TACOMA CITY CHARTER

Effective June 1, 1953
Amended November 2, 2004

CHARTER OF THE
CITY OF TACOMA

PREPARED BY A BOARD OF FIFTEEN
FREEHOLDERS ELECTED MARCH 11, 1952

SUBMITTED TO AND ADOPTED BY THE
QUALIFIED ELECTORS AT A SPECIAL ELECTION
HELD NOVEMBER 4, 1952

EFFECTIVE JUNE 1, 1953
AMENDED NOVEMBER 4, 1958
AMENDED SEPTEMBER 15, 1970
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AMENDED NOVEMBER 6, 1979
AMENDED SEPTEMBER 16, 1980
AMENDED NOVEMBER 8, 1983
AMENDED NOVEMBER 3, 1992
AMENDED NOVEMBER 2, 2004

EXPLANATORY NOTES

1. The Charter of the City of Tacoma has, in some instances, been superseded by the adoption of state laws subsequent to the effective date of the Charter. In this compilation, references are made to those sections of state law which supersede this Charter, setting forth the Revised Code of Washington citation and a brief statement of the effect of the law.

2. Footnote references to the Charter as contained herein, such as, "see Chapter 1.02," refer to the Official Code of the City of Tacoma duly adopted pursuant to the laws of the State of Washington and ordinances of the City of Tacoma.

CHARTER OF THE CITY OF TACOMA

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CHARTER OF THE CITY OF TACOMA

Preamble

We, the people of the City of Tacoma, a city of the 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, do hereby enact this charter.

Article I

INCORPORATION AND GENERAL POWERS

Incorporation and Boundaries[1]

Section 1.1 – The municipal corporation now existing and known as the "City of Tacoma" shall continue to be a body politic and corporate under the same name, with the boundaries as now established or as may hereafter be legally changed, and by such name shall have perpetual succession. The City may have and use a common seal and sue and defend in all matters and proceedings.

General Powers of the City[2]

Section 1.2 – The city shall have all powers now or hereafter granted to like cities by the constitution and laws of the state, and all powers implied thereby, and shall have and exercise all municipal rights, powers, function, privileges and immunities except as prohibited by law or by this charter. The City may acquire property within or without its corporate limits for any city purpose by purchase, condemnation, lease, gift, and devise and may hold or dispose of such property as the interests of the city may require. No enumeration of particular powers by this charter shall be deemed to be exclusive.

Article II

THE LEGISLATIVE BRANCH

Creation and Composition of City Council

Section 2.1 – The Council shall be composed of the Mayor and eight (8) councilmen 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) councilmen for terms beginning on the second Monday in January 1976, as set out hereinafter in Section 5.4. Biennially thereafter, on the date prescribed by state law for general municipal elections, four (4) councilmen shall be elected for like terms of four years. Councilmen 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. (Amendment approved by vote of the people September 18, 1973).

Qualifications and Compensation of Councilmen[3]

Section 2.2 – Councilmen shall be qualified electors and shall be residents of the City for two years immediately preceding the time of filing as a candidate and, if running for a district position, shall be residents of their districts for one year immediately preceding the time of filing as candidate or, if appointed to fill a vacancy, the time of appointment. No person shall be eligible for the office of councilman while holding any other elective public office. (Amendment approved by vote of the people September 18, 1973).

Section 2.3 – Each councilman shall be paid the sum of twenty-five dollars for each day's attendance at council meetings, but not to exceed twelve hundred dollars per year.[4]

Section 2.35 – No person shall be allowed to serve on the Council for more than ten (10) consecutive years, either as a Councilman, Mayor, or combination thereof. (Approved by vote of the people September 18, 1973).

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, by virtue of his/her election, 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

[1] See Chapter 1.02 - City Limits and Annexations.
[2] Authority to frame charter - State constitution Art. XI § 10 and RCW 35.22.030. General Powers - RCW 35.21.010 and RCW chapter 35.22.
[3] See RCW 35.22.205 - Providing that the compensation and time devoted to the performance of the duties of the Mayor and elected officials of all cities of the first class shall be as fixed by ordinance of said city, irrespective of any Charter provisions.
[4] The salaries of the Mayor and City Council members are set forth in Sections 1.18.040 and 1.19.010 of the City Code.

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.[5] The Mayor shall authenticate by his/her signature such instruments as may be required by law, ordinance, or this charter. He/She shall have such appointive and other powers, duties, and authority as may be conferred upon him/her 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 councilmanic office of any such candidate shall, upon his/her taking office as Mayor, be and become vacant. The compensation to be paid to the Mayor for the performance of his/her duties as such shall be fixed by ordinance, which sum shall be inclusive of his/her 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 his/her 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 and not less than five (5) days preceding the last day permitted for filing for office in the next primary election to be held for City Council positions, 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. (Amendments approved by vote of the people September 18, 1973 and November 3, 1992.)

[5] RCW 35.22.205 establishes the authority of the Mayor upon the declaration of an emergency or disaster when necessary to allow immediate action to preserve public health, protect life, and protect public property.

Removal from or Forfeiture of Office

Section 2.5 – Any member of the City Council and any other elected officer of the City of Tacoma may be removed from office by recall as provided by law. (Amendment approved by vote of the people November 2, 2004.)

Section 2.6 – Any councilman who shall cease to possess any of the qualifications herein required for eligibility for election to the council, or shall fail to attend three consecutive meetings of the Council without being excused by the Council, shall be deemed to have forfeited his office. The Council shall take the necessary action to enforce this provision and shall cause such action to be entered upon its journal.

Councilmanic Vacancies

Section 2.7 – Whenever a vacancy occurs in the office of councilman, the Council shall fill such vacancy by appointment by a majority vote of its remaining members until the commencement of the term of office of municipal officials succeeding the next general municipal election occurring after the date of such appointment, and if any unexpired term remains, it shall be filled by election; provided if such vacancy occurs when there remains less than five (5) full days for filing as a candidate at the primary election for such unexpired term, then the Council shall appoint a qualified person to fill the full unexpired term; provided, 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. (Amendments approved by vote of the people September 18, 1973 and September 16, 1980).

