



**Office of the City Attorney  
City of Yakima**

**MEMORANDUM**

June 21, 2021

TO: Bob Harrison, City Manager  
FROM: Sara Watkins, City Attorney  
SUBJECT: Summary of proposed Charter Amendments

---

Pursuant to the Council's direction, included in the council packet is a redline version of proposed Charter amendments for discussion at the Council's July 6<sup>th</sup> City Council meeting. In the redline version, in some cases the entire Article of the Charter is included for reference, even though there are not proposed amendments in each individual section. This memorandum constitutes a summary and explanation of the proposed amendments.

1. Article II, Section 5 (Officers—Council-Manager Form of Government)

The proposed amendment to Article II, Section 5 brings the Charter in sync with the state statute regarding how the Council may call a special meeting. Under RCW 42.30.080(1), a special meeting may be called by either the presiding officer or a majority of the body's members. The proposed amendment mirrors that language. The proposed amendment also mirrors the language in RCW 42.30.080(3) regarding final disposition only being taken by Council on subjects stated in the notice of the special meeting. Finally, the proposed amendment adds the language that residents of the City can be heard at any meeting, except as otherwise provided by state law. This makes it clear that there is no opportunity to comment at executive sessions.

2. Article VI, Section 2 (Additional Powers and Limitations on Officers)

The proposed amendment to Article VI, Section 2 adds clarity to how an emergency ordinance may be passed. The clarifying language indicates that a unanimous vote of the members present at a meeting is needed to pass an emergency ordinance, not the council as a whole. This precludes an argument that if a councilmember is absent from a meeting that an emergency ordinance could not be passed as the full council could not vote unanimously with one member absent.

3. Article VI, Section 4 (Additional Powers and Limitations on Officers)

The proposed amendment to Article VI, Section 4 adds language regarding vacancies in city council positions. It states that a council seat is deemed vacant when one of the following occurs:

A member ceases to possess any of the qualifications specified in this Section or RCW 42.12.010;

A member fails to attend three consecutive regular meetings of the City Council or six or more regular City Council meetings during any calendar year without being excused by the Council; or

A member is convicted of a crime involving moral turpitude while in office.

This adds the language deeming a council position vacant for failure to attend meetings. It leaves what is considered an absence to the Council to determine within its own rules of procedure, which will allow changes over time based on technology or other determinations. If passed, the City Council will need to amend its rules of procedure to address what constitutes an excused absence, and how that is determined.

This section also provides for how a vacancy in a council positions should be filled once deemed vacant.

4. Article VI, Section 6 (Additional Powers and Limitations on Officers)

The proposed amendment to Article VI, Section 6 specifies that the purchase of supplies, materials, equipment or services is made by bidding pursuant to state law and local ordinance.

5. Article VII, Section 6 (Limitation of Taxation)

The proposed amendment to Article VII, Section 6 clarifies that the City can also appropriate aid to corporations, persons or society if allowed by law—in addition to as outlined in the Charter. The Charter cannot anticipate every situation, so this allows clarity that the City can appropriate money if allowed by law.

6. Article XIII, Section 1 (Amendments)

The proposed amendment to Article XIII, Section 1 clarifies that if there is a proposed Charter amendment that is going to the people to vote on, that such amendment must be brought at the next general municipal election. As proposed, charter amendments cannot be brought at special elections or during primary elections.

7. Article XV, Section 15 (Civil Service)

The proposed amendment to Article XV, Section 15 adds language to the non-discrimination provision of the Civil Service rules that is consistent with federal law.