

OCT 26 1955

COUNCIL CHAMBER, 5:37 P. M. 211

Wednesday, October 26, 1955.

Council reconvened. Present 9; Battin, Bratrud, Goering, Hooker, Humiston, Jensen, Perdue, Stojack, Tollefson. Absent 0.

Mayor Tollefson opened the meeting by stating that the Council had recessed to this time for two purposes: (1) To allow Council members time to read the opinions of the Prosecuting Attorney's Office and the City Attorney's Office relative to the Charter Election; and (2) To allow the City Attorney an opportunity to look into the legality of calling the election by Resolution of the Council, as suggested by Howard Carothers at Monday night's meeting. 207

Assistant City Attorney Marshall McCormick reported that after examining the Statute, they are of the opinion that it is legal to handle this matter by means of a Resolution. He pointed out that there is not sufficient time to hold the election on the 6th of December, due to the State Law which provides that the proposed Charter be published for 30 days, especially since the Tacoma Daily Index is published only 5 days a week. December 13th would be the first possible date the election could be scheduled, he added.

In order to bring the matter on the floor, it was moved by Dr. Humiston that the Council recess for an adequate time to allow the City Attorney to prepare a resolution providing for the Charter Election in the month of December. Motion seconded by Mr. Stojack.

Mrs. Goering said she would definitely be opposed to the December 13th date, as in her opinion it was too close to Christmas and the turn-out at the polls would therefore be very small.

Mr. Bratrud said he was in favor of a December date for the three following reasons: (1) The Freeholders asked to have the election in December; (2) It would be less confusing; and (3) The Park Board is contemplating placing a millage issue on the ballot, which he feels would have a much better chance of carrying at the December election than at the Spring election when other millage issues are on the ballot, and the Park District has offered to assume half of the cost of the special election. He could see no object in recessing and having the City Attorney waste his time to draw a resolution, if the Council members had already made up their minds to vote against it, he added.

Further discussion brought out the point that a favorable vote on the motion to recess would commit the Council to a favorable vote on the resolution for a December election and vice versa.

Mayor Tollefson read in full his personal opinion, which he had prepared after careful consideration of the opinions of the Prosecuting Attorney's Office and City Attorney's Office and after reading the Statute and many of the cases cited. This opinion, among other things, quoted Sec. 6.2 of the Proposed Charter, relative to elections, and stated that proceeding in an orderly fashion, within the sound discretion of the Council, it is his opinion that the election on the Charter should be held on February 14, 1956. Patrick M. Steele, member of the Freeholder Commission, advised that Section 6.2 was put in as a saving clause, so that there would be no danger that the Charter would flounder through the vacillating actions of the City Council. He said the Freeholders felt the Council would face the issue and place the Charter proposition on an unencumbered ballot, and urged them to hold the election in December.

Dr. Humiston pointed out that there was nothing the Council could do to make the Charter effective any sooner than June 4th, 1956, and that it appeared the Council was not abusing its discretion and that no one would be

harmd by holding the election on February 14th.

Roll was called on the motion of Dr. Humiston "That the Council recess for an adequate time to allow the City Attorney to prepare a resolution providing for the Charter election in the month of December" resulting as follows: Ayes 2; Bratrud, Stojack. Nays 7; Battin, Goering, Hooker, Humiston, Jensen, Perdue, Tollefson. Absent 0. Motion declared lost on roll call.

Upon motion, duly seconded and carried, Council then adjourned at 6:20 P. M.

W M Tollefson

President of City Council.

Attest: *Josephine Melton*

City Clerk.