

City of Tacoma

Charter Review Committee

February 5, 2024
5:30 p.m.

Tacoma Municipal Building, 747 Market Street, Tacoma, WA 98402
Conference Room 220A

AGENDA

1. **Call To Order**
Roll Call
2. **Welcome**
3. **Public Comment**
4. **Approval of Minutes**
5. **Panel Discussion – Form of Government**
 - Andrew Neiditz
 - Derek Matheson
 - Paul Roberts
6. **Break**
7. **CRC Discussion – Form of Government**
8. **CRC Discussion**
 - **Public Meeting**
 - **Future Meetings**
 - **Subcommittees**
 - **Public Comment**
9. **Other Business and Homework**
10. **Adjourn**

The Tacoma Municipal Building is served by Pierce Transit bus routes. Visit www.tripplanner.piercetransit.org to find your route.



The City of Tacoma does not discriminate on the basis of disability in any of its programs, activities, or services. To request this information in an alternative format or to request a reasonable accommodation, please contact the City Clerk's Office at 253-591-5505, at least 24 hours prior to the meeting time. TTY or speech-to-speech users please dial 711 to connect to Washington Relay Services.

ANDREW E. NEIDITZ BIO

Andrew Neiditz is an experienced local government executive with a passion for public service. He is an International City Management Association (ICMA) credentialed city manager, and was appointed in 2020 as a senior advisor by the Washington City Managers Association (WCMA).

Neiditz served as Lakewood city manager for 8 years, Sumner city administrator for 5 years, and deputy county executive for Pierce County for 8 years. He was the first executive director of a newly-established public authority, South Sound 911, for 7 years from 2013 to 2020. He also served as interim Mountlake Terrace city manager in 2022-23.

He was president of WCMA in 2007-08, and was the West Coast Regional Vice-President for ICMA from 2010 to 2013.

He has a master's degree in Public Administration from the University of Oregon, a bachelor's degree from Stockton University, and also completed the Senior Executive Program in State/Local Government at the Kennedy School of Gov't at Harvard University.

Andrew Neiditz was born in New York, and has lived in the Puget Sound area since 1978. He and his wife have a daughter, a son, and three grandsons.

Derek Matheson

Derek Matheson, ICMA-CM, is the city manager at the [City of Fife](#), a growing community adjacent to the city and port of Tacoma, Washington. He reports to the City Council and oversees all city departments, offices, and employees. He previously served in city management roles at the cities of [Kent](#), [Covington](#), and [Federal Way](#), Washington.

He has a bachelor's degree in political science and a master's degree in public administration from the [University of Washington](#). His professional affiliations include the [International City/County Management Association](#), where he is a [credentialed manager](#), the [Washington City/County Management Association](#), where he is a past president and board member, the [Association of Washington Cities](#), where he is a past board member, and the Pierce County city managers/administrators group, where he is a co-chair.

Derek has a passion for city management because the profession gives managers the opportunity to make a visible, long-lasting difference in a small geographic area.

He and his wife Meredith have four daughters who keep them busy with school and activities. They enjoy spending time on the Oregon Coast and enjoying the beauty of the Pacific Northwest.

Paul Roberts is retired and lives in Everett. His career spans over five decades in infrastructure development, economics, environmental policy and city management.

Professional career:

Chief of Staff to Rep. Norm Dicks WA-6

Advisor to Gov Booth Gardner on Puyallup Indian Land Claims Settlement and Everett Navy Homeport Development

Director, Planning and Community Development for City of Everett

Director, Public Works and Utilities for City of Marysville

Assistant City Manager for City of Marysville

Consultant with BERK in Seattle

Consultant and owner PR&A, including advising Washington Cities on climate change

Advisor to Rep. Rick Larsen as infrastructure coordinator

Served on numerous boards and commissions including Sound Transit Board of Directors (Vice Chair), and Puget Sound Clean Air Agency (Chair)

Elected positions:

Member, Everett School Board of Directors (6 years)

Member, Everett City Council (16 years)

