



A Charter Review Committee Meeting of the City of Everett was held on April 21, 2016 in the 5<sup>th</sup> floor Human Resources Training room of the Wall Street Building located at 2930 Wetmore Ave. The meeting was called to order at 4:32 p.m. and was presided over by Committee Chair Reid Shockey.

**Attendees:**

<b>Committee Members</b>	Christopher Adams Terrie Battuello Jim Langus Jo Metzger-Levin Clair Olivers	Reid Shockey Angie Sievers Michael Swanson Michael Trujillo Walter White Mark Nesse
<b>Excused Members</b>	Megan Dunn Dave Koenig	Tom Norcott Erica Temple
<b>Guests</b>	Thom Graafstra	
<b>City Staff</b>	Liaison : Bob Bolerjack City Attorney: Jim Iles	Admin: Lisa Harrison

**1. Call to order**

**2. Approval of Minutes**

The April 14<sup>th</sup> meeting minutes were approved unanimously. One comment mistakenly attributed to Clair Olivers will be corrected and attributed to Jim Langus.

**3. Comments from the public**

Jackie Minchew, Lowell neighborhood: “I’m sorry that I missed last week’s vote on districting. That and the question of climate change are the two issues I bring to the committee which is also not going to be considered. I urge you to consider that the city began to hear about this issue way back and these are urgent issues that are not going to wait around. Where we are now in greenhouse gas and emissions is going to affect us 50-100 years down the road.”

- It was noted by Committee member Adams that City Councilmember Paul Roberts had spoken to the Planning Commission and climate change was incorporated into the comprehensive planning process. Mr. Minchew expressed doubt that this effort will reach beyond Everett, which he said is imperative.



- Mr. Minchew was asked by Committee member Trujillo if he could come up with some recommended language to submit to the Committee to amend the Charter, and he agreed to do so.

#### 4. Review of proposed schedule

Shockey stated that the intended schedule has been shared and asked for feedback on that and the draft report format. Proposed schedule:

- Aim for a May 12<sup>th</sup> public hearing on draft report. This will allow the committee to get through topics and take votes over the next three weeks.
- After May 12<sup>th</sup> the Committee members can revisit any previous votes using the procedure to bring issues back to the table. At that point they should be able to finalize the report on either the 19<sup>th</sup> or the 26<sup>th</sup> of May.
- Bob Bolerjack has looked into the timing for notifications for advertising the hearing and this works well for that.
- Motion was made and passed unanimously to accept the new timeline.

#### 5. Review of proposed report format

Shockey reported that Tim Benedict from the City Attorney's Office took the report format from 2006 and used the 2016 minutes to reflect what has been voted on so far and added the ballot format to aid the City Council's understanding of what was being recommended. Several committee members commented that it was a nice, simple flow and format.

- **Process for Majority/Minority Reports**

Shockey explained that minority reports should consist of a paragraph as to why a Committee member supported or didn't support a particular issue, as individual members may have different reasons for voting in the minority. For the majority votes he suggested that they get a common narrative (a couple of volunteers). Shockey asked for comments from the Committee.

One committee member suggested that supporting material should go in an appendix, along with reports and minutes. Each charter change has a statement for and a statement against, which should be fine. Keep it simple.

Attorney Graafstra explained that the City Council drafts the ballot measure and a statement that supports it. For the purposes of the voter's pamphlet there is a statement for and a statement against. Shockey agreed that the report contains a set of



recommendations to the Council, and that it should be clear that it does not contain the proposed language for a ballot proposition.

- A question was asked and reminder was given that the gender references have already been voted on in 2006, and thus do not need to be on the ballot. Gender references will be removed or made neutral.
- Shockey directed Committee members to the master list of items to be discussed.
- Bolerjack spoke to Committee member Dunn's request that information be distributed regarding the NAACP request for information from the City of Everett sent in March regarding diversity in employment and other areas. The letter and a package of documents with city's responses were distributed to Committee members. Bolerjack said that the Mayor met with Dr. Janice Greene, President of the NAACP's Snohomish County branch, and had a discussion about this. The NAACP indicated that it will be requesting updated data from the City.
- One Committee member noted that the Committee did approve and will recommend to the Council that boards and commissions be more diverse.
- Request was made to memorialize the discussion about the Committee's process for approving and revisiting proposals, as there had been no vote to adopt it. One Committee member asked that the minutes for this meeting document the process based on Attorney Thom Graafstra's comments, which Graafstra submitted as follows:
  - If Robert's Rules of Order apply, there are different motions with different standards for matters where there has been a substantive motion already and a matter merely tabled.
  - For decided substantive motions, the proper motion to reconsider is a "motion to reconsider" and it must be made by a party who was on the prevailing (majority) side when the prior motion was called. The second can be by any committee member. Reconsideration then can occur by a majority vote. This then returns you to the substantive motion where anyone can move, anyone can second but under the Resolution for a charter amendment to proceed there must be 10 affirmative votes.
  - For tabled matters, the proper motion is a motion to "take from the table and return for discussion." Any member can make this motion and any member can second. A majority vote is required, and if passed, the matter returns to being a discussion item.