Procedure of the Council

Section 2.8 – 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.[6] Special meetings shall be called by the City Clerk on the written request of the Mayor or any three Council members.[7] Such request shall state the subject or subjects to be considered at such meeting, and no other subject shall be considered thereat. Each

[6] By Council Rules, regular meetings of the City Council are scheduled for 5:00 p.m. each Tuesday.
[7] RCW 42.30.080 establishes the procedure for emergency meetings pursuant to the Open Public Meetings Act.

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 council shall be public as prescribed by State law. (Amendment approved by vote of the people November 6, 1979.)

Section 2.9 – 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 councilmen 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.[8] 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 2.10 – Every ordinance and resolution shall require an affirmative vote of at least five (5) councilmen 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. (Amendment approved by vote of the people September 18, 1973.)

Legislation

Section 2.11 – Every legislative act of the Council shall be by ordinance,[9] which shall be numbered consecutively, clearly entitled and contain but one subject which shall be expressed in the title. The enacting clause of all ordinances shall be: "Be it ordained by the City of Tacoma."

Section 2.12 – No ordinance shall be finally passed 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 Councilmen. No ordinance granting any franchise, right, or privilege shall ever be passed as an emergency measure.

Section 2.13 - A summary of every ordinance shall, within ten days after its passage, 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 take effect immediately after publication. Ordinances granting a franchise, right, or privilege, or authorizing the issuance of revenue bonds in an amount exceeding five million dollars, 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. (Amendment approved by vote of the people November 2, 2004.)

Section 2.14 – No ordinance or section thereof shall be revised, reenacted or amended by reference to its title, but the ordinance or section to be revised, reenacted, or amended shall be reenacted at length as revised or amended. No ordinance or section thereof shall be repealed, suspended, or any person exempted from the provisions thereof, except by ordinance repealing the same.

Section 2.15 – All ordinances and their amendments shall be recorded in a book to be called the "Ordinance Record," which record of each ordinance shall be authenticated by the signatures of the Mayor and the City Clerk.

Compilation and Codification of Ordinances

Section 2.16 – Within three years of the effective date of this charter, and at least every ten years thereafter, the Council shall arrange for the compilation or codification of the charter and all ordinances of a general, public, or permanent nature, or imposing a fine, penalty, or forfeiture, and shall file the same with the City Clerk. When adopted by the Council by ordinances, such codification shall become the official code of the city. All ordinances of like nature, not affecting private or contract rights passed prior to such adoption and not contained in such code, shall be deemed prima facie to have been repealed thereby.[10]

[8] RCW 42.30.090 establishes the procedure for adjourning meetings pursuant to the Open Public Meetings Act.

[9] No agency of the city has authority to suspend force and effect of ordinance except the council and then only by enactment of another ordinance. *Rhodes v Tacoma* (1917) 97 W 341, 166 P 647.

[10] See RCW 35.21.520 regarding procedures and requirements for Codification of Official City Code.

Penalties for Non-compliance with Ordinances

Section 2.17 – The Council may provide in any ordinance penalties for its violation; in the absence of a specific penalty provision for violation of an ordinance or a provision of this charter, such penalty shall be a fine of not to exceed three hundred dollars or imprisonment not to exceed ninety days, or both in the discretion of the court.

Powers of the People

Section 2.18 - Amendments to this charter may be submitted to the voters by the City Council or by initiative petition of the voters in the manner provided by the state constitution and laws. (Amendment approved by vote of the people November 2, 2004.)

Section 2.19 - Citizens of Tacoma may by initiative petition ask the voters to approve or reject ordinances or amendments to existing ordinances, subject to any limitation on topics in state law, by the following process:

a) The petitioners shall file an Initiative Petition with the City Clerk.

b) Upon receipt, the City Clerk shall forward the petition to the City Attorney.

c) Within ten (10) working days of receipt, the City Attorney shall review the petition with the petitioner, 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 twenty-five (25) words in length. The statement will be phrased in the form of a positive question.

d) The City Attorney shall transmit this concise statement to the City Clerk as the official ballot title.

e) The City Clerk shall assign an initiative number to the ballot title and notify the petitioner that the ballot title becomes final and signature gathering may begin in five (5) working days if there is no judicial review.

f) Persons dissatisfied with the ballot title prepared by the City Attorney may seek judicial review by petitioning the Pierce County Superior Court within five (5) working days of the City Attorney having transmitted the ballot title to the City Clerk. The Court shall endeavor to promptly review the statements and render a decision as expeditiously as possible. The decision of the Court is final.

g) Petitions must include the final, approved ballot title, initiative number, the full text of the ordinance, or amendment to existing ordinance, that the petitioners seek to refer to the voters, and all other text and warnings required by State Law.

h) Petitioners have one hundred and eighty (180) calendar days to collect signatures from registered voters.

i) The number of valid signatures shall be equal to ten percent (10 %) of the votes cast in the last Mayoral election.

j) The City Clerk shall verify the sufficiency of the signatures on the petition. If the petition is validated, the City Council may enact or reject the Initiative, but shall not modify it. If it rejects the Initiative or within thirty (30) calendar days fails to take final action on it, the City Council shall 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 approved by vote of the people November 2, 2004.)

Section 2.20 - Citizens of Tacoma 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) Upon receipt, the City Clerk shall forward the petition to the City Attorney.

d) Within five (5) working days of receipt, the City Attorney will review the petition with the petitioner, and if the petition is proper in terms of form and style, the City Attorney writes a concise, true, and impartial statement of the purpose of the measure, not to exceed twenty-five (25) words in length. The statement will be phrased in the form of a positive question.

e) The City Attorney shall transmit this concise statement to the City Clerk as the official ballot title.
f) The City Clerk shall assign a referendum number to the ballot title and notifies the petitioner that the ballot title becomes final and signature gathering may begin in five (5) working days if there is no judicial review.
g) Persons dissatisfied with the ballot title prepared by the City Attorney may seek judicial review by petitioning Pierce County Superior Court within five (5) working days of the City Attorney having transmitted the ballot title to the City Clerk. 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 Mayoral election.
k) The City Clerk shall verify the sufficiency of the signatures on 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 approved by vote of the people November 2, 2004.)

Section 2.21 – Any ordinance initiated or referred may be submitted to the qualified electors for their approval or rejection at a special municipal election to be called in the manner provided by law for the submission of questions or propositions to the qualified electors.[11]

Section 2.22 – The Council by its own motion may submit any proposed ordinance to the qualified electors for their approval or rejection in the same manner as provided for its submission upon petition.