For Discussion Purposes Only

CRC Timeline Alternatives¹

Meeting Date(s)	Timeline A Subcommittee Meetings Beginning After Public Meeting	Timeline B Subcommittee Meetings Beginning Before Public Meeting
1/11 – 1/18	Meeting organization	Meeting organization
1/22	CRC Member requests - Discussion	CRC Member requests - Discussion
1/25	Council Requests - Discussion Timeline	Council Requests - Discussion Timeline
1/29	Form of Government	Form of Government
2/1	Form of Government	Form of Government
2/5	Form of Government	Form of Government
2/8	Form of Government	<ul style="list-style-type: none"> • Form of Government • Determine Subcommittees which meet informally and report back to full committee beginning 3/18
2/12	Council/Mayor Issues	Council/Mayor Issues
2/15	Council/Mayor Issues	Council/Mayor Issues
2/21 ²	Form of Government AND Council/Mayor Issues Discussion and Recommendations	Hold for discussion or presentations OR cancel meeting
2/22	Form of Government AND Council/Mayor Issues Discussion and Recommendations	Council/Mayor Issues
2/26	Public meeting	Public meeting
2/29	Discussion and prioritization of topics Subcommittee discussion	Form of Government AND Council/Mayor Issues Discussion, Recommendations, and Voting
3/4	Subcommittees meet and develop recommendations (4 meetings if 3 subcommittees meeting 2/wk) <ul style="list-style-type: none"> • Subcommittee 1: M/W – 4:30-6:30 	Form of Government AND Council/Mayor Issues Discussion, Recommendations, and Voting

¹ Both timelines revise the meeting schedule to provide for 2 CRC meetings per week. Additional meeting time may be added to provide for 3 meetings per week if needed to accommodate additional work. **An additional meeting will need to be added to Timeline A for a second public meeting.**

² February 21 would be a special meeting on Wednesday to accommodate 2 meetings in this week due to President’s Day on February 19th.

	<ul style="list-style-type: none"> • Subcommittee 2: M/W – 6:30-8:30 • Subcommittee 3: T/TH - 5:30-7:30 	
3/6	Subcommittees Meet – No COW	No COW Special Wednesday Meeting
3/7	Subcommittees Meet – No COW	Form of Government AND Council/Mayor Issues Discussion, Recommendations, and Voting
3/11	Subcommittees Meet – No COW	
3/13	Subcommittees Meet – No COW	No COW Special Wednesday Meeting
3/14	Subcommittees Meet – No COW	Public Meeting
3/18	Three subcommittees report recommendations to COW	Three subcommittees report recommendations to COW
3/21	Discussion/voting of recommendations - FOG	Discussion of recommendations – Subcommittee 1
3/25	Discussion/voting of recommendations - Council	Discussion/voting of recommendations – Subcommittee 1
3/28	Discussion of recommendations – Subcommittee 1	Discussion of recommendations – Subcommittee 2
4/1	Discussion/voting of recommendations – Subcommittee 1	Discussion/voting of Recommendations – Subcommittee 2
4/4	Discussion of recommendations – Subcommittee 2	Discussion of Recommendations – Subcommittee 3
4/8	Discussion/voting of Recommendations – Subcommittee 2	Discussion/voting of Recommendations – Subcommittee 3
4/11	Discussion of Recommendations – Subcommittee 3	Discussion of Recommendations – Subcommittee 4
4/15	Discussion/voting of Recommendations – Subcommittee 3	Discussion/voting of Recommendations – Subcommittee 4 ³ OR Public Meeting
4/18	Discussion/voting of Recommendations	Discussion/voting of Recommendations
4/22	Final Discussion of Recommendations	Final Discussion of Recommendations
4/25	Discussion of CRC Report Contents, including non-consensus recommendations	Discussion of CRC Report Contents, including non-consensus recommendations
4/29	Review and Discussion of CRC Report Contents	Review and Discussion of CRC Report Contents
5/2	CRC approves final report	CRC approves final report
5/7	Report Submitted to City Council and presentation at Study Session	Report Submitted to City Council and presentation at Study Session

³ Timeline B provides for 4 subcommittees; alternatively, if there are 3 subcommittees these additional dates could be reallocated to increase discussion time for the remaining subcommittees as needed.



