

Charter of the City of Yakima, Washington

We, the people of the City of Yakima, Yakima County, State of Washington, the same being a city of the first class under the constitution and laws of said state, do ordain, enact and adopt the following as the charter of said city.

ARTICLE I Name, Boundaries, Powers, Rights and Liabilities

Section 1 The people of the City of Yakima, within the boundaries as now established, or as hereafter established, shall continue to be the body politic and corporate by name of City of Yakima, and under that name shall have perpetual succession; shall use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for municipal purposes by purchase, gift, devise, lease or condemnation, and may sell, lease, hold, manage and control such property as its interests may require, except that property purchased for park purposes shall be within the city limits; and except as prohibited by the constitution of the State of Washington, or restricted by this charter, the City of Yakima shall have all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever pertaining to cities of the first class within the State of Washington.

Section 2. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied hereby or appropriate to the exercise thereof, the City of Yakima shall have, and may exercise, all powers which under the constitution and laws of the State of Washington it would be lawful for said charter specifically to enumerate. All powers of the city, whether express or implied, shall be exercised in the manner prescribed by this charter, or if not prescribed herein, then in the manner provided by law, ordinance or resolution of the city commission.

ARTICLE II Elective Officers—Commission Form of Government

Section 1 At all general municipal elections there shall be elected a mayor, a commissioner of finance and accounting, and a commissioner of public works, who together shall constitute the council and be known as the "city commission," and who shall serve for a term of three years and until their successors shall be elected and qualified. If any vacancy occurs in the city commission the remaining members of said commission shall by appointment fill such vacancy for the unexpired term. Each member

of the city commission shall before qualifying give a good and sufficient bond to the city in a sum equal to three times the amount of his annual salary, conditioned upon the faithful performance of the duties of his office, which said bond shall be approved by a judge of the Superior Court of Yakima County, Washington, and filed with the clerk of said Court.

Section 2. The legislative authority of the city shall be vested in the city commission. The executive and administrative powers, authority and duty shall be distributed into and among three departments, as follows:

(1) Department of Public Safety; to be in charge of the mayor, who shall supervise public health, fire and police departments.

(2) Department of Finance and Accounting, to be in charge of the Commissioner of Finance and Accounting who shall supervise accounting, finance, purchasing and library.

(3) Department of Public Works, to be in charge of the commissioner of public works, who shall supervise streets, lights, sidewalks, cemetery, garbage collection, parks and playgrounds, building, plumbing and electrical divisions.

(4) The municipal water systems shall be under the direction of the city commission.

Section 3 The mayor shall preside at all meetings of the city commission but shall have no veto power. He shall appoint the chief of police, chief of the fire department, city attorney, city health officer, subject to confirmation by the city commission.

Section 4. The city commission shall appoint by majority vote a city clerk, a city treasurer and such other officers and assistants as shall be provided for by ordinance; provided, that any officer or assistant, other than a member of the city commission, may be removed from office at any time by a vote of a majority of the city commission. The city commission shall prescribe the powers, duties, salaries and wages of employees, may assign the employees to one or more departments, and make such other rules and regulations as they deem necessary and proper for the efficient and economical conduct of the business of the city. The city commission shall have power to create, fill and discontinue offices and employments and may prescribe, limit or change the compensation of all officers and employees. Persons hereafter employed by the city shall be residents of the city except those whose duties re-

quire them to live outside of the city.

Section 5. The salary of the mayor shall be thirty-six hundred dollars per year and that of each of the commissioners shall be three thousand dollars per year, payable monthly.

Section 6. The mayor and commissioners shall devote their full time to the duties of their respective offices.

Section 7. Regular meetings of the city commission shall be held at least once each week at a time to be fixed by the city commission. Special meetings may be called by the mayor or by two commissioners provided that due notice of such meetings, their time and place, shall be given to all members of the city commission. All meetings of the city commission shall be open to the public. The mayor shall oversee all departments and report and recommend to the city commission for action any matters requiring attention. The commissioner of finance and accounting shall be vice-chairman of the city commission, and in the absence or disability of the mayor shall perform the duties of the mayor.

ARTICLE III Elections

Section 1. Elections shall be general, primary or special. A general election shall be held on the first Monday in December, 1934, and all general elections shall be held the first Monday in December every third year thereafter. The term of all officers elected at such general elections shall begin on the second day of January following the election. Primary elections shall be held two weeks prior to the date of the general elections. All candidates to be voted for at the general elections shall be nominated at such primary elections and the two candidates for each elective office receiving the highest number of votes therefor shall be the candidates for those offices at the general election. Primary elections shall be conducted in the manner provided by the laws of the state for primary elections in municipalities.

Special elections shall be held whenever required by the laws of the state or by this charter.

The city commission shall by ordinance make all necessary rules for holding elections and arrangements therefor.