Section 2.23 – If a majority of the qualified electors voting upon any ordinance initiated or referred shall vote in favor thereof, the same shall take effect ten days after the certification of the result of the election thereof or at the time fixed therein; provided, that if the provisions of two or more proposed ordinances approved at the same election are inconsistent, the provisions of the ordinance receiving the highest vote shall prevail. Any ordinance initiated or referred failing of such majority shall be rejected. All initiative and referendum elections shall be conducted and publication of the proposed ordinance shall be had in the same manner as elections submitting questions or propositions to the qualified electors.

Section 2.24 – No ordinance heretofore or hereafter enacted by vote of the people shall be amended or repealed by the Council within two years after enactment, unless such amendatory or repealing ordinance shall be submitted to the qualified electors for their approval or rejection in the same manner as is required by this charter in respect to the submission of an ordinance initiated or referred.

Section 2.25 – The City Council shall commence a review of this charter no less frequently than once every ten years, by appointing citizens to a charter review committee, or by the election of a board of freeholders in the manner provided in state law. Any freeholders shall be nominated and elected by position and by district. The charter review committee, which shall be provided with sufficient staff and budget to perform a comprehensive review, shall report any recommended amendments to the City Council. 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 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 approved by vote of the people November 2, 2004.)

[11] Section 2.21 was deleted as a result of the amendments approved by the vote of the people November 2, 2004. The remaining portion of this Article has been renumbered to maintain consistency throughout the Charter.

Article III

THE ADMINISTRATIVE BRANCH

The City Manager

Section 3.1 - 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 his appointment and removal shall require the affirmative vote of five members of the Council. The Manager shall be selected on the basis of his training, experience, and other administrative qualifications for the office and without regard to his place of residence at the time of appointment, but during his tenure of office he 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 councilman shall be eligible for the position of City Manager within two years after the expiration of his 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. (Amendment approved by vote of the people September 18, 1973 and November 2, 2004.)

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 his 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 subordinate 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.[12]

Section 3.3 – The Manager shall supervise and be responsible for the effective management of the administrative affairs of the City. He shall give general direction to the programs and activities of all city departments and offices, except those removed from his 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. He shall keep the Council informed of the conditions and needs of the City and shall make such reports and recommendations as he may deem desirable or as may be requested by the Council. (Amendment approved by vote of the people September 18, 1973.)

Section 3.4 – The Manager shall have the power to appoint and remove, subject to the civil service provisions of this charter and except as otherwise provided in this charter or by state law, all officers and employees of the city under his jurisdiction, or may at his discretion authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office.

City Attorney

Section 3.5 – The City Manager shall appoint 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 his profession within the State of Washington for not less than five years next preceding his appointment. The City Attorney shall have power to appoint and remove, subject to the approval of the Manager, his professional assistants who shall also be attorneys admitted and qualified to practice in the Supreme Court of the State of Washington.

Section 3.6 – The City Attorney shall be legal advisor to the City Council, Manager, and all officers, departments, and boards of the city in matters relating to city affairs. He shall represent the city in litigations in which the city is interested; shall provide written legal opinion on official matters when requested by the Council, Manager, commissions, boards, or 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 for him by ordinance or otherwise by law.

[12] RCW 42.30.110(g) allows the Council to exclude the City Manager from executive sessions when the City Manager's performance is discussed.

City Clerk

Section 3.7 – The City Manager shall appoint 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, (e) serve as registrar of voters for the city, and (f) perform such other duties as may be prescribed by the Manager, state law, this charter, or by ordinance. The City Clerk with the approval of the City Manager may designate one clerk in his office as his deputy, who shall have all the powers and perform all the duties of the City Clerk in his absence.

City Planning Commission[13]

Section 3.8 – There shall be a Planning Commission, composed of nine (9) members, with such powers and duties as are provided by ordinance. The nine members shall be residents of the City of Tacoma and be appointed and confirmed by the City Council for terms of three (3) years each. One member shall be appointed by the City Council for each of the five council districts. The Council shall appoint to the four remaining positions an individual from each of the following: (a) the development community; (b) the environmental community; (c) public transportation, and (d) a designee with background of involvement in architecture, historic preservation, and/or urban design. A majority of the voting members of such Commission shall constitute a quorum for the transaction of business. The Commission shall be authorized to adopt rules for the transaction of business not inconsistent with this charter or ordinances of the City of Tacoma. Said Planning Commission members shall serve without pay. (Amendments approved by vote of the people September 18, 1973 and November 3, 1992.)

Tacoma Public Library[14]

Section 3.9 – The Tacoma Public Library shall be administered by a board of trustees in the manner provided by state law or city ordinance not inconsistent therewith.

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 approved by vote of the people September 18, 1973.)

Administrative Organization[15]

Section 3.11 – 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. Such ordinance shall be known as the "Administrative Code."

Section 3.12 - The City Council may remove any appointed member of any City board, commission, or board of trustees, for cause, after notice and public hearing, if that member is found to have knowingly violated the oath of office he or she took under this charter (Section 6.4) or has committed any acts specified in state law as grounds for the recall and discharge of an elective public officer. The City Council, in its discretion, may allow a hearings examiner to hear such a matter. Recommendation of a hearings examiner shall be subject to review by the City Council. The City Council's final decision shall be based on the evidence in the record. A record of the proceedings shall be made. (Amendment approved by vote of the people November 2, 2004.)[16]

[13] See Chapter 13.02 - Planning Commission
[14] See Chapter 1.16 - Library
[15] See Chapter 1.06
[16] Section 3.12 renumbered November 2, 2004, to maintain consistency throughout the Charter.

Article IV

PUBLIC UTILITIES[17]

General Powers Respecting Utilities

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, 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.

Power to Acquire and Finance

Section 4.2 – The city may purchase, acquire, or construct any public utility system, or part thereof, or make any additions and betterments thereto or extensions thereof, without submitting the proposition to the voters, provided no general indebtedness is incurred by the city. If such indebtedness is to be incurred, approval by the electors, in the manner provided by state law, shall be required.

Rates

Section 4.3 – The city shall have the power, subject to limitations imposed by state law and this charter, to fix and from time to time, revise such rates and charges as it may deem advisable for supplying such utility services the city may provide. The rates and charges for services to city departments and other public agencies shall not be less than the regular rates and charges fixed for similar services to consumers generally. The rates and charges for services to consumers outside the corporate limits of the city may be greater but shall not be less than the rates and charges for similar service to consumers within the corporate limits of the city.

