

City Charter

Vancouver, Washington

Amended by vote of the people

November 3, 2015



P.O. Box 1995 • Vancouver, WA 98668-1995

www.cityofvancouver.wa.us

Article I

GOVERNMENT

- 1.01 Incorporation
- 1.02 Boundaries
- 1.03 Form of Government
- 1.04 Powers of City

Article II

THE COUNCIL

- 2.01 Number, Terms
- 2.02 Qualifications
- 2.03 Compensation
- 2.04 Mayor and Mayor Pro Tempore
- 2.05 Powers and Duties
- 2.06 Vacancies Defined
- 2.07 Compensation of Elective Officials During Excused Absence or When Disabled
- 2.08 Vacancies in Council
- 2.09 Creation of New Departments or Offices; Change of Duties
- 2.10 Council Meetings; Quorum
- 2.11 Procedure
- 2.12 Ordinances, Required for Certain Purposes, Title, Enacting Clause, and How Amended
- 2.13 Procedure for Passage of Ordinances; First Reading
- 2.14 Second Reading and Public Hearing
- 2.15 Further Consideration; Final Passage
- 2.16 Effective Date
- 2.17 (Reserved)
- 2.18 Citizen's Commission on Mayor/City Council Salaries

Article III

CITY MANAGER, CITY CLERK AND CITY ATTORNEY

- 3.01 City Manager; Qualifications
- 3.02 Removal
- 3.03 Powers and Duties
- 3.04 Council Not to Interfere
- 3.05 (Deleted)
- 3.06 City Attorney, Duties of
- 3.07 Administrative Departments
- 3.08 Directors of Departments
- 3.09 Departmental Divisions

Article IV

THE BUDGET

- 4.01 Fiscal Year
- 4.02 State Budget Law; Budget Message; Current Operations; Capital Improvements and Programs; and Supporting Data

Article V

BONDS AND INDEBTEDNESS

- 5.01 State Laws

Article VI

DEPARTMENT OF FINANCE

- 6.00 Administration of City Financial Affairs
- 6.01 (Repealed)
- 6.02 (Repealed)
- 6.03 (Repealed)
- 6.04 (Repealed)
- 6.05 (Repealed)
- 6.06 (Repealed)
- 6.07 (Repealed)
- 6.08 (Repealed)
- 6.09 Competitive Bidding
- 6.10 Contracts for Improvements
- 6.11 (Repealed)
- 6.12 (Repealed)

Article VII

DEPARTMENT OF PERSONNEL

- 7.00 Personnel Regulations
- 7.01 (Repealed)
- 7.02 Fire and Police Departments
- 7.03 Civil Service; Persons Excepted Therefrom
- 7.04 Relief and Pensions
- 7.05 (Repealed)
- 7.06 (Repealed)
- 7.07 (Repealed)
- 7.08 Pay Plan
- 7.09 Fair Standards
- 7.10 Prohibitions

Article VIII

GENERAL DEVELOPMENT

- 8.01 Planning Commission
- 8.02 Board of Adjustment
- 8.03 Housing Authority
- 8.04 Parks and Recreation
- 8.05 Library

Article IX

NOMINATIONS AND ELECTIONS

- 9.01 Elections
- 9.02 Nominations
- 9.03 Instant Runoff Voting Authorized

Article X

INITIATIVE, REFERENDUM AND RECALL

- 10.01 Initiative
- 10.02 Referendum
- 10.03 Petitions and Committees
- 10.04 Filing and Certifying
- 10.05 Amendment of Petitions
- 10.06 Effect of Certifying
- 10.07 Consideration by Council
- 10.08 Submission to Electors
- 10.09 Form of Ballot
- 10.10 Results of Election
- 10.11 Publication and Repeal
- 10.12 Recall

Article XI

GENERAL PROVISIONS

11.01	Removal of Officers
11.02	Officers in Council
11.03	Practice of Law by Officials, When Permitted
11.04	Investigations
11.05	Contracts Beyond One Year
11.06	Publicity
11.07	Personal Interest
11.08	Expenses Allowable
11.09	Official Bonds
11.10	Oath of Office
11.11	Oaths
11.12	Claims
11.13	Effect of Charter
11.14	Amendments
11.15	Short Title
11.16	Separability Clause
11.17	Periodic Reviews of Charter
11.18	Deletion of Charter Terms Referring to Masculine or Feminine Gender

Article XII

SUCCESSION IN GOVERNMENT

12.01	Right of Officers or Employees
12.02	Continuance of Officers
12.03	Continuation of Property Rights
12.04	Transfer of Records and Monies
12.05	Continuity of Offices
12.06	Continuance of Contracts and Improvements
12.07	Pending Actions

Charter for the City of Vancouver

Article I

GOVERNMENT

Section 1.01 Incorporation: The people of the City of Vancouver, within the corporate limits as now or hereafter established, shall be a municipal corporation of the first class under the name of the "City of Vancouver," and may sue and defend in all matters and proceedings.

Section 1.02 Boundaries: The boundaries of the city shall be the same as at present, and they may be changed in the manner provided by law.

Section 1.03 Form of Government: The government provided by this charter shall be the council/-manager form. Subject only to the state constitution, general state statutes enacted under its authority, and the provisions of this charter, all powers of the city shall be vested in an elective council, which shall enact ordinances, adopt budgets, determine policies, and appoint the city manager, who shall execute the laws and administer the government of the city. Councilmembers shall be the only elective officials. All powers of the city shall be exercised in the manner prescribed by this charter, or if not so prescribed, then in the manner provided by ordinance. *(As amended by the vote of the people on November 4, 1969)*

Section 1.04 Powers of City: The city shall have all the powers granted to cities of the first class by the constitution and general laws of the state and all powers implied thereby and shall exercise all municipal functions and have all municipal rights, privileges, and immunities except as prohibited by law or by this charter. The enumeration of particular powers by this charter shall not be deemed to be exclusive. The city shall provide for police, fire and public safety services and for public works and improvements. *(As amended by vote of the people on November 6, 1984.)*

Article II

THE COUNCIL

Section 2.01 Number, Terms: The council shall have seven members, including a mayor, nominated and elected from the city at large in the manner hereinafter provided: Commencing in the 1971 municipal election, three persons shall be elected to four-year terms as councilmembers at each biennial municipal election and; provided further, commencing in the 2005 biennial municipal election, one person shall be elected to a four-year term as mayor.

If any seated councilmember seeks a different council position, including mayor, that person is required to provide notice of his/her intention to do so and to resign his/her current position effective as of the end of that calendar year. The notice of intent must be filed with the city clerk at least thirty days prior to the filing deadline for the council position being sought. The clerk shall provide a copy of the notice to the Elections Officer of the County Auditor.

The person elected mayor shall have the powers of the mayor as provided in this charter and also all powers of a city councilmember. All incumbent councilmembers shall continue to serve until their successors are elected and qualified. In the event of a tie vote, the election shall be decided by lot. *(As amended by vote of the people on November 4, 1969, November 2, 2004, and November 3, 2015.)*

Section 2.02 Qualifications: Councilmembers shall be qualified electors and residents of the city for a continuous period of at least two years next prior to their election, and shall hold no other public office or employment under the city government. If a councilmember shall cease to have these qualifications or shall be convicted of a crime involving moral turpitude or shall be absent from three consecutive regular meetings without being granted a leave of absence by the city council, this office shall become vacant and be so declared by the city council.

