

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE of the Everett City Council submitting proposed amendments to the City Charter relating to the election of City Council members, to be voted on by the electors of the City; requesting that the Snohomish County Auditor conduct a special election in the City in conjunction with the state general election to be held on November 6, 2018.**

**WHEREAS**, the Everett City Charter was adopted at a Special Election held June 25, 1968, and was amended in 1978, 1982, 1996, 2006, and 2016; and

**WHEREAS**, the Everett City Council has conducted an active outreach effort, including four public meetings, to elicit the views of a wide variety of City residents on issues related to the possible election of City Councilmembers by district, including, without limitation, citizen views on the potential number of Council districts, factors to take into account with respect to recognized natural boundaries and the recognition of existing communities of related and mutual interest; and

**WHEREAS**, the Everett City Council has heard presentations and testimony on technical, practical, legal and public policy aspects of electing certain Council positions from geographical districts; and

**WHEREAS**, the Everett City Council has determined that election of some Council positions should be by district, and that, consistent with Article IX and Section 16.1 of the City Charter, the Council may propose an amendment or amendments to the Charter in a form that enables Everett voters with a choice of the number of Council districts in addition to the underlying choice of whether to adopt a district system; and

**WHEREAS**, the Everett City Council has determined that it is in the best interest of the residents of the City that Charter amendments providing for the election of some City Councilmembers by district be submitted to the City's electors in the form of a proposition on the November 6, 2018, ballot, together with a separate proposition concerning whether there should be four districts or five districts out of a total of seven Council positions;

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1:** Consistent with Section 2 of this ordinance, the City requests that the Snohomish County Auditor, as *ex officio* supervisor of elections, conduct a special election in the City in conjunction with the state general election to be held on November 6, 2018, for the purpose of submitting to the qualified electors of the City for their approval, the following proposed amendments to Everett City Charter Sections 2.1, 2.2, 2.3, and 2.4 of Article II (Elective

Ordinance DRAFT 6/5/18

Officers) and Section 9.1 of Article IX (Elections). (Underlining indicates additions, and strike-outs indicates deletions):

**A - Section 2.1 of the Charter, which reads as follows:**

**Sec. 2.1. Elective City Officers, Size of Council — Elected at Large.**

The elective officers of the City shall be the Mayor and seven (7) Council members, all of whom shall be elected by majority vote from the City at large.

**Is hereby amended to read in accordance with either Option A or Option B, as follows, with the choice of Option A or Option B to be determined pursuant to Section 2 of this ordinance:**

**Option A [4 Districts, 3 at-large]**

**Sec. 2.1 Elective City Officers, Size of Council—Elected at Large Districts.**

(a) The elective officers of the City shall be the Mayor and seven (7) Council members, all of whom with each Council member elected from one of seven (7) Council positions. Positions one (1) through four (4) shall each be elected by majority vote of the electors in four (4) separate geographical districts within the City. The Mayor and positions five (5) through seven (7) shall be elected from the entire City at large.

(b) The boundaries of the districts for Council positions 1 through 4 shall be drawn in [2020][2022], and redrawn following each federal decennial census, in accordance with a districting plan prepared by a [N?]-member Districting Commission, all consistent with applicable state law and this Charter. The Districting Commission's members shall be initially appointed [by the City Council][[N?] appointed by the Mayor, [N?] and appointed by the City Council, on or before January 31, [2020][2022], and on or before January 31, every tenth year thereafter. No person may serve on the Commission who is an elected official (except precinct committee officer), a candidate for elected office, or a City of Everett employee.