Diversion of Utility Funds

Section 4.4 – The Council may by ordinance impose upon any of the city-operated utilities for the benefit of the general fund of the city, a reasonable gross earnings tax which shall not be disproportionate to the amount of taxes the utility or utilities would pay if privately owned and operated, and which shall not exceed eight percent; and shall charge to, and cause to be paid by, each such utility, a just and proper proportion of the cost and expenses of all other departments or offices of the city rendering services thereto or in behalf thereof.

Section 4.5 – The revenue of utilities owned and operated by the city shall never be used for any purposes other than the necessary operating expenses thereof, including the aforesaid gross earnings tax, interest on and redemption of the outstanding debt thereof, the making of additions and betterments thereto and extensions thereof, and the reduction of rates and charges for supplying utility services to consumers. The funds of any utility shall not be used to make loans to or purchase the bonds of any other utility, department, or agency of the city.

Disposal of Utility Properties

Section 4.6 – The city shall never sell, lease, or dispose of any utility system, or parts thereof essential to continued effective utility service, unless and until such disposal is approved by a majority vote of the electors voting thereon at a municipal election in the manner provided in this charter and in the laws of this state.

Franchises for Water or Electric Utilities

Section 4.7 – The legislative power of the City is forever prohibited from granting any franchise, right or privilege to sell or supply water or electricity within the City of Tacoma to the City or to any of its inhabitants as long as the City owns a plant or plants for such purposes and is engaged in the public duty of supplying water or electricity; provided, however, this section shall not prohibit issuance of temporary permits authorized by the Council upon the recommendation of the Utility Board of the City of Tacoma for the furnishing of utility service to inhabitants of the City where it is shown that, because of peculiar physical circumstances or conditions, the City cannot reasonably serve said inhabitants. (Amendment approved by vote of the people September 18, 1973.)

The Public Utility Board

Section 4.8 – There is hereby created a Public Utility Board to be composed of five members, appointed by the Mayor and confirmed by the City Council, for five-year terms; provided, that in the appointment of the first Board, on the first day of the month next following the taking of office by the first Council under this charter, one member shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years,

[17] See Title 12 - Utilities

and one for a term of five years, and at the expiration of each of the terms so provided for, a successor shall be appointed for a term of five years. Vacancies shall be filled for the unexpired term in the same manner as provided for regular appointments. (Amendment approved by vote of the people November 2, 2004.)

Section 4.9 – Members of the Board shall have the same qualifications as provided in this charter for councilmen. 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.

Powers and Duties of the Public Utility Board

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, and belt line railway utility systems.

Section 4.11 – All matters relating to system expansion and the making of additions and betterments thereto or extensions thereof, the incurring of indebtedness, the issuance of bonds, and the fixing of rates and charges for utility services under the jurisdiction of the Board shall be initiated by the Board, subject to approval by the Council, and executed by the Board; provided, that all rates and charges for utility services shall be reviewed and revised or reenacted by the Board and Council at intervals not exceeding five years and beginning with the year 1954.

Section 4.12 – The Board shall submit an annual budget to the Council for approval, in the manner prescribed by state law.

Section 4.13 – The Board shall select from its own membership a chairman, vice-chairman, and secretary and shall determine its own rules and order of business. The time and place of all meetings shall be publicly announced, and all meetings shall be open to the public and a permanent record of proceedings maintained.[18]

Section 4.14 – The Board shall maintain such billing, cost and general accounting records as maybe necessary for effective utility management or required by state law. Expenditure documents shall be subject to pre-audit by the central fiscal agency of city government. The City Treasurer shall be responsible for receipt, custody, and disbursement of all utility funds. The Board shall submit such financial and other reports as may be required by the Council.

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, 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.

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 for general government purposes.

Section 4.17 – The Department of Public Utilities shall use the services of the City's General Government finance department, purchasing agent, law department, human resources/personnel department, and other City departments, offices, and agencies, except as otherwise directed by the City Council. (Amendment approved by vote of the people November 3, 1992.)

Administrative Organization

Section 4.18 – The Board shall appoint a Director of Utilities who shall:

(a) Be selected on the basis of his executive and administrative qualifications;
(b) Be appointed for an indefinite period and subject to removal by the Board;
(c) Serve as the chief executive officer of the Department of Public Utilities, responsible directly to the Board.

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.

[18] Chapter 42.30 RCW establishes the rules of procedure for Board meetings pursuant to the Open Public Meetings Act.

Section 4.20 – Insofar as is possible and administratively feasible, each utility shall be operated as a separate entity. Where common services are provided, a fair proportion of the cost of such services shall be assessed against each utility served.

Section 4.21 – Subject to confirmation by the Board, the Director of Utilities shall appoint a properly qualified superintendent for each utility system under his administrative control.

Section 4.22 – There shall be such other officers and employees in the Department of Public Utilities as the Board may determine, who shall be appointed and removed by the Director of Utilities subject to the provisions of this charter relating to municipal personnel. These employees shall be entitled to participation in the general employee retirement system and to enjoy such other employee welfare benefits as may be provided for municipal employees. Within the limitations of the annual budget and salary ordinance, the salaries and wages of employees in the Department shall be determined by the Board.

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 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 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 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

Application of State Election Laws

Section 5.1 – At all municipal elections, general, special and primary, the manner of electing officers and of submitting questions or propositions to the qualified electors, conducting and voting at elections, opening and closing of polls, keeping the poll lists, duties of election officers, canvassing the votes, declaring the results and certifying the returns, shall be in accordance with state law, except as otherwise provided in this charter.

Types of Elections – When Held

Section 5.2 – Except as otherwise provided in Section 10.6 of this charter, municipal general and primary elections shall be held biennially on the days provided by law in each even numbered year. All other municipal elections shall be known as special municipal elections and shall be provided for by the Council, subject to the provisions of state law.[19] All municipal elections shall be non-partisan and by the qualified electors of the city at large.

Filing and Certification of Candidates

Section 5.3 – Any qualified elector eligible thereto may become a candidate for any elective city office by filing a declaration of candidacy with the City Clerk in accordance with state law. The City Clerk shall certify a list of the offices to be filled and candidates for nomination to such offices and transmit same to the county supervisor of elections as provided by law.[20]

Election of Councilmen – Numbered Positions

Section 5.4 – 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.