Section 2.03 Compensation: A councilmember shall receive a salary, payable in monthly installments; such compensation may be changed by ordinance. *(As amended by vote of the people on November 6, 1984.)*

NOTE: By vote of the people on November 8, 1994, a new Section 2.18 established a Vancouver Citizens' Commission to set salaries for the Mayor and City Councilmembers commencing May 1, 1995. Section 2.18 supersedes the Section 2.03 provision for these salaries to be set by ordinance.

Section 2.04 Mayor and Mayor Pro Tempore: Biennially, after the newly elected councilmembers have assumed office, at its first meeting, the city council shall choose from among its members a member who shall have the title of mayor pro tempore and shall act as mayor during the absence or disability of the mayor and shall succeed to the office of mayor in case of a vacancy. The mayor pro tempore shall upon succession to the office of mayor serve as mayor only until the next regular general election, at which time a person shall be elected to

serve for the unexpired term of the mayor. The mayor, or the mayor pro tempore when serving as mayor, shall preside at meetings of the city council and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, have the rights, privileges, and immunities of a member of the council, but shall have no regular administrative duties. The mayor shall receive a salary of \$480 per annum as a councilmember, plus \$720 per annum for services as mayor, making a total annual salary of \$1,200 payable in equal monthly installments; provided, that such compensation may be changed by ordinance. *(As amended by vote of the people on November 6, 1979, and November 2, 1999.)*

NOTE: By Ordinance M-2947 adopted in 1991, the salary of the Mayor was set at \$800 per month and the salary of a councilmember was set at \$500 per month. By vote of the people on November 8, 1994, a new Section 2.18 established a Vancouver Citizen's Commission to set salaries for the Mayor and City Councilmembers commencing May 1, 1995. Section 2.18 supersedes the Section 2.04 provision for these salaries to be set by ordinance.

Section 2.05 Powers and Duties: The city council shall have the power to enact ordinances or resolutions, adopt rules and regulations, appoint and remove the city manager, fix all salaries, adopt the budget, control indebtedness, and the issuance of bonds, and to provide for an independent audit of any department or office. It may punish its members and others for disorderly or otherwise contemptuous behavior in its presence, and expel for such behavior in its presence, any member by the affirmative vote of not less than two-thirds of its members, specifying in the order of expulsion the cause thereof. It shall at least once each year hear a report from the head of each city department and division. All other powers of the city and the determination of all matters of policy, whether enumerated in this charter or not, are vested in the city council. The city council shall approve before payment, all bills, invoices and other evidences of claims, demands, or charges against the city government, and shall approve and confirm payrolls. *(As amended by vote of the people on November 6, 1973.)*

Section 2.06 Vacancies Defined: An office, either appointive or elective, becomes vacant upon failure to qualify within the time limited by law; upon the death or removal from office or resignation of the incumbent, or removal from or absence from the city for sixty days without leave of the city council, or upon an adjudication of insanity; by a conviction of drunkenness, or by any permanent disability, preventing the proper discharge of duty; by ceasing to be a resident of the city; by conviction of an infamous crime, or any crime involving a violation of official oath; by refusal or neglect to take the oath of office, or to give or renew the official bond or deposit such oath or bond within the time prescribed by law; a decision of a court of competent jurisdiction declaring void the election or appointment; or whenever a judgment is obtained against such officer for breach of condition of the official bond.

Section 2.07 Compensation of Elective Officials During Excused Absence or When Disabled:

In the event an elective official is accorded an extended excused absence or is under a disability and, therefore, is unable to perform official duties during such absence or disability, the official's salary shall not accrue, and the councilmember serving as mayor pro tempore shall receive only that portion of the salary of the mayor that the mayor would have received for services as mayor in addition to regular salary as councilmember. Likewise, during such absence or disability of a councilmember, the councilmember's salary shall not accrue, and the councilmember pro tempore, if any, shall receive the salary of the absent councilmember while performing services as councilmember.

Section 2.08 Vacancies in Council: Vacancies in the city council shall be filled by a majority vote of the remaining members of the city council, but such appointee shall hold office only until the next regular general election, at which time a person shall be elected to serve for the remainder of the unexpired term. In the event of the extended excused absence or disability of a councilmember, which shall include, without limitation, the period the mayor pro tempore serves as mayor in case of a vacancy in the office of mayor, the remaining members of the city council shall have the power to appoint a councilmember pro tempore to serve during the absence or disability. *(As amended by vote of the people on November 6, 1979 and November 2, 1999.)*

Section 2.09 Creation of New Departments or Offices; Change of Duties: The city council, by ordinance, may create, change, and abolish offices, departments, agencies, or divisions other than the offices, departments, and agencies established by this charter. The city council may assign additional functions or duties to offices, departments, or agencies established by this charter, but may not discontinue or assign to any other office, department, or agency any function or duty assigned by this charter to a particular office, department, or agency.

Section 2.10 Council Meetings; Quorum: After each biennial municipal general election, the city council shall meet for reorganization at the usual time and place on the day fixed by law for the newly elected councilmembers to assume office. Thereafter, the city council shall meet regularly at such times as its rules may prescribe, but not less often than twice each month. The city clerk shall call special meetings of the city council upon the written request of the mayor or of any two members. Any request shall state the subjects to be considered at such special meeting and no other subject shall there be acted upon. All regular meetings of the city council shall be open to the public. A majority of all the members of the city council shall constitute a quorum, but a lesser number may adjourn from day to day or until the time of the next regular meeting and may compel the attendance of absent members in such manner and under such penalties as the city council shall prescribe.

Section 2.11 Procedure: The city council shall determine its own rules and order of business. It shall keep a journal of its proceedings and the journal shall be open to public inspection. It shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the city council in any such case shall be subject to review by the courts.

Section 2.12 Ordinances, Required for Certain Purposes, Title, Enacting Clause, and How Amended: In addition to such acts of the city council as are required by statute or by this charter to be by ordinance, every act of the city council establishing a fine or other penalty or providing for the expenditure of funds or for the contracting of indebtedness or granting, renewing, or extending a franchise for any purpose shall be by ordinance. No ordinance granting a franchise shall be finally passed until thirty days have expired after its introduction; the expense incident to the enactment of such an ordinance shall be paid by the applicant; and no exclusive franchise shall be granted. When an ordinance granting a franchise is amended after it has been in force, the same provision set forth in the preceding sentence applicable to proposed ordinances granting original franchises shall apply. Every ordinance shall be clearly entitled and shall contain only one subject, which shall be clearly expressed in its title. The enacting clause of all ordinances shall be: "Be it ordained by the City of Vancouver." No ordinance shall be revised, re-enacted, or amended by reference to its title, but the ordinance to be revised or re-enacted or the section thereof amended shall be re-enacted at length as revised or amended.

