

City of Vancouver 2024 Charter Review Committee

March Meeting, March 19, 5-7pm, Vancouver City Hall, Aspen Conference Room

ATTENDEES

Committee members present

Johnathan DeBellis
Lynn Samuels
Mark Meckler
Nelson Holmberg
Russ Beacock
Josh Egan
Terah Ebie
Janet James
Lisa Ghormley
Janet Landesberg
Mike Pond
Cherry Bisquera

Members absent

Alicia Cummins
Ben Moll
Ron Zito

Community members

Five community members in attendance

Staff

Jonathan Young, Vancouver City Attorney
Aaron Lande, Policy and Program Manager
Nena Cook, Deputy City Attorney
Kerry Peck, City Manager's Office Administrative Assistant
Ben Duncan, Facilitation Lead
Gillian Garber-Yonts, Tech Support
Maria Verano, Notetaker

MEETING DOCUMENTS

- Meeting agenda
- Presentation
- Councilmember Address Map

WELCOME AND INTRODUCTIONS

Ben Duncan, Facilitation Lead opened the meeting, and participants introduced themselves, stating their name and affiliation.

CHARTER REVIEW TIMELINE AND AGENDA REVIEW

Ben presented the Charter Review timeline and reminded the Committee members they will have the opportunity to hear subcommittee report-outs and discuss the four Committee proposed amendments.

He reviewed the agenda ([linked here](#) on the City of Vancouver website) and shared the following March Meeting objectives.

- Discussion: subcommittee findings
- Reflections from the City Attorney

- Confirmation of topics for Council Workshop

FEBRUARY 2024 MEETING MINUTES

- A Committee member moved to approve the February Meeting Minutes. Another Committee member seconded the motion.
 - **Decision:** The February 2023 Vancouver Charter Review Committee Meeting Minutes were approved unanimously.

INVITED GUEST: CITY ATTORNEY, JONATHAN YOUNG

Jonathan Young, Vancouver City Attorney, introduced himself and his experience working at the City of Vancouver. Jonathan gave a history of the origins of gerrymandering and the Voting Rights Act. He shared that the Voting Rights Act continues to evolve. Jonathan gave an overview of the state and federal definitions of the Voting Rights Act and described the remedies for Voting Rights Act infringements, noting that courts cannot remove a candidate through unlawful means. He gave an example of a Voting Rights Act case in Franklin County, Washington (Portugal v. Franklin County) where a Voting Rights Act infringement was determined.

Johnathan shared the following two legal opinions about the City of Vancouver and provided supporting data.

- 1) Risk of a successful Voting Rights Act challenge in Vancouver is currently very low, however,
- 2) Risk of “cracking” or “packing” is heightened during periods of rapid growth and land use change such as those on Vancouver’s 10-year horizon.

Johnathan summarized his presentation with the following two legal opinions.

- 1) Risk of a successful Voting Rights challenge, in view of demographic makeup and geographic dispersion of Vancouver, is very low.
- 2) Risk of “cracking” or “packing” through non-legislative means (e.g. economic development) is heightened during periods of rapid change such as annexation and/or comprehensive plan changes attendant to HB1110.

Ben opened the floor for discussion.

Discussion

- A Committee member asked for clarity on the impacts of House Bill 11.10.
 - Jonathan shared that House Bill 11.10 will allow an owner of a Single-Family Residential Unit to build four units on their property. He added that the Comprehensive Plan will determine the size limitations of the units and shared that population densities in the city may change drastically starting 2025.
- A committee member asked whether there are any best practices regarding remedies for Voting Rights Act violations.
 - Jonathan shared that there is not a one size fits all solution.
- A RAC member asked whether the city can propose remedies for the Voting Rights Act.

- Jonathan shared that the city cannot due to preemption. He added that ranked choice voting, cumulative voting, coalition districts, and limited voting are available solutions.

SUBCOMMITTEE REPORT-OUTS

Ben shared that the subcommittee leads were asked to bring proposed language to the meeting.

