



## Charter of the City of Bremerton

Amended by a vote of the people during the general election held November 8, 2011

# **CHARTER OF THE CITY OF BREMERTON**

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# **CHARTER OF THE CITY OF BREMERTON**

## **ARTICLE I. Name, Boundaries, Powers, Definitions**

### **Section 1 - Name:**

The corporate name of this City is BREMERTON.

### **Section 2 - Boundaries:**

The existing boundaries may be changed in the manner provided by law.

### **Section 3 - Definitions:**

As used in this Charter, unless the context indicates otherwise:

- (1) RCW - Means the Revised Code of Washington, and refers to any subsequent amendments to statutes referenced in this Charter.
- (2) Residence - Residence within any territory included in, annexed to, or consolidated with the City is construed to have been residence within the City.
- (3) Shall - Means mandatory.
- (4) May - Means optional.
- (5) Appointive Officer – Means those employees appointed by the mayor and confirmed by the Council as established by Charter and by ordinance.

### **Section 4 - Rights and Powers:**

By and in the corporate name, the City shall have perpetual succession and all powers of a First Class city; may sue and be sued in all courts and proceedings; use a corporate seal approved by its legislative body; and, by and through its legislative body, may contract and be contracted with; may purchase, lease, receive, or otherwise acquire real and personal property of every kind, and use, enjoy, hold, lease, control, convey or otherwise dispose of it for the common benefit.

### **Section 5 - Powers - How Exercised:**

All powers of this City, unless otherwise provided in this Charter, shall be exercised by, through and under the direction of a mayor, who shall be the chief executive and administrative officer, and seven council members who shall constitute the City Council (hereafter referred to as Council). The Council shall serve as the legislative body of the City. The Mayor and Council shall be subject to the control and direction of the people at all times by means of the initiative, referendum and recall provided for in this Charter.

## **ARTICLE II. Elective Officers**

### **Section 6 - Officers - Election - Term - Qualifications:**

- (1) Effective until the first day of January 2014, the elective officers of this City shall be eleven in number: The Mayor and Municipal Judge, who shall be elected by majority vote

from the City at large, and nine part-time members of Council, who shall be elected by majority vote from each of their respective districts. Effective the first day of January 2014 as set forth in Section 6(2) below, the elective officers of this City shall be reduced from eleven to nine in number: The Mayor and Municipal Judge, who shall be elected by majority vote from the City at large, and seven part-time members of Council, who shall be elected by majority vote from each of their respective districts. No person shall be eligible for election to any City office, unless he or she is a citizen of the United States and has resided in Bremerton for at least one year preceding election, except the Municipal Judge, who need only be a citizen and reside in Kitsap County and licensed to practice law in the State of Washington. No person shall be eligible for the position of council member while holding any other elective public office or otherwise employed by the city. Candidates for Council must also be residents of their respective districts at the time of filing. The Mayor shall continuously reside within the City and Council members shall reside continuously within their district during their elective terms, except as provided in Section 7 of this Charter. Except as set forth in Section 6(2) below, the terms of all elective officers shall commence on the first day in January following their election and shall be for a period of four years until their successors are elected and have qualified.

(2) Effective the first day of January 2014, the Council members and the Council districts of this City shall be reduced from nine to seven in number. Elections for all Council districts, as redistricted, shall be held in 2013. Council members elected in 2013 to represent districts 1, 3, 5 and 7 as redistricted each shall serve a four year term. Council members elected in 2013 to represent districts 2, 4, and 6 as redistricted each shall serve a two year term. Thereafter municipal elections shall be held biennially and the requisite Council members shall be elected for four year terms.

#### **Section 7 - Change in Districts:**

Council may change the boundaries of existing districts by ordinance to make each as equal in population as practicable, so long as redistricting is approved forty-five days before the fourth Monday in July. Except as set forth in Section 6(2) above, no change in the boundaries of districts shall affect the terms of any council members; they shall serve out their terms representing the district for which they were elected even though such change of district boundaries may result in more than one council member residing in the same district.

