

Whereas the Everett City Charter currently calls for the election at-large of seven City Councilmembers and at present Councilmembers do not reflect the racial, ethnic, social, or economic diversity of city residents; nor are Councilmembers represented geographically, with five of the seven Councilmembers residing in north Everett while the majority of the population resides in central and south Everett; therefore,

To ensure that members of the City Council are closer to the people they represent and to enable voters to better know their Councilmembers, the People of the City of Everett, exercising their power to amend the City Charter by popular vote under Article XVI, Section 2 of the City Charter, enact the following amendment to the Charter of the City of Everett. In amending sections, removals are in ~~strikeout~~, additions are underlined, and Charter Amendment section headers are in ***Bold Italics***.

Section 1. City Charter Article II, Section 1, is amended as follows:

ARTICLE II. Elective Officers.

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

The elective officers of the City shall be the Mayor and seven (7) Council members. The positions on the City Council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes. Council positions shall comprise both district and at-large representation. The City Council shall consist of seven (7) Council members, with positions 1 through 5 elected by majority vote from the residents of the corresponding districts at the 2021 general municipal election and thereafter (“district election(s)”), and positions 6 and 7, all of whom shall be elected by majority vote from the City at large at the 2019 general municipal election and thereafter. The election of the Mayor shall correspond to the election of the district Council positions at any general municipal district election.

Section 2. City Charter Article II, Section 2, is amended as follows:

ARTICLE II. Elective Officers.

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 and through the term of service. 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. At the 2021 general municipal district election and thereafter, a district Council member shall be a registered voter and resident of the district represented for at least one (1) year preceding their election and through their term of service.

A district Council member no longer a resident of their Council electoral district due to redistricting will remain eligible to hold their district position through the full term of their elected office, at which time their successor will begin the next term. A district Council member so situated will, at the next general municipal district election, be deemed to have met the residence requirement and be eligible to hold elective office in the new electoral district in which they reside, notwithstanding the aforementioned one (1) year residency requirement.

A district Council member may seek election for any at-large Council position prior to the expiration of their current term. An at-large Council member may seek election for any district Council position prior to the expiration of their current term after meeting the one (1) year residency requirement for that district.

A Mayor or Council member shall hold within the City government no other public office or employment.

Section 3. City Charter Article II, Section 3, is amended as follows:

ARTICLE II. Elective Officers.

Sec. 2.3. ~~First Election—Terms of First Elective Officers, Time for First Election~~Council Districts and Redistricting.

~~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.~~

(a) Council Districts: Council positions 1 through 5 correspond to electoral districts 1 through 5. The City Council electoral districts are illustrated in the map appended to this charter and incorporated herein, and as amended as necessary by periodic annexation and redistricting. The City Council electoral districts are defined by tract, block, and block group numbers used by the most recently published U.S. Bureau of the Census decennial census report, to the extent that they are contained within the City of Everett, described as follows:

First District. Census Tracts 521.04, 401, 402, 403, 404, 405, and 9900.02. Referred to as: All areas north to the city limits from the southern boundary of Naval Station Everett at the piers, then east to Terminal Ave and Everett Ave, north to 26th Street, east to Fulton Street, north to 25th Street, east to Pine Street, South to 26th Street, east to Chestnut Street, south to Everett Ave, east to Interstate 5, south on Interstate 5 to Hewitt Ave, East to Chestnut Street, and south on Chestnut Street to the eastern city limits at Snohomish River, returning north at city limit, then west at city limit, then south at Jetty Island back to southern boundary of Naval Station Everett; and also including those areas of Possession Sound within the City.

Second District. Census Tracts 407-410; Census Tract 414 Block Groups 1, 2, and 4; Census Tract 415 Block Group 1; and Census Tracts 522.07, 536.02, 538.03. Referred to as: From the southern boundary of District 1 at the piers of Naval Station Everett, south along the shores of Possession Sound to the mouth of Merrill and Ring Creek, south to Mukilteo Blvd, east to Glenwood Ave, south to 50th St. SW, then east to Seahurst Ave, south to 51st St. SW, east to Elm St, north to 50th St. SW, east to Dogwood Drive, north to Mukilteo Blvd, east to Pigeon Creek, south to 52nd St. SE, east to Colby Ave, south on Colby Ave, then south on Beverly Blvd to Commercial Ave, west on Commercial Ave to Interurban Trail, north to Wetmore Ave, south to Monroe Ave, west to Interstate 5, north to Lowell Road, west to S. 4th Ave, north to Main. St, west to S 2nd Ave, south to Zillah St, west to S 1st Ave, south to Lowell Road, west to Rotary Park, then north to the city limits returning to the southern boundary of District 1; and also including those areas of the City near Lake Chaplain.