Section 2. Each candidate for an elective office shall specify in his declaration the particular office for which he is a candidate and the votes cast for him in the election shall be counted for him for that office and no other.

ARTICLE IV Legislation By the People

Section 1. The people of Yakima, in addition to the method of legislation hereinbefore provided, shall have direct legislation by the initiative and referendum.

Section 2. The initiative shall be exercised in the following manner;

(a) A petition signed by registered and qualified electors of the city, accompanied by the proposed legislation in the form of a proposed ordinance and requesting that such ordinance be submitted to a vote of the people shall be filed with the city clerk.

(b) Within two days from the filing of such petition the city clerk shall certify the number of votes cast at the last general city election and the number of signers of such petition, and shall present such certificate, petition and proposed ordinance to the city commission.

(c) If such petition be signed by qualified electors in number equal to twenty per centum of the total number of votes cast at the last preceding general city election, the city commission within twenty days after receipt thereof, except as otherwise provided in this charter, shall either pass such ordinance without alteration, or submit it to a popular vote at a special election which must be held within thirty days after the date of the ordering thereof. Provided, however, that if any other municipal election is to be held more than thirty days but within ninety days after the filing of the petition, said proposed ordinance shall be submitted without alteration to be voted upon at such election.

Section 3. If, prior to the date when any ordinance shall take effect, a petition signed by qualified electors equal in number to ten per centum of the entire vote cast at the last preceding general city election shall be filed with the city clerk, protesting against the enactment of such ordinance, it shall be suspended from taking effect. Immediately upon the filing of the petition the city clerk shall do all things required in Section 2 of this article. Thereupon, the city commission shall immediately reconsider such ordinance, and, if it does not entirely repeal the same, shall submit it to popular vote at the next municipal election; or, the city commission may call a special election for that purpose; and such ordinance shall not take effect, unless a majority of the qualified electors voting thereon at such election shall vote in favor thereof.

Section 4. The city commission may submit to popular vote for adoption or rejection at any election any proposed ordinance in the same manner and effect as provided in this article for submission on petition.

Section 5. There shall not be held under this article more than one special election in any period of six months.

Section 6. The city commission, by ordinance, shall make further regulations for carrying out the provisions of this article not inconsistent herewith.

ARTICLE V The Recall

Section 1. The holder of any elective office, whether elected or appointed thereto, may be removed from such office by recall proceedings as provided by the laws of the

State of Washington for elective officers. Section 2. An officer removed from office by recall election or who shall resign from such office pending recall proceedings against him shall not be eligible to hold any city office or employment within two years after such removal or resignation.

ARTICLE VI Additional Powers and Limitations on Officers

Section 1. At all meetings of the city commission every motion, resolution or ordinance shall be in writing and read before the vote is taken thereon, and upon every vote the yeas and nays shall be called and recorded. All ordinances, except ordinances making appropriations or codifying or rearranging existing ordinances, shall be confined to one subject which shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The enacting clause of all ordinances shall be, "Be it ordained by the City of Yakima."

Section 2. Ordinances making the annual tax levy or relating to local improvements or assessments therefor, 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 commission shall be necessary for the passage of an emergency ordinance. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure.

Section 3. Upon its final passage, each ordinance or resolution shall be authenticated by the signature of the mayor and attested by the city clerk and recorded in a book kept for that purpose. The number and title of each ordinance passed by the city commission, with certificate as herein provided, attached thereto, shall be published once in the official newspaper of the city. Said certificate shall be signed by the city clerk and shall be in substantially the following form: "Ordinance No. bearing above title, was duly and regularly passed by the city commission of the City of Yakima, Washington, on the day of, 19, and is now on file with the undersigned at the office of the city clerk, where the same is open to public inspection."

Dated
City Clerk"

Section 4. Members of the city commission 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 commission 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.

Section 5. No officer or employee of the city shall solicit or receive any pay, commission, money or thing of value, or derive any benefit, profit or advantage, directly or indirectly, from or by reason of any improvement, alteration or repair, or purchase of materials required by the city, or any contract to which the city shall be a party, except his lawful compensation or salary as such officer or employee. A violation of any of the provisions of this section shall disqualify the offender to continue in office or employment and he shall be forthwith removed therefrom.

Section 6. In all cases of work to be done by contract, or of the purchase of property or material, when the cost thereof exceeds five hundred dollars (\$500.00), unless the city commission by resolution shall declare an emergency, the city commission shall advertise for bids therefor in the official newspaper. When such probable expenditure shall be less than one thousand dollars (\$1000.00) in amount such advertisement shall be made in at least two issues of the official newspaper, and when more than one thousand dollars (\$1000.00) in at least three issues thereof. The city commission may, however, reject any and all bids. The city commission shall regulate by ordinance the manner of making bids and letting contracts.