National Civic League

Model City Charter

9th
edition
2021



**Model City Charter
Ninth Edition
National Civic League
Final Draft, November 1, 2021**

Table of Contents

<u>Letter from the Co-Chairs</u>	<u>2</u>
<u>Introduction</u>	<u>3</u>
<u>Preamble</u>	<u>9</u>
<u>Article I: Powers of the City</u>	<u>11</u>
<u>Article II: City Council</u>	<u>13</u>
<u>Article III: City Manager</u>	<u>26</u>
<u>Article IV: Departments, Office, Agencies</u>	<u>30</u>
<u>Article V: Financial Management</u>	<u>35</u>
<u>Article VI: Elections</u>	<u>43</u>
<u>Article VII: Role of Public Engagement</u>	<u>55</u>
<u>Article VIII: General Provisions</u>	<u>61</u>
<u>Article IX: Charter Amendment</u>	<u>65</u>
<u>Article X: Transition and Severability</u>	<u>67</u>
<u>Appendix 1: Options for Mayor-Council Cities</u>	<u>70</u>
<u>Appendix 2: Context for Social Equity and Local Governance</u>	<u>76</u>
<u>Charter Revision Charter Steering Committee and Working Groups</u>	<u>82</u>

Appendix 1

OPTIONS FOR MAYOR-COUNCIL CITIES

Since 1915, the Model City Charter has been based on the council-manager form of government. Some cities have a tradition of using or prefer to use the mayor-council form, and in some states the adoption of council-manager government may be limited by state statutes. Cities that use the mayor-council form can make choices to “reform” their city governments within the framework of this form of government. There are structural approaches that can clarify the structure and improve the performance of the mayor-council city government.

The mayor-council form of government is based on principles of separation of powers and checks and balances similar to those found in the national and state governments. Certain powers are assigned to the mayor and others to the council in cities that use this form. In addition, some mayor-council charters provide for other officials such as appointed boards or administrators who have independent authority to make specified decisions. It was common in the nineteenth century for cities to divide authority among many officials in the belief that the more power was divided and the more officials were directly elected, the more democratic the process of city government would be. In practice, complex structures with highly fragmented authority created ineffective government in which it was difficult to hold anyone responsible for the failure of city government as a whole. In certain cities, the fragmented structure created a vacuum that party organizations filled with unified control. In other cities—probably more numerous than those with control by party organizations—the prevailing structure simply contributed to a lack of competent and farsighted leadership and to city governments that were neither effective nor efficient in their delivery of services to citizens. Some cities still retain these features in their charters.

The first Model City Charter proposed replacing the fragmented authority and confused assignment of responsibility of existing nineteenth century city governments with simplified and centralized executive authority exercised by an elected mayor. After the first edition, the model charter assigned this centralized executive authority to an appointed city manager. From the second through the fourth editions of the charter, no provisions were proposed for mayor-council cities. With the fifth edition, the strong mayor-council form from the first edition reappeared as an alternative for those cities that chose not to use the preferred council-manager form with the suggestion that a “vice mayor” or what would later often be called a chief administrative officer (CAO) might be appointed by the mayor. These recommendations appeared in the sixth and seventh editions as well. The approach taken in the Eighth Edition was different. Officials and citizens who are reviewing a mayor-council charter were given analytical questions to guide their assessment of the governmental structure. In contrast to exclusive reliance on the strong mayor alternative, two options for organizing the mayor-council form were proposed. In this edition, the responses to revised analytical questions lead to a different conclusion. One alternative that is consistent with reform ideals is recommended.

Analytical Questions about Mayor-Council Governments

For cities that prefer to use the mayor-council form of government, there are two questions to answer in designing a charter.

- First, should a chief administrative officer be appointed? The model charter recommends the addition of a CAO to all types of mayor-council governments. How the CAO is appointed and the responsibilities of the position determine whether reform values are being advanced.
- Second, how is the CAO chosen?

To provide background information, each of these questions is discussed in more detail. Then the optional approaches and an assessment of them are presented.