Third District. Census Tracts 411, 412.01; Census Tract 412.02 Block Groups 1, 2, and 3; Census Tract 413.01 Block Group 2; and Census Tracts 413.03 and 413.04. Referred to as: From the common border with previously described District 2 at Beverly Blvd and Commercial Ave, south on Beverly Blvd to Park Drive, west to Rainier Ave, north to 75th St. SE, west to Evergreen Way, south to SR 526, west to city limits, north to the shores of Possession Sound, and east along the shore to the common boundary with District 2 at the mouth of Merrill and Ring Creek.

Fourth District. Census Tract 412.02 Block Group 4; Census Tract 414 Block Group 3; Census Tract 415 Block Group 2; Census Tract 418.05 Block Group 2; Census Tract 418.06 Block Groups 3, 4, 5, and 6; and Census Tracts 416.01, 416.05, 416.06, 417.01, 418.08, and 521.05. Referred to as: South on common border with previously described District 2 from city limits at Rotary Park to Beverly Blvd, then south on common border with previously described District 3 to SR 526, then east on SR 526 to Xavier Way, west on 84th St. SE to 9th Ave. SE, south to 85th St. SE, east to 10th Ave SE, south to 87th St. SE, west to 9th Ave SE, south to 10th Ave SE, south to 94th St. SE, west to 7th Ave SE, south to Everett Mall Way, west to 3rd Ave SE, then south to city limits, then following city limits south, east, and north returning to Snohomish River and Rotary Park.

Fifth District. Census Tract 418.05 Block Groups 1 and 3; Census Tract 418.06 Block Groups 1 and 2; Census Tract 419.01 Blocks 1 and 2; and Census Tracts 419.03, 419.04, and 419.05. Referred to as: From SR 526 at Xavier Way south on common border with previously described District 4 at SR 526 and Xavier Way south to city limits, then west on city limits, south on city limits, and north on city limits to SR 526, returning east on SR 526 to Xavier Way.

These City Council electoral district descriptions shall be amended as necessary by periodic annexation and redistricting, and shall be incorporated herein as amended.

(b) Annexations: Areas proposed for annexation or recently annexed into the City will be assigned to a district by City Council at the time the annexation petition is filed, or at the time the proposed annexation resolution or ordinance is passed, or as necessary if recently annexed and not described in Article II Section 3(a) of this Charter. The district assignment will be made in such a manner so as to conjoin the annexation area to the nearest district and to produce a compact and contiguous district. The district assignment may not be manipulated so as to favor any group or political party, or give consideration, favor, or disfavor to the district assignment of any individual's residence. Boundaries between districts already in the City may not be adjusted due to annexations. Should a proposed annexation require the assignment of multiple districts to the annexation area, the extended annexation boundaries will be drawn so as to follow boundaries for the most recent census tracts and blocks; follow existing recognized natural and physical boundaries; and to the extent possible, preserve communities of related and mutual interests and Everett neighborhoods. City Council will make public a draft district proposal for the annexation area and then after public comment, approve by majority vote a final district(s) plan for the area proposed for annexation. Upon adoption, the districting plan for the proposed annexation cannot be amended by the City Council and shall become effective at the time the proposed annexation to the City occurs.

(c) First Electoral Districting:

- (1) By January 31, 2020, a five-member Districting Commission shall be appointed. The Mayor shall appoint two members, and by a two-thirds vote the City Council shall appoint two members. The fifth member shall be appointed by majority vote of the first four members. Members must be residents of the City at the time of appointment. The Commission shall elect a chair from among its members. No person may serve on the Commission who is an elected official (except precinct committee officer), a registered lobbyist, a candidate for elective office, or a City employee.
- (2) All meetings of the Commission shall be open to the public, and the Commission shall conduct public forums around the City before adopting any plan. At least one public forum shall be held in each existing District.
- (3) The Districting Commission shall appoint a districting master who shall be qualified by education, training and experience to draw a districting plan no later than March 31, 2020. If the Commission

is unable to agree upon the appointment of a districting master by March 31, 2020, the City Council shall appoint a districting master.

