

# **Exhibit B**

## AMENDMENT NO. 70

"That Article II, Section 1, of the Yakima City Charter be amended to read as follows:

## ARTICLE II

## OFFICERS -- COUNCIL-MANAGER FORM OF GOVERNMENT

Section 1.

A. The elective officers of the City of Yakima shall consist of seven Council members, who shall be residents of the City, who shall constitute the Council, and one of whom shall be the Mayor chosen as provided by Section 3 of this Article II. One Council member shall be elected from each of four separate districts of the City, and three Council members shall be elected from the City at large without regard to residence in any particular area of the City, by the qualified electors of the City, all at the times and in the manner hereinafter provided. The Council members so elected shall constitute the governing body of the City.

## B.

(1) The City shall be divided by ordinance of the City Council into four districts as nearly equal in population as practicable based on 1970 federal census data and on actual population counts of areas annexed to the City subsequent to the 1970 federal census, which division shall be accomplished so as to be effective not less than ninety days prior to the municipal primary election to be held during the year 1979.

On the publication of the results of each decennial federal census, the City shall be redivided by ordinance of the City Council into four districts as nearly equal in population as practicable, which redivision shall be accomplished so as to be effective not less than ninety days prior to the municipal primary election to be held next following the publication of census results for nomination of candidates for "district positions" on the Council, as defined in Subsection C (2) of this section.

On the division or redivision of the City into districts as provided by this subsection, any territory thereafter annexed to the City and contiguous to only one then existing district shall be added to and constitute a part of that district; and if annexed territory is contiguous to more than one then existing district, the annexed territory shall be divided into segments, as nearly equal in population as practicable, according to the number of then existing districts contiguous to the annexed territory and each segment shall be added to and constitute a part of its then existing contiguous district.

(2) Whenever the population of any district exceeds the population of any other district by more than ten percent, the City Council shall by ordinance redivide the City into four districts as nearly equal in population as practicable; provided, that any such redivision shall be accomplished so as to be effective not less than ninety days prior to any municipal primary election for Council members to "district positions" as defined in Subsection C (2) of this section.

## C.

(1) At the municipal election to be held in the year 1977, three Council members shall be elected from the City at large without regard to residence in any particular area of the City.

(2) Not less than ten days before the time for filing declarations of candidacy for the City Council for the election to be held in the year 1979, the City Clerk shall designate by consecutive numbers, commencing with the number one and ending with the

number four, the positions on the Council to be filled by candidates nominated from districts, and such designations shall be thereafter permanently considered as separate offices for election purposes as "district positions" according to their permanently designated number.

At the municipal election to be held in the year 1979, eight candidates shall be nominated from the four districts, as follows: Candidates for "district positions" shall file their candidacy for nomination by the electors of the district wherein each candidate, respectively, resides. At the primary election, each qualified voter of each district may cast only one vote for a candidate. The names of the two candidates from each district for whom the largest number of votes are cast at the primary election shall appear on the citywide general election ballot, and the one candidate from each district who receives the highest number of votes, as cast by the citywide electorate at the general election, shall thereby be declared as duly elected to each respective "district position" as a member of the City Council.

(3) Not less than ten days before the time for filing declarations of candidacy for the City Council for the election to be held in 1981, the City Clerk shall designate, by consecutive numbers commencing with the number five and ending with the number seven, the positions on the Council to be filled by candidates to be elected from the City at large without regard to residence in any particular area of the City, and such designations shall be thereafter permanently considered as separate offices for election purposes as "at large positions" according to their permanently designated number.

D.

(1) Council members shall be elected for four year terms. On the expiration of those terms, succeeding elections shall be conducted so that three Council members are elected at large without regard to residence in any particular area of the City and four Council members elected to "district positions" in the manner provided by Subsection C of this section.

(2) In the event any Council member elected or appointed to an "at large position" moves that member's place of residence outside the city boundary, or in the event any Council member elected or appointed to a "district position" moves that member's place of residence outside the district from which that member was nominated or appointed, then that Council member shall thereby forfeit the office of Council member and the position held by that member shall be deemed to be vacant. In the event a vacancy occurs for any reason in the Council, the vacancy shall be filled by the appointment of some qualified person by a majority vote of the remaining members of the Council, but such appointee shall hold office only until the next regular municipal election, at which time a qualified person shall be elected to serve for the remainder of the unexpired term for that position. If the vacancy occurs in a position held by a Council member originally nominated or appointed from a district, then the appointee shall be a resident of that district and the Council member who is elected to serve for the remainder of that term shall be a resident of that district and shall be nominated and elected in the manner provided by Subsection C (2) of this section.

E. Provision for the time and manner of election of Council members, and the conduct of such biennial elections, shall be governed by general laws, by this charter, and by applicable ordinances of the City as they may be enacted from time to time."

## AUTHENTICATION OF CHARTER AMENDMENT

I, Betty L. Edmondson, Mayor of the City of Yakima, State of Washington, do hereby certify that in accordance with the Constitution and statutes of the State of Washington, the City Council of the City of Yakima duly adopted Resolution No. D-3585 at a regular meeting of the Yakima City Council held on September 13, 1976, by which resolution the Yakima City Council proposed to the electors of the City of Yakima, Washington, that Article II, Section 1, of the Yakima City Charter be amended and by which resolution the Yakima City Council called for a special election to be held in conjunction with the State General Election to be held on November 2, 1976, for the submittal to the electors of the City of Yakima, Washington, for their approval or rejection, of the said proposed amendment to the Yakima City Charter.

That such a special election was duly called by resolution of the Yakima County Auditor, and thereafter the said proposed amendment to the Yakima City Charter was published in the Yakima Herald-Republic, the daily newspaper of largest general circulation published in the City of Yakima, Washington, in the form of a notice in accordance with requirements of applicable laws, which notice was published at least once each week for four weeks next preceding the day of submitting said proposed charter amendment to the electors for their approval; and that all further notices of said special election were duly and timely published in accordance with requirements of applicable laws.

That thereafter on November 2, 1976, at such election duly called and held, the said proposed amendment was submitted to the qualified electors of the City of Yakima and the returns canvassed resulted as follows:

For the proposed amendment to the charter, 7,370 votes;  
 Against the proposed amendment to the charter, 6,639 votes;  
 Majority for the proposed amendment to the charter, 731 votes;

whereupon the said proposed amendment to Article II, Section 1, of the Yakima City Charter was declared approved and adopted by a majority of the qualified electors voting thereon at the said election.

I further certify that the foregoing is a full, true and complete copy of the said proposed charter amendment so voted upon and adopted as aforesaid.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the corporate seal of said city at my office this 6th day of December, 1976.

Betty L. Edmondson  
 MAYOR of the City of Yakima, Washington

ATTEST:

Ina Litzberger  
 CITY CLERK of the City of Yakima, Washington