(c) Each Districting Commission shall appoint a districting master within ninety (90) days of the appointment of the Commission. If the Commission is unable to agree upon the appointment of a districting master within that time period, the City Council shall promptly appoint a districting master. A districting master must, in the Commission's or Council's determination, be qualified by education, training and experience to assist the Commission in the development of each districting plan and the drawing of district boundaries. Each districting plan must be adopted by the Commission initially on or before December 1, [2020, and then again on or before December 1, ]2022, and every tenth year thereafter. Prior to the adoption of a districting plan and district boundaries, the Commission shall conduct public forums. At least one public forum shall be held in each then-existing District. Each districting plan must be in compliance with applicable law,

and in drawing the plan there shall be no consideration, favor, or disfavor given to the district assignment of any individual's residence. [The initial districting plan shall be based on the 2010 decennial census, together with additional population estimates that the Commission and the districting master deem reliable.]

(d) The City Council shall appropriate amounts reasonably necessary for each Districting Commission to carry out its responsibilities. In addition to a districting master, each Districting Commission may retain legal and other consultants as may be appropriate to carry out the Commission's functions, consistent with the Commission's appropriation. Members of the Districting Commission shall not be compensated. The Districting Commission shall elect a Chair from among its members.

(e) In the event of an annexation effective at any time other than [in 2020 or in] the second year following the federal census, the City Council shall, prior to the annexation, allocate the annexed area to the nearest Council district or districts, adjusting the boundaries as appropriate but not shifting any area already within the City from one Council district to another. The allocation of the annexed area into an existing district or amongst existing districts must be carried out in a fashion that will result in adjusted districts that continue to be consistent with applicable legal requirements for district boundaries. In the event that the City Council determines that apportioning the annexed area among existing districts without shifting any area already within the City from one district to another will likely result in any district population that deviates from the mean by greater than .5%, then the City Council and the Mayor shall appoint an interim Districting Commission (which may be identical to the most recent Districting Commission) to adopt a revised districting plan with the assistance of a districting master, consistent with subsection (c) of this Section 2.1. However, in the event of an annexation to be effective in [2020 or in] the second year following the federal census, district boundary adjustments shall be determined by the Districting Commission that would have already been appointed in the ordinary course.

**Option B [5 Districts, 2 at-large]**

**Sec. 2.1 Elective City Officers, Size of Council—Elected at Large Districts.**

(a) The elective officers of the City shall be the Mayor and seven (7) Council members, all of whom with each Council member elected from one of seven (7) Council positions. Positions one (1) through five (5) shall each be elected by majority vote of the electors in five (5) separate geographical districts within the City. The Mayor and positions six (6) and seven (7) shall be elected from the entire City at large.

(b) The boundaries of the districts for Council positions 1 through 5 shall be drawn in [2020][2022], and redrawn following each federal decennial census, in accordance with a districting plan prepared by a [N?]-member Districting Commission, all consistent with applicable state law and this Charter. The

Ordinance DRAFT 6/5/18

Districing Commission's members shall be initially appointed [by the City Council][[N?]] appointed by the Mayor, [N?] and appointed by the City Council, on or before January 31, [2020][2022], and on or before January 31, every tenth year thereafter. No person may serve on the Commission who is an elected official (except precinct committee officer), a candidate for elected office, or a City of Everett employee.

(c) Each Districing Commission shall appoint a districing master within 90 days of the appointment of the Commission. If the Commission is unable to agree upon the appointment of a districing master within that time period, the City Council shall promptly appoint a districing master. A districing master must, in the Commission's or Council's determination, be qualified by education, training and experience to assist the Commission in the development of each districing plan and the drawing of district boundaries. Each districing plan must be adopted by the Commission [and ratified by the City Council] initially on or before December 1, [2020, and then again on or before December 1, ]2022 and every tenth year thereafter. Prior to the adoption of a districing plan and district boundaries, the Commission shall conduct public forums. At least one public forum shall be held in each then-existing District, and at least one public hearing shall be conducted on a citywide basis. Each districing plan must be in compliance with applicable law, and in drawing the plan there shall be no consideration, favor, or disfavor given to the district assignment of any individual's residence. [The initial districing plan shall be based on the 2010 decennial census, together with additional population estimates that the Commission and the districing master deem reliable.]

