



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

MEMORANDUM

September 25, 2023

TO: Honorable Mayor Janice Deccio and Councilmembers
Bob Harrison, City Manager

FROM: Sara Watkins, City Attorney

SUBJECT: Order of items on the agenda

At its September 19, 2023, regular council meeting, the City Council placed on the October 3, 2023, council agenda a discussion of the agenda order. The purpose of this memo is to provide the relevant portion of the City Charter regarding the Council's agenda, the relevant section of the Council's Rules of Procedure, and the relevant statute, for the Council's review.

1. Yakima City Charter

The City Charter states:

The powers and duties of the City Manager shall be:

- (1) To have general supervision over the administrative affairs of the municipality;
- (2) To appoint and remove at any time all department heads, officers and employees of the City, except members of the Council, but the appointment and removal of those department heads, officers and employees who are subject to Civil Service or merit systems of the City of Yakima shall be pursuant to the Civil Service laws, rules and regulations of such City in existence at the effective date hereof: provided, that the Council may cause an audit to be made of any department or office of the City

government and may select the persons to make it, without the advice or consent of the City Manager;

(3) To attend all meetings of the Council at which his attendance may be required by that body;

(4) To see that all laws and ordinances are faithfully executed, subject to the authority which the Council may grant the Mayor to maintain law and order in times of emergency;

(5) To recommend for adoption by the Council such measures as he may deem necessary or expedient;

(6) To prepare and submit to the Council such reports as may be required by that body or as he may deem it advisable to submit;

(7) To keep the Council fully advised of the financial condition of the City or town and its future needs;

(8) To prepare and submit to the Council a tentative budget for the fiscal year;

(9) To perform such other duties as the Council may determine by ordinance or resolution.

Article 2, Section 9.

As the person in charge of administrative matters, the City Manager would generally be charged with creating the meeting agendas based on input from Council and business that the City Manager believed appropriate to bring in front of Council.

The Charter also states that the Council has the authority to adopt rules and regulations regarding the conduct of its business. Yakima Charter, Article 2, Section 2.

2. City Council Rules of Procedure

The Rules of Procedure adopted by the Council state:

As provided for in the City Charter and in accordance with RCW 35.18.060 (5), the City Manager shall prepare a written agenda for each meeting of the Council as far in advance thereof as possible and shall provide such agenda to each member of the Council prior to the commencement of the meeting. City Council Rules of Procedure, Section I(2).

3. RCW 35.18.060(5)

Similar to the City Charter, RCW 35.18.060(5) states:

The powers and duties of the city manager shall be:

- (1) To have general supervision over the administrative affairs of the municipality;
- (2) To appoint and remove at any time all department heads, officers, and employees of the city or town, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: PROVIDED, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of the city planning commission, and other advisory citizens' committees, commissions and boards advisory to the city council: PROVIDED FURTHER, That the city manager shall appoint the municipal judge to a term of four years, subject to confirmation by the council. The municipal judge may be removed only on conviction of malfeasance or misconduct in office, or because of physical or mental disability rendering him or her incapable of performing the duties of his or her office. The council may cause an audit to be made of any department or office of the city or town government and may select the persons to make it, without the advice or consent of the city manager;
- (3) To attend all meetings of the council at which his or her attendance may be required by that body;
- (4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;
- (5) To recommend for adoption by the council such measures as he or she may deem necessary or expedient;
- (6) To prepare and submit to the council such reports as may be required by that body or as he or she may deem it advisable to submit;
- (7) To keep the council fully advised of the financial condition of the city or town and its future needs;
- (8) To prepare and submit to the council a tentative budget for the fiscal year;
- (9) To perform such other duties as the council may determine by ordinance or resolution.

Section 5 gives the City Manager power to provide an agenda of business to the Council for its consideration.

Even if the City Manager brings forward an agenda, the City Council always has the authority to amend the agenda by adding, subtracting, postponing or moving items around.