

City of Tacoma

Charter Review Committee

April 10, 2024
5:30 p.m.

747 Market Street, Tacoma WA 98402, Conference Room 148
Dial: 253-215-8782 Meeting ID: 915 2560 1849
Webinar Link: <https://www.zoom.us/j/91525601849>

AGENDA

1. **Call To Order**
Roll Call
2. **Welcome**
3. **Approval of Minutes**
4. **Public Comment**
5. **Amendment Review – Action Item**
 - **TPU – “Purposes of Inquiry”**
 - **General Government - “Purposes of Inquiry”**
 - **Full-time Council**
 - **Council Staff**
 - **City Attorney**
 - **Term Limits**
 - **Other Amendments**
6. **Staff Update**
7. **Other Business/Homework**
8. **Adjourn**

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2024 Charter Review Committee Recommendations

	TOPIC	SECTION	RECOMMENDATION	STATUS
TPU				
1.	TPU – Internet as a public utility	4.1	Adds internet as an allowable public utility, providing TPU the power and direction to be able to serve the city with internet as a public benefit	<ul style="list-style-type: none"> • Amendment Approved • Final vote: Approved 4/4 • Pro/con statements due: 4/9
2.	TPU - Board	4.8 4.9	Reserves one Board position of the current five for a member that lives and receives service outside of the City of Tacoma	<ul style="list-style-type: none"> • Amendment Approved as amended • Final vote: Approved on 4/8 • Pro/con statements due: 4/11
3.	TPU - Shared Services	4.15	Adds an audit to the already performed 10-year management review that provides a cost-benefit assessment of the services shared by the city and utility	<ul style="list-style-type: none"> • Amendment Approved as amended • Final vote: Approved on 4/8 • Pro/con statements due: 4/11
4.	TPU - “Purposes of Inquiry”	4.19	Clarifies what “purpose of inquiry” means by clearly defining prohibitions and allowances of Board inquiries to staff	<ul style="list-style-type: none"> • Concept approved 3/11 • Staff drafting/ finalizing language • Final vote required • Amendment Review: 4/10
Form of Government and Related Provisions				
5.	Form of Government (FOG)	Various	TBD: <ul style="list-style-type: none"> • Change to Mayor– Council-CAO FOG • Mayor manages City jointly with CAO; Mayor jointly appoints CAO & City Attorney with Council; appoint & remove department directors subject to Council approval; veto authority • CAO supervised by Mayor; Council membership: 9 until '27, then 7; elects chair; may override veto; may impeach Mayor with 5 votes 	<ul style="list-style-type: none"> • Discussion: 4/8 • Amendment Review: 4/22
6.	Term Limits	2.5 2.7	TBD: <ul style="list-style-type: none"> • 3 terms for council; 2 terms for mayor • Resign to run • Continue existing 10 year limit for current Council 	<ul style="list-style-type: none"> • Concept approved 3/21 • Staff revising language • Final vote required • Amendment Review: 4/10
7.	Full-time Council	2.35	<ul style="list-style-type: none"> • Council shall serve on a full-time basis 	<ul style="list-style-type: none"> • Concept approved 3/21 • Language Approved • Final vote required

				<ul style="list-style-type: none"> Amendment Review: 4/10
8.	Council Staff	New Section (in Art. II)	<ul style="list-style-type: none"> Council shall have the authority to employ or contract for personnel to advise and assist the council. The personnel shall report directly to the council 	<ul style="list-style-type: none"> Concept approved Staff revising language Final vote required Amendment Review: 4/10
9.	General Government - "Purposes of Inquiry"	3.2	<ul style="list-style-type: none"> Clarifies what "purpose of inquiry" means by clearly defining prohibitions and allowances of Board inquiries to staff 	<ul style="list-style-type: none"> Concept approved 3/11 Staff drafting/ finalizing language Final vote required Amendment Review: 4/10
10.	City Attorney	3.5 3.6	<ul style="list-style-type: none"> Council review of applicants proposed by the City Manager and hired subject to Council approval Approval of Council required to remove the City Attorney 	<ul style="list-style-type: none"> Concept approved 3/21 Staff drafting/ finalizing language Final vote required Amendment Review: 4/10
Police Accountability				
11.	Police Accountability	Sec. 3	<ul style="list-style-type: none"> Creates the Office of Police Accountability to conduct investigations of complaints and use of force by law enforcement officers and to review internal investigations Creates Community Police Oversight Committee to review Office of Police Accountability reports, findings and recommendations, to engage in community outreach, seek community input on race and social justice matters, and make recommendations to the Chief; and to advise the Chief and Council on systemic problems and opportunities in TPD practices 	<ul style="list-style-type: none"> Concept approved 3/25 Staff drafting language Final vote required Amendment Review: 4/11
Initiative, Referendum, Elections				
12.	Initiative and Referendum	2.20 2.22	<ul style="list-style-type: none"> Increasing the number of days to collect signatures for a referendum from 30 to 90 Prohibit the Council from submitting a proposed ordinance to electors that would substantially conflict with any proposed initiative (ordinance) provided to the clerk 	<ul style="list-style-type: none"> Concept approved 3/28 Staff drafting/ finalizing language Final vote required Amendment Review: 4/15
13.	Campaign Finance	5.6	<ul style="list-style-type: none"> States the City has authority to enact ordinances designed to limit campaign contributions and expenditures by or on behalf of candidates for office; provides examples of 	<ul style="list-style-type: none"> Concept approved 3/28 Staff drafting/ finalizing language Final vote required Amendment Review: 4/15