#### **Section 8 - Compensation - Reimbursement:**

(1) The Mayor's and Judge's compensation may be increased during a term of office by ordinance.

(2) There is hereby created the Bremerton Citizen's Commission on Council Salaries pursuant to RCW 35.21.015 appointed as provided herein to set the salary of the Council members.

(a) The Commission shall consist of three (3) members who shall be registered voters and residents of the City of Bremerton. 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.

(b) Commission members shall be appointed by the Mayor, subject to approval of Council.

(c) Commission members shall be appointed for three year staggered terms of office. Commission members may not be appointed to more than two terms.

(d) 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.

(e) Upon a vacancy in any position on the Commission a successor shall be appointed to serve the unexpired term. The appointment shall be made in the same manner as for original appointments.

(f) 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. Staff shall be assigned to the Commission to provide support for its work.

(3) The Commission authority and responsibility shall be as follows:

(a) The Commission shall study the relationship of salaries to the duties of the City Council members 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 approved 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. The Commission shall have access to all City books, papers, documents and accounts applying or in any way concerning the subject matter of this section.

(c) The members of the Commission shall elect a chairperson from among their number every two years.

(d) The Commission shall file any change in its schedule of salaries for the positions of City Council members with the City Clerk by July 1st of the applicable year so as to coincide with the City budget cycle.

(e) Each schedule shall become effective thirty days after filing with the City Clerk. Salary decreases established by the Commission shall become effective as to incumbent City Council members at the commencement of their next subsequent terms of office. Such schedule shall be subject to referendum in the same manner as provided by Section 34 of this Charter.

(f) 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.

(g) Signature of the chairperson of the Commission shall be affixed on each schedule submitted to the City Clerk.

(4) The Mayor, Municipal Judge and Council members shall receive reimbursement for their necessary expenses incurred in the performance of the duties of their office as provided to City management and professional employees.

### **Section 9 - Vacancies - Events Creating:**

The position of an elected officer shall become vacant upon the occurrence of any of the following events:

- (1) Death.
- (2) Resignation.
- (3) Judicially declared incompetency.
- (4) Failure to maintain residency as required by Charter.

- (5) Failure to qualify within two days after the beginning of term.
- (6) Continuous absence from the City for more than thirty days during a term of office without consent of Council, unless on business of the City.
- (7) Conviction of or plea of guilty to a felony or to a crime involving moral turpitude, or an offense involving the oath of office.

#### **Section 10 - Vacancies -Filling:**

(1) A vacancy in the office of the Mayor or Council shall be filled for the remainder of the unexpired term, if any, at the next municipal general election.

Council or the remaining members thereof by majority vote shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office.

(2) If, after thirty days have passed since the occurrence of a vacancy, Council is unable to agree upon a person to be appointed to fill a vacancy on Council, the Mayor, shall make the appointment from among the persons nominated by members of Council.

(3) If at any time the membership of Council is reduced below a quorum, the remaining members, if any, shall appoint the requisite number of qualified persons to create a quorum who will appoint qualified persons to fill the remaining vacancies. The appointees shall serve until persons are elected to serve the remainder of the unexpired terms at the next available special election for partisan offices unless there is an earlier available general election.

(4) If no council members remain, the Mayor shall appoint qualified persons to temporarily fill the vacancies. The appointees shall serve until persons are elected to fill the remainder of the unexpired terms at the next available special election for partisan offices unless there is an earlier available general election.

(5) In the event all Council positions and the Mayor's position become vacant, the Municipal Judge, or the Governor of the State of Washington if the position of Judge is vacant, shall appoint a qualified person as Acting Mayor. The Acting Mayor shall perform, and appointees shall serve, pursuant to subsection four above.

(6) A vacancy in the office of Municipal Judge shall be filled by the Mayor for the remainder of the unexpired term, subject to Council confirmation.

