

City of Everett

Charter Review Committee Report

_____, *2016*

City of Everett

2016

“The city shall convene, not later than February 15, 2006, and at least once within each ten-year period thereafter, a Charter Review Committee, which shall review the charter of the City of Everett and recommend to the city council such additions, deletions, changes and amendments as the committee shall deem appropriate. The committee shall be composed of not less than seven nor more than ten members appointed by the mayor, and a like number appointed by city council, plus one member to be selected, as its first item of business, by the members of the committee thus appointed. This provision is in addition to such procedures as may be otherwise established by law for the election of freeholders for the purpose of framing a charter.”

**Everett City Charter
Section 16.5**

Introduction

The Charter Review Committee was established by City Council Resolution 6926. The Committee consisted of 15 members. These include: Chair Reid Shockey, Vice Chair Megan Dunn, Christopher Adams, Terrie Battuello, Dave Koenig, Jim Langus, Jo Metzger-Levin, Mark Nesse, Tom Norcott, Clair Olivers, Angie Sievers, Michael Swanson, Erica Temple, Michael Trujillo and Walter White. (Nesse replaced Steven Graham, who resigned because of a work conflict.) The Committee received independent legal assistance from Thom Graafstra and administrative assistance from Lisa Harrison. City staff members Bob Bolerjack and Jim Iles also assisted the Committee in its work.

The Committee met on Thursdays from February 2016 until June 2016. The Committee heard testimony from the public and from outside experts, including Jim Doherty of Municipal Research Services and retired UW professor Dr. Richard Morrill. In accordance with Section 3 of Resolution 6926, two public hearings were held, one on March 3, 2016 and the other on May 12, 2016.

In accordance with Section 2 of Resolution 6926, in order for a Charter change to be recommended by the Committee, at least 10 “yes” votes are required. By agreement among Committee members, the Committee avoided recommending substantive changes unless members believed something significant needed to be changed (*i.e.*, “If it ain’t broke, don’t fix it”).

Part A of this report contains the Charter changes that received at least 10 votes. Each page contains at the top the proposed change in blackline format, with a ~~strike-through~~ representing recommended deletions of Charter language and with underlines containing recommended new Charter language. Each page also contains a draft of the ballot proposition with respect to the change, along with a draft explanation and a draft “For” statement. The draft ballot language is meant to give the Mayor and City Council a sense of what a particular Charter change would look like on the ballot and the Committee’s reasoning for the change.

Part B of this report contains a table of all Charter changes the Committee considered, both recommended changes (which are described in more detail in Part A) and other proposed changes that did not make it into the Committee’s recommendations. The purpose of Part B is to inform the City Council regarding the breadth of issues considered by the Committee, and provide brief commentary explaining the outcome of each proposal.

Part C* contains comments from individual Committee members.

Finally, Part D* contains appendices, including presentations made by Committee members for and against the proposal to establish City Council districts, and comments received from the public.

**Parts C and D will be added after the May 12 public hearing.*

PART A

RECOMMENDED CHARTER CHANGES

RECOMMENDED CHARTER CHANGE: COUNCIL MEETINGS

CHARTER CHANGE

Sec. 3.2. Council Meetings.

The City Council shall meet regularly, ~~at least once each week~~ at the City Hall within the corporate limits of the City at such times as may be fixed by ordinance or resolution.

~~At least one of such regular meetings shall be held each month in the evening after 6:30 p.m. Special and emergency meetings may be called by the mayor, the president of the council, or any three members of the council by written notice delivered to each member of the council at least twelve hours before the time specified for the proposed meeting in accordance with State law. All Council meetings shall be open to the public, except that the Council may hold executive sessions from which the public is excluded in accordance with State law, including the Open Public Meetings Act (Chapter 42.30 RCW), for purposes other than the final adoption of an ordinance, resolution, rule, regulation, or directive. No ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed at any meeting not open to the public, nor at any public meeting, the date of which is not fixed by ordinance, resolution or rule, unless public notice of such meeting has been given by such notice to the local press, radio, and television, as will be reasonably calculated to inform inhabitants of the city of the meeting. Meetings of the Council shall be presided over by the President, selected annually by a majority vote of the Council, or in the absence of the President, by a member of the Council selected by a majority of the members present at such meeting. Appointment of a Council Member to preside over the meeting shall not in any way abridge his or her right to vote on matters coming before the Council at such meeting. In the absence of the Clerk, or Deputy Clerk or other qualified person appointed by the Clerk, the Mayor, or the Council, may perform the duties of Clerk at such meeting. A record journal of all proceedings shall be kept, which shall be a public record.~~

BALLOT LANGUAGE

PROPOSITION #

Shall Everett City Charter Section 3.2 be changed to eliminate the weekly council meeting requirement and to eliminate inconsistency and redundancy with State Law?

