



INFORMATIONAL MEMORANDUM

TO: **Finance & Governance Committee**
FROM: **Laurel Humphrey, Legislative Analyst**
CC: **Mayor McLeod**
DATE: **November 18, 2025**
SUBJECT: **Ordinance updating Equity and Social Justice Commission Membership**

ISSUE

The proposed ordinance removes the City Councilmember position and replaces it with a 4th community member position.

BACKGROUND

Upon the advice of the City Attorney, no sitting Tukwila Councilmember should also serve on a city board or commission. Under RCW 35A.12.030, a city councilmember may “hold within the city government no other public office or employment.” The Washington State Supreme Court defined public office as “a position of authority, duty, or responsibility conferred by a governmental authority for a public purpose or to exercise a public function.” Under this definition, city board and commission positions qualify.

Further, since city commissions act as advisory bodies to the City Council, holding both roles is also likely a violation of the doctrine of incompatible offices and therefore unlawful.

In response to this advice issued earlier this year, sitting and incoming appointed Councilmembers have resigned their commission seats. The Equity and Social Justice Commission is unusual in that its City Council position is included in the Municipal Code as a required part of the membership. The Equity and Social Justice Commission (formerly Equity and Diversity) was championed by the late Joan Hernandez, former City Councilmember, and this position was codified at the direction of the Council at the time.

DISCUSSION

The draft ordinance removes the City Councilmember position from ESJC in compliance with state law. To retain the same number of members, the position is replaced by an additional community member, which can be a resident or member of the business, non-profit, or faith-based community.

There are other ways for Councilmembers to engage with City Commissioners and staff is looking at ways to enhance these relationships in future years.

RECOMMENDATION

Staff is seeking Committee discussion of the ordinance and a recommendation to forward to the December 15, 2025 Regular Consent Agenda.

ATTACHMENTS

Draft ordinance

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NO. 2530 §5, AS CODIFIED AT TUKWILA MUNICIPAL CODE SECTION 2.29.020, "MEMBERSHIP," TO REMOVE THE COUNCILMEMBER POSITION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Equity and Social Justice (formerly Equity and Diversity) Commission was established in 1996 and codified as an advisory body to the Mayor and City Council in 1998; and

WHEREAS, since its inception, the Commission has included a membership position allocated specifically to a sitting City Councilmember; and

WHEREAS, pursuant to RCW 35A.12.030, a "councilmember shall hold within the city government no other public office or employment except as permitted under the provision of chapter 42.23 RCW"; and

WHEREAS, because the Equity and Social Justice Commission serves in an advisory capacity to the Tukwila City Council, a Councilmember serving on the Commission is likely in violation of the legal principle commonly known as the doctrine of incompatible offices; and

WHEREAS, it is in the best interest of the City of Tukwila that the City Council periodically review and update the functionality of its Commissions to align with state law, the current environment, and best practices;

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 A and B, is hereby amended to read as follows:

2.29.020 Membership

A. Qualifications. Members must meet at least one of the following requirements:

1. Be a resident of the City of Tukwila.
2. Own or work at a business, non-profit, or faith-based organization operating within the city limits of the City of Tukwila; or
3. Work in the education field in the City of Tukwila.

B. Number of Members. The Commission shall be comprised of nine members. To the extent possible, membership shall be representative of the diversity of the community and should include:

1. Two city employees ~~and one Tukwila City Councilmember~~ (Positions ~~1, 4~~ and 7). If the City is unable to fill one of its two employee positions, a community member may fill one City employee position.
2. ~~Three~~ Four community members that meet the resident, ~~-or-~~ business, non-profit, or faith-based criteria as stated in TMC Section 2.29.020.A (Positions 1, 3, 6, and 9).
3. Three members representing the education field in Tukwila (Positions 2, 5 and 8). If needed, a community member may fill one education field position.

Section 2. 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 3. 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 4. 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 _____, 2025.

[signatures to follow]

ATTEST/AUTHENTICATED:

Andy Youn-Barnett, CMC, City Clerk

Thomas McLeod, Mayor

APPROVED AS TO FORM BY:

Office of the City Attorney

Filed with the City Clerk:_____
Passed by the City Council:_____
Published:_____
Effective Date:_____
Ordinance Number:_____