#### **Section 11 - Pro Tempore Appointment:**

(1) Annually at the first meeting of Council, or when needed to fill a vacancy, the members thereof, by majority vote, shall designate one of their number as Council President to serve as Mayor Pro Tempore, to serve at the request of the Mayor, or to fill an unanticipated need in the absence or temporary disability of the Mayor.

(2) The Mayor Pro Tempore shall perform all duties of the Mayor in the absence or temporary disability of the Mayor, except he or she may only remove appointive officers subject to Council confirmation after the Mayor has been absent for thirty consecutive days, at which time the Mayor Pro Tempore may remove such persons subject to any applicable law, rule, or regulation relating to civil service, with the approval of Council majority plus one.

(3) The Mayor may appoint qualified persons to serve as Municipal Judge pro tempore pursuant to RCW 3.50.090.

### **ARTICLE III. Legislation**

#### **Section 12 - Powers Vested in Council:**

Council shall have power to organize and regulate its internal affairs, to define the functions, power, and duties of the City's officers and employees; to fix the compensation and working conditions of such officers and employees and establish and maintain civil service or merit systems, retirement and pension systems not in conflict with state law or this Charter. Council may adopt and enforce ordinances relating to and regulating its local or municipal affairs and appropriate to the good of the government of the City, and, pursuant to state law, may impose penalties of fine, or imprisonment, or both, for the violation of such ordinances constituting a misdemeanor or gross misdemeanor as provided therein. Council may provide that violation of such shall constitute a civil violation subject to a monetary penalty. Council shall have all legislative powers possible for a city or town to have under the Constitution of this State. By way of illustration and not in limitation, such powers may be exercised in regard to acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, real property of all kinds, waterways, structures, or any other improvement or use of real or personal property. Such powers may be exercised in regard to all aspects of collective bargaining, in the rendering of social, cultural, recreational, educational, governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns. In addition and not in limitation, Council shall have any authority given to any class of municipality or all municipalities of this state, such authority to be executed in the manner provided, if any, by the granting statute. Within constitutional limitations, Council shall have within the City corporate limits all powers of taxation for local purposes allowed by state law.

#### **Section 13 - Council Meetings - Public Notice of Meeting Agendas:**

- (1) Council shall meet regularly, at least once a month, at such times and locations as designated by the Council.
- (2) Council shall meet at a place within the corporate limits of the City, at such times as may be fixed by ordinance or resolution.
- (3) A majority of Council constitutes a quorum.
- (4) Meetings of Council shall be presided over by the member selected as Council President. Appointment of a Council President shall not in any way abridge the President's right to vote on matters coming before Council at such meetings.
- (5) In the absence of the City Clerk or Deputy Clerk or other qualified person appointed by the Clerk, a council member may perform the duties of Clerk at such meeting while retaining rights to participate and vote during the meeting.

#### **Section 14 - Open Meetings - Requisites:**

- (1) All meetings of Council and City boards, commissions and committees shall be open to the public except as excluded by 42.30 RCW or this Charter.
- (2) Conditions for attendance; time and place; procedures for interruption, adjournments, continuances; executive sessions; adoption of ordinances, rules and regulations; and prohibition of secret ballots shall be as prescribed within Chapter 42.30 RCW.



(3) Council, by ordinance, shall establish a procedure for notifying the public of upcoming open meetings and agendas.

### **Section 15 - Ordinances - Styles - Requisites - Veto:**

(1) The enacting clause of all ordinances shall be as follows: "The City of Bremerton does ordain". No ordinance shall contain more than one subject and that must be clearly expressed in its title.

(2) No ordinance, or any section or subsection thereof, or any municipal code section or subsection, shall be revised or amended, unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full length.

(3) All legislation and appropriation of money shall be by ordinance, save where there is a special fund created for a particular purpose; payments from such funds shall be made on order of the Council.