A. Should the mayor-council city have a CAO?

An increasing proportion of cities have added a central administrative position occupied by a CAO to their governmental structure.¹¹ Experience has demonstrated that it is beneficial for cities to have an administrative officer. This officer can assist in filling the executive responsibilities of the mayor, such as preparing the budget. The officer will provide central coordination of administrative functions and may also assist the council in handling its policy-making authority. Adding a chief administrative officer to city government is consistent with the longstanding reform principle of providing for both political and professional leadership. A central administrative official is able to contribute to sound governance as well as directing service delivery.

Professional managers serving elected officials and the public bring distinctive values that enrich and elevate the governmental process in both policymaking and service delivery. These professional values include the commitment to basing policy and service delivery on need rather than demand, to stressing the long-term interests of the community as a whole, to promoting equity and fairness, to recognizing the interconnection among policies, and to advancing citizen participation that is broad and inclusive. There are benefits from having a professional chief administrator who channels these values into the governmental process at the highest and most general level through interactions with both the mayor and the council.

There are other advantages as well. It is difficult to find candidates for mayors who are equally adept at providing both political and administrative leadership to city government. Furthermore, it is important for the mayor to devote a substantial amount of time to interacting with the public, making it difficult to devote sufficient attention to policy development, administration, and management. So-called “strong” mayors may actually be overextended mayors. It is also hard for voters to assess the administrative capabilities of candidates before they have served in the mayor’s office. Mayors (except in the largest cities), unlike new presidents and governors, are not supported by large transition teams, nor can they persuade prominent leaders from the public and private sectors to accept key appointments for the duration of that executive’s administration. Adding administrative assistance through a CAO helps to solve these problems. The office of CAO builds into the charter a support position for the mayor and institutionalizes the professional coordination of the departments of city government.

B. How is the CAO chosen?

Among the mayor-council cities with a population of 10,000 or higher, 52 percent have a CAO. There are three methods of appointing the CAO. In 20 percent, the mayor and council jointly fill the position and can be called mayor and council-CAO governments. In 22 percent, the CAO is nominated by the mayor and approved by the council. They can be called mayor-council-CAO governments to signify the council’s role in approving the nomination. Finally, in 11 percent of these cities the mayor appoints the CAO, and these cities can be called the mayor-CAO-council form to signify that the CAO is closely tied

¹¹ Kimberly Nelson and James H. Svara, “Form of Government Still Matters: Fostering Innovation in U.S. Municipal Governments.” *American Review of Public Administration*. 42 (2012), 257-281. The breakdown of types of mayor-council cities without a CAO and with a CAO appointed in different ways come from this source updated with data from 2019 in a dataset maintained by Kimberly Nelson.

to the mayor, and the form is a In a study of differences in adoption of innovative practices based on detailed features of form of government in cities over 10,000 in population, half of the mayor-council cities had a chief administrative officer-- “pure” strong mayor approach that clearly divides powers between the mayor and the council with the CAO being an extension of the mayor’s office.

The participation of the council in the selection of the CAO reflects a form with both separated and shared authority between the mayor and the council. The mayor has separate executive authority but major decisions are either proposed by the mayor and approved by the council or made jointly by the mayor and council. When the mayor proposes and the council approves, the approach is similar to the “advice and consent” authority of the Senate in handling nominations by the President for Supreme Court judges or cabinet secretaries. In other cities in this pattern, the mayor and council make major decisions jointly. Potentially, the CAO chosen jointly serves as a bridge between the mayor and the council. In sum, the standard mayor-council form is characterized by a combination of separated and shared powers. Commonly, the staff support and organizational authority of the mayor and the high visibility of the office make the mayor the recognized leader of city government. Still there is less independent authority concentrated in the mayor’s office than in the strong mayor type, and the presence of the CAO offers professional leadership to both the mayor and the council.