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[19] RCW 29.13.020 provides that municipal elections shall be held in odd numbered years with exceptions as noted in the statute.
[20] RCW 29.21.060 provides that candidates must file their declaration of candidacy with the County Auditor rather than the City Clerk.

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 shall further designate, by consecutive numbers commencing with number six and ending with number eight, all positions on the Council to be elected at large, and 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 he/she is 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 he/she is 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 he/she was nominated, he/she shall, by virtue thereof, be deemed to have forfeited his/her office, and his/her seat shall become vacant and shall be filled in the manner provided herein for the filling of vacancies. (Amendment approved by vote of the people November 3, 1992.)

Election Contests

Section 5.5 – Certificates of election shall be prima facie evidence of the facts therein stated, but the Council shall decide all questions as to the qualifications and elections of its own members, and in all cases of contested election for any office, the contest shall be decided by the Council according, as nearly as may be, to the laws of the state regulating proceedings in case of contested elections for county offices.

Candidates' Statements of Qualifications

Section 5.6 – At the time of filing as a candidate for the office of council member, each candidate may file with the City Clerk on a form prescribed by the City Clerk, a verified statement of his/her name, the office for which he/she is a candidate, his/her residence, place of birth, present occupation, public offices he/she has held, a summary of his/her experience and qualifications for office, and a recent photograph. Said statement shall not exceed two hundred words in length and shall be signed by ten residents of the city of Tacoma sponsoring said candidate. At the time of filing said statement, each candidate shall also pay to the City Clerk a printing fee which, until otherwise provided by ordinance, shall be the sum of fifty dollars. The City Clerk shall cause said candidates' statements to be printed in some convenient form and mailed to each individual place of residence in the city at least ten days prior to the date set for the primary municipal election. (Amendment approved by vote of the people November 3, 1992.)

Other Provisions

Section 5.7 – All matters pertaining to elections and not provided for in the charter or by law 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.

Article VI

CITY OFFICERS AND PERSONNEL[21]

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 boards and commissions; (c) officers appointed by the Mayor and Council or by boards and commissions, as provided by law or by this charter; (d) all department heads, one confidential secretary for the City Manager 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 members; (e) not more than three administrative assistants or aides to the City Manager; (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; and (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. (Amendments approved by vote of the people September 18, 1973 and November 3, 1992.)

Classified Service

Section 6.2 – The classified service shall comprise all positions not specifically included in the unclassified service.

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; provide that as to laborers this requirement may be waived by the Personnel Officer 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 his or her appointment, and all officers and employees of the city appointed after this charter takes effect shall reside within its corporate limits during their period of employment in the city service; provided, that the Civil Service Board may waive such residence requirements for employees in the classified service and the City Council may waive such residence requirements for appointive employees in the unclassified service when such waiver is deemed to be for the best interests of the city for such reasons and under such conditions as may be prescribed in the personnel rules. (Amendments approved by vote of the people November 2, 2004.)

Oath of Office

Section 6.4 – Every elective or appointive officer shall, before entering upon the performance of the duties of his office, take, subscribe, and file with the City Clerk an oath or affirmation to support the constitution and laws of the United States and the State of Washington and that he will comply with this charter and all ordinances of the city and faithfully perform the duties of the office which he is about to enter.

Surety Bonds

Section 6.5 – The Council may require the bonding of any officers and employees, conditioned upon the faithful and proper performance of the duties of their offices or employment, and in such amounts and in such form as the Council shall determine. All city officers or employees receiving, disbursing, or responsible for city funds shall be bonded. The premiums on all such bonds shall be paid by the city.

Pecuniary Interest

Section 6.6 - No officer or employee of the City shall have a financial interest, directly or indirectly, in any contract, sale, lease, or purchase with or for the use of the City; or accept, directly or indirectly, any compensation, gratuity, or reward from any other person who is financially interested therein. Provided, however, an officer or employee does not have a prohibited interest if the officer or employee has a remote interest as defined by state law. Violation of any provision of this section may work a forfeiture of the office of the person violating the same and the contract sale, lease, or purchase shall be void. (Amendments approved by vote of the people November 2, 2004.)

Discriminatory Actions

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, national origin, political affiliation, sex, age, or the presence of any sensory, mental or

[21] See Chapter 1.24 - Personnel rules.

physical handicap; provided, however, that affirmative action may be used to remedy prior discrimination in the employment and promotion of City appointed officers and employees. (Amendments approved by vote of the people September 18, 1973 and November 3, 1992.)

Political Activity

Section 6.8 - No elected officer or employee of the City of Tacoma shall hold another City of Tacoma office. No elected officer of the City of Tacoma shall hold another elected public office. (Amendments approved by vote of the people November 2, 2004.)

Compensation of Officers and Employees

Section 6.9 – Except as otherwise provided in this charter or by state law, the compensation of all officers and employees of the city shall be fixed in accordance with the pay plan and salary ordinance adopted by the Council and within the limits of budget appropriations. No officer or employee shall receive any compensation from any sources whatsoever for his service to the city other than his salary.[22]

Employee Welfare Benefits

Section 6.10 – The Council may provide for the retirement of the city's non-elective officers and employees and make available to them any group life, hospital, health, or accident insurance, either independently of, or as a supplement to, any retirement or other employee welfare benefits otherwise provided by law. Any retirement system established under this section shall be financed jointly by the city and the officers and employees participating therein.

Civil Service Board

Section 6.11 – (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 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; provided, that if such vacancy occurs when there remain less than five full days for filing as a candidate at the primary election for such unexpired term, the Board shall appoint a qualified person to fill the full unexpired term. 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 personnel director nor his or her 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 rec- ord, 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.

[22] Salaries of elective officers must be provided for in the charter and power to fix cannot be re-delegated to legislative body. *Taylor v Tacoma,* 8 W 174 (1894).

(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.

(Amendments approved by vote of the people September 18, 1973, November 3, 1992 and November 2, 2004).

Powers and Duties of the Civil Service Board

Section 6.12 – The Civil Service Board shall have the power and shall be required:

(a) To advise the Council and administrative officials on all matters relating to Civil Service and personnel administration in the City service.

(b) To investigate any or all matters relating to conditions of employment in the service of the City, either in response to employee complaints or on its own initiative.

