

City Charter Overview



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Who says we can have a charter?

- Our forefathers, that's who.



- Article 11 Section 10 of the State Constitution provides that cities of over 10,000 pop. are permitted to “frame a charter for its own government” consistent with the constitution and laws of this state.

Our charter was born in 1952



- 15 Freeholders prepared a draft city charter
- The charter is the city's "organic law" and serves to frame the city's form of government.
- Approved by the voters
- Amended on a number of occasions, last 2014

What does our charter provide for?

Article I Form of Government



- A council-manager form of government. 1.03
- All powers of a first class city, subject only to the constitution and state statutes. 1.04
- The broadest scope of police powers (health, safety and welfare) available.

What are our choices?



3 forms of city government

- Mayor-Council “Strong Mayor” (administrative and veto) 80% of all and 50% of 1st and 2nd
- Council-Manager ...no we don't say “Weak Mayor” 20% of all and 50% of 1st and 2nd
- Commission 3 commissioners <1% (Shelton)

Articles I & II The Council



- Seven councilors including a mayor elected from the city at large as opposed to by district.
- Must be qualified electors and live in city for 2 years prior to running.
- Cannot hold any other public office or be employed by city.
- Disqualified if convicted of a crime of moral turpitude or 3 consecutive unexcused absences.
- Only elected officials of city.
- Four year terms.

Article II The Council



- Adopts the budget
- Appoints or removes the city manager
- Approve payment of debts and claims
- May create, abolish or realign departments unless function is established by charter (e.g. clerk, manager, city attorney)
- Disciplines itself
- Performs legislative function - enacts ordinances or resolutions

What's the difference? Ordinance is for regulation, bonds or granting franchise. Resolution is less formal, more case specific. E.g. Ordinance to create a park district, but a resolution to decode location of a park.

Article II continued

Article II Council also addresses:

- How to fill vacancies-majority vote of council and run in the next general; pro tempore ability.
- Defines quorum-majority.
- Procedure for ordinance adoption: 1st and 2nd readings; effective 30 days after passage.
- Compensation – citizen committee on salaries; set salaries of mayor and council; 2 public hearings; subject to referendum.
- Reserves to council all other powers not otherwise specified.

Section 2.04 The Mayor



- Presides over meetings
- Recognized as the head of city government
- Active as the representative of the city

Article III The City Manager



- Chosen by council solely on the basis of executive and administrative qualifications.
- Head of the administrative branch of the city.
- Appoints city attorney with council's approval.
- Has authority to appoint or remove all employees.
- Prepares and administers city budget.
- Advises city council.

The City Manager's Domain



Article III:

- City council is not to interfere with appointment or removal of employees.
- City council is not, except for purposes of inquiry, to deal with the administration of city government except through the city manager.
- Council is not to give any orders to subordinates of city manager.
- Council may, in open session, discuss city affairs.
- Council may directly seek assistance of city attorney.

Miscellaneous Charter Provisions

- **Article IV Budget** – biennial; prepared and submitted to council by city manager; governed by state law.
- **Article V Bonds and Indebtedness** – recognition that these are controlled by state law.
- **Article VI Finance** - council to, by ordinance, provide for administration of finance, competitive bidding and contracting for public works.
- **Article VII Personnel** – council to, by ordinance, provide for administration of personnel; approve pay plan.
- **Article VIII General Development** – makes provision for planning commission; parks and recreation commission.
- **Article IX Elections** – nonpartisan; primary and general; instant runoff by resolution=single election

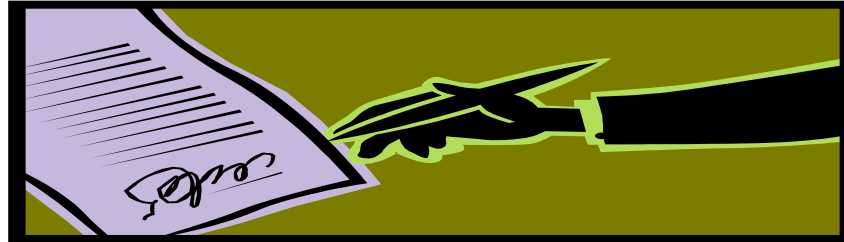
Article X

Initiative and Referendum



- **Initiative** is the power of the public to initiate ordinances by petition.
- **Referendum** is the means by which the public can have enacted ordinances referred to them for review.
- State Constitution Article II, Section 1 reserves the power of initiative to the people to propose legislation to the **STATE** legislature.
- RCW 35.22.200 allows, but **does not require**, 1st class charter cities to allow initiative and referendum. No constitutional preeminence.

