



INFORMATIONAL MEMORANDUM

TO: Finance & Governance Committee
CC: Mayor Ekberg
FROM: David Cline, City Administrator
BY: Cheryl Thompson, Executive Coordinator, Mayor's Office
DATE: October 2, 2023
SUBJECT: Municipal Code update to the City's Boards and Commissions

ISSUE

The proposed ordinances would modify the term end dates for the City Board and Commission positions from December 31 of each year to March 31 and update the meeting regulations for the Planning Commission to comply with RCW 35.63.040.

BACKGROUND

Currently Board and Commission position terms expire on December 31 of the final year of service for each position. Position terms are staggered so they do not all expire the same year. Prior to terms ending, the incumbent has the option to submit a reappointment application to serve for an additional term. The timeline for the current process has reappointment applications due by October 15 each year. Applications from those not currently serving in a position are due by November 15 each year. The Mayor reviews all of the applications and makes appointment recommendations to the Council. The appointment recommendation memo is provided to the City Council no later than December 7 each year. Confirmation of appointments are then scheduled for the first regular meeting in January. This timeline results in the outgoing Mayor recommending the appointments for confirmation by new Councilmembers just taking office. It is recommended that appointments and confirmation occur in the same year.

By adjusting the term end dates to March 31 of each year, the reappointment application process would begin in December of each year and application review and appointment recommendations would be provided to the City Council no later than March 7 each year. This would allow any newly elected officials to fully participate in the process.

In addition to the adjustment of the term end dates, the Planning Commission meeting regulations need to be updated to comply with RCW 35.63.040 which states *The Commission shall hold at least one regular meeting in each month for not less than nine months in each year* rather than one regular meeting per quarter.

RECOMMENDATION

The Committee is being asked to forward two ordinances to the October 23, 2023 Committee of the Whole and the November 6, 2023 Consent Agenda.

ATTACHMENTS

Ordinance amending the TMC pertaining to Board and Commission term end dates.
Ordinance amending the TMC pertaining to the Planning Commission term end dates and meeting regulations.

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING VARIOUS ORDINANCES AS CODIFIED IN TUKWILA MUNICIPAL CODE (TMC) TITLE 2, "ADMINISTRATION AND PERSONNEL," TO MODIFY TERM END DATES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the current term of appointment for board and commission members expires on December 31 of the year as set forth in the Tukwila Municipal Code (TMC); and

WHEREAS, the City of Tukwila desires to modify the term end dates from December 31, to March 31, to avoid newly elected officials having to confirm appointment recommendations of board and commission members that were made prior to commencing their term of service; and

WHEREAS, this change in term end dates will provide the advantage of moving the appointment process to the beginning of a year which is less crowded than the end of the year for elected officials and city staff;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. TMC Section 2.29.020 Amended. Ordinance No. 2530 §5, as codified at TMC Section 2.29.020, "Membership," **subparagraphs C and D**, is hereby amended to read as follows:

2.29.020 Membership

C. Appointment Process. Community members that meet the requirements stated in TMC Section 2.29.020.A shall submit a completed Boards and Commissions Application to the Mayor's Office. The Mayor's Office will forward the application to the Commission [Staff Liaison](#) for review. The Mayor recommends appointments of applicants to the City Council and all appointments are confirmed by the City Council.

D. **Term of Appointment.** The term of appointment for the members of the Equity and Social Justice Commission shall be two years provided, however, that in order for the fewest terms to expire in any one year all current terms of existing appointed Commission members shall expire on ~~December~~ March 31 of the year set forth below for each respective position number:

Term for Positions 1, 2, 3, 7 and 8 shall expire ~~December 31, 2017~~ March 31, 2024

Term for Positions 4, 5, 6 and 9 shall expire ~~December 31, 2018~~ March 31, 2025

After the expiration of the current terms for the existing Commission positions listed above, each term thereafter shall be for a period of two years.

Section 2. TMC Section 2.30.020 Amended. Ordinance No. 2527 §4, as codified at TMC Section 2.30.020, "Membership," **subparagraphs C and D**, is hereby amended to read as follows:

2.30.020 Membership

C. **Appointment Process.** Community members that meet the requirements stated in TMC Section 2.30.020.A shall submit a completed Boards and Commissions Application to the Mayor's Office. The Mayor's Office will forward the application to the Commission Staff Liaison for review. The Mayor recommends appointment of applicants to the City Council and all appointments are confirmed by the City Council.

D. **Term of Appointment.** The term of appointment for the members of the Tukwila Arts Commission shall be four years provided, however, that in order for the fewest terms to expire in any one year all current terms of existing appointed Commission members shall expire on ~~December~~ March 31 of the year set forth below for each respective position number:

Term for Positions 1 and 2 shall expire ~~December 31, 2018~~ March 31, 2027

Term for Positions 3, 4 and 5 shall expire ~~December 31, 2020~~ March 31, 2025

Term for Positions 6 and 7 shall expire ~~December 31, 2017~~ March 31, 2026

After the expiration of the current terms for the existing Commission members listed above, each term thereafter shall be for a period of four years.