Section 2.13 Procedure for Passage of Ordinances; First Reading: With exceptions of ordinances permitted by state law to be adopted by reference, every ordinance shall be introduced in writing in the form in which it is finally to be passed. The title of such ordinance shall be read after passage on first reading, every ordinance shall be published at least once, in full or in summary form as prescribed by state law at R.C.W. 35.22.288, together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The first publication shall be at least three days prior to the time advertised for public hearing. Copies of all such proposed ordinances shall be kept available to the public prior to the hearing as indicated in the notice of the hearing and by posting the proposed ordinances on the city's website and at the office of the city clerk. Provided, however, that ordinances granting a franchise shall be published in full or in summary once each week for three consecutive weeks prior to finally passing such ordinances. *(As amended by vote of the people on November 7, 1967, September 17, 1996, and November 3, 2015.)*

Section 2.14 Second Reading and Public Hearing: At the time and place so advertised, or at any time and place to which such hearing shall from time to time be adjourned, the title of such ordinance shall be read. Copies of all such ordinances shall be kept available to the public prior to the hearing as indicated in the notice of the hearing and by posting such ordinances on the city's website. All persons interested shall be given an opportunity to be heard on the proposed ordinance. *(As amended by vote of the people on November 7, 1967, and November 3, 2015.)*

Section 2.15 Further Consideration; Final Passage: After such hearing, the city council may finally pass such ordinance, with or without amendment, except that if it shall make an amendment which constitutes a change of substance, it shall not finally pass the ordinance until it shall have caused the amended sections to be published at least once, together with a notice of the time and place when and where such amended ordinance will be further considered, which publication shall be at least three days prior to the time stated. Copies of all such ordinances shall be kept available to the public prior to the hearing as indicated in the notice of the hearing and by posting such ordinances on the city's website. At the time so advertised, or at any time and place to which such meeting shall be adjourned, the title of the amended ordinance shall be read and a public hearing

thereon shall be held and after such hearing, the governing body may finally pass such amended ordinance, or again amend it subject to the same conditions. The second passage of any ordinance pursuant to this charter shall be final and no further passage shall be required. The final passage of an ordinance requires at least a majority vote in its favor, and the vote shall be taken by yeas and nays, and entered in the public journal of city council proceedings. Every ordinance or resolution passed by the city council shall be signed by the mayor and filed with the city clerk, who shall record the same. When an ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted upon before the next meeting of the city council. *(As amended by vote of the people on November 7, 1967, and November 3, 2015.)*

Section 2.16 Effective Date: After final passage, every ordinance shall again be published in full, or a summary of the content thereof may be published as allowed by state law at RCW 35.22.288, and except as otherwise provided in this charter, shall be subject to permissive referendum as hereinafter provided. Every ordinance, unless it shall specify another date, shall become effective at the expiration of thirty days following final passage, or, if the ordinance be submitted at a referendum election, then it shall not become effective if a majority of the votes cast thereon are for the referendum and against the ordinance; provided, the vote cast on the referendum shall equal one-third of the total votes cast at such election and not otherwise, except as otherwise provided by this charter. *(As amended by vote of the people on November 7, 1989.)*

Section 2.17 (Reserved)

Section 2.18 Citizen's Commission on Mayor/City Council Salaries: There is hereby created the Vancouver Citizen's Commission on Mayor/City Council Salaries to consist of five members appointed as provided herein and to set the salary and compensation of the City Mayor and City Councilmembers.

The Commission shall consist for five members who shall be registered voters and residents of the City of Vancouver. No city officer, official, or employee or immediate family member of any City officer, official or employee shall be eligible for membership on the commission. As used in this section, "immediate family member" means parents, spouse, siblings, children or dependent relative of the officer, official or employee whether or not living in the household of the officer, official or employee.

Commission members shall be appointed by the Mayor, subject to approval of the City Council. The first members shall be appointed by January 1, 1995.

Each commission member shall be appointed for a single four-year term of office; except that the first five members appointed to the commission shall be appointed for different terms as follows:

- a. Two members to serve for periods of four years;
- b. Two members to serve for periods of three years; and
- c. One member to serve for a period of two years.

No member shall be removed during his or her term of office unless for cause of incapacity, incompetence, neglect of duty or malfeasance in office or for a disqualifying change of residence.

Upon a vacancy in any position on the commission, a successor shall be selected and appointed to fill the unexpired term. The selection and appointment shall be concluded within 30 days of the date the position becomes vacant and shall be conducted in the same manner as for original appointments.

The commission authority and responsibility shall be as follows:

- a. The commission shall study the relationship of salaries to the duties of the Mayor and City Councilmembers and shall fix a salary for each such position by an affirmative vote of not less than a majority of the commission.
- b. Except as provided in this section, the commission shall be solely responsible for its own organization, operation and action and shall enjoy the fullest cooperation of all city officers, officials, departments and employees.
- c. The members of the commission shall elect a chairperson from among their number every two years.
- d. The commission shall file its initial schedule of salaries for the positions of Mayor and City Councilmembers with the City Clerk no later than May 1, 1995, and shall thereafter file schedules by May 1st of the applicable later years so as to coincide with the City budget cycle.
- e. Each such schedule shall be filed in ordinance form, shall be assigned a chapter number, shall be published in the same manner as a City ordinance, and shall become effective thirty days after filing with the City Clerk. Such schedule shall be subject to referendum in the same manner as provided by Section 10.2 of the City Charter.
- f. Signature of the chairperson of the commission shall be affixed on each schedule submitted to the City Clerk.
- g. Prior to the filing of any salary schedule, the commission shall hold no fewer than two public hearings thereon within the four months immediately preceding the filing.

The members of the commission shall receive no compensation for their services but shall receive reasonable reimbursement for their expenses in accordance with state law and city ordinance.

It shall be the duty of all city officers, officials and employees to aid in all proper ways of carrying out the provisions of this resolution. The commission shall have access to all city books, papers, documents and accounts applying or in any way concerning the subject matter of this resolution. Staff shall be assigned to the commission to provide support for its work.

This section shall supersede 2.03 and Section 2.04 of the City Charter but only insofar as they provide for the change of the salaries of the Councilmembers and Mayor by ordinance. (*Added by vote of the people on November 8, 1994.*)

Article III

CITY MANAGER, CITY CLERK, AND CITY ATTORNEY

Section 3.01 City Manager; Qualifications: The city council shall appoint a person who shall have the title of city manager and shall have the powers and perform the duties in this charter provided. No councilmember shall receive such appointment during the term for which elected, nor within one year after the expiration of term. The city manager shall be chosen by the city council solely on the basis of executive and administrative qualifications, with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of this office as hereinafter set forth. At the time of appointment, the city manager need not be a resident of the city or state, but during tenure of office shall reside within the city.

Section 3.02 Removal: The city council shall appoint the city manager without any definite term and may effect removal by a majority vote of all its members. At least thirty days before such removal shall become effective, the city council shall, by a majority vote of its members, adopt a preliminary resolution stating the reasons for removal. The city manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty days, nor later than thirty days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the city council, by majority vote of its members, may adopt a final resolution of removal. By the preliminary resolution, the city council may suspend the city manager from duty, but the manager's salary shall continue until the removal shall become effective, as provided in the final resolution. In case of the absence, suspension, or disability of the city manager, or if a vacancy shall occur in the office, the city council may designate a qualified administrative officer of the city to perform the duties of the office until the city manager shall return to duty or until the appointment of a successor shall have been made.