The term weak mayor-council is reserved for cities in which there is substantial fragmentation of authority. Beyond separated and shared authority between the mayor and the council, there are other features that divide authority widely. These include direct election of certain department heads or commissions and the assignment of independent policy-making authority to some commissions. A committee that is controlled by neither the mayor nor the council may formulate the budget. This is the kind of structure that was common in the late nineteenth century. The early municipal reformers sought to overcome the extreme decentralization that characterizes it. Although it is based on the premise that extensive checks will prevent excessive concentration of power and direct election of many offices will promote democratic control, in practice many weak mayor cities functioned poorly and it was difficult to pin down who was responsible for problems in performance. It is difficult to estimate how many cities still use these approaches, but the proportion is fairly small.

Recommended Structure in Mayor-Council Cities

To clarify responsibility and strengthen the governmental process, mayor-council cities should assign policy-making, executive, and oversight authority to the mayor, council, and CAO. Practices associated with traditional weak-mayor forms should be eliminated. These practices include direct election of department heads and commissions, appointment of administrative officials by commissions, having a body other than the mayor and council formulate the budget (e.g., a board of finance), and assigning other policy-making authority to commissions.

The recommended approach in mayor-council cities is to promote shared authority between the mayor and the council along with the separation of powers that defines the mayor-council form. It is recommended that provisions be made for the appointment of a CAO consistent the shared authority between the mayor and the council. In the shared authority mayor-council cities, the CAO is nominated by the mayor and approved by the council or appointed jointly by the mayor and council—similar to the way that the city manager is chosen. This official serves as a bridge between the two sets of officials and is assigned administrative responsibilities. In the strong mayor-council cities where the CAO is appointed by the mayor, the CAO provides professional assistance to the mayor but is not accountable to the council.

Preferred Option: Mayor and Council-CAO and Mayor-Council-CAO government

Among mayor-council cities with a CAO, approximately three quarters have involvement of the council in the appointment. This option is based on the combination of separated and shared powers between the mayor and the council found in most mayor-council cities. **When appointed in this way, the CAO helps to link the mayor and council and promotes communication between them.** The CAO serves as a bridge to span the separation of powers between the mayor and the council. The CAO provides professional advice and detached assessment regarding key decisions to both the mayor and the council. The CAO can promote a higher level of performance and shared information by both sets of officials.

The CAO assists the mayor in preparing policy recommendations to the council but is cognizant of his or her responsibility to provide information that the council needs to make policy decisions.¹² The CAO is responsible directly to the mayor for administrative matters and to the council for providing information to support their oversight function, i.e., the assessment of how well policies are working and how well services are being delivered. It should be acknowledged that the position occupied by the CAO can be difficult if there is conflict between the mayor and council. **The CAO can get caught in the middle. Still, the presence of a CAO who feels a sense of accountability to both the mayor and the council can reduce the level of conflict compared to conditions in mayor-council cities without a CAO.**

The mayor-council-CAO government is not a “weak” mayor structure but rather one in which the mayor and council share authority in a number of areas. On the other hand, this option is also not a “strong” mayor structure.

Assessment of the mayor-council-CAO and mayor and council-CAO options

The mayor-council-CAO government combines separation of powers with shared powers, particularly “advice and consent” provisions for top appointments or joint authority for appointments. The mayor and top administrators are made more accountable to the council by shared powers, and the council has a greater opportunity to shape mayoral decisions and oversee administrative performance. Shared power provisions may serve to knit the separate branches more closely together. The CAO, although ultimately accountable to the mayor, serves both sets of officials and can promote closer interaction between them. The option promotes leadership by both the mayor and council and provides for both political and professional leadership.

This approach to appointing the CAO makes this official responsive to both the mayor and the council, since both are involved in the hiring decision. Furthermore, the CAO is given a formal role in budget preparation and appointment of department heads. This approach is advantageous for several reasons. First, accountability is broadened to include the council. Second, the professional qualifications of the person selected may be higher if the council has to approve the choice. The mayor is not free to simply choose a person to advance his or her electoral interests. Third, the professional contributions of the CAO to both the mayor and the council are assured when the CAO fills specified duties. The CAO is involved in important administrative matters.