(d) The City Council shall appropriate amounts reasonably necessary for each Districing Commission to carry out its responsibilities. In addition to a districing master, each Districing Commission may retain legal and other consultants as may be appropriate to carry out the Commission's functions, consistent with the Commission's appropriation. Members of the Districing Commission shall not be compensated. The Districing Commission shall elect a Chair from among its members.

(e) In the event of an annexation effective at any time other than [in 2020 or in] the second year following the federal census, the City Council shall, prior to the annexation, allocate the annexed area to the nearest Council district or districts, adjusting the boundaries as appropriate but not shifting any area already within the City from one Council district to another. The allocation of the annexed area into an existing district or amongst existing districts must be carried out in a fashion that will result in adjusted districts that continue to be consistent with applicable legal requirements for district boundaries. In the event that the City Council determines that apportioning the annexed area among existing districts without shifting any area already within the City from one district to another will likely result in any district population that deviates from the mean by greater than .5%, then the City Council and the Mayor shall appoint an interim Districing

Commission (which may be identical to the most recent Districting Commission) to adopt a revised districting plan with the assistance of a districting master, consistent with subsection (c) of this Section 2.1. However, in the event of an annexation to be effective in [2020 or in] the second year following the federal census, district boundary adjustments shall be determined by the Districting Commission that would have already been appointed in the ordinary course.

**Sec. 2.2. Eligibility to Hold Elective Office.**

No person shall be eligible to hold elective office unless he or she shall have been a registered voter and resident of the City for a period of at least one (1) year next preceding his or her election. Residence and voting within the limits of any territory which has been included in, annexed to, or consolidated with the City is construed to have been residence within the City. A Mayor or Council member shall hold within the City government no other public office or employment.

**Is hereby amended to read in accordance with either Option A or Option B, as follows, pursuant to Section 2 of this ordinance:**

**Option A [4 Districts, 3 at-large]**

**Sec. 2.2 Eligibility to Hold Elective Office.**

No person shall be eligible to hold elective office unless he or she shall have been a registered voter and resident of the City[, and, for Council positions one (1) through four (4), a resident of an applicable Council district, for a period of at least one (1) year next preceding his or her election][, and, for Council positions one (1) through four (4), a resident of the applicable Council district for a period of at least 6 months preceding his or her election]. Council members must remain City residents while in office and must remain residents of any Council district from which elected. However, if a Council member is elected to a Council district position for which he or she is qualified by residence at the time of election, and while remaining in that residence later does not qualify as a resident of the relevant district because a new districting plan including new district boundaries has been adopted during his or her term, that Council member shall remain eligible to serve in the same district position until the end of his or her term or until a successor is elected and qualified, whichever is later. Residence and voting within the limits of any territory which has been included in, annexed to, or consolidated with the City or Council district is construed to have been residence within the City or Council district, respectively. A Mayor or Council member shall hold within the City government no other public office or employment.

**Option B [5 Districts, 2 at-large]**

**Sec. 2.2 Eligibility to Hold Elective Office.**

No person shall be eligible to hold elective office unless he or she shall have been a registered voter and resident of the City[, and, for Council positions one (1) through five (5), a resident of an applicable Council district, for a period of at least one (1) year next preceding his or her election ][, and, for Council positions one (1) through five (5), a resident of the applicable Council district for a period of at least 6 months preceding his or her election]. Council members must remain City residents while in office and must remain residents of any Council district from which elected. However, if a Council member is elected to a Council district position for which he or she is qualified by residence at the time of election, and while remaining in that residence later does not qualify as a resident of the relevant district because a new districting plan including new district boundaries has been adopted during his or her term, that Council member shall remain eligible to serve in the same district position until the end of his or her term or until a successor is elected and qualified, whichever is later. Residence and voting within the limits of any territory which has been included in, annexed to, or consolidated with the City or Council district is construed to have been residence within the City or Council district, respectively. A Mayor or Council member shall hold within the City government no other public office or employment.