Section 3.03 Powers and Duties: The city manager shall be head of the administrative branch of the city government and shall be responsible to the city council for the proper administration of all affairs of the city and to that end, subject to the personnel provisions of this charter, shall have the power and shall be required to: (1) appoint or remove the city attorney, subject to the approval of the city council; (2) appoint and, when necessary for the good of the service, remove all officers and employees of the city except as otherwise provided by this charter, or by state laws and except as the manager may authorize the head of a department or office to appoint and remove subordinates in such department or office; (3) prepare the budget annually and submit it to the city council and be responsible for its administration upon adoption; (4) prepare and submit to the city council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year; (5) keep the city council advised on the financial condition and future needs of the city and make such recommendations as may to the manager seem desirable; (6) perform such other duties as may be prescribed by this charter or required by the city council, not inconsistent with this charter. *(As amended by vote of the people on November 6, 1979.)*

Section 3.04 Council Not to Interfere: Neither the city council nor any of its committees or members shall direct or request the appointment of any person to, or any person's removal from office by the city manager or by any of the manager's subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of the city. Except for the purpose of inquiry, the city council and its members shall deal with the administrative service solely through the city manager and neither the city council nor any committee or members thereof shall give orders to any subordinates of the city manager either publicly or privately; provided, however, that nothing herein shall be construed to prohibit the council, while in session, from fully discussing with the city manager and department heads anything pertaining to city affairs nor to prohibit city council, nor any committee or members thereof from seeking the assistance of the city attorney as provided for in Section 3.06 of this charter. *(As amended by vote of the people on November 6, 1973, and November 8, 1994.)*

Section 3.05 City Clerk, Duties of: *(Deleted by vote of the people on November 6, 1979 by which vote the people directed that the duties of the city clerk be set by ordinance.)*

Section 3.06 City Attorney, Duties of: It shall be the duty of the city attorney to advise the city council, city manager, and all other officers of the city on legal matters connected with their duties, to draft ordinances, resolutions, and all other required legal documents, to prosecute violations of city ordinances, and to represent the city in all litigation in which it is interested, and to perform such other duties as may be assigned.

Section 3.07 Administrative Departments: There shall be a department of finance, department of personnel, and such other departments as may be established by ordinance.

Section 3.08 Directors of Departments: At the head of each department, there shall be a director who shall have supervision and control of the department, subject to the city manager. Two or more departments may be headed by the same individual; the city manager may head one or more departments, and directors of departments may also serve as chiefs of divisions.

Section 3.09 Departmental Divisions: The work of each department may be distributed among such divisions thereof as may be established by ordinance or resolution. Pending the passage of an ordinance or resolution distributing the work of departments under the supervision and control of the city manager among specific divisions thereof, the city manager may establish temporary divisions.

Article IV

THE BUDGET

Section 4.01 Fiscal Year: The fiscal year of the city government shall begin on the first day of January and shall end the last day of December of each calendar year. However, the Budget to be adopted shall be a two-year biennial budget as provided for by state law at RCW 35.34.040 and as presently provided by city ordinance. *(As amended by vote of the people on November 7, 1989.)*

Section 4.02 State Budget Law; Budget Message; Current Operations; Capital Improvements and Programs; and Supporting Data: The budget system of the city is governed by state law, which said law, with any amendments heretofore or hereafter made, is hereby recognized. The city manager shall perform the duties assigned to the auditor under the governing state law, and shall prepare and submit the budget and an explanatory message thereof to the city council containing:

- (1) Outline of proposed financial policies of the city for the budget year;
- (2) Important features of budget plan;
- (3) Reasons for any important changes from previous year in cost and revenue items;
- (4) Explanation of any major changes in financial policies;
- (5) Statement of pending and newly proposed capital projects, down payments, and other proposed expenditures for capital projects, including the respective amounts proposed to be raised therefor by budget appropriation, and the respective amounts, if any, to be raised therefor for the issuance of bonds during the budget year;
- (6) A capital program of proposed projects for the five fiscal years next succeeding the budget year, together with the city manager's comments thereon and any estimates of costs prepared by any other department, agency, or office. The city manager shall attach to the budget message supporting schedules, exhibits, and other explanatory material relating to current operations and capital improvements, which are beneficial to the city council, shall be attached to the budget message.

Article V

BONDS AND INDEBTEDNESS

Section 5.01 State Laws: Debt limitations, bond issues for public utilities, waterworks and sewers, local improvement district bonds, general obligation bonds, refunding bonds, and other evidences of indebtedness and also bond elections are governed and controlled by general laws, and such laws are hereby recognized as applicable to the City of Vancouver.

Article VI

DEPARTMENT OF FINANCE

Section 6.00 Administration of City Financial Affairs: The city council shall by ordinance provide for the administration of the financial affairs of the city, said ordinance to be consistent with state law and with other provisions of this charter. *(As added by vote of the people on November 6, 1984, at which election the people repealed former Sections 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08, 6.11, and 6.12.)*

Section 6.09 Competitive Bidding: All expenditures for supplies, materials, and equipment involving more than an amount to be set by ordinance shall be made on written contract and the purchasing agent, in purchasing or in making any contract therefor, shall afford ample opportunity for competitive bidding under such rules and regulations and with such general exceptions as the city council may prescribe by ordinance; all such contracts shall be awarded to the lowest most responsible bidder, after such public advertisement as shall be prescribed by ordinance. The city council shall determine which bids, if any, shall be accepted, and shall have the power to reject all bids and advertise again. *(As amended by vote of the people on November 6, 1979.)*

Section 6.10 Contracts for Improvements: Any city improvement costing more than an amount to be set by ordinance shall be executed by contract except where such improvement is authorized by the city council to be executed directly by a city department in conformance with detailed plans, specifications and estimates. All such improvement contracts shall be awarded to the lowest most responsible bidder after such public notice and competitive bidding as shall be prescribed by ordinance. Alterations in any specifications may be made when authorized by the city council upon the written recommendations of the city manager. All bids shall be opened publicly, and the city manager shall furnish the city council a recapitulation of such bids and recommendation with respect to the action to be taken thereon. The city council shall determine which bids, if any, shall be accepted, and shall have the power to reject all bids and advertise again. *(As amended by vote of the people on November 7, 1978, and November 8, 1994.)*

Article VII

DEPARTMENT OF PERSONNEL

Section 7.00 Personnel Regulations: The city council shall by ordinance provide for the administration of the personnel affairs of the city, said ordinance to be consistent with state law and with other provisions of this charter. *(As added by vote of the people on November 6, 1984, at which election the people repealed former Sections 7.01, 7.05, 7.06 and 7.07.)*

Section 7.02 Fire and Police Departments: Fire and police employees who are required by state law to be covered by civil service shall be covered by civil service by an ordinance to be enacted by city council which shall substantially accomplish the purposes of state civil service laws now or henceforth set forth in R.C.W. Chapters 41.08 and 41.12. *(As amended by vote of the people on November 3, 1987.)*

Section 7.03 Civil Service; Persons Excepted Therefrom: The city council may, by ordinance, establish a system of classified civil service for other employees of the city, excepting, however, the following:

- (1) Members of the city council;
- (2) The city manager, the city clerk, the city attorney, police judges, municipal judge, and the directors of departments;
- (3) One principal assistant or deputy and one private secretary to each of the persons named in subdivision (2) of this section;
- (4) Members of boards and commissions in the city's service;
- (5) Persons employed to make or conduct a special inquiry investigation, examination, or installation, if the city council or city manager certifies that such employment is temporary, and that the work should not be performed by employees in the classified service.

Section 7.04 Relief and Pensions: The general laws of the state relating to relief and pensions for firemen and for policemen in cities of the first class are recognized as applicable to the police and fire departments of this city.

Section 7.08 Pay Plan: The personnel director shall prepare for the city manager a standard schedule of pay for employees of the city. The city manager shall submit the pay plan to the city council with such changes as desirable and such plan shall take effect when adopted by the city council. Amendments to the pay schedule may be adopted by the city council from time to time. Rates of pay established by the pay plan shall not be modified except by the amendment of the plan.

