veto power
- Turnover in mayor appointed by council to ceremonial role as spokesperson for city
- Council may not be able to effectively evaluate manager



Questions?

Sheila Gall

AWC General Counsel

Resources

- AWC wacities.org
- Municipal Research & Services Council mrsc.org



CITY OF TACOMA FORM OF GOVERNMENT OVERVIEW “How it Works”

Charter Review Committee

January 29, 2024

Martha Lantz, Deputy City Attorney

Council-Manager Form of Government

- Instituted by existing Charter in 1952
 - Change to Mayor-Council form rejected by voters in March of 1956, again in an advisory vote in 1968
- Mayor of Tacoma is directly elected – different from some jurisdictions where Mayor appointed/elected by Council
 - Direct election of Mayor established by Charter amendment in 1958
 - 1958 Amendments also established
 - Council member elections by position and majority vote
 - Direct election of Civil Service Board with policy making authority
- 1973 Amendments
 - Council members elected by district

Role of City Manager (Article 3 of Charter)

- Council Appoints– manager serves “at pleasure” of Council
 - Manager may be terminated by a 5 votes of Council in a public meeting
- Manager is responsible to Council for “administration of all units of City government under Manager’s jurisdiction”
- Council does not have direct authority over administration of government
 - Requests are made to City Manager
 - Council direction to “Manager’s subordinates” is limited to “inquiry”, not specific direction, orders or interference with managerial functions
 - Council may not request appointment or removal of staff
 - Council may not request the making of purchases from or contracts with any specific individual or organization

Role of City Manager

- Manager responsible for “effective management of the administrative affairs of the City” (Article 3)
- Manager responsible for execution of policies set by Council
- Manager responsible for enforcement of all laws and ordinances
- Manager has power to appoint and remove “all officers and employees” under City Manager’s jurisdiction
 - Appointment of Department heads requires confirmation of Council (2014 Charter Amendment)
 - Manager may authorize Department heads to appoint and remove Department staff

“Administrative Affairs” of the City

- Charter Section 3.1 directs the “administrative service” of the City be divided into “such offices, departments, and divisions as provided by ordinance upon recommendation of the City Manager”
 - “Administrative Code” Chapter 1.06 TMC
- Some City Departments and Heads Required by Charter
 - City Clerk (Currently City Clerk is housed in City Attorney’s Office, but Clerk appointed by City Manager)
 - Human Resources Director/Human Resources Department
 - Director of Finance/Department of Finance
 - City Manger responsible for purchasing and contracting, can delegate to a subordinate
 - Council approves all contracts over \$500,000 (threshold set by ordinance/TMC)
 - City Attorney
 - City Attorney has authority to appoint and remove assistant City Attorneys, subject to CM approval
 - Utilities Director (not appointed by City Manager)

Administrative Code – Chapter 1.06 TMC

Department or Office	Administrative Officer
Finance Department	Director of Finance
Community and Economic Development Department	Director of Community and Economic Development
Planning and Development Services Department	Director of Planning and Development Services
Neighborhood and Community Services Department	Director of Neighborhood and Community Services
Human Resources Department	Director of Human Resources/Personnel Officer
Information Technology	Director of Information Technology
Public Works Department	Director of Public Works
Environmental Services Department	Director of Environmental Services Department
City Attorney's Office	City Attorney
Office of Hearing Examiner	Hearing Examiner
Police Department	Police Chief
Fire Department	Fire Chief
Office of Government Relations	Government Relations Officer
Office of Equity and Human Rights	Director of Equity and Human Rights

Administrative Code Further Defines Duties of City Manager (TMC 1.06)

- Exercise all powers conferred upon City except those specifically conferred upon any other Official
- Included as of 2022 City Manager:
 - “shall” develop policies, practices and strategic investments to reverse racial disparity trends in the community and eliminate institutional racism at the City of Tacoma”
 - “shall” ensure that racial equity principles are incorporated in all aspects of strategic and budget planning