**C – Section 2.3 of the Charter, which reads as follows:**

**Sec. 2.3. First Election — Terms of First Elective Officers, Time for First Election.**

The first election of officers under this charter shall be held on the Tuesday following the first Monday of November, 1968, at which time shall be elected a Mayor and three (3) Council members for five-year terms, and until their successors are elected and qualified, and four (4) Council members for three-year terms and until their successors are elected and qualified; provided, however, that the first Mayor and Council shall commence to perform the duties of their offices, and receive compensation, upon the effective date of commencement of the Mayor-Council plan of government as set forth in Article XVII of this charter; provided, further, that their terms shall expire as though they had taken office on the second Monday of January, 1969. The positions to be filled on the City Council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes.

**Is hereby amended to read as follows:**

**Option A [4 Districts, 3 at-large – 2021 implementation]**

**Sec. 2.3. Transitional First Elections — Terms of Transitional First Elective Officers, ~~Time for First Election.~~**

~~The first election of officers under this charter shall be held on the Tuesday following the first Monday of November, 1968, at which time shall be elected a Mayor and three (3) Council members for five-year terms, and until their successors are elected and qualified, and four (4) Council members for three-year terms and until their successors are elected and qualified; provided, however, that the first Mayor and Council shall commence to perform the duties of their offices, and receive compensation, upon the effective date of commencement of the Mayor-Council plan of government as set forth in Article XVII of this charter; provided, further, that their terms shall expire as though they had taken office on the second Monday of January, 1969. The positions to be filled on the City Council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes.~~

At the election under this Charter held on November 2, 2021, Council members shall be elected for four-year terms in three (3) districts that the Districting Commission shall by lot designate as positions one (1), two (2) and three (3). At the election under this Charter held on November 7, 2023, one (1) Council member shall be elected for a four-year term in the remaining district to be designated as position four (4), two (2) Council members shall be elected for terms of four (4) years in positions five (5) and six (6) from the entire City at large, and one (1) Council member shall be elected in position seven (7) from the entire City at large for a term of two (2) years or until his or her successor is elected and qualified, whichever is later. The term of the Mayor shall remain unaffected by this transition section.

**Option A [4 Districts, 3 at-large – 2023 implementation]**

**Sec. 2.3. Transitional First Elections — Terms of Transitional First Elective Officers, ~~Time for First Election.~~**

~~The first election of officers under this charter shall be held on the Tuesday following the first Monday of November, 1968, at which time shall be elected a Mayor and three (3) Council members for five-year terms, and until their successors are elected and qualified, and four (4) Council members for three-year terms and until their successors are elected and qualified; provided, however, that the first Mayor and Council shall commence to perform the duties of their offices, and receive compensation, upon the effective date of commencement of the Mayor-Council plan of government as set forth in Article XVII of this charter; provided, further, that their terms shall expire as though they had taken office on the second Monday of January, 1969. The positions to be filled on the City Council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes.~~

At the election under this Charter held November 7, 2023, Council members shall be elected for four-year terms in two (2) districts that the Districting Commission shall by lot designate as positions one (1) and two (2), and Council members shall be elected for terms of four (4) years in positions five (5) and six (6) from the entire City at large. At the election under this Charter held on November 4, 2025, Council members shall be elected for four-year terms in two (2) districts to be designated as position three (3) and four (4), and one (1) Council member shall be elected for a term of four (4) years in position seven (7) from the entire City at large. The term of the Mayor shall remain unaffected by this transition section.