Section 7.09 Fair Standards: Rates of pay for all positions in the service of the city shall be as far as practicable equal to the current level of pay for similar services in private employment. Hours of labor shall likewise conform as far as is practicable to the standards of private employment in similar work.

Section 7.10 Prohibitions: The city shall prohibit discrimination, in all its programs and activities, on the basis of age, race, color, national origin, ethnicity, creed, religious opinions or affiliations, sexual orientation, gender identity/expression, pregnancy, marital status, family status, mental or physical disability, military status, status as a veteran or any other protected status under applicable law. No persons seeking appointment to, or promotion in, the service of the city shall give cause to be given any money or other thing of value to any person in connection with such appointment or promotion. No person shall in any manner solicit or be concerned with soliciting any contribution for any political purpose from any city employee. No person shall commit any fraud or deceit tending to defeat the purposes of this article or in connection with any appointment or promotion in the city service. Any person who is convicted of violating any provision of this section shall, in addition to any other penalties provided by law, be ineligible for appointment or employment in the city's service for a period of five years, and shall, if an officer or employee of the city, immediately forfeit such position. *(As amended by vote of the people on November 6, 1979, and November 3, 2015.)*

Article VIII

GENERAL DEVELOPMENT

Section 8.01 Boards and Commissions: Citizen boards, commissions, advisory committees and task forces provide an invaluable service in providing advice to the mayor and council that informs their decision making. The city council is empowered by state law and city ordinance to fill, by appointment, all boards and commissions established by such state law, charter or ordinance or such other advisory boards or commissions as the council deems necessary or advisable to appoint. In the exercise of this power, council shall be consistent in its process and decision making to fairly select and appoint citizens who desire to serve.

Establishment; Boards, commissions, committees and task forces may be required under state law, established through city ordinance or established by motion of the city council.

Appointment: The city shall publicly announce all vacancies on boards, commissions, advisory committees or task forces by advertising and other reasonable methods. Any resident of the community may submit an application for consideration of appointment. The city council shall evaluate each applicant for appointment based on objective criteria established by council.

Members shall be appointed by a majority vote of council during a regularly scheduled meeting. City employees may not be appointed to city boards and commissions.

Dissolution of Boards, Commissions and Committees: Council may dissolve any board, commission, committee or task force that has completed its function or purpose with the exception of boards, commissions or committees required under state law. Dissolution of some boards or commissions may require revisions to the Vancouver Municipal Code. *(As amended by vote of the people on November 3, 2015)*

Section 8.02 Planning Commission: A city planning commission has been duly established under the provisions of the general laws of the state and is hereby recognized. Its membership, duties, and powers may be enlarged by ordinance to enable it to recommend comprehensive municipal plans relating to planning, zoning, platting and land development, slum clearance, and the rehabilitation of blighted areas, and areas damaged by disaster. Its reports and recommendations shall be submitted to the city manager who shall transmit the same to the city council, together with any additions or modifications. The city council may adopt comprehensive plans or portions thereof, and do all things necessary or convenient to execute the same, and may cooperate with the state and federal governments and apply for, and receive, loans and grants in aid. *(As amended by vote of the people on November 3, 2015)*

Section 8.03 Board of Adjustment: The city council may provide by ordinance for a board of adjustment of five members which may be given authority to hear and determine appeals from the ruling of the building inspector on the provisions of the zoning ordinance, and to grant special exceptions to, or variations from, the zoning regulations in accordance with standards and procedures prescribed by ordinance. *(As amended by vote of the people on November 3, 2015)*

Section 8.04 Housing Authority: A housing authority has been duly established for this city under the provisions of the applicable law of the State of Washington and of the United States, and the city council is authorized to cooperate with the housing authority under the terms of the said acts, or as hereafter amended, or under other enactments relating thereto, and by ordinance to provide to the extent deemed necessary, safe and sanitary housing accommodations for persons of low income. *(As amended by vote of the people on November 3, 2015)*

Section 8.05 Parks and Recreation: The city shall acquire, maintain and operate an adequate system of public parks and playgrounds and shall make ample provision for recreational facilities, supervision, and programs, and may cooperate with school districts, public bodies, public corporations, and other organizations to that end. There shall be a parks and recreation commission appointed by the mayor, subject to the approval of the city council. A member of the school administration of each school district with territory within the city limits shall be appointed to the commission and up to nine additional members shall be appointed at large from residents of the city. Commission members shall serve without pay, and shall have such advisory responsibilities with respect to management, supervision, and control of the recreational facilities and programs under the direction and supervision of the city manager as may be assigned by ordinance. The

commission shall recommend to the city council through the city manager all programs and plans for parks, playgrounds, and recreational facilities, and supervision, and for the expenditures of all city funds to be devoted to such purposes. *(As amended by vote of the people on November 7, 1978, November 8, 1994, and November 3, 2015.)*

Section 8.06 Library: Free public library services are provided for this city by a library district in accordance with state law. In the event that the district no longer provides such services to the city due to disincorporation, withdrawal or by other lawful means, the city council shall forthwith establish a free public library system and shall appropriate adequate sums for provision of ample library services, maintenance and operation. *(As amended by vote of the people on November 2, 1999, and November 3, 2015)*

Article IX

NOMINATIONS AND ELECTIONS

Section 9.01 Elections: All municipal elections shall be nonpartisan and there shall be a regular primary and municipal general election biennially on the days provided by law and such special elections as the city council shall provide for. Until otherwise provided by ordinance to the extent permitted by state law, the primary and general election laws of the state, so far as the same are applicable to cities of the first class, shall govern and control all elections of the city and all proceedings therewith. *(As amended by vote of the people on November 6, 1979.)*

NOTE: Elections are now held in odd numbered years pursuant to RCW 29.13.024.

Section 9.02 Nominations: Any qualified elector of the city may declare candidacy for the office of councilmember by filing a declaration of candidacy in accordance with state law.

Section 9.03 Instant Runoff Voting Authorized

(1) Method authorized but not required: Nothing in this charter shall preclude the City Council from authorizing, by resolution, the use of instant runoff voting for the election of city officers in any regular or special election that may be held.

(2) Advance notification required: A resolution authorizing the use of instant runoff voting for an election must be passed at least thirty days before the candidate filing deadline for that election.

(3) Instant runoff voting defined: Instant Runoff Voting (IRV) allows the majority will of the voters to be determined in a single election. Instead of a voter indicating a single choice, each voter indicates his or her first choice, second choice, and so on, for up to as many choices as there are candidates. If a candidate receives a majority of first choice ballots, that candidate is elected. However, if no candidate receives a majority of first choice ballots, the candidate with the fewest first choice ballots is eliminated from contention, and the second choices of those voters whose first choice was eliminated are then counted as first choices. If a candidate now has a majority of the ballots, that candidate is elected. If not this process is repeated until one candidate receives a majority of the ballots. Instant runoff voting makes a second round or runoff election unnecessary.