Article X Initiative and Referendum



- Initiative must be signed by at least 15% of the number of registered voters that voted in last general election.
- Referendums must be signed by at least 10% of the number of registered voters that voted in last general election.
- Referendum must be done within 30 days of the passage of the ordinance.
- City attorney to review initiative petition within 20 days of filing to determine if it is within scope of legally permissible matters.
- Signed petitions are filed with the city clerk who has 20 days to determine adequacy of statement of circulator and affidavits.

Article X Initiative and Referendum



- If valid, Clerk sends the petition to County Auditor for verification of signatures.
- Clerk certifies results to city council. If insufficient clerk certifies the particular defect.
- City council may pass ordinance proposed in initiative (w/in 60 days) or repeal ordinance referred in referendum (w/in 30 days).
- If ordinance is not passed (for initiative) or repealed (for referendum), it is submitted to voters at the next general election.
- Majority vote required for passage.
- Initiative ordinance cannot be repealed or amended by council for one year.

Limitations on initiative and referendum



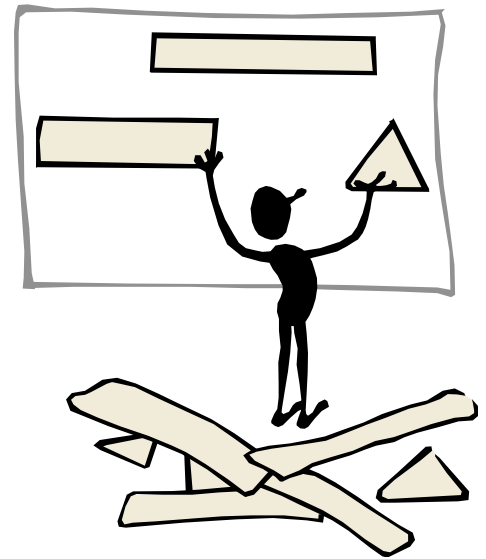
- Single subject
- Clear and unambiguous so that entire effect is clear on its face.
- Cannot be contrary to constitution, state law or the city charter.
- Must address legislative (establishes permanent and general policy) not administrative matters (special or temporary or execution of existing policy)
- Cannot be on subject that the legislature has delegated to the city council (vs. corporate entity).
- Cannot interfere with budgetary function, propose tax or appropriation.
- Requirements for uniform format and signature gathering.

Article XI

How do we change the charter?

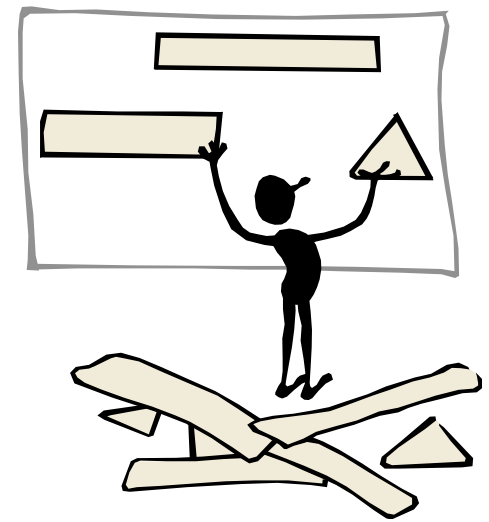
Three Methods:

1. Periodic review of our charter is called for by Section 11.17:
 - Review is at least every 5 years.
 - 15 citizen panel makes recommendation to council
 - Mayor makes appointments subject to council confirmation
 - Council votes to place matter on ballot or not
 - Council may place on ballot for advisory vote
2. Council may submit proposal for amendment to voters. 11.14
3. Citizens may petition for amendment through initiative process. 11.14



Article XI

Charter Changes in 2014



1. Resign to run for different council seat.
2. Remove provision requiring full reading of ordinance on request.
3. Update anti-discrimination language.
4. Update boards and commission appointment process.
5. Initiatives: 6 month life span of signatures; review of initiative by City Attorney for opinion before signature gathering; establish deadline (February 1) for filing petition; remove provision for amending signature pages.

Questions?