			potential ordinances including public financing and democracy vouchers	
14.	Ranked Choice Voting		<ul style="list-style-type: none"> • Council <i>may</i> adopt ranked choice voting for city elections 	<ul style="list-style-type: none"> • Concept approved 3/18 • Staff drafting language • Final vote required • Amendment Review: 4/15
Councils, Boards, and Commissions				
15.	Salary Commission RCW Conflict	2.3	Changes the Salary Commission procedure to align with the requirements of RCW 35.21.015	<ul style="list-style-type: none"> • Concept approved 3/21 • Final vote required • CRC Mtg: 4/11
16.	Planning Commission	3.8	<ul style="list-style-type: none"> • Increases membership from 9 to 11 • Changes composition of membership (adds flexibility) • Eliminates Charter prohibition on Planning Commission members receiving pay 	<ul style="list-style-type: none"> • Concept approved 3/21 • Language Approved • Final vote required • CRC Mtg: 4/11
17.	Landmark Preservation Committee	3.13	<ul style="list-style-type: none"> • Adds composition of the commission to Charter: a member from each of the 5 council districts and the remaining members are professionals in historic preservation or cultural resources, with priority for architectural or design experience • Total number of commissioners remains set by TMC (currently 11) 	<ul style="list-style-type: none"> • Concept approved 3/7 • Staff drafting/ finalizing language • Final vote required • CRC Mtg: 4/17
18.	Neighborhood Councils	Add Sec. 2.26	<ul style="list-style-type: none"> • Established Neighborhood Council (NC) and Community Council (CC) in Charter • NC and CC shall act as advisory entities to Council, Mayor, departments, commissions, and committees • CC will include an Equity Committee • City to make good faith effort to notify NC of significant policy matters, projects, proposals, events, or services that directly impact the neighborhood. Notice should be given as early in the planning or review process as possible. • Council and departments shall request and incorporate NC input prior to making a decision. • Council to determine NC boundaries and monitor services to the areas and arrange periodic meetings with officials and departments 	<ul style="list-style-type: none"> • Concept approved 4/4 • Staff drafting/ finalizing language • Final vote required • CRC Mtg: 4/17

19.	Climate Commission		<ul style="list-style-type: none"> Creates Climate Commission with 11 members (transforms the current Sustainable Tacoma Commission) Council to assign Commission responsibilities including advising, oversight, and reporting on City progress on CAP, including monitoring carbon budget; climate goals and impediments to the goals; resolution and ordinance alignment with CAP; departmental budget alignment with CAP CAP to include carbon budget reaching net-zero emissions by 2050 Two staff members to support the Commission 	<ul style="list-style-type: none"> Concept approved 4/1 Staff drafting/ finalizing language Final vote required CRC Mtg: 4/17
Miscellaneous				
20.	Land Acknowledgement	Preamble	Add land acknowledgement	<ul style="list-style-type: none"> Concept considered 3/18 Awaiting feedback from Puyallup Tribe Amendment Review: ??
21.	References to “citizen” and “freeholder”	Various	Modify references to “citizen” and “freeholder” throughout the Charter	<ul style="list-style-type: none"> Concept approved 3/7 Staff drafting language Final vote required Amendment Review: 4/24
22.	Citizenship and eligibility for employment	6.3	Remove Sec. 6.3 “Eligibility for Employment”	<ul style="list-style-type: none"> Concept approved 3/7 Staff drafting/ finalizing language Final vote required Amendment Review: 4/24
23.	Employment Anti-Discrimination	6.7	<ul style="list-style-type: none"> Modernize reference: change “handicap” to “disability” Require Council periodic review of code and code updates as appropriate 	<ul style="list-style-type: none"> Concept approved 3/18 Staff drafting/ finalizing language Final vote required Amendment Review: 4/24
24.	Official Newspaper	2.13	Modify section to add the City’s preferred digital media to print media for purposes of publication of ordinances	<ul style="list-style-type: none"> Concept approved 3/7 Staff drafting/ finalizing language Final vote required Amendment Review: 4/17
25.	Disposition of City Owned Property	9.1	Allows the City to transfer City owned waterfront property to public agencies.	<ul style="list-style-type: none"> Concept approved 3/25 Staff drafting/ finalizing language

