



A Charter Review Committee Meeting of the City of Everett was held on March 17, 2016 in the 5th floor training room of the Wall Street Building located at 2930 Wetmore Ave. The meeting was called to order at 4:33 p.m. and was presided over by Committee Chair Reid Shockey.

Attendees:

Committee Members

Christopher Adams
Terrie Battuello
Megan Dunn
Steven Graham
Dave Koenig
Jim Langus
Jo Metzger-Levin
Tom Norcott

Clair Olivers
Reid Shockey
Angie Sievers
Michael Swanson
Erica Temple
Michael Trujillo
Walter White

City Staff

Liaison : Bob Bolerjack
City Attorney: Jim Isles
Legal: Katie Rathbun

Finance: Susy Haugen
Admin: Lisa Harrison

1. Call to order

Chair Shockey reviewed the agenda and invited comments from the public. None of the visitors wished to comment.

- The March 10th meeting minutes were approved unanimously.

2. Completion of page-by-page document review beginning with Article 11

- **SECTION 11.6: PUBLICATION OF ORDINANCES**

- On line 2 consider changing from newspaper to “local media”

- **Article 13: FRANCHISES**

- Katie Rathbun, Assistant City Attorney, testified that the city has not had any issues with the franchise section of the Charter (Article 13).
- A question was asked as to why an apartment building was allowed to build out past the sidewalk. It was noted that this issue is not one to be addressed by the Charter.



- **SECTION 13.9: PUBLICATION**
 - Consider changing reference to newspaper to “local media.”
- **SECTION 14.2: FINANCE AND TAXATION CAPS**
 - Consider including a limitation on “payments in lieu of taxes” by city-run enterprises to an amount no greater than the maximum tax rate for a similar service not provided by the city.
 - Susy Haugen, City Treasurer, noted that the finance department has not had any issues with the Charter.
- **SECTION 15.1 CLARIFICATION OF POWER TO SUBPOENA WITNESSES**
 - Address vague language and clarify enforcement. How council deals with subpoenas witnesses.
 - Jim Isles, City Attorney, mentioned that the language is very common and found in other charters. He also pointed out that this is a provision that is not used often. The Committee agreed to include in their final narrative a recommendation that the city look into the specific procedures in how they deal with subpoenas, but not to change 15.1.
- **SECTION 15.9: GENDER REFERENCES AND SCRIVENER’S ERRORS**
 - Discussed removing mention of gender references and just keep it to scrivener’s errors.
 - One committee member commented that this might be confusing for the voters. City Attorney Jim Isles noted that he is working with the County elections office to determine whether one ballot proposition could reference all of the changes, however this may not be necessary as Section 15.9 gives the city permission to change gender references and was passed by the people.
- **SECTION 16.3 AMENDMENTS- PUBLICATION OF**
 - Consider changing mention of the newspaper to reference “local media”
- **SECTION 16.5 AMENDMENTS- PERIODIC REVIEW OF CHARTER**
 - Request from the public that the committee consider shortening the length of time between Charter reviews.

Final first pass ended at 5:06

3. Additional discussion took place regarding section 14.2.



- City Treasurer Susie Haugen addressed the recommendation in 14.2 to limit payment in lieu of taxes. One committee member, Clair Olivers, suggested that Section 14.2 be edited to cap the payment in lieu of tax imposed by the City of Everett at the maximum tax rate allowed on services not run by the city.
- Clair Olivers volunteered to draft language for the committee to consider.

4. Review of materials

- Bob Bolerjack explained the edited version of the Charter sent to the Committee earlier this week, which included correction of gender references and consistency of capitalization. He also suggested updating all of the “archaic” language such as Hereto and percentum.
- A motion was made and seconded to change all department heads and department titles to be capitalized and that the archaic language be updated. Vote: 15 yes, 0 no (unanimous).

5. Review of all items to eliminate low-hanging fruit

Chair Shockey suggested the Committee go through the list of issues identified and vote on items that are easy to pass or dismiss. A statement was made and agreed to by several that the Committee should avoid making a lot of small changes because it might just confuse the voters by presenting too many ballot propositions.

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.

- Already voted on and covered

2) SECTION 1.5: INTERGOVERNMENTAL RELATIONS

Consider adding language that covers Native American Tribes

- Proposed language was provided in the latest edited copy of the Charter. Per Jim Isles, this has not been an issue for the tribes as they are covered under “Other governments” and we have contracts with Tribes now. The Committee debated whether or not it was necessary to change or if it would be confusing to voters.
 - ✓ Motion was made to table this decision until the city’s attorney office resolves how much can be combined in the ballot. Vote: 15 yes, 0 no (unanimous).

3) SECTION 2.1: DESCRIPTION OF ELECTION



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

- This was adjusted during the editing done by the City last week. It was noted that this has not been a problem in the past. No motion was made.

Consider forming geographic City Council districts.

- A more lengthy discussion is planned for later meetings.

4) SECTION 2.2: ELIGIBILITY FOR OFFICE

Consider moving “within city government” to the end of the sentence.

- Motion was made but not seconded.

Consider limiting terms.

- No comments, no motion was made.

5) SECTION 2.3: FIRST ELECTION

Consider deleting as it is outdated.

- Discussion took place that it is not affecting anything and was there for historical reference. Section 2.4 has same issue.
- No motion was made.

6) SECTION 2.5: CLARIFICATION OF INCAPACITY TIME PERIOD

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

There is concern that incapacity could go on for a long period of time without a replacement. Reasonable needs to be defined.

- Opinion was given that this would be determined by the Council and they need to be trusted to make the decision. They have the option to appoint someone to take their place.
- Motion was made to make no changes to this section. Vote: 15 yes, 0 no (unanimous).



7) SECTION 2.6 FORFEITURE OF OFFICE

Review and clarify language about moral turpitude.

- The Committee agreed that clarification is not necessary.

8) SECTION 2.8 COMMISSION ON SALARIES OF ELECTED OFFICIALS

Add something about being demographically representative of the city or of their district in section d.

- Motion was made to add language “the appointing officials shall strive to have appointed boards and commissions be representative of age, diversity and geography.”
- Decision was made to wait for a motion until Committee Member Terrie Battuello sends out her proposed language.

9) SECTION 3.2: COUNCIL MEETING REQUIREMENTS

Consider requiring less frequent meetings and broadening language regarding public notice of such meetings (i.e. deleting “at least once a week.”); changing specific media mentions with “local media;” and Change special meetings notice to 24 hours as per the Open Public Meetings Act.

- Proposed language was provided in the edited version of the Charter provided to the Committee.
- A motion was made and seconded to make the proposed changes, reading “The city council shall meet regularly 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 shall be called 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).”
- Vote: 15 yes, 0 no (unanimous).



6. Initial thoughts on City Council districting

- Chair Shockey noted that a representative from Municipal Research Services will be at the next meeting (3/24) and one of their action items is to address districting. After that Megan Dunn will share her presentation. The Committee agreed that discussion about districting will start after this input.
- The committee discussed whether it is time to hire an independent attorney to help as they approach the districting issue. Chris Adams volunteered to check on availability of each of the recommended attorneys and let the Committee know who is available.

7. Date and topics for next meeting- 3/24/2016

- Staff from Municipal Research Services will be here to present an overview of city charters and how different cities handle the election of councilmembers.
- Megan Dunn will give the presentation on districting she gave to the City Council last year. Also asked Terrie Battuello to share her experience working for a city that had districting.
- Chair Shockey will not be available on 3/31. The week of April 7th is spring break so 2 Committee Members will be absent for that meeting.

The meeting was adjourned at 6:28 p.m.