Administrative Code Further Defines Duties of City Manager (TMC 1.06)

- Prepares proposed budget for Council approval (state law requires a 2 year biennial budget)
- Establishes the number of employees in City departments, can appoint Assistant City Managers and assistants “to assist City Manager in such manner as may be designated”
 - TMC 1.06 mandates duties of certain Departments –
 - Community and Economic Development,
 - Planning and Development Services,
 - Neighborhood and Community Services.
 - Finance Department
 - Mayor, Finance Director and City Treasurer members of Finance Committee (Charter Section 7.3) control investment of City funds as directed by state law and City ordinance
 - Purchasing and Contracting, subject to Council approval if over \$500,000

Roles of Mayor/Council

- Approve legislation by ordinance
 - Codified in TMC: “numbered consecutively, clearly entitled and contain but one subject which shall be expressed in the title”
 - Ordinances must include specific penalties as appropriate to be enforced by a court, if legislation is silent Charter defaults to “not to exceed \$300” or 90 days imprisonment
 - Ordinances passed by Council subject to Referendum powers of Tacoma residents
 - Tacoma residents may advance Ordinances by Initiative powers
- Set policy direction of the City required to be carried out by City Manager
 - Policies can be contained in Resolutions
 - Policies can be Councilmember ideas worked through the legislative process
 - Council standing committees are place for further development and advancement of Policy
 - Constituent input
- Approve budget, can reduce appropriations to match expenses with income
- Approve settlement of legal claims over \$10,000
- Approve salary ordinances as part of budget
- Certain Appointments (Example Library Trustees)

Tacoma Public Utilities

- City authority (Charter Section 4.1) to construct, purchase, acquire, add to, maintain and operate utilities in and out of corporate boundaries including but not limited to
 - Power
 - Water
 - Transportation
 - Sewer
 - Waste disposal
- Utility Board only has authority for electric, water and beltline rail (Charter Section 4.10).
- Utility Board has jurisdiction over electric, water and rail utilities
 - Set rates
 - Issue bonds
 - Make improvements
- Utility funds can only be used for utility purposes

Council Authority over Tacoma Public Utilities

- Council has final approval over TPU
 - Rates (set at least every 5 years)
 - Annual budget approval
 - Final determination over Utility Board direction to place and move utilities in City, if City Manager and Utilities Director cannot agree
- Assesses gross earnings tax not to exceed 8%
 - Otherwise cannot use utilities earnings for general fund
- TPU uses (and is assessed for use of) General Government services:
 - Finance/purchasing, City Attorney, HR, and other City departments and offices (such as IT), unless City Council directs otherwise (1992 Charter amendment)

Council Authority over Tacoma Public Utilities Board

- Mayor appoints and Council Confirms Utility Board Members
 - Current practice is open application, interviews by Council Committee, recommended appointee presented to Council
 - Board members have same qualifications as Council
 - Must be City residents
- Utility Board appoints Director and reconfirms every 2 years
 - Board direction to TPU administrative staff is through Director except “for purposes of inquiry”
- Council must confirm appointment and reconfirm Board’s reconfirmation of Director (change in 2014)

Civil Service Board

- 3 of 5 members elected City wide, unique to Tacoma, 2 members elected by current classified employees and appointed jointly by City Manager and Utilities Director
 - 4 year terms
- Has authority regarding classified service to:
 - Advise Council and City staff on matters relating to personnel
 - Propose changes to TMC personnel rules and submit to Council, Council must approve or reject with 45 days or Civil Service proposal is passed into ordinance
 - Investigate employee complaints and “conditions of employment”
 - Adjudicate appeals from members of classified service subject to discipline or termination
 - Waive the Charter requirement that classified employees be City of Tacoma residents
 - Council has permanently waived residency requirement for unclassified employees
 - Citizenship requirement is contrary to law and currently not imposed or enforced for classified or unclassified employees