

RESOLUTION NO. R-2021-

A RESOLUTION providing for the submission to the qualified electors of the City of Yakima at an election to be held on November 2, 2021, of a Proposition on whether Article VI, Section 4 of the Charter of the City of Yakima should be amended to add language regarding attendance and vacancies of City Council members; approving ballot title; making ancillary and corrective amendments throughout the Charter; and requesting the Yakima County Auditor to submit the Proposition to the voters on the regular municipal general election to be held November 2, 2021.

WHEREAS, Chapter 35.22 of the Revised Code of Washington (RCW) authorizes first class cities of the State of Washington to amend and revise their charters upon approval by a majority of qualified voters of the city voting in a general election called for that purpose; and

WHEREAS, the City of Yakima Charter provides that the Charter may be amended in the manner provided by the laws of the State of Washington and any proposed amendment may be called by the City Council; and

WHEREAS, more specifically with regards to Article VI, Section 4, the City Council finds and determines that there should be language that states the failure of a councilmember to attend three consecutive regular meetings of the Council or six or more regular Council meetings during a calendar year, without being excused by the City Council could result in the councilmember's seat being deemed vacant, because there currently is no way to require councilmembers to attend council meetings or remove them for failure to attend meetings without excuse; and

WHEREAS, the City Council desires to hold an election in the City of Yakima on the regular municipal general election date of November 2, 2021, for the purpose of submitting to the qualified voters of the City the proposition of whether the City of Yakima should approve the amended Charter as described above, all as set forth in the proposed amended Charter sections below; and

WHEREAS, the City Council finds and determines that the best interests and general welfare of the City of Yakima would be served by submitting to the qualified voters in the City the proposition of whether the City of Yakima should approve the amendment to the Charter, as set forth herein, now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

Section 1. Consistent with Section 2 of this Resolution, the City requests that the Yakima County Auditor call and conduct an election in the City in conjunction with the state general election to be held on November 2, 2021, for the purpose of submitting to the qualified electors of the City for their approval, the following proposed amendments to Article VI, Section 4 of the Yakima City Charter (Additional Powers and Limitations on Officers). Underlining indicates additions, and strike-outs indicate deletions, to the relevant City Charter provisions.

Article VI, Section 4 of the Charter, which reads as follows:

Members of the City Council shall be qualified electors of the City, and shall not hold any other public office except that of Notary Public or member of the military branch of the

state or federal government. A member of the City Council ceasing to possess any of the qualifications specified in this SECTION, or who may be convicted of a crime involving moral turpitude while in office shall immediately forfeit his office. A certified copy of the judgment of conviction filed in the office of the City Clerk shall be prima facie evidence of forfeiture as above provided.

Is hereby amended to read as follows:

Members of the City Council shall be qualified electors of the City, and shall not hold any other public office except that of Notary Public or member of the military branch of the state or federal government. ~~A member of the City Council~~ The office of any council member shall be deemed vacant if the council member:

- (1) ceases ceasing to possess any of the qualifications specified in this SECTION or RCW 42.12.010 (and as amended);
- (2) 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 in accordance with the provisions set forth in the *Rules of Procedure of the Yakima City Council*; or
- (3) who is may be convicted of a crime involving moral turpitude while in office shall immediately forfeit his office. A certified copy of the judgment of conviction filed in the office of the City Clerk shall be prima facie evidence of forfeiture under provision 3, as above provided.

Vacancies shall be filled by the selection of a qualified person who resides in the district in which the vacancy occurs, by majority vote of the remaining members of the council. The appointee so selected holds office until the next general municipal election at which election a person is elected to the office for the unexpired term, or for the next full term, as the case may be, and the person elected shall take office immediately upon certification of the election results.

Section 2. The City Council desires to place a Proposition before the qualified electors with regards to the proposed City Charter amendments contained in Section 1 of this ordinance. The ballot title for the Charter amendments to be submitted to the qualified electors in accordance with Section 1 of this ordinance, to be submitted at the November 2, 2021, regular municipal general election, shall be substantially as follows, and in such final form of concise statement as may be prepared by the City Attorney consistent with RCW 29A.36.071:

PROPOSITION NO. 1
ADOPTION OF AMENDMENT TO CHARTER OF
THE CITY OF YAKIMA

PROPOSITION NO. 1 concerns an amendment of the City of Yakima Charter. This amendment would amend Section 4, and 6 of Article VI, which would deem a council position vacant if a councilmember failed to meet attendance requirements and make corrective and clarifying amendments to the Section. Should this proposition be approved?

YES ☐
NO ☐

Section 3. The City Manager and City Attorney are authorized to make such minor

adjustments to the wording of such proposition as may be recommended by the Yakima County Auditor, provided the intent of the proposition remains clear and consistent with the intent of this resolution.

Section 4. Local Voters' Pamphlet Authorized. The preparation and distribution of a local voters' pamphlet providing information on the foregoing ballot measure is hereby authorized. The pamphlet shall include arguments advocating approval and disapproval of the ballot measure. In accordance with RCW 29A.32.280, the arguments advocating approval and rejection of the ballot measure shall be prepared by committees appointed by the City Council by resolution not later than forty-five days before the publication of the pamphlet. Each committee shall be composed of not more than three persons, however, a committee may seek the advice of any person or persons. The committee advocating approval shall be composed of persons known to favor the ballot measure, and the committee advocating rejection shall be composed of persons known to oppose the ballot measure.

Section 5. Corrections by City Clerk. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this resolution, including the correction of clerical errors, references to other local, state or federal laws, codes, rules, or regulations, or resolution numbering and section/subsection numbering.

Section 6. Severability. If any one or more sections, subsections or sentences of this resolution are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this resolution and the same shall remain in full force and effect.

Section 7. Effective Date. This resolution shall become effective immediately after its adoption.

Section 8. The City Clerk is authorized and directed to file a certified copy of this resolution with the Yakima County Auditor.

ADOPTED BY THE CITY COUNCIL this 20th day of July, 2021.

Patricia Byers, Mayor

ATTEST:

Sonya Claar Tee, City Clerk