CHARTER CHANGE YES.....

CHARTER CHANGE NO.....

EXPLANATORY STATEMENT

Section 3.2 of the current charter requires a City Council meeting every week without exception. The reality is that the amount of Council business ebbs and flows during the year. The proposed change would eliminate the inflexible requirement of a weekly meeting, allowing the Council to make its own schedule as required by its workload.

Section 3.2 also contains requirements regarding public notices before Council meetings. These public notices are now spelled out by State law. This means that some of the language in Section 3.2 is out of date, redundant, and in places not consistent with State law. The proposed change would eliminate that language and simply say that City Council meetings must comply with State law.

COMMITTEE STATEMENT FOR

The weekly meeting requirement should be eliminated because City Council meetings are not free. For each Council meeting, the City pays staff, including Council staff, security staff, and City Clerk staff. During the two or three weeks per year when Council has little or no business, it is wasteful for the City to pay for meetings that are not needed.

Public notice requirements are stated in detail in State law. There is no reason for the Charter to be inconsistent or redundant with State law.

DRAFT

RECOMMENDED CHARTER CHANGE: OUT-OF-DATE LANGUAGE

CHARTER CHANGE

Sec. 15.9. Gender References, Correction of Scrivener’s Errors.

The City Clerk and the codifiers of this Charter are authorized to make necessary corrections to this Charter including, but not limited to, deletion of the use of terms which are masculine or feminine so that such references shall apply to the opposite gender also, unless the context of such charter provision shall require otherwise, the correction of scrivener, clerical and typographical errors, references, Charter numbering, Section/subsection numbers and any references thereto. The City Clerk and the codifiers of this charter are also authorized to make corrections to this charter to eliminate out-of-date language such as “hereof,” “heretofore,” “thereof” and similar terms, and replace them with equivalent, modern language.

BALLOT LANGUAGE

PROPOSITION #

Shall Everett City Charter Section 15.9 be changed to allow the City Clerk to make corrections in the charter to eliminate archaic terminology such as “hereof,” “heretofore,” “thereof,” and replace such terms with equivalent, modern language?

CHARTER CHANGE YES.....

CHARTER CHANGE NO.....

EXPLANATORY STATEMENT

The current Charter is about 50 years old, and some of the language in the Charter was originally written much before that. The Charter contains many examples of out-of-date language such as “hereof,” “heretofore,” “thereof,” all of which make the Charter harder to read than it should be. This change would allow the City Clerk to eliminate these archaic terms and replace them with modern, equivalent words.

COMMITTEE STATEMENT FOR

It is now 2016 and the Charter should read accordingly. Requiring the City Clerk to eliminate and replace out-of-date language will make the Charter more readable and understandable without changing the substance of the Charter.

The Committee notes that gender-neutral references were approved by voters in 2006 and should be updated in all future printings of the Charter document.

RECOMMENDED CHARTER CHANGE: BOARD DIVERSITY

CHARTER CHANGE

New Sec. 15.10. Boards and Diversity.

Appointments to City boards, commissions and committees should consider factors such as geography, gender, ethnicity and age in an effort to better reflect the City's diversity.

BALLOT LANGUAGE

PROPOSITION #

Shall Everett City Charter be changed to add a new Section 15.10 that states that appointments to City boards, commissions and committees should strive to reflect the makeup of the community in demographic terms such as ethnic diversity, gender, age and geography?

CHARTER CHANGE YES.....

CHARTER CHANGE NO.....

EXPLANATORY STATEMENT

Everett is a diverse City. City boards, commissions and committees serve an important role in the City. The purpose of the proposed new section is to strive to make these organizations better reflect the City's diversity.

COMMITTEE STATEMENT FOR

Everett government should represent all of Everett. This proposal will help that to continue and improve.

PART B

ALL CHARTER CHANGES
CONSIDERED BY THE COMMITTEE

Table 1 includes all Charter changes voted on by the Committee, including vote totals for and against, the date of each vote, and a comment for context. Changes included in the Committee’s recommendations are discussed in more detail in Part A of this report.