(4) Hearings of ordinances shall be as provided by state law or as designated by Council. Every ordinance shall have one reading except that, upon a request of a Council Member, an ordinance shall have two or more readings unless otherwise directed by the Council. No ordinance shall take effect until at least ten (10) days after publication stated in the ordinance, except as provided below:

(a) Upon the happening of any non-debatable emergency as enumerated in RCW 35.33.081, Council may adopt an ordinance addressing the emergency or appropriating funds not available in the annual budget to meet it by a vote of one more than the majority of all members of Council, stating the facts constituting the emergency. Such ordinance shall become effective at passage without notice or hearing, but requires subsequent publication in the official newspaper.

(b) Ordinances addressing public emergencies not specifically enumerated in RCW 35.33.081 or appropriating funds to meet such emergencies which could not have been anticipated in the annual budget, may be appropriated by ordinance declaring an emergency and stating the facts constituting the emergency. Such ordinance shall not be voted on until five days have elapsed after its introduction, and shall require the vote of one more than the majority of all members of Council for passage. Any taxpayer of the City may appear at the meeting at which the emergency ordinance is to be voted on and be heard for or against the adoption of it. The ordinance shall become effective upon passage and publication.

(c) Initiative ordinances adopted by the voters of the City shall take effect at the time fixed therein or, if no such time is designated within ten (10) days after the official canvass of the ballots pursuant to state law.

(5) Every ordinance that passes Council in order to become valid must be presented to the Mayor. If approved, it shall be signed, but if not, it shall be returned with written objections to Council who shall cause the objections to be entered on the record and proceed to reconsideration thereof within thirty (30) days of return of the vetoed ordinance. If upon reconsideration, a majority plus one of the whole membership favor its passage, the ordinance shall become valid notwithstanding the Mayor's veto. The Mayor's veto with respect to budget measures shall extend to specific items only, and not to the whole budget. If the Mayor fails for ten days to either approve or veto an ordinance, it shall become valid without approval. Ordinances shall be signed by the Mayor and attested by the City Clerk.

**Section 16 - Ordinances - Authentication and Recording:**

The City Clerk shall authenticate and record in full in a properly indexed book or file kept for the purpose of retaining all ordinances and resolutions adopted by Council. Copies of such shall be available for inspection by the public.

**Section 17 - Publication of Ordinances or Summary of Ordinances:**

Promptly after adoption, the text of each ordinance or a summary of the content of each ordinance shall be published at least once in the City's official newspaper except bond ordinances which may be published by title alone. For the purpose of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. Publication of a summary shall include notice that the full text is available from the City Clerk. An inadvertent mistake or omission in publishing the text or a summary of the content of an ordinance shall not render the ordinance invalid.

**Section 18 - City Auditor:**

There shall be an Auditing Committee consisting of two Council members and an independent Certified Public Accountant to be designated by Council, and two Bremerton residents selected by the designated members of the Auditing Committee. The Auditing Committee shall appoint a City Auditor who shall serve at the pleasure of the Committee. The City Auditor shall only be removed by the majority vote of the entire membership of the Committee sitting as a whole.

**ARTICLE IV.  
Administration****Section 19 - Duties and Authority of the Mayor:**

The Mayor:

- (1) Shall be the chief executive and administrative officer of the City in charge of all departments and employees.
- (2) Shall see that all laws and ordinances are faithfully enforced and that law and order are maintained in the City.
- (3) Shall have general supervision of the administration of city government and all city interests.
- (4) Shall see that all contracts and agreements made with the City or for its use and benefit are faithfully kept and performed, and to this end, may cause any legal procedures to be instituted and prosecuted in the name of the City, subject to approval by majority vote of all members of Council.
- (5) Shall report to Council, in a public meeting, concerning the affairs of the City and its financial and other needs, and shall make recommendations for Council consideration and action.
- (6) Shall prepare and submit to Council a proposed budget.
- (7) Shall be the official and ceremonial head of the City and shall represent the City, except that when illness or other duties prevent the Mayor's attendance at an official function and the Mayor Pro Tempore is unavailable, a member of Council or some other suitable person may be designated by the Mayor to represent the City on such occasion.
- (8) Shall devote full-time, during business hours, to the service of the City and shall not hold any other public office except notary public.