Section 3. TMC Section 2.32.020 Amended. Ordinance No. 2533 §4, as codified at TMC Section 2.32.020, "Membership," **subparagraphs C and D**, is hereby amended to read as follows:

2.32.020 Membership

C. **Appointment Process.** Community members that meet the requirements stated in TMC Section 2.32.020.A shall submit a completed Boards and Commissions Application to the Mayor's Office. The Mayor's Office will forward the application to the Commission [Staff Liaison](#) to contact the applicant. The Mayor recommends appointment of applicants to the City Council and all appointments are confirmed by the City Council.

D. **Term of Appointment.** The term of appointment for the members of the Tukwila Park Commission shall be three years provided, however, that in order for the fewest terms to expire in any one year all current terms of existing appointed Commission members shall expire on ~~December~~-[March](#) 31 of the year set forth below for each respective position number:

Term for Positions 1 and 6 shall expire ~~December 31, 2019~~[March 31, 2026](#)

Term for Positions 2, 4 and 7 shall expire ~~December 31, 2018~~[March 31, 2025](#)

Term for Positions 3 and 5 shall expire ~~December 31, 2017~~[March 31, 2024](#)

After the expiration of the current terms for the existing Commission members listed above, each term thereafter shall be for a period of three years.

Section 4. TMC Section 2.33.020 Amended. Ordinance No. 2532 §4, as codified at TMC Section 2.33.020, "Membership," **subparagraphs C and D**, is hereby amended to read as follows:

2.33.020 Membership

C. **Appointment Process.** Community members that meet the requirements stated in TMC Section 2.33.020.A shall submit a completed Boards and Commissions Application to the Mayor's Office. The Mayor's Office will forward the application to the Board [Staff Liaison](#) to contact the applicant. The Mayor recommends appointment of applicants to the City Council and all appointments are confirmed by the City Council.

D. **Term of Appointment.** The term of appointment for the members of the Library Advisory Board shall be two years provided, however, that in order for the fewest terms to expire in any one year all current terms of existing appointed Board members shall expire on ~~December~~-[March](#) 31 of the year set forth below for each respective position number:

Term for Positions 1, 2, 4 and 6 shall expire ~~December 31, 2018~~[March 31, 2025](#)

Term for Positions 3, 5 and 7 shall expire ~~December 31, 2017~~[March 31, 2024](#)

After the expiration of the current terms for the existing Board members listed above, each term thereafter shall be for a period of two years.

Section 5. TMC Section 2.34.020 Amended. Ordinance No. 2531 §4, as codified at TMC Section 2.34.020, "Membership," **subparagraphs C and D**, is hereby amended to read as follows:

2.34.020 Membership

C. Appointment Process. Community members that meet the requirements stated in TMC Section 2.34.020.A shall submit a completed Boards and Commissions Application to the Mayor's Office. The Mayor's Office will forward the application to the Board [Staff Liaison](#) to contact the applicant. The Mayor recommends appointment of applicants to the City Council and all appointments are confirmed by the City Council.

D. Term of Appointment. The term of appointment for the members of the Human Services Advisory Board shall be three years provided, however, that in order for the fewest terms to expire in any one year all current terms of existing appointed Board members shall expire on ~~December~~ [March](#) 31 of the year set forth below for each respective position number:

Term for Positions 5 and 6 shall expire ~~December 31, 2017~~ [March 31, 2024](#)

Term for Positions 3 and 7 shall expire ~~December 31, 2018~~ [March 31, 2025](#)

Term for Positions 1, 2 and 4 shall expire ~~December 31, 2019~~ [March 31, 2026](#)

After the expiration of the current terms for the existing Board members listed above, each term thereafter shall be for a period of three years.

Section 6. TMC Section 2.39.020 Amended. Ordinance No. 2529 §4, as codified at TMC Section 2.39.020, "Membership," **subparagraphs C and D**, is hereby amended to read as follows:

2.39.020 Membership

C. Appointment Process. Community members that meet the requirements listed in TMC Section 2.39.020.A shall submit a completed Boards and Commissions Application to the Mayor's Office. The Mayor's Office will forward the application to the Board [Staff Liaison](#) to contact the applicant. The Mayor recommends appointment of applicants to the City Council and all appointments are confirmed by the City Council.