**Option B [5 Districts, 2 at-large – 2021 implementation]**

**Sec. 2.3. Transitional First Elections — Terms of Transitional First Elective Officers, Time for First Election.**

~~The first election of officers under this charter shall be held on the Tuesday following the first Monday of November, 1968, at which time shall be elected a Mayor and three (3) Council members for five-year terms, and until their successors are elected and qualified, and four (4) Council members for three-year terms and until their successors are elected and qualified; provided, however, that the first Mayor and Council shall commence to perform the duties of their offices, and receive compensation, upon the effective date of commencement of the Mayor-Council plan of government as set forth in Article XVII of this charter; provided, further, that their terms shall expire as though they had taken office on the second Monday of January, 1969. The positions to be filled on the City Council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes.~~

At the election under this Charter held on November 2, 2021, Council members shall be elected for four-year terms in three (3) districts that the Districting Commission shall by lot designate as positions one (1), two (2) and three (3). At the election under this Charter held on November 7, 2023, two (2) Council members shall be elected for four-year terms in the remaining districts to be designated as positions four (4) and five (5), and two (2) Council members shall be elected for terms of four (4) years in positions six (6) and seven (7) from the entire City at large. The term of the Mayor shall remain unaffected by this transition section.

**Option B [5 Districts, 2 at-large – 2023 implementation]**



**Sec. 2.3. Transitional First Elections — Terms of Transitional First Elective Officers, ~~Time for First Election.~~**

~~The first election of officers under this charter shall be held on the Tuesday following the first Monday of November, 1968, at which time shall be elected a Mayor and three (3) Council members for five-year terms, and until their successors are elected and qualified, and four (4) Council members for three-year terms and until their successors are elected and qualified; provided, however, that the first Mayor and Council shall commence to perform the duties of their offices, and receive compensation, upon the effective date of commencement of the Mayor Council plan of government as set forth in Article XVII of this charter; provided, further, that their terms shall expire as though they had taken office on the second Monday of January, 1969. The positions to be filled on the City Council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes.~~

At the election under this Charter held November 7, 2023, Council members shall be elected for terms of four (4) years in three (3) districts that the Districting Commission shall by lot designate as positions one (1), two (2), and three (3), and one (1) Council member shall be elected for a term of four (4) years in position six (6) from the entire City at large. At the election under this Charter held on November 4, 2025, Council members shall be elected for four-year terms in the remaining two (2) districts designated as position four (4) and five (5), and one (1) Council member shall be elected for a term of four (4) years from position seven (7) from the entire City at large. The term of the Mayor shall remain unaffected by this transition section.

**D - Section 2.4 of the Charter, which reads as follows:**

**Sec. 2.4. Elections Other Than the First — Term Elective Officers.**

Except for the first election, officers shall be elected at biennial City general elections held on the first Tuesday following the first Monday in November in the odd-numbered years, commencing with the year 1971. At such elections, there shall be elected the requisite number of Council members as the terms of their predecessors expire, and a Mayor as the term of his or her predecessor expires. The terms of the Mayor and Council members shall be four years and until their successors are elected and qualified. The positions to be filled on the City Council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes. The Mayor and Council members shall qualify by taking an oath or affirmation of office, as may be provided by law, charter or ordinance, and their terms shall commence the first of January following their election.

**Is hereby amended to read as follows:**

**Sec. 2.4. Elections ~~Other Than the First~~ — Term Elective Officers.**

Except as provided in Section 2.3~~for the first election~~, officers shall be elected at biennial City general elections held on the first Tuesday following the first Monday in November in the odd-numbered years, ~~commencing with the year 1971~~. At such elections, there shall be elected the requisite number of Council members for various positions as the terms of their predecessors expire, and a Mayor as the term of his or her predecessor expires. [Except as provided in Section 2.3, the]~~The~~ terms of the Mayor and Council members shall be four years ~~and or~~ until their successors are elected and qualified, whichever is later. ~~The positions to be filled on the City Council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes. The Mayor and Council members shall qualify by taking an oath or affirmation of office, as may be provided by law, charter or ordinance, and their terms shall commence the first of January following their election. (Amended by RCW 29.04.170(2))~~

**E - Section 9.1 of the Charter, which reads as follows:**

**Sec. 9.1. Time — Place — Manner.**

All general, primary, and special elections shall be non-partisan, and the time, place, and manner of calling, holding, and conducting such elections shall be as provided by the laws of the State of Washington; provided, however, that the first election of officers, and the primary therefor, shall be held at the time prescribed in this charter for such election, and for the purposes and terms as set forth in this charter for such first election of officers.