(c) To investigate and pass upon the claim of any person whose name appears on an eligible list, that he has been deprived of a position to which he is entitled under the provisions of this charter and the Civil Service and Personnel Rules governing the classified service, in which case the decision of the Board shall be binding on the appointing authority; provided, that such person shall not be entitled to any claim for salary from the city for the period prior to the date of filing such claim.

(d) To hear appeals from any action suspending for more than thirty days, reducing in rank or pay, or discharging any employee in the classified service, and further to hear appeals on any and all other controversies or matters arising out of or in connection with the Civil Service and Personnel Rules. The findings and decisions of the Board shall be reduced to writing and shall be final and binding upon all parties concerned. (Approved by vote of the people November 4, 1958.)

Personnel Officer

Section 6.13 – There shall be a Personnel Officer, appointed by the City Manager on the basis of his experience in and demonstrated knowledge of modern personnel administration, who shall be the administrative head of the Personnel Department. He 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 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 days 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 his/her 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. (Approved by vote of the people November 4, 1958; amended by vote of the people September 18, 1973 and November 3, 1992.)

Special Provision Relating to Examinations

Section 6.15 – All examinations shall be impartial and shall deal with the duties and requirements of the positions to be filled; they may be oral, written, or based on observed performance or educational and experience record, or any combination thereof. Positions requiring unusual technical or professional qualifications may be filled without competitive examination upon approval of the Civil Service Board. Unskilled laborers may be appointed in the order of priority of application, after such tests of fitness as the Personnel Officer may prescribe; provided, that preference in such employment shall be given to honorably discharged veterans. The Personnel Officer may develop an apprenticeship program for the recruitment and promotion of employees in the skilled trades.

Status of Existing Employees

Section 6.16 – All persons holding positions in the classified service who are there by virtue of existing civil service charter provisions, shall retain their positions until advanced, discharged, or reduced in accordance with provisions of this charter. Nothing contained herein shall affect or impair employee retirement, sick leave, or vacation credits accrued, or the validity of eligible lists created, under personnel rules and ordinances in force at the time this charter takes effect.

Arbitration

Section 6.17 – In determining salaries, wages, hours and working conditions for employment in the city service, the Council, through the City Manager 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. (Amendment approved by vote of the people September 18, 1973.)

Status of New Employee Groups

Section 6.18 – If, at any time after the effective date of this charter, the city acquires any public utility system formerly under private ownership or undertakes the provision of any new municipal services formerly provided by another local agency, the Council shall make provision to blanket the employees of such utility system or public agency, essential to the continued operation of such utility or other service, into appropriate classifications in the city service, without examination; provided, that the Council may require any such employees with less than one year's service in the position held at the time of the acquisition to serve a probationary period before attaining permanent civil service status; and further provided, that such employees meet the requirement prescribed in Section 6.3 of this charter.

Article VII

GENERAL FINANCE

Fiscal Year

Section 7.1 – The fiscal year of the City of Tacoma shall begin on the first day of January and end on the 31st day of December of each year.

The Budget

Section 7.2 – The Budget shall be prepared and acted upon in the manner and within the time limits prescribed by state law. The Council may prescribe budget procedures supplemental to and not inconsistent with the provisions of the state law and this charter.

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 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.

Investment of Funds

Section 7.4 – There shall be a Finance Committee, composed of the Mayor, Director of Finance, and City Treasurer, which shall control the investment of city funds and moneys in the manner prescribed by state law and city ordinance. Said committee shall also have powers and duties assigned by state law to municipal boards of investment.

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 on the basis of his 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, he shall:

(a) Compile for the City Manager and 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 him, 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 he 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 his office.

(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.

(f) Perform such other duties as may be required of him by law and by the Manager and Council.

Receipt, Custody, and Disbursement of Funds

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

Section 7.7 – The City Treasurer shall receive all moneys due and belonging to the city, and all trust funds held by the city, and shall keep an accurate detailed account of the same in a manner prescribed by the Director of Finance. The Treasurer shall open and keep separate and distinct accounts for each fund as required by law or this charter. He shall also prescribe the times at and manner in which moneys received by the several departments and offices shall be paid to the Treasurer or deposited in a city bank account under the Treasurer's control.

Section 7.8 – The City Treasurer shall deposit all city funds in one or more banks in the City of Tacoma, in the manner prescribed by law and ordinance or by resolution of the Council.

Section 7.9 - Disbursements of city funds shall be by the Treasurer or his or her designee only based upon a voucher, payroll or other authorized obligation of the city. (Amendments approved by vote of the people November 2, 2004.)

Purchasing and Contracts

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

Section 7.11 – Competitive prices or bids for all purchases and public works and improvements performed by contract shall be obtained where practicable and the purchase made from, or the contract awarded to, the lowest and best responsible bidder; provided, that the Council may waive the bidding requirements prescribed in this section in the purchase of single source and emergency items. Sealed bids shall be asked for in all transactions involving the expenditures in excess of a specific dollar amount set by ordinance, but not greater than the amount allowed by state law, and the transaction evidenced by written contract submitted to and approved by the Council. The Council may reject any and all bids. In all public works and improvements transactions where sealed bids are required, the Council shall demand a deposit by each bidder in the form of a certified check or bid bond in an amount not less than five percent of the total bid, which amount shall be specified in the call for bids, unless otherwise authorized by State law. For all public works and improvements the Council shall require a faithful performance or surety bond of the successful bidder, unless otherwise authorized by State law. Calls for bids shall be published in the official newspaper of the City for not less than five days before the deadline for submission of bids, unless the Council declares by ordinance or resolution that an emergency exists. Detailed purchasing and contract award procedures shall be prescribed by ordinance. (Amended by vote of the people November 8, 1983 and November 3, 1992.)

Section 7.12 – The Council shall determine which public works or improvement projects are to be performed by city forces and which are to be let by contract in the manner prescribed in this article, subject to the requirements of state law.

Section 7.13 – All contracts shall be prepared under the supervision of, and approved as to legal form by, the City Attorney.

Independent Audit

Section 7.14 – The Council shall provide for an annual audit, survey, report and analysis of such books, records, accounts, functions or performance records of the City and its various departments as the Council, in its discretion, may deem proper, by

certified public accountants who are in no way connected with the City government. Any such audit, survey, report or analysis shall be filed with the City Council and shall be open to public inspection. This independent audit shall be conducted in part on an annual basis so that at the end of each five-year period, books, account and transactions of all departments of the City of Tacoma shall be covered thereunder. (Adopted by vote of the people September 15, 1970.)

