

Synopsis of the Primary Differences Between Draft Charter Amendments

Article I

- Section 2: The version drafted by the City of Yakima Legal Department explicitly addresses the effective date of the Charter amendment to specify that the amendment will become effective upon the first swearing in of a Mayor. This is a critical issue, because the amendment to the Charter should not go into effect prior to the installation of a Mayor. Otherwise, the City will be left in limbo: without a City Manager or a Mayor and without a clear executive. The version drafted by a private resident does not fully address this issue.

Article II

- Section 3: In Subsection D of Legal's version, it specifies that the Council President would serve as Mayor Pro Tempore in the event of a temporary disability or absence of the Mayor, while Section 7 of the private resident's version is silent on this issue and only speaks to a "vacancy" in the office of the Mayor (which as defined in the draft amendment does not include temporary absences).

In subsection D, City Legal's version specifies what happens in the event of a tie and the Council is unable to agree on a replacement for a Council vacancy. The private resident's version is silent on this issue.

- Section 7: The private resident's version is not as specific as to what happens in the event of a vacancy in the office of Mayor (see subsection 3 D of City Legal's version).
- The private resident's version lays out the specific timing of the first Mayoral primary and election. Technically, this is dependent on Council passing the necessary resolutions calling for the required special elections subsequent to any passage of a Charter Amendment. Because the timing of a mayoral primary and election is dependent on future action of the Council, it is best not to specify the specific timing of such an election in the City Charter. City Legal's version generally provides that municipal elections shall be done in accordance with state law, and so it is not specific as to the timing of any special election.

- Section 8: In the private resident's version, the salary of the Mayor is set by the Charter, which conflicts with RCW 35.22.205:
- "The compensation and the time to be 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 city charter provisions."

City Legal's version specifies that the Mayor's salary be set by ordinance.

- Section 9: The private resident's version gives the Mayor authority to remove and appoint all officers and employees, including City Administrator and administrative heads. The City Legal version would require Council's consent for the appointment of an administrative head or assistant head.

Article IV

- Section 4: Under City Legal's version, an emergency ordinance would not be subject to veto. This appears to be what the private resident's version contemplates, but it is not clear.