**Section 20 – Appointive Officers - Duties - Compensation:**

Appointive officers shall be those provided for by City Charter or ordinance and shall include a City Attorney and City Clerk. The office of City Clerk may be merged with any other compatible appointive office. The authority, duties and qualifications of all appointive officers shall be as prescribed by charter, ordinances, or applicable job description.

**Section 21 - Appointment and Removal of Appointive Officers and Employees - Terms:**

The Mayor shall have the power of appointment and removal of all appointive officers and employees, except the City Auditor, City Attorney, Court employees and Council employees, subject to any applicable law, rule or regulation relating to civil service. Council employees who serve at the pleasure of the Council may only be removed by a majority vote of Council sitting as a whole. The head of a department may be authorized by the Mayor to appoint and remove subordinates in such departments or office, subject to applicable union agreements and any applicable civil service provisions. All appointments of appointive officers and employees shall be made on the basis of ability and training or experience in the duties of the position, and in compliance with provisions of any merit system applicable to the City. Confirmation by Council of appointments of appointive officers shall be required. Appointive officers shall be without a definite term unless a term is established for such office by law or ordinance. The Mayor shall have the sole authority to accept the resignation of any appointive officer.

**Section 22 - Oath of Appointive Officers and Employees:**

Any appointive officer or employee, before entering upon the performance of his or her duties, may be required to take an oath or affirmation as may be prescribed by ordinance for the faithful performance of his or her duties as a condition of employment.

**Section 23 - City Attorney:**

(1) Appointment. The Legal Department of the City shall consist of a City Attorney, and such assistant city attorneys as authorized in the budget. All must be duly licensed attorneys of the State of Washington in accordance with state statute or court rule. The City Attorney shall be a full-time in-house City Attorney appointed by the mayor and confirmed by the Council. The City Attorney may be removed by the Mayor, with the concurrence of a majority of Council sitting as a whole, or by Council alone, provided that removal by Council alone shall require a 2/3 vote of the entire Council. The City Attorney may remove assistant city attorneys at his or her pleasure.

(2) Duties. The City Attorney shall be legal advisor of all officers, commissions, boards and committees of the City and shall bring and prosecute all actions which may be directed by the Mayor or Council, and defend the City in all actions against it and any action in which the City, any past or present employee, officer, board, committee, or commission is a party as a result of acts or omissions in the good faith performance of the city's business.

(3) Special Counsel. Council may at any time retain or appoint special counsel for specific assignments.

## **ARTICLE V.**

### **Finance**

#### **Section 24 - Organization:**

The Mayor shall have charge of finance and shall be responsible for the custody and management of the City assets.

#### **Section 25 - Receipt, Custody, and Disbursement of Funds:**

All payments authorized by Council shall be signed by the Mayor and City Clerk. The City Treasurer shall receive and keep all monies due and belonging to the City, and all trust funds held by the City, and shall keep an accurate detailed account of the same in such manner as to show the exact financial condition of the City. The City Treasurer shall, at the close of each month, report to Council all the monies received and disbursed during the month.

#### **Section 26 - Fiscal Year:**

The City's fiscal year shall be the calendar year. The Council may, by ordinance, establish a biennial budget.

#### **Section 27 - Public Utilities:**

(1) The City shall have power to own and operate any public utility and may purchase, construct, condemn or acquire any public utility provided by law, and may make any additions or betterments or extensions of any existing utility, and the provision therefor shall be by ordinance which shall specify and adopt the plan or system proposed and declare the estimated cost thereof. Any ordinance providing for a newly owned and operated utility shall be submitted for ratification or rejection to the qualified voters of the City at a general or special election called for that purpose. Provided, however, that an ordinance providing for the extension, enlargement or improvement of an existing utility shall conform to RCW 35.92.070 and need only be submitted to the voters as required thereby.