- (4) District boundaries shall be drawn in accordance with the laws of the State of Washington. The population of each district will be as equal as possible or reasonably equal to the populations of every other district based primarily on the 2010 decennial census. The Commission may consider additional reliable population estimates based on development and growth in the city since the 2010 decennial census. Districts must be as compact as possible and geographically contiguous. As feasible, District boundaries shall follow existing recognized natural and physical boundaries. To the extent possible, District boundaries will preserve communities of related and mutual interests and Everett neighborhoods. Population data may not be used to favor or disfavor any group or political party. In drawing the plan, there shall be no consideration, favor, or disfavor given to the district assignment of any individual's residence.
- (5) The districting master shall draw a districting plan for the City, and submit it to the Districting Commission by January 1, 2021. The Commission shall develop, approve by majority vote, and make public a draft districts proposal and then after public comment approve by majority vote a final districts plan not later than March 31, 2021. Upon adoption, the districting plan shall be filed with the City Clerk. The plan shall become effective upon filing for the purposes of district elections at the 2021 general municipal district elections and cannot be amended by the City Council except to correct data errors upon request by the Districting Commission. Notwithstanding Article XVI, this plan shall amend Article II Section 3(a) of this Charter and the appended map to reflect the new boundaries.
- (6) The Districting Commission shall have all powers reasonably necessary to carry out its purpose; may employ experts, consultants and attorneys not employed by the city; and shall prepare financial statements and compose and turn over to the City Clerk an official record of all relevant information used. The City Council shall take all steps necessary to enable the Commission to function, including appropriations sufficient to provide a reasonable per diem for Commission members, compensation for staff and contractors, and reasonable expenses.

(d) Subsequent Redistricting:

- (1) By January 15, 2022, and each tenth year thereafter, City Council will approve a plan and process for redistricting consistent with this section of the Charter.
- (2) By October 1, 2022, and each tenth year thereafter, a five-member Districting Commission shall be appointed. The Mayor shall appoint two members, and by a two-thirds vote the City Council shall appoint two members. The fifth member shall be appointed by majority vote of the first four members. Members must be residents of the City at the time of appointment. The Commission shall elect a chair from among its members. No person may serve on the Commission who is an elected official (except precinct committee officer), a registered lobbyist, a candidate for elective office, or a City employee.
- (3) All meetings of the Commission shall be open to the public, and the Commission shall conduct public forums around the City before adopting any plan. At least one public forum shall be held in each existing District.
- (4) The Districting Commission shall no later than two months after appointment, or November 1, whichever occurs first, appoint a districting master who shall be qualified by education, training and experience to draw a districting plan. If the Commission is unable to agree upon the appointment of a districting master by November 1, the City Council shall appoint a districting master.
- (5) District boundaries shall be drawn in accordance with the laws of the State of Washington. The population of each district will be as equal as possible or reasonably equal to the populations of

every other district based on the most recent decennial census. Districts must be as compact as possible and geographically contiguous. As feasible, District boundaries shall follow existing recognized natural and physical boundaries. To the extent possible, District boundaries will preserve communities of related and mutual interests and Everett neighborhoods. Population data may not be used to favor or disfavor any group or political party. In drawing the plan, there shall be no consideration, favor, or disfavor given to the district assignment of any individual's residence.

- (6) The districting master shall draw a districting plan for the City, and submit it to the Districting Commission by February 1 of the year following their appointment. The Commission shall develop, approve by majority vote, and make public a draft districts proposal and then after public comment, approve by majority vote a final districts plan not later than March 31 of that year. Upon adoption, the districting plan shall be filed with the City Clerk. The plan shall become effective upon filing for the purposes of subsequent general municipal district elections and cannot be amended by the City Council except to correct data errors upon request by the Districting Commission. Notwithstanding Article XVI, this plan shall amend Article II Section 3(a) of this Charter and the appended map to reflect the new boundaries.
- (7) The Districting Commission shall have all powers reasonably necessary to carry out its purpose; may employ experts, consultants and attorneys not employed by the city; and shall prepare financial statements and compose and turn over to the City Clerk an official record of all relevant information used. The City Council shall take all steps necessary to enable the Commission to function, including appropriations sufficient to provide a reasonable per diem for Commission members, compensation for staff and contractors, and reasonable expenses.