(4) Uniformity required: If instant runoff voting is to be used to elect to any city officer then it must be used for all city offices appearing on the ballot during that election. *(As added by vote of the people on November 2, 1999.)*

Article X

INITIATIVE, REFERENDUM AND RECALL

Section 10.01 Initiative: The registered voters of the city shall have power to propose any ordinance and to adopt or reject the same at the polls, except an ordinance appropriating money, authorizing the levy of taxes, or any subject where such action is contrary to the general laws of the state of Washington. Any initiated ordinance may be submitted to the city council by a petition signed by registered voters of the city equal in number to at least fifteen per centum of the number of votes cast at the last preceding municipal general election. Signatures shall not be older than 6 months from the date of submission. No initiated ordinance shall embrace more than one subject, and that shall be expressed in the title. The proposed ordinance shall be stated in clear and unambiguous language and so that its entire effect is apparent on its face. *(As amended by vote of the people on November 4, 1986, November 2, 2004, and November 3, 2015.)*

Section 10.02 Referendum: The registered voters of the city shall have power to approve or disapprove at the polls any ordinance passed by the city council, or submitted by the city council to a vote of the registered voters of the city, except such ordinances as may be necessary for the immediate preservation of the public peace, health, or safety, or for the support of the city government and its existing public institutions, or providing for the approval of local improvement assessment rolls, or for the issuance of local improvement bonds or on any subject where such action is contrary to the general laws of the state of Washington. Within thirty days after the enactment by the city council of any ordinance which is subject to a referendum, a petition signed by registered voters of the city equal in number to at least ten per centum of the number of votes cast at the last preceding municipal general election may be filed with the city clerk requesting that any such ordinance be either repealed or submitted to a vote of the registered voters of the city. *(As amended by vote of the people on November 4, 1986 and November 2, 2004.)*

Section 10.03 Petitions and Committees: All petition papers circulated for the purposes of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. Petitions shall be in a form prescribed by the City Clerk, and may be approved in advance as to form by the City Attorney. Before gathering signatures, any proposed initiated ordinance must be filed with the City Clerk. Within twenty working days after filing, the City Attorney shall evaluate the initiative proposal and express his/her opinion as to whether or not the initiative proposal is within the scope of a legally permissible local initiative. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any such petition paper shall sign in ink or indelible pencil and shall indicate after such signer's name, the signer's place of residence by street and number, or other description sufficient to identify the place. On each petition shall appear the names and addresses of the same five registered voters of the city, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. Printed on each separate petition paper there shall be an affidavit of the circulator thereof, affirmed under penalty of perjury, that said circulator personally circulated the foregoing paper, that it bears a stated number of signatures, that all the signatures appended thereto were made in the circulator's presence, and that

the circulator believes them to be the genuine signatures of the persons whose names they purport to be. *(As amended by vote of the people on November 3, 2009, November 2, 2004, and November 3, 2015)*

Section 10.04 Filing and Certifying: All petition papers comprising an initiative or referendum petition shall be assembled and filed with the city clerk as one instrument. Petition pages must be filed no later than February 1 of the same year as the Municipal General Election is held. Within ten days after a petition is filed, the city clerk shall determine whether each paper of the petition has a proper statement of the circulator and shall convey the valid signed petition pages to the officer responsible for the verification of the sufficiency of the signatures to the petition under state law for such verification. The city clerk shall declare any petition paper entirely invalid and not submit said petition page for verification, which does not have printed thereon an affidavit affirmed under penalty of perjury signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded, and the City Clerk shall strike out the excess signatures. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing examination of the petition, and after receiving verification of the sufficiency of such petition signatures from the officer responsible for verification of the sufficiency of signatures under state law, the city clerk shall certify the result thereof to the city council at its next regular meeting. If the clerk certifies that the petition is invalid or has insufficient signatures, the clerk shall set forth in a certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of such findings. *(As amended by vote of the people on November 4, 1986, November 2, 2004, November 3, 2009, and November 3, 2015.)*

Section 10.06 Effect of Certifying: When a referendum petition has been certified as sufficient by the city clerk, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless approved by the registered voters of the city, as hereinafter provided. *(As amended by vote of the people on November 2, 2004)*

Section 10.07 Consideration by Council: Whenever the city council receives a certified initiative or referendum petition from the city clerk, it shall proceed at once to consider such petition. A proposed initiative ordinance or referred ordinance shall be given a first reading, and provision shall be made for publication, second reading and public hearing upon the proposed ordinance. The city council shall take final action on the ordinance not later than sixty days after the date on which such ordinance was submitted to the city council by the city clerk. A referred ordinance shall be reconsidered by the city council and its final vote upon such reconsideration shall be upon the question: "Shall the ordinance specified in the referendum petition be repealed?" *(As amended by vote of the people on November 2, 2004)*

Section 10.08 Submission to Registered Voters of the City: If the city council shall fail to pass an ordinance proposed by initiative petition or if the city council fails to repeal a referred ordinance within thirty days after the receipt thereof, the proposed or referred ordinance shall be submitted to

the registered voters of the city at the next municipal general election provided such election shall occur ninety days or more after the city council takes its final vote thereon. If the city council shall pass a proposed initiative ordinance in a different form, it shall likewise submit the proposed ordinance in its original form, if, and only if, an additional petition signed by not less than five per centum of the number of votes cast at the last regular city election, requesting such submission, shall be circulated, signed, and filed in the same manner as the original petition and within ten days of the date of adoption of the amended ordinance. The city council may provide for a special election if, in its judgment, an emergency exists. *(As amended by vote of the people on November 2, 2004, and November 3, 2015)*

Section 10.09 Form of Ballot: Ordinances submitted to vote of the registered voters of the city in accordance with the initiative and referendum provisions of this charter shall be submitted by ballot title, which shall be prepared in all cases by the city attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. The ballot used in voting upon any ordinance shall have below the ballot title the following proposition, one above the other, in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." The voting system used shall have a means whereby the voter may vote for or against the ordinance. Any number of ordinances may be voted on at the same election and may be submitted on the same ballot. Regardless of the voting system used, the ballot title of any ordinance shall have below it the same two propositions, one above the other or one preceding the other in the order indicated, and the voter shall be given an opportunity to vote for either of the two propositions and thereby to vote for or against the ordinance. *(As amended by vote of the people on November 2, 2004)*

Section 10.10 Results of Election: If a majority of the registered voters of the city voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the city. A referred ordinance which is not approved by a majority of the registered voters of the city voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the registered voters of the city at the same election, the one receiving the highest number of affirmative votes shall prevail to the extent of such conflict. *(As amended by vote of the people on November 2, 2004)*

Section 10.11 Publication and Repeal: Initiative and referendum ordinances adopted or approved by the registered voters of the city shall be published at least once and may be amended or repealed by the city council, as in the case of other ordinances only after a period of one year has elapsed after their enactment. *(As amended by vote of the people on November 2, 2004)*

Section 10.12 Recall: Any elective officer of the city may be recalled in the manner provided by law, but any vacancy created by a recall shall be filled in the manner provided in this charter.

Article XI

GENERAL PROVISIONS

Section 11.01 Removal of Officers: Any officer or employee, to whom the city manager, or a head of any office, department, or agency, may appoint a successor, may be removed by the city manager or other appointing officer at any time. Subject to the provisions of civil service laws and ordinance, the decision of the city manager or other appointing officer shall be final.

Section 11.02 Officers in Council: The city manager, the heads of all departments, and such other officers of the city as may be designated by vote of the city council, shall be entitled to seats in the city council, but shall have no vote therein. The city manager shall have the right to take part in the discussion of all matters coming before the city council and the directors and other officers shall be entitled to take part in all discussions of the city council relating to their respective officers, departments, or agencies.

