



A Charter Review Committee Meeting of the City of Everett was held on March 3, 2016 in the 5th floor training room of the Wall Street Building located at 2930 Wetmore Ave. The meeting was called to order at 4:30 p.m. and was presided over by Committee Chair Reid Shockey.

Attendees:

Committee Members	Christopher Adams	Tom Norcott
	Terrie Battuello	Clair Olivers
	Megan Dunn	Reid Shockey
	Steven Graham	Angie Sievers
	Dave Koenig	Michael Swanson
	Jim Langus	Erica Temple
	Jo Metzger-Levin	Walter White

Excused Members	Michael Trujillo
	Ramsey Ramerman, Assistant City Attorney

City Staff	Liaison : Bob Bolerjack	Admin: Lisa Harrison
	Jim Isles, City Attorney	

1. Committee chair Reid Shockey called the meeting to order and welcomed those who were not present at the last meeting.

- Those who did not attend the last meeting shared their backgrounds, service and interests.
- February 11th meeting minutes were approved unanimously.
- Chair Shockey reminded the committee that a public hearing would be held at 5:30 p.m. to receive citizen input.

2. Staff updates:

- a. Bob Bolerjack announced the clerical hire, Lisa Harrison, who will be taking minutes and performing other administrative duties for the committee.
- b. Jim Isles shared a list of qualified attorneys for possible use by Committee. The Committee decided to hold off choosing an attorney until the need arises.



3. Presentation on Open Public Meetings Act and Public Records Act

- Assistant City Attorney Ramsey Ramerman gave a presentation on the Acts, both of which apply to the Committee's work.

Public Records Act:

Ramerman explained that during their tenure on the Committee, everything produced is considered a public record, either online, in their computer or in their personal notes or files. If it was provided to them or they created it in their capacity as a member of the committee (acting in this role) it is considered a public record. He suggested that if email was used for communication, the members should create an email address used just for these purposes.

- The City (Bob Bolerjack) should receive a copy of everything considered a public record so that committee members can remove items from their files throughout the process.

Open Public Meetings Act:

Ramerman explained that all action taken by the Committee must be conducted in public. "Action" is broadly defined as discussion and/or votes where the majority of the body of the committee is present.

- This includes a serial meeting: an email trail or collective effort to involve a decision or other efforts outside of the meetings (i.e. discussion boards online, etc.). Not only could there be legal ramifications, it could undo all of the work that was done by the Committee (have to start over).
- He noted that a one-on-one meeting with a citizen was okay, as long as it's not a group of committee members or a group of citizens.

4. Committee discussion: Thoughts and ideas after reviewing Charter

- Bob Bolerjack reported that he sought the input on Charter issues from City department heads on two separate occasions and that they had no substantive issues, mostly technical language such as the finance section with outdated information. Bob will put together some recommended language to address these issues and bring it to the committee.
- The Committee discussed the parameters of their work and was reminded that this is an advisory committee. The City Council can accept all or none of this



Committee’s recommendations and can also bring up issues that Committee did not address for a public vote.

- The group requested information as to what was recommended by the 2006 Charter Review Committee and what actually made it on the ballot in 2006. Bob Bolerjack will gather that information for the next meeting.
- The request was also made for a clean hard copy of the Charter for Committee binders (right now they have duplicated sections).

Discussion commenced regarding the various city boards, commissions and committees and why all are not listed in the Charter. Per Jim Isles, most of the boards are formed by ordinances rather than by Charter. The Committee requested that Bob Bolerjack provide them with a list of the city’s boards, committees and commissions so that they could decide whether or not some of them should be included in the Charter.

Various issues were brought to the table for consideration by the Committee both before and after the public hearing. See **Appendix A** for a comprehensive list of items to be addressed in future meetings.

5. Public hearing, starting at 5:30 p.m.

Three citizens addressed the committee regarding the Charter Review:

- **David Simpson**, former City Council member, 1501 Fulton Avenue, was on the Snohomish County Charter Review Committee in 2006 and thanked Committee members for their work. He asked that the Committee review the issue of City Council districting, as some citizens don’t feel like they are being well represented with all City Council members elected at-large.
- **J.T. Dray**, 902 Wetmore Avenue. He asked that the Committee establish an advisory board for Everett Transit in the Charter.
- **Deb Williams**, P.O. Box 12893, Everett, 98206, who works as the City Council Administrator. Her personal request was that the committee addresses three different issues regarding the City Council in the Charter.
 - i. Gender language: Refer to them as council members, not councilmen.
 - ii. Section 3.2, Council meetings. Currently the Charter requires that the City Council meet “at least once each week”. Based on her research, Williams said, Everett is the only City Council in the area required to meet this often and it can be burdensome if there is nothing new to discuss and/or there are



weather issues that prevent them from meeting. She asked that the requirement be loosened.