- If there is a prevailing vote and someone wants to bring it up again, it would require a motion by someone under the majority to revisit the issue and a motion would have to be made and voted on.
- Motion was made and seconded to accept the rules stated. Vote 11 yes: 0 No.

#### **6. Return to master list of items to discuss/vote on those remaining**

Suggestion was made to add a date column to table of topics voted on to make it easier to find a particular topic in the minutes. It was also suggested that a comments column be added for context.

- 1) Section 15.1: One Committee member recalled that this was withdrawn by Erica Temple after further discussion. Need to confirm with Committee Member Temple prior to editing. If she agrees they will leave it at no motion. (This was done; Temple was contacted and agreed she had withdrawn her idea.)
- 2) Section 5.2: Swanson said it should be categorized as “dismissed,” as the motion did not get a second.
- 3) Section 2.8 d can be dismissed as well since it has been addressed in a new Section 15.10
- 4) Section 4.0 Police Chief and Fire Chief required to live in the city limits? Other than elected officials there are no requirements for residency, other than the Chief Administrative Assistant, for whom there is somewhat vague language.
  - Graafstra stated that there are a limited amount of positions that you could require residency for city employees without a legal problem. It’s a matter of collective bargaining for the vast majority of the employees. Those under Civil Service rules cannot be required to live in the City.
    - You could require residency of senior appointed officials (i.e. department heads). There is a small group of at-will appointed employees not under collective bargaining for whom the Charter could require City residency.
    - Discussion took place as to whether a motion on this was needed. No motion was made.
- 5) Section 4.4: Positions are mentioned as a group, not individually therefore not an issue. Withdrawn.
- 6) Section 14.2: Moved and seconded to put on the table for discussion Vote: 9 yes, 2 no to bring it back for discussion.



- Committee Member Olivers explained that while the payment in lieu of taxes (PILOT) rate has remained at 6%, the issue comes up frequently in budget discussions and when there are challenges with other areas of the budget and money is needed, it could be raised substantially with little public notice. He said he believes that it should be capped at the state tax rate for utilities except as voted on by citizens. There are other cities that have raised it to double digits.
- Question was asked as to whether there are cities that have this in their charter. This is unknown.
- One comment was made that there are enough watchdogs and political fallbacks that would keep City Council from increasing the PILOT. There would be an immediate reaction and the community would hear about it. Committee member Adams suggested removing it from consideration in the Charter but recommend this to the city council to bring it to their attention.
- Olivers stated that the most important thing coming out of this discussion is increased transparency but there is a way to involve the citizens if we put it in the Charter.
- Motion was made to add the language drafted by Clair and seconded at the end of 14.2.
  - ✓ Vote: 4 yes: 6 opposed (defeated). Shockey stated that the motion was defeated but there will be opportunity to bring it back up after the public hearing.

Committee member Adams had to leave the meeting at 5:40 pm.

7) Section 15.9: Update archaic language in the Charter. Motion was made and seconded to put on ballot.

- ✓ Vote: 10 yes, 0 no (unanimous).

Shockey pointed out that the committee is done until May 12<sup>th</sup>. That meeting will include the second required public hearing.

Concern was expressed that votes have been taken when there is not a full committee present. It was noted that motions for reconsideration of such votes can be made by a member of the prevailing side. Such a motion can also be made by a member who was not present for the prior vote.



Regarding the report, need to clarify who will be drafting the report. Keep in mind the open meetings act. Can only have one way communication and cannot have a group discussion.

**The meeting was adjourned at 5:55 p.m.**