

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 Articles II, VI, VII, XIII, and XV of the Charter of the City of Yakima should be amended to make corrective and clarifying amendments throughout, conforming to state law provisions regarding purchases of supplies, material, equipment or services, appropriations, amendments to the Charter and civil service; 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, the City Council desires to call proposed amendments to the City Charter to Articles II, VI, VII, XIII, and XV, to make corrective and clarifying amendments throughout; to conform with state law provisions regarding purchases of supplies, material, equipment or services; appropriations; the nondiscrimination provision of Civil Service; and adding language regarding attendance and vacancies of City Council members; 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 the Yakima City Charter: Section 5 of Article II (Officers—Council-Manager Form of Government); Sections 2 and 6 of Article VI (Additional Powers and Limitations on Officers); Section 6 of Article VII (Limitation on Taxation); Article XIII (Amendments); and Section 15 of Article XV (Civil Service). Underlining indicates additions, and strike-outs indicate deletions, to the relevant City Charter provisions.

Article II, Section 5 of the Charter, which reads as follows:

The Council shall meet at the times and places fixed by ordinance, but must hold at least two regular meetings each month. The Clerk shall call special meetings of the Council upon request of the Mayor or any two members. Requests for special meetings shall state the subjects to be considered and no other subject shall be considered at a special meeting except by consent of all members of the Council. All meetings of the Council and of committees thereof shall be open to the public, and the rules of the council shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meetings in regard to any matter being considered thereat.

Is hereby amended to read as follows:

The Council shall meet at the times and places fixed by resolution or ordinance, but must hold at least two regular meetings each month. The Clerk shall call special meetings of the Council upon request of the Mayor a majority of the Council upon written request, ~~or any two members~~. Requests for special meetings shall state the subjects to be considered; and no final disposition shall be taken by Council on any other subjects other than the subjects stated in the notice. ~~other subject shall be considered at a special meeting except by consent of all members of the Council.~~ All meetings of the Council and of committees thereof shall be open to the public, and the rules of the council shall provide that residents ~~citizens~~ of the City shall have a reasonable opportunity to be heard at any meetings in regard to any matter being considered thereat, except as otherwise provided by state law.

Article VI, Section 2 of the Charter, which reads as follows:

Ordinances making the annual tax levy or relating to local improvements or assessments therefore, or making appropriations, emergency ordinances, or ordinances adopted by vote of the electors shall take effect at the time indicated therein; all other ordinances shall take effect 30 days after the date of the publication thereof as herein provided. An emergency ordinance is one to provide for the immediate preservation of the public peace, property, health or safety. The unanimous vote of the Council shall be necessary for the passage of an emergency ordinances. No measure making or amending a grant, renewal, or extension of a franchise or other special privileged shall ever be passed as an emergency measure.

Is hereby amended to read as follows:

Ordinances making the annual tax levy or relating to local improvements or assessments therefore, or making appropriations, emergency ordinances, or ordinances adopted by vote of the electors shall take effect at the time indicated therein; all other ordinances shall take effect 30 days after the date of the publication thereof as herein provided. An emergency ordinance is one to provide for the immediate preservation of the public peace, property, health or safety. The unanimous vote of the Council members present at a meeting shall be necessary for the passage of an emergency ordinances. No measure making or amending a grant, renewal, or extension of a franchise or other special privileged shall ever be passed as an emergency measure.

Article VI, Section 6 of the Charter, which reads as follows:

Any purchase of supplies, material, equipment or services, except for public work or improvement, where the cost thereof exceeds a specific sum to be set by ordinance within the limits established by State law shall be made upon call for bids in the same method and under the same conditions as required herein on a call for bids for public work or improvement. This monetary limit for the purpose of supplies, material, equipment and services may be increased from time to time, but no more often than one time in any twenty-four month period, by ordinance enacted by the vote of no less than a two-thirds majority of the City Council members, up to, but in no case to exceed any amount allowed by State law. In the event of an emergency declared by resolution of the City Council, any purchase of supplies, material, equipment or service may be made without calling for bids.

Is hereby amended to read as follows:

Any purchase of supplies, material, equipment or services, except for public work or improvement, where the cost thereof exceeds a specific sum to be set by ordinance within the limits established by State law shall be made upon call for bids in the ~~same~~ method and under the ~~same~~ conditions as established by state law and ordinance. ~~required herein on a call for bids for public work or improvement.~~ This monetary limit for the purpose of supplies, material, equipment and services may be increased from time to time, but no more often than one time in any twenty-four month period, by ordinance enacted by the vote of no less than a two-thirds majority of the City Council members present at a meeting, up to, but in no case to exceed any amount allowed by State law. In the event of an emergency declared by resolution of the City Council, any purchase of supplies, material, equipment or service may be made without calling for bids.

Article VII, Section 6 of the Charter, which reads as follows:

The City Council shall make no appropriation in aid of any corporation, person or society not expressly authorized by this charter.

Is hereby amended to read as follows:

The City Council shall make no appropriation in aid of any corporation, person or society not expressly authorized by this charter or allowed by law.

Article XIII of the Charter, which reads as follows:

This charter may be amended in the manner provided by the laws of the State of Washington. Special elections for amending this charter may be called by the City Council or shall be called upon petition of qualified voters of the City of a number not less than fifteen percent of the total number of votes cast at the last preceding general state election, and otherwise as set forth in State law.

Is hereby amended to read as follows:

This charter may be amended in the manner provided by the laws of the State of Washington. ~~Special elections for amending this charter~~ Proposed charter amendments may be called by the City Council or shall be called upon petition of qualified voters of the City of a number not less than fifteen percent of the total number of votes cast at the last

preceding general state election, and otherwise as set forth in State law. Proposed charter amendments shall be submitted to the voters at the next general municipal election in accordance with applicable state law.

Article XV, Section 15, which reads as follows:

The right of any person to an appointment or promotion to any position in classified service of the City shall not be withheld because of his race, color, religion, national origin, political affiliation or belief, nor shall any person be dismissed, demoted, transferred or reduced in grade for such reason.

Is hereby amended to read as follows:

The right of any person to an appointment or promotion to any position in classified service of the City shall not be withheld from a qualified candidate because of their ~~his~~ race, color, sex, age, sexual orientation, gender identity or expression, mental or physical disability, religion, national origin, political affiliation or belief, or military status, nor shall any person be dismissed, demoted, transferred or reduced in grade for such reason.

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. 4
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 5 of Article II; Sections 2 and 6 of Article VI; Section 6 of Article VII; Article XIII; and Section 15 of Article XV; which would conform sections to state law; and make corrective and clarifying amendments to the Charter. 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