Taxation and Indebtedness

Section 7.15 – The city shall have all powers granted to or not withheld from cities of like class by the constitution and laws of the state in the levying and collecting of taxes and incurring of indebtedness.

Public Sale of Bonds

Section 7.16 – All bonds and other forms of indebtedness issued by the City shall be sold in the manner determined by the Council and in compliance with Washington State law and applicable federal rulings. Those obligations which are sold at public sale shall be advertised for sale at least once in a publication carrying municipal bond notices and devoted primarily to financial news or to the subject of state and municipal bonds, published in New York City, and after such local publication as may be prescribed by state law for the issuance and sale of such obligations. (Approved by vote of the people November 8, 1983.)

Article VIII

FRANCHISES

Section 8.1 – Every grant, renewal, extension, or amendment of a franchise, right or privilege, shall be by ordinance which shall not be passed before the second regular meeting of the Council, and at least fifteen days after its introduction, nor become effective except in the case of initiative or referendum, until thirty days after publication thereof, and which, whether it is so provided therein or not, shall be subject to the right of the Council or the qualified electors of the city acting for themselves by the initiative or referendum, unless otherwise provided by law, at any time subsequent to the grant, renewal, extension, or amendment;

(a) To repeal, amend, or modify the same with due regard to the rights of the grantee and the interests of the public.

(b) To cancel, forfeit, and abrogate the same if the franchise, right, or privilege is not operated or exercised in full accordance with its provisions, or any part thereof, or at all.

(c) To acquire by purchase or condemnation, for the use of the city itself or its inhabitants, all of the property of the grantee within the public streets, alleys, or places at a fair and just value, which shall not include any valuation of the franchise, right, or privilege, which shall thereupon terminated.

(d) To make all regulations necessary or proper to secure in the most ample manner the safety, welfare, accommodation, comfort, and convenience of the public.

(e) To establish reasonable standards of service and quality of product and to require proper and adequate extensions of plant or service and the maintenance thereof at the highest practicable standard of efficiency.

(f) To regulate rates, fares, and charges for service, where not otherwise provided by law.

(g) To require the elevation or depression of tracks of street or other railways, or the placing underground of cables, wires, and similar devices, and appurtenances thereto, and the removing or relocating of all property or equipment of the grantee in the public streets, alleys, or places, whenever the same is necessary in the interest of public safety or convenience.

(h) To require the grantee to allow the use of its tracks, poles, cables, wires, and similar devices, and appurtenances thereto, by the grantee of any other franchise, right, or privilege, on the payment of a reasonable rental therefor.

(i) To examine all books, records, and accounts and do all things necessary to ascertain accurately the actual gross receipts per annum of any grantee.

Section 8.2 – No franchise or extension or renewal thereof shall ever be granted except upon proper compensation by way of payment into the city treasury of a percentage of the gross receipts thereunder, which percentage shall in no case be less than one per cent per annum; provided, that this section shall not apply to railways.

Section 8.3 – No exclusive franchise, right, or privilege shall ever be granted; nor shall any franchise, right, or privilege be granted for a term longer than twenty-five years; nor any extension or enlargement thereof extended beyond the unexpired term of the first or original franchise, right or privilege; nor any franchise, right or privilege renewed or extended until within two years of the of the expiration thereof.

Section 8.4 – No ordinance shall be construed as granting any franchise, right or privilege except as stated therein in plain and unambiguous terms, nor to apply to any public street, alley, or place not plainly specified therein, and any and every ambiguity therein shall be construed in favor of the city and against the grantee.

Section 8.5 – No franchise heretofore or hereafter granted by the city shall ever be leased, assigned, or otherwise alienated without the express consent of the city by ordinance, and no dealing with the lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent.

Section 8.6 – All franchises, rights, and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise at the time of the adoption of this charter, are hereby declared forfeited and of no validity, and it shall be the duty of the Council to carry out the provisions of this section by the enactment of ordinances repealing the same.

Section 8.7 – The enumeration and specification of particular matters in this charter which are made a part of, or must be included in every grant, renewal, or extension of a franchise, right, or privilege, shall never be construed as impairing the right of the Council or the qualified electors acting for themselves through the initiative or referendum to insert therein such other and further matters, terms, and conditions, or make other provisions whatever, as it or they shall deem proper to protect its or their interest.

Article IX

MISCELLANEOUS PROVISIONS

Disposition of City Property[23]

Section 9.1 - Except as otherwise provided in this charter or in state law, the sale, lease or conveyance of real or personal property belonging to the City shall be upon authorization of the Council; provided that machinery or equipment may be leased from day to day on written agreement therefore approved by the City Manager or Director of Utilities, as the case may be, and filed with the Director of Finance; provided further that, the lease of real or personal property for a term of less than a one year period without renewal options shall not require authorization of the Council. Any lease of real or personal property for a period longer than five (5) years shall contain provisions for adjustment of rentals at intervals not to exceed five (5) years. The City shall never authorize the sale or disposition of any waterfront property belonging to the City and, subject to the provisions of state law, shall not lease waterfront property for a period longer than seventy-five years at any one time. All conveyances, contracts for sale of land owned by the City, and leases of such land for a term of longer than one year, including any renewal options, shall be executed by the Mayor and attested by the City Clerk. (Amendments approved by vote of the people September 18, 1973 and November 2, 2004.)

Public Records

Section 9.2 – All records and accounts of every office, department, or agency of the city shall be open to inspection by any citizen, any representative of a citizen's organization, or any representative of the press, at all reasonable times and under reasonable regulations established by the City Council, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish. All such records and accounts shall be city property and be kept as such by the proper officers and employees during their continuance in office, and then delivered to their successors.[24]

Claims Against City[25]

Section 9.3 – All claims for damages against the city, whether sounding in tort or arising out of contract, shall be presented in writing and filed with the City Clerk. Such claim shall accurately state the time, place, cause, nature, and extent of the alleged damages and give the actual residence of the claimant by street and number at the date of presenting such claim, and for six months immediately prior to the time such claim for damages accrued, and shall be verified by affidavit of the claimant or such other person as may be authorized by law to verify such claims, to the effect that the same is true. The omission to present any such claim in the manner hereinabove prescribed shall be a bar to any action against the city therefor. Neither the Council, nor any department, board, officer, or authority, shall allow, make valid, or in any manner recognize any demand against the city; which was not at the time of its

[23] See Chapter 1.06 - Sections 1.06.350 - 1.06.353.