(2) Nothing in this Charter shall be construed to permit the city of Bremerton to sell all or any portion of any of the real property now owned or hereafter acquired for water supply purposes generally known as watersheds, whether or not currently used for water supply purposes, unless a question of such proposed sale shall be approved by a majority plus one of the council membership or shall have been first submitted to the qualified electors of the city by a majority plus one of the council membership at a municipal general or special election and assented to by sixty percent of said electors voting on such question.

(3) The City shall not sell, lease or dispose of any utility lands, systems or parts thereof essential to continued effective utility service, unless and until such disposal is approved by a majority plus one vote of Council.

## **ARTICLE VI.**

### **Civil Service**

#### **Section 28 - Commission, Creation of:**

There is hereby established a Civil Service Commission of three members, who shall be appointed by the Mayor and confirmed by Council, and who shall be citizens of the United States, residents of the City for at least one year preceding such appointment. The currently

seated members may serve their current terms. The term of office of such commissioners shall be for three years on staggered terms. Any vacancies in the commission shall be filled by the Mayor and approved by Council for the unexpired term. Any member of said commission may be removed from office for incompetency, incompatibility or dereliction of duty, malfeasance in office, or other good cause after charges in writing have been preferred, due notice given and a full hearing had in Superior Court unless such hearing is waived in writing.

#### **Section 29 - Commission, Rules and Powers:**

(1) The Commission shall make such rules and regulations for the conduct of its business and to enforce the purposes of this article as shall be necessary and proper.

(2) The Commission shall provide for the classification of all employees subject to this Article.

(3) All full time paid employees of the Fire and Police departments of the City shall be included under the provisions of this Article, and all existing provisions of state law pertaining to such employees shall be substantially complied with by the Commission. All other full time employees shall be included under the provisions of this Article unless excluded in Section 31.

(4) The Commission, among other things, shall provide for open competitive examination as to fitness for an eligibility list from which vacancies shall be filled; for a period of probation before employment is made permanent; and for promotion on the basis of merit, experience, and record. Promotional processing/testing fees shall not be charged.

(5) Employees within the scope of this Article who are in office at the time of the adoption of this Charter shall retain their positions, unless removed for cause.

(6) The Commission, among other things, shall provide for rules and procedures to ensure employees due process in regard to any proposed disciplinary action.

#### **Section 30 - Civil Service Officer:**

The Commission shall provide for the selection of a civil service officer by the Mayor, with Council confirmation who shall also serve as secretary.

#### **Section 31 - Employees included in Civil Service:**

(1) The following employees shall be included in Civil Service:

(a) All full time paid employees of the Fire and Police departments of the City unless specifically excluded or exempt by the City as may be provided by law.

(b) All other full time employees not exempt in Section 31(2) below.

(2) There shall be exempt from the operation of this article the following: elected officials, appointive officers not covered in Section 31(1) above, management and professional employees, all non-salaried members of appointive boards and commissions, and any other employee exempt from the operation of this Article by the Council.

### **ARTICLE VII.**

#### **Boards, Commissions and Committees**

#### **Section 32 - Member Residency Requirement:**

The Mayor shall appoint all boards, commissions and committees established by ordinance or charter, except the Audit Committee, with Council confirmation as required by ordinance. All

members of boards, commissions and committees established by ordinance or charter shall be residents of the City for at least one year prior to appointment and eighteen years of age, unless otherwise provided by ordinance. Any member of a board, commission and committee established by ordinance or charter who is not a resident of the City at the time this provision takes effect shall serve out the balance of the term for which appointed.