Section 7. In addition to the provisions of the general law the city commission may by ordinance create and establish special funds into which all monies received for a special or specific purpose may be placed; provided, however, that such fund or funds shall be other than those deriving revenue from taxation.

ARTICLE VII Limitation of Taxation

Section 1. The fiscal year of the city shall commence on the first day of January and end on the last day of December each year.

Section 2. The city commission shall have power and authority to assess, levy and collect taxes upon all the real and personal property (not exempt from taxation) within the city for the corporate uses and purposes thereof and provide for the payment of the debts and expenses of the city.

Section 3. The aggregate of all the property taxes levied or appropriated for city purposes including funds for the library, parks and playgrounds, police and firemen's relief shall be taken and apportioned by the city commission from the current expense fund which for any one year shall not exceed eighteen mills on each dollar of assessed valuation

of the property within the city except as follows:

(a) The levies for redemption of and interest on the bonded debt of the city heretofore or hereafter authorized in the manner provided by law;

(b) The levy for local improvement district assessment guaranty fund as required by law;

(c) Such other levies as may have been heretofore or which may hereafter be required by general law.

Section 4. No special levies shall be made for other purposes than those above specified except those which may be authorized at an election.

Section 5. All city funds shall be administered by the city commission; and boards or committees selected by the city commission to assist in the management of any municipal activities, if any are selected, shall act in an advisory capacity only.

Section 6. The city commission shall make no appropriation in aid of any corporation, person or society not expressly authorized by this charter.

ARTICLE VIII

Special Boards

Section 1. The city commission may appoint advisory boards to assist in administering the public library, parks and playgrounds and city planning. The city commission shall have full charge of the budgets for such purposes and shall by ordinance regulate the organization and duties of such boards, and may provide that any monies acquired by donation, bequest or from leases or concessions, fines, or penalties shall be used in addition to the amount set aside in the annual budget out of the tax levy.

ARTICLE IX

Public Utilities

Section 1. The city commission shall provide by ordinance rules and regulations and make provisions for the control, management and operation of all public utilities owned and operated by the city, or which may hereafter be acquired by the city in the manner provided by law, or which the city may by law govern, control or regulate.

Section 2. The city commission shall have power to arrange by ordinance for the financing and repair, replacement, rehabilitation or extension of any public utility owned and operated by the city, provided, however that such financing shall be arranged upon the credit of the utility itself and not upon the issuance of general obligation bonds of the city.

ARTICLE X

Claims

Section 1. All claims for damages against the city, whether sounding

in tort or arising out of contract, shall be presented in writing to the city commission within 30 days after the date upon which such damages are claimed to have been sustained. Such claims shall accurately state the time, place, cause, nature and extent of the alleged damages and give the actual residence of the claimant, by street and number, if any, at the date of presenting such claim, and for six months immediately prior to the time such claim for damages accrued, and shall be verified by affidavit of the claimant or if the claimant be a minor or otherwise incapacitated from verifying, then such claim shall be verified by any relative or by an attorney or agent of such claimant, to the effect that the same is true. No action shall be maintained against the city for any claim of damages until 60 days have elapsed after the rejection of such claim. Failure to present any such claim in the manner or within the time in this section provided shall be a bar to any action against the city therefor.

ARTICLE XI

Franchises

Section 1. No exclusive franchise shall ever be granted.

Section 2. No franchise or right to occupy or use the streets, highways, bridges, or public places of the city shall be granted, renewed or extended except by ordinance, which ordinance shall be submitted to a vote of the electors of the city at a general or special election and shall not become operative unless approved by a majority of the electors voting upon said franchise; provided, that the city commission shall have authority without necessity of reference to the electors, to pass an ordinance granting permission to lay a spur track or tracks connecting a main line of railroad with adjacent manufacturing plants, warehouses or other private property.

Section 3. No franchise shall be granted unless there be inserted therein a provision that the city may acquire the public utility for the exercise of which the franchise is granted, either by agreement or by condemnation, and that upon such purchase by the city, either by agreement or condemnation, no value of the franchise itself shall be taken into account in fixing the price to be paid by the city for such utility.

Section 4. No franchise shall be granted by the city for a longer term than twenty-five years.

Section 5. No franchise shall be renewed or extended earlier than three years prior to its expiration.

Section 6. No franchise shall be granted without provision for proper compensation to the city. Such compensation shall when feasible be a percentage upon the gross earnings of the person or corporation to whom such franchise is granted arising from the exercise of such franchise.

When the determination of the gross earnings by the exercise of the franchise is not feasible the ordinance granting said franchise shall prescribe such other mode of determining the compensation to be paid the city by the grantee as shall be deemed reasonable and just.