- iii. Section 3.2 also requires that meeting notices be made by local press, radio and television. This does not appear to be necessary given use of online posting. Williams recommended deleting references to specific media.

Public meeting concluded at 5:48 p.m.

6. Further Committee discussion, questions, comments

One committee member asked how the Public Hearing was announced, expressing concern over low attendance. Bob Bolerjack shared the various ways in which the public hearing was announced.

Section 7: When asked why the Library Board and Civil Service are structured differently than other City commissions, Jim Isles noted that they are mandated by state law. The Library Board, for example, operates independent of the city, except for its budget, which must be approved by the City Council.

A question was asked as to whether the Committee should hire an attorney to review how the Charter lines up with state law so they'll know where there might be conflicts and avoid covering an issue already covered by state law. Jim Isles said that an attorney from Municipal Research Services will be attending the Committee's meeting on March 24 to discuss Everett's Charter and charters in general, but may not be prepared to address specific differences from state law.

Discussion followed about the Committee's process and the need to determine how to disagree/agree in a respectful way. Also want to make sure that there is a narrative attached to the final report that gives reasons why recommendations were made, including any minority reports.

Chair Shockey asked for a deeper discussion around the City Council districting issue:

Chris Adams suggested that the Committee start more broadly and investigate other ways to handle Council representation and voting. He said it would be interesting to hear about cities that have repealed districting and why.

- Jim Isles mentioned that the Municipal Research Services representative would be prepared to address this issue at the March 24 meeting.

It was mentioned that Vice Chair Megan Dunn had done a report about proposed City Council districting that she presented to the City Council in September 2015, at which



time some Council members voiced the opinion that it was an issue for the Charter Review Committee to discuss. Megan was asked to make her presentation to this Committee at a later date.

If the City Council districting issue is pursued by the Committee they will have to decide whether or not they will recommend a specific method of redistricting or just ask the City Council to address districting in general.

7. Final Thoughts

Discussion took place around how the Committee should proceed with its work, and members agreed to 1) develop rules on how to reach an agreement, 2) develop a master list of items to be considered for change in the Charter, 3) review sections of interest in the order they appear in the Charter, discussing each item and taking votes. Meetings will take place weekly through the end of May unless decided otherwise.

The list of items to discuss will be distributed to the Committee next week. Homework assignment is to look through the Charter and form opinions on each.

Date and topics for next meeting

- Public comment
- Agree to topic list
- Discuss each item on list

The meeting was adjourned at 6:35



APPENDIX A

LIST OF ITEMS TO BE CONSIDERED BY CHARTER REVIEW COMMITTEE AS OF 3/3/2016

1. GENERAL: ADDRESS GENDER LANGUAGE

- Address all gender-based references, such as “councilman” and “he.” Currently it is addressed as a footnote in the appendix rather than replacing the actual language.

2. SECTION TBD: CITY COUNCIL DISTRICTING

- Consider forming geographic City Council districts.

3. SECTION 1.5: INTERGOVERNMENTAL RELATIONS- ADD NATIVE AMERICAN TRIBES

4. SECTION 2.1: DESCRIPTION OF ELECTION

- Change language regarding voting process reference to “plurality” rather than “majority.”

5. SECTION 2.5: CLARIFICATION OF INCAPACITY TIME PERIOD

- Consider defining the “reasonable” time beyond which incapacity constitutes a vacancy.

6. SECTION 3.4: TYPO CORRECTION

- First paragraph 2nd page change “as” to “at” such later date.

7. SECTION 3.2: COUNCIL MEETING REQUIREMENTS

- Consider requiring less frequent meetings and broadening language regarding public notice of such meetings

8. SECTION 5.1: REPRESENTATIVE ADVISORY BOARDS

- Consider requirement that members of boards and commissions should reflect the makeup of the community in terms of gender, age and geography.



9. SECTION 5.2: ADVISORY BOARD LENGTH OF TIME AND CONFLICT OF INTEREST

- The Charter states that terms for members of boards and commissions created by ordinance shall be for a maximum of 6 years. Consider reviewing and placing a shorter maximum in order to encourage greater citizen participation.
- Consider adding a caveat requiring that a city employee should not be allowed to serve on an advisory board to the department where they work.

10. SECTION 11.2 INITIATIVE PROCESS: CLARIFICATION OF UNCLEAR LANGUAGE

- There is a question as to whether or not this section is even necessary, given that there have never been initiatives brought by citizens.
- If necessary, consider reviewing and clarifying the language -- Remove section D (confusing), change “percentum” to “percent”, remove reference to absentee ballots. Need to be consistent with state law. Make sure that the military is handled correctly with respect to absentee ballots.

11. SECTION 14: FINANCE AND TAXATION CAPS

- Consider including a limitation on “payments in lieu of taxes” no greater than the maximum tax rate for a similar service.

12. SECTION 15.1 CLARIFICATION OF POWER TO SUBPOENA WITNESSES

- Address vague language and clarify enforcement.