¹² A survey of CAOs indicates that with nomination by the mayor and approval by the council, the CAO is likely to simultaneously see himself or herself as the agent of the mayor and also as being accountable to both the mayor and the council. Seven in ten CAOs agree with these positions. If the mayor does not nominate the CAO, only thirty-seven percent of the CAOs see themselves as the mayor’s agent. If the council does not approve the appointment, only twenty-eight percent of the CAOs see themselves as accountable to the council. See James H. Svara, “Do We Still Need Model Charters? The Meaning and Relevance of Reform in the Twenty-First Century,” *National Civic Review*. 90 (Spring, 2001), pp. 19-33.

The pure strong-mayor approach concentrates a substantial amount of authority in one office. The approach also limits the contribution of the council to accepting or rejecting policy and budget proposals from the mayor and overriding the mayor's veto. The council is not likely to receive a full and fair assessment of policy options from the CAO, but rather to hear the arguments for the mayor's preferred approach. Although the council has a general oversight role, the fact that the mayor appoints all top administrators may limit the flow of information to the council to support its exercise of this role. There is concentrated power with limited checks on the exercise of the power.

In a study of the adoption of innovations in cities with different variations of the mayor-council forms, it was found that the mayor and council-CAO had the highest score followed by the mayor-council-CAO form. The mayor-CAO-council had less innovation than these two, but all variations of the incorporation of a CAO had higher innovation than mayor-council cities with no CAO.¹³

Election of the mayor and veto are found in both variations of the mayor-council-CAO form.

Election of the mayor and chair of the council

The provisions in the Model City Charter for direct election of the mayor should be used in mayor-council cities (§ 2.03, Alternative I). The council chair and presiding officer should be elected by the council from among its members.

Veto

One basic difference between the mayor-council and council-manager forms of government is the "veto" power for the mayor. This power is not consistent with the basic principle of the council-manager form that all powers are assigned to the council. In the mayor-council form, the mayor has an assigned role in the legislative process and must make a decision on each ordinance to sign it, veto it, or let it become law without signature. The veto should be included in the legislative article of a mayor-council charter and listed among the mayor's powers in the executive article (Article II of the Model City Charter, § 2.03). The council may override the veto by a two-thirds vote of its members.

This approach limits the contribution of the council to accepting or rejecting policy and budget proposals from the mayor and overriding the mayor's veto. The council is not likely to receive a full and fair assessment of policy options from the CAO, but rather to hear the arguments for the mayor's preferred approach. Although the council has a general oversight role, the fact that the mayor appoints all top administrators may limit the flow of information to the council to support its exercise of this role. There is concentrated power with limited checks on the exercise of the power.

In a study of the adoption of innovations in cities with different variations of the mayor-council forms, it was found that the mayor and council-CAO had the highest score followed by the mayor-council-CAO form. The mayor-CAO-council had less innovation than these two, but all variations of the incorporation of a CAO had higher innovation than mayor-council cities with no CAO.¹⁴

Election of the mayor and veto are found in both variations of the mayor-council-CAO form.

¹³In the Nelson and Svara study, a composite adoption rate was calculated for innovations related to e-government, strategic practices, and reinventing government. As noted in the introduction, the highest adoption rates were in council-manager cities with elected mayors followed by council-manager cities with mayors chosen by the council.

¹⁴In the Nelson and Svara study, a composite adoption rate was calculated for innovations related to e-government, strategic practices, and reinventing government. As noted in the introduction, the highest adoption rates were in council-manager cities with elected mayors followed by council-manager cities with mayors chosen by the council.

Election of the mayor and chair of the council

The provisions in the Model City Charter for direct election of the mayor should be used in mayor-council cities (§ 2.03, Alternative I). The council chair and presiding officer should be elected by the council from among its members.

Veto

One basic difference between the mayor-council and council-manager forms of government is the “veto” power for the mayor. This power is not consistent with the basic principle of the council-manager form that all powers are assigned to the council. In the mayor-council form, the mayor has an assigned role in the legislative process and must make a decision on each ordinance to sign it, veto it, or let it become law without signature. The veto should be included in the legislative article of a mayor-council charter and listed among the mayor’s powers in the executive article (Article II of the Model City Charter, § 2.03). The council may override the veto by a two-thirds vote of its members.