Signatures for Petition

Nena shared the following comments regarding the Signatures for Petition subcommittee proposed language found on slide 43-44 of the March Charter Review Committee Meeting slide deck ([linked here](#)).

- The County Auditor is not willing, able, or prepared to accept anything other than signatures in ink or indelible pencil.
- The proposed changes to Section 10.03 are to delete the word “paper.”
- In Section 10.04, suggestion to remove the word “paper” and “components”.
- Consider the unintended consequences of removing indelible pencil.

The subcommittee Lead added the following context to the proposed language.

- Anything referencing the physical form of the petition was removed.
- Language was maintained that allows the City Clerk to consider the capabilities of the elections department.
- Additional language proposed for removal: “that all the signatures appended therto were made in the circulator’s presence.”

Discussion

- A committee member suggested keeping the word “indelible” and noted that it is the non-erasable nature of the signature that is important.
- The subcommittee lead clarified the intention behind the word “component” and shared that in the situation where there are multiple circulators one petition could be disregarded if there is an error with one “component”.
 - Nena shared that she will connect with the Signatures for Petition subcommittee to support adjusting the language. She noted that once legally defensible language is developed the Committee will be asked to determine whether they want to recommend the language to the City Council.

The Committee shared no opposition to continuing to develop the Signatures for Petition proposed amendment.

Inclusive Language Updates

Nena shared the following comments regarding the Inclusive Language Updates proposed language found on slide 46-47 of the March Charter Review Committee Meeting slide deck ([linked here](#)).

- Four additional gender specific terms were found. Under Section 11.18. The City Clerk can remove the gendered terms as an administrative process. The gendered terms found under Section 2.01, 2.18, 9.03, and 10.03 are under review by the City Clerk and the City Attorney.

- Under Section 2.06 the subcommittee proposed language changes conflict with the standard for removal. The treatment of mental health conditions and physical conditions are treated differently under the proposed language.
- Consider making the standard for removal consistent with the Americans with Disabilities Act language.
- The term qualifying misdemeanor is not a term of art.
- RCW 9.96A.020 allows people not to be terminated due to a prior felony conviction depending on the time of the felony and relationship to the position under consideration. There is also an Attorney General opinion that opines on the topic.

Nena shared that she will meet with the Inclusive Language Updates subcommittee to discuss language edits.

The Committee shared no opposition to continuing to develop the Inclusive Language Updates proposed amendment.

Councilmember Pay

Nena shared the following comments regarding the Councilmember Pay proposed language found on slide 48-49 of the March Charter Review Committee Meeting slide deck ([linked here](#)).

- The Charter Committee has already approved language changes under Section 2.18d of the Charter that conflict with the Councilmember Pay proposal.
- Section 2.18h can't set the councilmember salary, because salaries are set under the Vancouver Municipal Code (VMC).
- Section 2.18d allows the Salary Commission to go beyond the set increase, but the adjustment would need to go before the voters.
- The Charter Committee needs to determine whether salary increases should be in the hands of the voters, or the Salary Review Commission.

The subcommittee lead added the following context to the proposed language.

- The proposed language is the result of feedback received from both Councilmembers as well as community members.
- The Councilmember position is a leadership position and the time allotted to the position is based on ability and interest.
- Neither the Vancouver Charter nor peer city charters describe the Councilmember position as part time. Peer cities pay their Councilmembers significantly more than City of Vancouver.
- The intent is to look at comparable salaries to set the Vancouver City Council salary rate.
- The intent is to adjust Councilmember salaries beyond the CPI adjustment, while maintaining the current process of requiring a vote of the people.

Nena shared that she will meet with the Councilmember Pay subcommittee to discuss language edits.

Discussion

- A committee member shared appreciation for the subcommittee's work. They asked whether there is a potential to streamline the charger language to override existing language.

- Nena shared that the Salary Review Commission meets every two years and goes through the process in Section D. If they come up with a number above the two-year average that decision goes to the voters. She shared that there are other ways to change VMC, which is where the Councilmember salary is set.
- A committee member recommended including language that mentions equity and diversity as descriptors of quality candidates.