Section 4. City Charter Article II, Section 4, is amended as follows:

ARTICLE II. Elective Officers.

Sec. 2.4. Elections Other Than the First – Terms for Elective Officers.

(a) Elections and Terms: 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 (4) 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. (Amended by RCW 29.04.170(2))

(b) Council Districts Transition Provisions: Notwithstanding Article II, Section 2.4(a), the terms for Council positions 4 and 5, elected at the 2019 general municipal election, shall each be for two (2) years ending at midnight, December 31, 2021, and the terms for Council positions 6 and 7, also elected at the 2019 general municipal election, shall each be for four (4) years ending at midnight, December 31, 2023. The five district positions created by Section 1 of this Amendment shall be elected at the 2021 general municipal district election. At the 2021 general municipal district election and for all elections thereafter, the terms of all seven City Council positions shall be for four (4) years under Article II, Section 2.4(a) and this Charter Subdivision shall be of no further effect.

Section 5. City Charter Article II, Section 5, is amended as follows:

ARTICLE II. Elective Officers.

Sec. 2.5. Vacancies – Elected Officials.

Notwithstanding Article II Section 4 of this Charter, ~~the~~ the office of a Mayor or Council member shall become vacant upon:

- (a) Failure to qualify at the time of taking of office;
- (b) Death;
- (c) Resignation;
- (d) Recall;
- (e) Forfeiture; or
- (f) Extended absence or incapacity; or

(g) Any change in residence rendering the Mayor or Council member no longer eligible for the position occupied or sought, including change in residence to outside the City of Everett or, in the case of a district position, change in residence to outside the relevant district, except when the change in residence to outside the relevant district is due to redistricting.

In the event of a vacancy in the office of Mayor or Council member, the Council by majority vote shall appoint a qualified person to fill the vacancy until the next regular municipal or general election. For vacancies occurring prior to the filing deadline for declaration of candidacy for such vacant office, as established by RCW 29A.24.050 as now or later amended, the election shall be held in November of the year of appointment. For those vacancies occurring subsequent to the filing deadline for declaration of candidacy, the election shall occur in November of the year following appointment. The person so elected shall serve the remainder of the unexpired term. If, after thirty days have passed since the occurrence of a vacancy, and the Council has been unable to agree upon a qualified person to be appointed to fill the vacancy, the Mayor or in his or her absence, the mayor pro tempore, may make the appointment from among the qualified persons nominated by members of the Council.

In the event of the extended excused absence or disability of a Council member, the remaining members, by majority vote, may appoint a qualified person as a Council member pro tempore to serve during the absence or disability.

In the event of the vacancy of the office of Mayor, all duties of the Mayor shall be performed by the mayor pro tempore, until an interim Mayor has been appointed or the person who is elected to serve the remainder of the unexpired term of the Mayor takes office. The Chief Administrative Assistant shall continue to perform the administrative duties, and shall not be removed without the consent of the Council.

“Incapacity” as used in this section shall mean “unable to perform the ordinary and usual tasks or duties of the office for an extended period of time.” An extended period of time for the purposes of this section shall be that which is beyond a “reasonable” time. (Ord. 2924-06 § 3, 2006: amended 11-5-96)

“Qualified Person” as used in this section shall mean “a person that meets the qualifications set forth in Article II Section 2 of this Charter, and that has established residence within the City, or in the case of a vacancy in a district position has established residence within the district, for at least one (1) year prior to the date of appointment.”

Section 6. City Charter Article IX, Section 1, is amended as follows:

ARTICLE IX. Elections.

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 7. Savings Clause; Liberal Construction.

The provisions of this Charter Amendment are to be liberally construed to achieve its purposes. The terms and provisions of this Amendment are severable; if any are found invalid by a court of competent jurisdiction this finding of invalidity shall not affect the validity of the remainder.