TABLE 1

Proposal	Action	Favor	Oppose	Date of vote	Comment
1.5 Intergovernmental relations: Add specific reference to Native American tribes.	Rejected	9	4	4/7/16	Failed to gain required 10 votes for approval.
2.1 Consider forming geographic City Council districts.	Rejected	3	11	4/14/16	Failed to gain required 10 votes for approval.
2.5 Clarification of incapacity time period. Motion to make no change .	Make no change	15	0	3/17/16	Sense of committee was that it’s best to leave some discretion to Council, as it’s impossible to foresee all possible situations involving incapacity.
3.2 Council meeting requirements: Remove requirement for weekly meetings.	Approved	15	0	3/17/16	Proposed changes to Sec. 3.2 can be combined into a single ballot proposition
3.2 Broaden language regarding public notice of meetings.	Approved	15	0	3/17/16	Proposed changes to Sec. 3.2 can be combined into a single ballot proposition
5.2 Advisory Boards: Consider whether additional boards should be added to the Charter. Motion to remove from consideration .	Remove from consideration	13	0	3/31/16	Sense of committee was that boards that should be required by Charter already are, and that Council should have some flexibility to add or remove boards as needed.

Table 2 lists Charter changes approved by the Committee and implemented without a vote, as they fall under the authority of the City Clerk under Section 15.9 of the Charter.

TABLE 2

Proposal	Outcome
Address gender language and capitalization of job titles	Edits made as authorized in Section 15.9

Table 3 lists topics discussed and dismissed by the Committee, either for want of a motion or second, or because the issue was addressed in another way.

TABLE 3

Proposal	Outcome	Comment
2.1 Description of Election, language: Change language regarding voting process reference to “plurality” rather than “majority.”	No motion	Proposal withdrawn
2.2 Eligibility for Office: Consider moving “within city government” to end of sentence.	Moved, no second	Sense of committee was that this didn’t rise to the level of needing to be put before voters.
2.3 First Election: Consider deleting as it is outdated.	No motion	Sense of committee was that this is worth keeping for historical context.
2.6 Forfeiture of Office: Review and clarify language.	No motion	Sense of committee was that “moral turpitude” doesn’t require further clarification.
2.8.d Commission on Salaries of Elected Officials: Add language regarding demographic representation.	Covered by new Section 15.10	
3.4 Typo correction, “at” rather than “as”.	Covered and corrected as a scrivener’s error as authorized in Section 15.9	
4 Administrative Departments: Consider citizen’s suggestion to require certain city staff members reside in Everett.	No motion	Sense of committee was that this change isn’t necessary.
Throughout Article 4 Department names and official titles: Make capitalization consistent.	Covered and corrected as scrivener’s errors as authorized in Section 15.9	
4.4 Positions mentioned in 4.7-4.11 are not mentioned in 4.4	No motion	Sense of committee was that they are mentioned in general terms.

5.1 Representative Advisory Boards: Consider requirement that members of boards, commissions and committees reflect makeup of community in terms of gender, age and geography.	Covered in new Sec. 15.10	
5.2 Advisory Boards: Bar city employees from serving on an advisory board to the department where they work.	No motion	Sense of the committee was that this has not been a problem, so doesn't need to be added to Charter.
8.1 Civil Service Commission: Change wording "board" to "commission" where mentioned.	Covered and corrected as a scrivener's error as authorized in Section 15.9	
11.2 Initiative Process: Remove Section D as confusing, change "per centum" to "percent," remove reference to absentee ballots as redundant.	No motion	Proposal withdrawn.
11.6 Publication of Ordinances: Change reference to "newspaper" to "local media."	No motion	Publication of election notices in the official City newspaper is a requirement of State law.
13.9 Publication: Change reference to "newspaper" to "local media."	No motion	Publication of proposed ordinances related to franchises in the official City newspaper is a requirement of State law.
15.1 Clarification of Power to Subpoena Witnesses: Address vague language and clarify enforcement.	No motion	City Attorney stated that this hasn't been a problem.
16.3 Amendments -- Publication: Change reference to "newspaper" to "local media."	No motion	Publication of Charter amendments in the official City newspaper is a requirement of State law.
16.5 Amendments – Periodic Review of Charter: Request from a citizen that the committee consider requiring more frequent review of the Charter.	No motion	Sense of the Committee was that changes to the Charter can take several years to play out, and that requiring Charter review at least once every 10 years is sufficient.