Section 11.03 Practice of Law by Officials, When Permitted: Nothing contained in this charter shall prohibit the city attorney, police judge, or municipal judge, if and to the extent permitted by state law, from engaging in the private practice of law, but they shall not seek nor accept any fee or reward for any of their official services nor seek nor accept any employment that would conflict with the discharge of their official duties; nor shall they be engaged as attorney for either party in any civil action or for a party to any criminal proceeding depending upon the same facts as such criminal proceeding. Provided, further, that the city council may at any time place the city attorney upon a full time basis.

Section 11.04 Investigations: The city council, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, agency, or officer of the city and to make investigations as to municipal affairs; and, for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence.

Section 11.05 Contracts Beyond One Year: No contract involving the payment of money out of the appropriations of more than one year shall be made for a period of more than five years; nor shall any such contract be valid unless made or approved by ordinance.

Section 11.06 Publicity: All records and accounts of every office, department, or agency of the city shall be open to inspection by any citizen, any representative of a citizen's organization, or any representative of the press or radio at all reasonable times and under reasonable regulations established by the city manager, except records and documents, the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Section 11.07 Personal Interest: No member of the city council or any officer or employee of the city shall derive a personal profit, direct or indirect, from any contract or in the sale to the city or to

a contractor supplying the city or any land or rights or interests in any land, material, supplies, or services. Provided, that the provisions of this section shall not apply to any contract or any work, or the purchase of any material, goods, or supplies when the expenditure thereof in any calendar month does not exceed the amount set by state law. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the city found guilty thereof shall thereby forfeit the office or position. Any violation of this section with the knowledge express or implied of the person or corporation contracting with the city shall render the contract voidable by the city manager or the city council. *(As amended by vote of the people on November 6, 1984.)*

Section 11.08 Expenses Allowable: The fact that this charter fixes the salary or other compensation of any city officer shall not prevent the allowance of reasonable and necessary expenses paid or incurred in the performance of duties.

Section 11.09 Official Bonds: The city council may by ordinance require an official bond, conditioned upon faithful performance of official duties, from any officer or employee before they enter upon their official duties, and shall prescribe the terms and penalty thereof and the surety therefor, and shall be approved by the director of finance. The premiums on such bonds shall be paid by the city.

Section 11.10 Oath of Office: Every officer of the city shall, before entering upon the duties of such office, take and subscribe to the following oath of affirmation, to be filed and kept in the office of the city clerk: "I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and of the State of Washington, that I will, in all respects, observe the provisions of the charter and ordinances of the City of Vancouver, and will faithfully discharge the duties of the office of _____."

Section 11.11 Oaths: The mayor, mayor pro tempore, city clerk, and the city attorney shall have power to administer oaths in the performance of the duties of their offices or the transaction of the city's business.

Section 11.12 Claims: Any claim for damages against the city shall comply with the requirements of state law and with such requirements as city council may establish by ordinance under state law. Unless such requirements are complied with, such claim shall be barred. *(As amended by vote of the people November 3, 2009, and November 6, 1984.)*

Section 11.13 Effect of Charter: All ordinances and parts of ordinances of the City of Vancouver in conflict with provisions of this charter are hereby repealed. All ordinances not in conflict with this charter are continued in full force and effect.

Section 11.14 Amendments: Amendments to this charter may be submitted to the voters by the city council or by petition of the voters, or a new charter may be drafted and submitted, in the manner provided by the constitution and laws of the state.

Section 11.15 Short Title: This charter, adopted by the people of the City of Vancouver, shall be known and may be cited as the "Council/Manager Charter of 1952."

Section 11.16 Separability Clause: If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 11.17 Periodic Reviews of Charter: No later than five years after the most recent charter review, the mayor shall appoint, subject to city council confirmation, a panel of fifteen residents to review the city charter and to recommend to the city council in time to be considered for that year's election any charter changes or amendments which the panel believes should be put to a vote of the people, and the council shall thereafter place any such amendment on the ballot at the next municipal election if a majority of the city council so determines; provided nothing herein shall interfere with the right of citizens to, by petition, require an election to be held for any charter amendment or to cause a freeholder election to be held for a proposed new city charter, nor shall it interfere with the right of the city council to, at any time, propose and submit proposed charter amendments to the voters. *(Added by vote of the people in November 1977. As amended by vote of the people on November 6, 1979.)*

Section 11.18 Deletion of Charter Terms Referring to Masculine or Feminine Gender: Future amendments to the city charter shall require the use of terms which are neither masculine nor feminine, unless the context of such charter provision shall require otherwise.

The city clerk, with approval of the city attorney, is authorized to change the provisions of the city charter to delete use of terms which are masculine or feminine, unless the context of such charter provision shall require otherwise. *(As added by vote of the people on November 6, 1984.)*

Article XII

SUCCESSION IN GOVERNMENT

Section 12.01 Right of Officers or Employees: Nothing contained in this charter, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the city or of any office, department, or agency existing at the time when this charter shall take effect, or any provision of law in force at the time when this charter shall take effect and not inconsistent with the provisions of this charter, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights, or any other rights or privileges of officers or employees of the city or any office, department, or agency thereof.

Section 12.02 Continuance of Officers: All persons holding administrative office at the time this charter takes effect shall continue in office and in the performance of their duties until provision shall have been made for the appointment and qualification of their successors in accordance herewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department, or agency of the city by the laws of the state shall, if such office, department, or agency, be abolished by this charter, or under its authority, be thereafter exercised and discharged by the office, department, or agency designated by the city council unless otherwise provided herein.

Section 12.03 Continuation of Property Rights: The public buildings, lands, and property, all rights of property and rights of action, all monies, revenues, and income belonging or appertaining to the City of Vancouver, are hereby declared to be vested in said city and it shall continue to have, hold, and enjoy the same subject to all obligations, debts, liabilities, dues, and duties, of the existing municipality.

Section 12.04 Transfer of Records and Monies: All records, property, and equipment whatsoever of any office, department, or agency, or part thereof, all the powers and duties of which are assigned to any other office, department, or agency by this charter, shall be transferred and delivered to the office, department, or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department, or agency, or part thereof are by this charter assigned to another office, department, or agency, all records, monies, securities, property, and equipment relating exclusively thereto shall be transferred and delivered to the office, department, or agency to which such powers and duties are so assigned.

Section 12.05 Continuity of Offices: Any office, department, or agency provided for in this charter with a name or with powers and duties the same or substantially the same as those of an office, department, or agency heretofore existing shall be deemed to be a continuation of such office, department, or agency. Such office, department, or agency shall continue to exercise its powers and duties which were heretofore exercised, and shall have power to continue any business, proceeding, or other matter within the scope of its regular powers and duties commenced by an office, department, or agency by which such powers and duties were heretofore exercised. Any provision in any

law or contract, relating to such a formerly existing office, department, or agency, shall, so far as not inconsistent with the provisions of this charter, apply to such office, department, or agency provided for by this charter.

Section 12.06 Continuance of Contracts and Improvements: All contracts entered into by the city, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements in the City of Vancouver which were begun prior to, and remain uncompleted on, the date when this charter becomes effective, shall be completed in accordance with the laws and ordinances existing at the time such improvements were ordered. All special assessments levied and remaining unpaid on the date this charter becomes effective, shall be paid and be collected as provided by the laws and ordinances in effect at the time the same were levied.