				<ul style="list-style-type: none"> • Final vote required • Amendment Review: 4/24
26.	Humane Society	3.10	Delete all of Section 3.10 pertaining to the Humane Society	<ul style="list-style-type: none"> • Concept approved 4/1 • Staff drafting/ finalizing language • Final vote required • Amendment Review: 4/17
27.	Charter Review	2.25	<ul style="list-style-type: none"> • Provides no less than 6 months for the charter review process • The CRC shall be provided with sufficient time to perform a comprehensive review that includes public outreach and education, an antiracist analysis, specialist interviews, an estimation of fiscal budgetary impact, and proposed amendment and ballot language. 	<ul style="list-style-type: none"> • Concept approved 3/28 • Staff drafting/ finalizing language • Final vote required • Amendment Review: 4/24

DRAFT

New Section 2.5 (in Article II)

Option 2 FOG

Charter Review Committee

Recommendation Summary

Option 2 FOG Dependent

Brief Summary of Amendment:

This Amendment adds a new Section 2.5 to Article II (The Legislative Branch) of FOG Charter order to:

- Confirms Council Members serve on a full-time basis.
- Authorizes Council to employ specified and other unnamed staff.
- Gives Council investigative powers including subpoena power, authority to hold hearings and employ special counsel.

Committee Activity:

Insert date of vote and voting record for approval of recommendation

Amendment:

Section 2.5 – The Council shall serve on a full-time basis and shall have the authority to employ or contract for personnel to advise and assist the Council including, but not limited to, a chief of staff, legal advisor, and legislative policy analyst. In addition, the Council may as a whole or by committee, conduct public hearings on matters of public concern and, further, may audit and make other investigations into the affairs of the City and the conduct of the executive branch including any City department, office, agency, board, commission, or committee, and, for this purpose, may retain special counsel and subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

Rationale for Amendment:

Insert summary of CRC rationale for the amendment

Dissenting Position(s):

Insert summary of CRC dissenting opinion

New Section XXX (in Article II)

Option 1

Charter Review Committee

Recommendation Summary

Brief Summary of Amendment:

This Amendment adds a new section to Article II (The Legislative Branch) of Charter order to:

- Confirm Council Members serve on a full-time basis.
- Authorize Council Members to employ or contract for personnel to directly report to and advise or assist the Council.

Committee Activity:

Insert date of vote and voting record for approval of recommendation

Amendment:

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

Rationale for Amendment:

Insert summary of CRC rationale for the amendment

Dissenting Position(s):

Insert summary of CRC dissenting opinion

Charter Review Committee

Recommendation Summary

Option 2 FOG

Brief Summary of Recommendation:

- Mayor and Council jointly appoint City Attorney.
- Council Confirms joint appointment.
- Mayor may remove City Attorney with Council's approval.
- Clarifies the duties of the City Attorney.
- Authorizes Council to approve retention of special council to address a conflict of interest.

Committee Activity:

Amendment:

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

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

Rationale for Amendment:

Insert summary of CRC rationale for the amendment

Dissenting Position(s):

Insert summary of CRC dissenting opinion

Charter Review Committee

Recommendation Summary

Option 1

Brief Summary of Recommendation:

- Requires Council to review and approve candidates for City Attorney.
- Requires Council approval of City Manager's removal of City Attorney.