D. Term of Appointment. The term of appointment for the members of COPCAB shall be four years provided, however, that in order for the fewest terms to expire in any one year all current terms of existing appointed members shall expire on ~~December~~ [March](#) 31 of the year set forth below for each respective position number:

Term for Positions 1, 4 and 7 shall expire ~~December 31, 2017~~ [March 31, 2026](#)

Term for Positions 2, 5 and 8 shall expire ~~December 31, 2018~~ [March 31, 2027](#)

Term for Positions 3 and 6 shall expire ~~December 31, 2019~~[March 31, 2024](#)

After the expiration of the current terms for the existing Board members listed above, each term thereafter shall be for a period of four years.

Section 7. TMC Section 2.42.020 Amended. Ordinance No. 2691 §4, as codified at TMC Section 2.42.020, "Membership," **subparagraphs C and D**, is hereby amended to read as follows:

2.42.020 Membership

C. **Appointment Process.** Community members that meet the requirements listed in TMC Section 2.42.020.A shall submit a completed Boards and Commissions Application to the Mayor's Office. The Mayor's Office will forward the application to the Commission [Staff Liaison](#) to contact the applicant. The Mayor appoints applicants to the Civil Service Commission.

D. **Term of Appointment.** The term of appointment for the members of the Civil Service Commission shall be six years provided, however, that in order for the fewest terms to expire in any one year all current terms of existing appointed Commission members shall expire on ~~December~~[March](#) 31 of the year set forth below for each respective position number:

Term for Position 1 shall expire ~~December 31, 2027~~[March 31, 2028](#)

Term for Position 2 shall expire ~~December 31, 2023~~[March 31, 2024](#)

Term for Position 3 shall expire ~~December 31, 2025~~[March 31, 2026](#)

After the expiration of the current terms for the existing Commission members listed above, each term thereafter shall be for a period of six years.

Section 8. Corrections by City Clerk or Code Reviser Authorized. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 9. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 10. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this _____ day of _____, 2023.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: _____

Passed by the City Council: _____

Published: _____

Effective Date: _____

Ordinance Number: _____

Office of the City Attorney

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NO. 2534 §4 AND §6, AS CODIFIED AT TUKWILA MUNICIPAL CODE (TMC) SECTIONS 2.36.020 AND 2.36.040, TO MODIFY TERM END DATES AND UPDATE MEETING REGULATIONS IN COMPLIANCE WITH RCW 35.63.040; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the current term of appointment for Planning Commission members expires on December 31 of the year as set forth in the Tukwila Municipal Code (TMC); and

WHEREAS, the City of Tukwila desires to update the Tukwila Municipal Code to modify the term end dates from December 31, to March 31, to avoid newly elected officials having to confirm appointment recommendations of Planning Commission members that were made prior to commencing their term of service; and

WHEREAS, in compliance with RCW 35.63.040, the City desires to update the number of Planning Commission meetings held each year;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. TMC Section 2.36.020 Amended. Ordinance No. 2534 §4, as codified at TMC Section 2.36.020, “Membership,” **subparagraphs C and D**, is hereby amended to read as follows:

2.36.020 Membership

C. Appointment Process. Community members that meet the requirements stated in TMC Section 2.36.020.A shall submit a completed Boards and Commissions Application to the Mayor’s Office. The Mayor’s Office will forward the application to the Commission [Staff Liaison](#) for review. The Mayor recommends appointment of applicants to the City Council and all appointments are confirmed by the City Council.

D. Term of Appointment.

1. The term of appointment for the members of the Planning Commission shall be four years provided, however, that in order for the fewest terms to expire in any one year all current terms of existing appointed Commission members shall expire on ~~December~~ March 31 of the year set forth below for each respective position number:

Term for Positions 1, 2, and 5 shall expire ~~December 31, 2018~~ March 31, 2027

Term for Positions 3, 4, 6 and 7 shall expire ~~December 31, 2019~~ March 31, 2024

2. After the expiration of the current terms for the existing Commission members listed above, each term thereafter shall be for a period of four years.

3. Members who become non-residents during their term of office shall remain on the Commission no more than 90 days unless granted a special project extension by the Mayor and City Council. If the member who represents the business community is no longer employed within the City, or his or her business relocates out of the City, that member shall remain on the Commission no more than 90 days unless granted a special project extension by the Mayor and City Council.

Section 2. TMC Section 2.36.040 Amended. Ordinance No. 2534 §6, as codified at TMC Section 2.36.040, "Meetings," **subparagraph A**, is hereby amended to read as follows:

2.36.040 Meetings

A. **Conduct.** The Commission shall hold at least one regular meeting in each month for not less than nine months in each year per RCW 35.63.040 ~~per quarter~~. Commission meetings shall be conducted in public session and noticed in accordance with the Open Public Meetings Act (OPMA).

Section 3. Corrections by City Clerk or Code Reviser Authorized. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 4. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 5. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this _____ day of _____, 2023.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

City Attorney

Filed with the City Clerk: _____

Passed by the City Council: _____

Published: _____

Effective Date: _____

Ordinance Number: _____