Section 12.07 Pending Actions: No action or proceeding, civil or criminal, pending at the time when this charter shall take effect, brought by or against the city or any office, department, or agency or officer thereof, shall be affected or abated by the adoption of this charter or by anything therein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers, and duties of any office, department, or agency, or officer party thereto may be or under this charter be assigned or transferred to another office, department, or agency or officer, but in that event the same may be prosecuted or defended by the head of the office, department, or agency to which such functions, powers, and duties have been assigned or transferred by, or under this charter. Suits, actions, and proceedings may be brought in the name of the City of Vancouver for the recovery of any property, or for the enforcement of any rights of contracts with said city, whether made or arising or accruing before or after the adoption of this charter.

CERTIFICATE

State of Washington)
County of Clark)ss
City of Vancouver)

We, the undersigned freeholders of the City of Vancouver, elected at the special election held on the thirteenth day of November, 1951, under the provisions of the constitution and laws of the State of Washington, to prepare a charter for the City of Vancouver, Washington, do hereby certify that the foregoing proposed charter has been prepared by us and is hereby submitted as the proposed charter for said city.

IN WITNESS WHEREOF, we have hereunto set our hands this 19th day of December, A.D. 1951.

Robert H. DuBois, Chairman	Wm. E. Farr, Jr.
Ralph W. Zoller, Secretary	R. S. McCall
Wayne Aiken	Gerald H. Forbes
Robert A. Hidden	E. Joe Atwood
Pauline Kindley Kent	Al J. Erdman
F. J. O'Hara	Ralph Percival
Robert D. McMullen	Gordon L. Alvord
	Carl Gustafson

State of Washington)
County of Clark)ss
City of Vancouver)

On this 19th day of December, 1951, personally appeared before me Robert H. DuBois, Carl Gustafson, Gordon L. Alvord, Wayne Aiken, F. J. O'Hara, Ralph W. Zoller, Robert A. Hidden, R. S. McCall, Robert D. McMullen, Al J. Erdman, Ralph Percival, Gerald H. Forbes, Wm. E. Farr, Jr., Pauline Kindley Kent, E. Joe Atwood, to me known to be the individuals described in and who certified the within and foregoing proposed charter of the City of Vancouver, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 19th day of December, 1951.

My commission expires July 15, 1955.

David C. Hutchison
Notary Public in and for the State of
Washington, residing at Vancouver

CERTIFICATE OF SPECIAL CHARTER ELECTION

I, V. B. Anderson, Mayor of the City of Vancouver, Washington, do hereby certify that, in accordance with the terms and provisions of Section 10 of Article XI of the constitution, and of Chapter 7 of the Laws of 1890 of said state, the City Commissioners of the City of Vancouver, Washington, duly caused a special election to be held on the 13th day of November, 1951, for the purpose of electing fifteen freeholders to prepare a charter for the City of Vancouver, Washington; that due notice of such election was given in the manner provided by law; that on the 13th day of November, 1951, said election was held, and the votes cast thereat were duly canvassed by the legislative authority of said city, and the following named persons were declared duly elected to prepare and propose a charter for said city, to wit:

Robert H. DuBois
Carl Gustafson
Gordon L. Alvord
Wayne Aiken
F. J. O'Hara
Ralph W. Zoller
Robert A. Hidden
R. S. McCall

Robert D. McMullen
Al J. Erdman
Ralph Percival
Gerald H. Forbes
Wm. E. Farr, Jr.
Pauline Kindley Kent
E. Joe Atwood

That thereafter, to-wit, on the 19th day of December, 1951, said board of freeholders duly returned a proposed charter for the City of Vancouver, Washington, signed by the following members thereof, to-wit:

Robert H. DuBois
Carl Gustafson
Gordon L. Alvord
Wayne Aiken
F. J. O'Hara
Ralph W. Zoller
Robert A. Hidden
Robert S. McCall

Robert D. McMullen
Al J. Erdman
Ralph Percival
Gerald H. Forbes
Wm. E. Farr, Jr.
Pauline Kindley Kent
E. Joe Atwood

That thereafter such proposed charter was duly published in two daily newspapers in said city and of general circulation therein, to-wit: *The Columbian* and *The Sun*, and *The Clark County News*, for a period of thirty days, said publication in each of said papers, commencing on the 24th day of December, 1951. That thereafter, on the 11th day of February, 1952, at a special election, duly called by the legislative authority of said city, the proposed charter was submitted to the qualified electors thereof, and the returns of such election were duly canvassed by the legislative authority thereof, at a meeting held on the 18th day of February, 1952, and continued until the 19th day of February, 1952, and the result of said election was found to be as follows:

For said proposed charter, Four-Thousand One-Hundred Fifty-Four (4,154) votes; against said proposed charter, One-Thousand Nine-Hundred Twenty-Five (1,925) votes. Majority for said proposed charter, Two-Thousand Two-Hundred Twenty-Nine (2,229) votes. Whereupon, the said charter was declared duly ratified by a majority of the qualified electors voting at said election. And I further certify that the foregoing is a full, true, and complete copy of the proposed charter so voted upon and ratified as aforesaid.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the corporate seal of said city, at my office, this 20th day of February, 1952.

V. B. Anderson

Mayor of the City of
Vancouver, Washington

ATTEST:

R. G. Lovette

**Comptroller-Clerk of the
City of Vancouver, Washington**

ATTESTATION

Pursuant to Chapter 7, Section 4, of the Laws of 1890, at Page 217, we V. B. Anderson and R. G. Lovette, Mayor and Comptroller-Clerk, respectively, of the City of Vancouver, Washington, hereby attest and certify that we have examined the foregoing Charter prepared by the freeholders elected November 13, 1951, and submitted to the City Commissioners on December 19, 1951, and adopted by the qualified electors of the City of Vancouver on February 11, 1952, and that we have further examined the Certificate of Special Charter Election, dated February 20, 1952, and that the foregoing copies of the aforementioned documents are true, complete and correct copies of the originals on file in the office of the Comptroller-Clerk.

IN WITNESS AND TESTIMONY WHEREOF, we have hereunto set our hands and have affixed the corporate seal of the City of Vancouver this 29th day of February, 1952.

V. B. Anderson

**Mayor of the City of
Vancouver, Washington**

R. G. Lovette

**Comptroller-Clerk of the
City of Vancouver, Washington**

ATTESTATION OF RECORDING

Pursuant to Chapter 7, Section 6, of the Laws of 1890, at Page 223, I Ronald G. Lovette, Comptroller-Clerk of the City of Vancouver, Washington, hereby attest and certify that I have examined the foregoing Charter prepared by the freeholders elected November 13, 1951, and submitted to the City Commissioners on December 19, 1951, and adopted by the qualified electors of the City of Vancouver on February 11, 1952, as recorded herein, and that it is a true, complete, and correct copy of the original now on file in the office of the Comptroller-Clerk of the City of Vancouver, Washington, and I further attest and certify that I have witnessed the taking of the oath of office by the officers duly elected to serve under the aforementioned Charter, and that they did, at 12:00 o'clock M., on the 1st day of March, 1952, the 10th day after the issuance of notice to them of their election, enter upon the discharge of the duties of the offices to which they had been elected.

IN WITNESS AND TESTIMONY WHEREOF, I have hereunto set my hand and affixed the corporate seal of said city this 3rd day of March, 1952.

R. G. Lovette

Comptroller-Clerk