Committee Activity:

Amendment:

City Attorney

Section 3.5 – The City Manager shall appoint a City Attorney, ~~who~~ only after a Council review of candidates, and subject to the Council's approval of the final candidate. The City Attorney shall be an attorney admitted and qualified to practice in the Supreme Court of the State of Washington and who shall have practiced the profession within the State of Washington for not less than five years next preceding the appointment. The City Attorney shall have power to appoint and remove, subject to the approval of the Manager, professional assistants who shall also be attorneys admitted and qualified to practice in the Supreme Court of the State of Washington. The City Manager shall have the power to remove the City Attorney only upon the approval of the Council.

Rationale for Amendment:

Insert summary of CRC rationale for the amendment

Dissenting Position(s):

Insert summary of CRC dissenting opinion

Section 2.35

Charter Review Committee

Recommendation Summary

Brief Summary of Amendment:

The amendment does the following:

- Allows the possibility to serve three full consecutive terms on the Council and two full consecutive terms as Mayor.
- Requires

Committee Activity:

Insert date of vote and voting record for approval of recommendation

Amendment:

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

Rationale for Amendment:

Insert summary of CRC rationale for the amendment

Dissenting Position(s):

Insert summary of CRC dissenting opinion

Charter Review Committee

Section 3.2

Option 1

Recommendation Summary

Brief Summary of Recommendation:

- Removes the antiquated phrase “for purposes of inquiry”.
- Clarifies role of Council with respect to City Manager staff.

Committee Activity:

Amendment:

Section 3.2 – The Manager shall be responsible to the Council for the administration of all units of the City government under the Manager’s jurisdiction. ~~Except for the purpose of inquiry, the Council and its members shall deal with administrative officers and employees under jurisdiction of the Manager solely through the Manager.~~ Neither the Council nor any member thereof shall give orders to the Manager’s subordinates or otherwise interfere with managerial functions through such means as directing or requesting the appointment or removal of any of the Manager’s subordinates, or the making of particular purchases from or contracts with any specific individual or organization. Outside of these prohibitions, the Council is permitted to make direct inquiries of, and receive relevant information from staff for the purposes of the formation of budget and policy. The Manager shall have the right to attend all meetings of the Council and to take part in the discussion of matters coming before the Council, but not the right to vote.

Rationale for Amendment:

Insert summary of CRC rationale for the amendment

Dissenting Position(s):

Insert summary of CRC dissenting opinion

Charter Review Committee

Section 3.2

Option 2

Recommendation Summary

Brief Summary of Recommendation:

- Removes the antiquated phrase “for purposes of inquiry”.
- Clarifies role of Council with respect to City Manager staff.

Committee Activity:

Amendment:

Section 3.2 – The Manager shall be responsible to the Council for the administration of all units of the City government under the Manager’s jurisdiction. ~~Except for the purpose of inquiry, the Council and its members shall deal with administrative officers and employees under jurisdiction of the Manager solely through the Manager.~~ Neither the Council nor any member thereof shall give orders to the may request any specific executive action by Manager’s subordinates or otherwise interfere with managerial functions through ~~such means such as but not limited to~~ as directing or requesting the appointment or removal of any of the Manager’s subordinates, or the making of particular purchases from or contracts with any specific individual or organization. Outside of these prohibitions, the Council is permitted to make direct inquiries of, and receive relevant information from staff for the purposes of the formation of budget and policy. The Manager shall have the right to attend all meetings of the Council and to take part in the discussion of matters coming before the Council, but not the right to vote.

Rationale for Amendment:

Insert summary of CRC rationale for the amendment

Dissenting Position(s):

Insert summary of CRC dissenting opinion

Charter Review Committee

Section 4.19

Option 1

Recommendation Summary

Brief Summary of Recommendation:

Clarifies the role of TPU Board members with respect to TPU staff.

Committee Activity:

Amendment:

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

Neither the Board nor any member thereof shall give orders to the Director’s subordinates or otherwise interfere with managerial functions through such means as directing or requesting the appointment or removal of any of the Director’s subordinates, or the making of particular purchases from or contracts with any specific individual or organization. Outside of these prohibitions, the Board is permitted to make direct inquiries of, and receive relevant information from staff for the purposes of the formation of budget and policy.

Rationale for Amendment:

Insert summary of CRC rationale for the amendment

Dissenting Position(s):

Insert summary of CRC dissenting opinion

Charter Review Committee

Section 4.19

Option 2

Recommendation Summary

Brief Summary of Recommendation:

Clarifies the role of TPU Board members with respect to TPU staff.

Committee Activity:

Amendment:

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

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

Rationale for Amendment:

Insert summary of CRC rationale for the amendment

Dissenting Position(s):

Insert summary of CRC dissenting opinion