[24] See also "Public Disclosure Law" RCW 47.17.

[25] See Sections 1.06.227 - 1.06.230.

creation a valid claim against the city; nor shall they or any of them ever allow or authorize to be paid any demand which, without such action, would be invalid or which shall have been barred by any statute of limitations, or for which the city was never liable; and any such action shall be null and void.[26] (Approved by vote of the people November 8, 1983.)

Cemeteries, Mausoleums, and Crematories

Section 9.4 – The establishment or platting of new cemeteries and the establishment of mausoleums or crematories within the limits of the City is hereby prohibited; provided that mausoleums or crematories may be established within the limits of existing cemeteries. (Approved by the vote of the people September 18, 1973.)

Parks

Section 9.5 – If at any time hereafter the parks now under the control of the Metropolitan Park Board come under the jurisdiction of the city, such parks shall be managed, controlled, and administered in such manner as the Council shall by ordinance provide.

Separability Clause[27]

Section 9.6 – If any portion of this charter is for any reason held to be invalid or inoperative, such decision shall not effect the validity of the remainder thereof.

Gender-Neutral Language

Section 9.7 – Words importing the masculine gender shall be extended to the feminine gender. (Approved by the vote of the people November 3, 1992.)

Article X

SUCCESSION IN GOVERNMENT

Continuance of Ordinances and Vested Rights

Section 10.1 – All ordinances and resolutions in force at the time this charter shall go into effect, and not inconsistent therewith, shall remain in force until amended or repealed or until they expire by limitation. All rights and obligations in favor of or against the city existing at the time this charter shall go into effect, shall continue without modification. All street and other improvements, all vacations of public streets, alleys, or places, all assessments for improvements, all suits and actions in court, all fines and forfeitures, and all other matters, relating to the city that have been begun and not completed, shall be completed according to the charter, ordinances, and laws existing prior to the time this charter shall go into effect. All taxes and assessments levied and remaining unpaid when this charter shall go into effect, shall be collected as provided by the charter existing and in effect at the time the same were levied.

Continuance of Departments and Officers

Section 10.2 – The administrative organization in force at the time this charter takes effect shall continue until changed in accordance with the provisions of this charter. All persons holding appointive office at the time this charter takes effect shall continue in office and in the performance of their duties until their successors have been appointed and qualified as provided in this charter. Pending the passage of an ordinance distributing the work of departments under the supervision and control of the Manager among specific divisions thereof, the Manager may establish temporary divisions.

Transfer of Functions and Personnel

Section 10.3 – Whenever by provisions of this charter duties and functions performed by, through, or under the supervision of any department, board, or office have been transferred to some other department, board, or office, the employees engaged in the performance of such duties and functions at the time this charter shall go into effect shall be transferred accordingly and be deemed to have been regularly appointed to the respective positions involved in the performance of such duties and functions, until removed therefrom in accordance with the provisions of this charter.

Preliminary Meetings of the Council

Section 10.4 – On the third business day following the certification of the result of the first election of councilmen under this charter, the newly elected members of the Council shall meet at 7:30 o'clock p.m. in the council chamber of the city hall for the purpose of considering the appointment of a City Manager and the preparation of such ordinances as may be necessary to effectuate the transition from the present form of government to that established by

[26] Section 9.3. See also "Actions against political subdivisions, municipal and quasi-municipal corporations" RCW 4.96.
[27] Section 9.6 (Amendments), was repealed by the vote of the people November 2, 2004. The remaining sections in this Article were renumbered to maintain consistency throughout the Charter.

this charter. The Council-elect shall choose one of its number to be chairman 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 chairman of the Council-elect. If a Manager has not been appointed and taken office on the first Monday in June, 1953, the Council shall designate a city officer to serve as Acting City Manager 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.

Transfer of Records, Property, and Funds

Section 10.5 – All records, property, and equipment of any department or office, the functions of which are assigned to any other departments or offices, shall be transferred and delivered to the departments or offices to which such functions are so assigned. All moneys possessed by and revenues accruing to the city, subsequent to the time this charter shall go into effect, shall continue to be accounted for in, and to be disbursed from, the various funds existing at the time this charter shall go into effect, until such time or times as, in the course of administration and reorganization, new funds shall be created by budget or otherwise established. When such new funds are established, the balances in funds replaced or discontinued shall be credited by transfer or apportionment to the new funds to which such balances shall be assigned.

Effective Date of Charter

Section 10.6 – For the purpose of nominating and electing councilmen, this charter shall take effect from the time of its approval by the electors of the city; for all other purposes this charter shall take effect on the first Monday of June, 1953, at 12:01 a.m., whereupon the present charter of the city shall be and is hereby repealed. The first election under this charter shall be held on the second Tuesday in March, 1953, preceded by a primary election held four weeks prior to such date, and the second municipal general and primary elections shall be held in the year 1956 on the dates prescribed for such elections by state law.

FREEHOLDER'S CERTIFICATE

State of Washington,)
County of Pierce,) ss.
City of Tacoma)

We, the undersigned freeholders of the City of Tacoma elected at the general municipal election held in said city on the eleventh day of March, 1952, under the provisions of the constitution and laws of the State of Washington, to prepare a new charter, by altering, changing, revising, adding to, or repealing the existing charter of the City of Tacoma, do hereby certify that the foregoing charter has been prepared by us, and is hereby submitted as the charter for said city.

IN WITNESS WHEREOF, we have hereunto set our hands this third day of September, 1952.

FRED SHOEMAKER, Chairman
MRS. THOMAS A. SWAYZE, Vice Chair.
HAL D. MURTLAND, Secretary
HUGH J. TUDOR
CHARLES T. BATTIN
G. VANDERENDE
CLARA E. GOERING
CHAS. J. EISENBACHER
ELIZABETH SHACKLEFORD
STANTON WARBURTON, JR.
HAROLD M. TOLLEFSON
PATRICK M. STEELE
CHARLES P. LARSON, M.D.
A. B. COMFORT
E. K. MURRAY

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