Section 7. The grantee or assignee of any franchise granted by the city shall submit to the city commission within sixty days after the first day of January of each year, an annual report verified by the oath of such person or the president, treasurer or general manager of such corporation which shall contain such detailed information as may be prescribed by the city commission to enable it to determine the amount of compensation to be paid to the city for the use of said franchise during the preceding year. Any such person, persons, or corporations which shall refuse or fail to make any such report within the time specified shall be liable to a penalty of one hundred dollars for each and every day during which he or it shall fail to file such report, such penalty to be sued for and recovered by the city in any court having jurisdiction thereof.

Section 8. No franchise granted by the city shall ever be leased, assigned or otherwise alienated without the express consent of the city commission by ordinance passed for that purpose, and no rule of estoppel shall ever be invoked against the city in case it shall assert the invalidity of any attempted transfer in violation of this section.

Section 9. The grant of every franchise for a street, suburban, or interurban railroad or bus line shall provide that all United States mail carriers city officials, policemen and firemen shall at all time while in the actual discharge of their duties be allowed to ride upon such cars or busses under said franchise without paying therefor, and with all rights of other passengers.

Section 10. No franchise, right, privilege, or license shall be considered as granted by any ordinance except when expressed therein in plain and unambiguous terms, and if any ambiguity appears therein it shall be construed in favor of the city and against the claimant under said ordinance.

ARTICLE XII

Power to Incur Indebtedness

Section 1. The city may borrow money and become indebted in any legal way, subject, as to the amount and manner of incurring indebtedness, to the provisions and limitations of the constitution and laws of the state and this charter; and subject to the same provisions and limitations, the city may issue bonds to secure any existing or contemplated indebtedness.

Section 2. When a popular vote is not required by law, the city com-

mission by ordinance may authorize any indebtedness and the issuance of bonds.

ARTICLE XIII

Amendments

Section 1. This charter may be amended in the manner provided by the laws of the State of Washington. In addition thereto the city commission may provide by ordinance for a special election to be held on the first Monday in December, 1931, at which time amendments to this charter may be submitted; provided, that if a petition for such election signed by not less than 500 qualified voters of the city shall be submitted not less than 30 days prior thereto, then the city commission shall be required to call such election. At the said special election the city commission may submit other questions which in its judgment should be determined by the people. In subsequent years special elections for amending this charter may be called by the city commission or shall be called upon petition of not less than 500 qualified voters.

ARTICLE XIV

Schedule

Section 1. Upon the taking effect of this charter all title, right and interest of the former corporation in and to any and all property, real or personal, of whatever kind or character, shall vest in and be owned by the corporation created by this charter.

Section 2. All ordinances and resolutions in force at the time this charter shall go into effect and not inconsistent herewith, shall remain in force until amended or repealed or until they expire by limitation. All rights and obligations in favor of or against the city existing at the time this charter shall go into effect, shall continue without modification. All street and other improvements, all vacations of public streets, alleys or places, all assessments for improvements, all suits and actions in court, all fines, penalties and forfeitures and all other matters relating to the city that may have been begun and not completed, shall be completed according to the law and ordinances existing prior to the time this charter shall go into effect, and all taxes and assessments levied and remaining unpaid when this charter shall go into effect shall be collected as provided by the law existing and in effect at the time the same were levied.

Section 3. At the election to be held for the purpose of adopting or rejecting this charter, articles numbered I to XIV, inclusive, shall be submitted upon the ballot as a complete charter and shall be included in the vote "For the Charter" and "Against the Charter," and in event that a majority of all votes cast thereon shall be "For the Charter" said charter shall be adopted.

CERTIFICATE

**STATE OF WASHINGTON
COUNTY OF YAKIMA**

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We, the undersigned freeholders of the City of Yakima, elected at the special election held in said City of Yakima on the 16th day of March, 1931, under the provisions of the constitution and laws of the State of Washington for advancement from a city of the second class to a city of the first class, to prepare a charter for said city, do hereby certify that the foregoing charter has been prepared by us and hereby submitted as a charter for said city.

IN WITNESS WHEREOF, WE
HAVE HEREUNTO SET OUR HANDS.
this 17th day of April, 1931.

- 1.—R. D. ROVIG, Chairman
- 2.—LAURENCE WHARTON, Secretary
- 3.—HERMAN W. LOEVENSTEIN
- 4.—ROLFE WHITNALL
- 5.—G DELL BEARDSLEY
- 6.—H. R. SPINNER
- 7.—JOHN VERNON WHITEHAIR
- 8.—C. E. FRASER
- 9.—B. K. GAGE
- 10.—MRS. INA PHILLIPS WILLIAMS
- 11.—W. W. ROBERTSON
- 12.—A E. DARLING
- 13.—GEO. F. MCAULAY
- 14.—JNO. C. VARCO
- 15.—R B MILROY