The Committee shared no opposition to continuing to develop the Councilmember Pay proposed amendment.

Districting

The subcommittee lead shared an update on the Districting subcommittee's work. They shared that the Districting subcommittee is recommending to district city council positions. The City of Vancouver is one of two first class cities (Richland being the other) that does not have districted positions in its city council. They added that school districts and the port have districts in their makeup. They shared that the Districting subcommittee began with the 2019 Charter Committee's recommendation and shared the following proposed update.

- Four districts, each with one council member
- Districted Council candidates run within their own district for both the primary and general elections
- Two city-wide councilmember seats elected city-wide
- Mayor position elected city-wide
- Establish a Districting Commission made up citizens who are not currently elected officials or candidates for office (precinct committee officers would be eligible)

The subcommittee lead shared that the goal of the proposal is to reduce barriers for a diverse group of candidates to run for council. They highlighted the traditional hurdle of funding a city-wide campaign and noted that there are representation deserts in Vancouver. The subcommittee shared an example of an event that lacked local councilmember attendance or representation.

Discussion

- A committee member shared that the subcommittee considered the Voting Rights Act presentation from the City Attorney and shared that districts may allow councilmembers to have more knowledge of the community they represent.
- A committee member shared that the two at-large positions were maintained to provide an opportunity for community members with more resources. They shared that they live on the Eastside, and they feel underrepresented.
- A committee member shared concern about the risks of districts and cited the reduced need based on the presentation shared by the City Attorney. They noted that the City of Vancouver is a small city and questioned whether districts are necessary. They closed by sharing concern that population densities will change in the next few years, and that it will be hard to anticipate where those densities will be.
- A committee member shared that districts could be implemented in the future, but that doing something is better than waiting and doing nothing.

The subcommittee Lead shared acknowledgement of the Committee member concerns. They shared that the first districted election would be held until the 2027 election cycle and noted that date could be changed. They added that the proposed Districting Commission would review the district boundaries as well as communicate with candidates and city staff.

- A committee member shared that the greatest increase in density will occur in the areas identified in the 10-Year Comprehensive Plan and that those areas are underrepresented by the city council.
- A committee member shared concern that the proposal might be rejected by the council and that the detailed nature of the proposal could increase that risk. They shared that it might be more effective to ask the council to start a work group or commission to focus on the topic of districting.
- A committee member shared that the districting committee created after the 2019 process was made up of council appointed members. They shared that the work was completed in less than a year. The committee member shared that if another committee is created there should be reasonable expectations set at the start of their process.

Ben shared that there will be an additional opportunity to discuss the districting proposal at the April meeting.

The Committee shared no opposition to continuing to develop the Districting proposed amendment.

PUBLIC COMMENT/COMMUNITY CONNECTIONS

Leah Perkel shared that gerrymandering is already happening in the City of Vancouver. They shared that there are underrepresented areas in Vancouver and that the previous districting committee didn't work. They shared their hope that the Charter Committee will continue to support the districting proposal.

Monica Zazueta shared their community involvement as well as the committees they served on. They shared that they receive three stipends and listed their work activities. They shared that they represent the diverse community of Vancouver and listed the costs facing a Vancouver resident. They advocated for higher pay for council members to avoid burnout in the position.

PREP FOR APRIL 15 COUNCIL WORKSHOP

Aaron shared that the Council Workshop is an opportunity to receive feedback on the proposed amendments. He highlighted an outline of the Council Memo and Presentation and shared that the subcommittees will be tasked with presenting their work to council. Aaron clarified that there will be an opportunity for Q&A and discussion after the presentation and that final proposals will be put forth in late May.

A committee member asked that the results of the Councilmember Pay subcommittee's questionnaire be circulated to the Charter Committee.

CLOSING REMARKS

Aaron thanked the committee members for their time. The meeting was adjourned.