## **ARTICLE VIII.**

### **Recall, Initiative and Referendum**

#### **Section 33- Recall:**

The holder of any elective office may be recalled and removed from said office as provided in 29.82 RCW.

#### **Section 34 - Initiative and Referendum:**

(1) The powers of initiative and referendum shall be exercised in the manner set forth in RCW 35.17.240 through 35.17.360.

(2) No ordinance heretofore or hereafter enacted by vote of the people shall be amended or repealed by the Council unless such amendatory or repealing ordinance shall be submitted to the qualified electors for their approval or rejection in the same manner as is required by this section in respect to the submission of an ordinance initiated or referred.

## **ARTICLE IX.**

### **Franchises**

#### **Section 35 - Franchises - Term - Renewal:**

No franchise shall ever be granted for a term longer than ten years, excepting upon a majority vote of the electors, and in no event will a franchise be granted for a period longer than fifty years, nor any franchise be renewed or extended until within two years of the expiration thereof.

#### **Section 36 - Franchise - Compensation - Publication:**

All franchises shall be granted by ordinance and shall specify plainly the streets or other public places or parts thereof to which they apply, and no franchise shall be provided without provision for proper compensation to the City therefor. Council shall adopt such mode of determining the compensation to be paid by such grantee as it shall determine to be reasonable and just. Every applicant for a franchise shall bear all expenses of advertising and submitting the proposed ordinance, including the expense of election, if any.

#### **Section 37 - Franchise - Council Rights:**

The grant of every franchise shall be made expressly subject to the condition that Council shall have the right with respect to any franchise so granted to hear and determine what are just, fair and reasonable rates, fares and charges for public service unless regulated by the State or Federal government, and to order that only reasonable charges shall be imposed; to require reasonable extensions of any public service system; to make such rules and regulations as may be required to secure adequate and proper service, and to provide sufficient accommodation for the public; to repeal, amend or modify the same; to cancel, forfeit and abrogate the same if the franchise is not operated or exercised in full accordance with its provisions, or any part thereof, or at all; to

acquire by purchase or condemnation upon a majority vote of the electors for the use of the City itself or its inhabitants, the property of the grantee at a fair and just value, which shall not include any valuation of the franchise, which shall thereupon terminate.

**Section 38 - Franchise - Transfers:**

No franchise shall be transferred, sold or leased without the consent of Council, under such terms and conditions as the Council may impose.

**ARTICLE X.  
Miscellaneous**

**Section 39 - Legal Continuity:**

All ordinances and resolutions consistent with this Charter shall remain in effect 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 and forfeitures and all other matters relating to the City that may have been begun and not completed, shall be completed according to the charter, ordinances and law existing prior to the time this Charter shall go into effect, and all taxes and assessments levied and remaining unpaid when this Charter will go into effect, shall be collected as provided by ordinances and laws existing and in effect at the time same were levied.

**Section 40 - Employment Continuity:**

Whenever by the provisions of this Charter duties and functions are transferred to a different department, board or office, the employees engaged in the performance of such duties and functions at the time this Charter goes into effect, shall be transferred accordingly and be deemed to have been regularly appointed to the respective positions involved in the performance of such duties and functions, until removed therefrom in accordance with the provisions of this Charter.

**Section 41- Report - Requisites of Claim - Time Limitations:**

All claims for damages for personal injuries or for injuries to property sustained by any act of the City or any officer, agent, servant, or employee, must be filed with the City Clerk. All such claims for damages must be in writing and verified and must accurately locate and describe the act causing the injury, describe the injury, giving the residence for six months last past of the claimant and contain the items of damage claimed. No action shall be maintained against the City for a claim for tort damages until the claim has been filed with the City Clerk and the time specified by State Law has elapsed after such presentation.

**ARTICLE XI.  
Amendments**

**Section 42 - Conform to State Law:**

Amendments of this Charter shall follow and conform to the procedures set forth in the State Constitution and Laws of the State of Washington.