**Is hereby amended to read as follows:**

**Sec. 9.1. Time — Place — Manner.**

All general, primary, and special elections shall be non-partisan, and the time, place, and manner of calling, holding, and conducting such elections shall be as provided by the laws of the State of Washington; ~~provided, however, that the first election of officers, and the primary therefor, shall be held at the time prescribed in this charter for such election, and for the purposes and terms as set forth in this charter for such first election of officers.~~

**Section 2:** The City Council desires to place two propositions before the qualified electors with regard to the proposed City Charter amendments contained in Section 1 of this ordinance: The first proposition shall be whether the proposed amendments to the five indicated Charter

Ordinance DRAFT 6/5/18

sections be approved such that a specified number of City Council positions are to be elected from separate geographical districts within the City. The second proposition shall be contingent upon the approval of the first proposition by a majority of the electors voting thereon, and if a majority of the electors determines that a specified number of City Council members are to be elected from districts as set forth in the five proposed Charter amendments, the second proposition shall ask the electors whether: (a) the *Option A* version of each of the amendments to Section 2.1, Section 2.2, and Section 2.3 are to be approved so that the specified number of districts should be four (4), with the remaining members to be elected from the entire City at large; or (b) the *Option B* version of each of the amendments to Section 2.1, Section 2.2 and Section 2.3 are to be approved so that the specified number of districts should be five (5), with the remaining members to be elected from the entire City at large. If, and only if, a majority of the electors of the City voting on the first proposition votes in its favor, then the option receiving the majority of votes of the electors on the second proposition shall determine whether the *Option A* or the *Option B* versions of each of the proposed amendments to Sections 2.1, Section 2.2, and Section 2.3, respectively, are adopted along with each of the proposed amendments to Sections 2.4 and Section 9.1, and thus whether the specified number of City Council members to be elected from districts shall be four (4) or five (5).

The ballot title for the Charter amendments to be submitted to the qualified electors for their approval in accordance with Section 1 of this ordinance, shall be substantially as follows, and in such final form of concise statement as may be prepared by the City Attorney consistent with RCW 29A.36.071:

**PROPOSITION #1**

The City Council has requested voter approval of five Charter amendments concerning Council elections. If approved, by amending Charter sections 2.1, 2.2, 2.3, 2.4 and 9.1, a specified number of the Council’s seven members would be elected within districts determined by an independent commission, and the other City Council members and Mayor would be elected citywide. Districts would be re-drawn following each ten-year federal Census. Council positions would have four-year terms, subject to certain transition provisions. Should these proposed Charter amendments be:

- Approved . . . .
- Rejected . . . .

**PROPOSITION #2**

The City Council has requested voter approval of five Charter amendments concerning Council elections. If a majority of the City’s electors votes in favor of Proposition 1 so that a specified number of the Council’s seven members are to be elected within districts, then regardless of whether you voted “Approved” or “Rejected” on Proposition #1, should the number of Council Districts be four (“Option A”) or five (“Option B”)?

- Four Council Districts (Option A) . . . .

Ordinance DRAFT 6/5/18

Five Council Districts (Option B) . . . .□

**Section 3:** Under Section 16.1 of the Charter, amendments to the Charter proposed under this ordinance that are ratified by a majority of the electors, including the number of Council Districts approved by a majority of the electors voting thereon, shall become part of the Charter on the date of the Mayor's proclamation of those ratified amendments. The Mayor's proclamation is deemed to occur on the date of the County certification of the election.

\_\_\_\_\_  
CASSIE FRANKLIN, MAYOR

ATTEST:

\_\_\_\_\_  
SHARON FULLER, CITY CLERK

Passed: \_\_\_\_\_

Valid: \_\_\_\_\_

Effective: \_\_\_\_\_

Published: \_\_\_\_\_