

6/24/2019

RESOLUTION M- 4020

A RESOLUTION to submit to the voters of the City of Vancouver a proposal to amend Article X, Section 10.07; Article VII, Section 7.03; and Article XI, Sections 11.03 and 11.04 of the City Charter to remove inconsistencies and inapplicable language.

WHEREAS, a Charter Review Committee (“Committee”) was appointed by the City Council on December 3, 2018; and

WHEREAS, the Committee held eight meetings between January 24 and June 6, 2019, to review proposed amendments to the City Charter; and

WHEREAS, the Committee presented their recommendations to the City Council on June 17, 2019; and

WHEREAS, the City Council held a duly noticed hearing on the 24<sup>th</sup> day of June, 2019 and considered the recommendations of the Committee and voted to submit the proposed amendment to the Charter below to the voters.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. That the following amendments to Article X, Section 10.07, as last amended on November 2, 2004; Article VII, Section 7.03; and Article XI, Sections 11.03 and 11.04 of the City Charter, be submitted to the voters of the City of Vancouver:

(Proposed language to be deleted is shown by ~~strike through~~. Added language is shown by underline.)

## Article X

Section 10.07 Consideration by Council: Whenever the city council receives a certified initiative or referendum petition from the city clerk, it shall proceed at once to consider such petition. A proposed initiative ordinance or referred ordinance shall be given a first reading, and provision shall be made for publication, second reading and public hearing upon the proposed ordinance. The city council shall take final action on the ordinance not later than ~~sixty~~ thirty days after the date on which such ordinance was submitted to the city council by the city clerk. A referred ordinance shall be reconsidered by the city council and its final vote upon such reconsideration shall be upon the question: "Shall the ordinance specified in the referendum petition be repealed?"

(No changes to Section 10.08 but included to provide context)

Section 10.08 Submission to Registered Voters of the City: If the city council shall fail to pass an ordinance proposed by initiative petition or if the city council fails to repeal a referred ordinance within thirty days after the receipt thereof, the proposed or referred ordinance shall be submitted to the registered voters of the city at the next municipal general election provided such election shall occur ninety days or more after the city council takes its final vote thereon. If the city council shall pass a proposed initiative ordinance in a different form, it shall likewise submit the proposed ordinance in its original form, if, and only if, an additional petition signed by not less than five per centum of the number of votes cast at the last regular city election, requesting such submission, shall be circulated, signed, and filed in the same manner as the original petition and within ten days of the date of adoption of the amended ordinance. The city council may provide for a special election if, in its judgment, an emergency exists.

## Article VII

Section 7.03 Civil Service; Persons Excepted Therefrom: The city council may, by ordinance, establish a system of classified civil service for other employees of the city, excepting, however, the following:

- (1) Members of the city council;
- (2) The city manager, the city clerk, the city attorney, ~~police judges~~, municipal judge, and the directors of departments;
- (3) One principal assistant or deputy and one private secretary to each of the persons named in subdivision (2) of this section;
- (4) Members of boards and commissions in the city's service;
- (5) Persons employed to make or conduct a special inquiry investigation, examination, or installation, if the city council or city manager certifies that such employment is

temporary, and that the work should not be performed by employees in the classified service.

**Article XI**

Section 11.03 Practice of Law by Officials, When Permitted: Nothing contained in this charter shall prohibit the city attorney, ~~police judge~~, or municipal judge, if and to the extent permitted by state law, from engaging in the private practice of law, but they shall not seek nor accept any fee or reward for any of their official services nor seek nor accept any employment that would conflict with the discharge of their official duties; nor shall they be engaged as attorney for either party in any civil action or for a party to any criminal proceeding depending upon the same facts as such criminal proceeding. Provided, further, that the city council may at any time place the city attorney upon a full time basis.

Section 11.04 Investigations: The city council, or any person or committee authorized by the council ~~either of them~~, shall have power to inquire into the conduct of any office, department, agency, or officer of the city and to make investigations as to municipal affairs; and, for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence.

ADOPTED at regular session of the Council of the City of Vancouver, this 24th day of June, 2014.

Signed this 24th day of June, 2019.

DocuSigned by:  
*Anne McEnery-Ogle*  
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Anne McEnery-Ogle, Mayor

Attest:

DocuSigned by:  
*Carrie Lewellen*  
001359AB277E438...  
Natasha Ramras, City Clerk  
By: Carrie Lewellen, Deputy City Clerk

Approved as to form:

DocuSigned by:  
*E. Bronson Potter*  
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E. Bronson Potter, City Attorney

City of Vancouver  
Proposed Charter Amendment No. 7

Concerns miscellaneous changes to remove inconsistencies and inapplicable language

Amendment to Section 10.07 of the charter would confirm that the time frame for Council action on an ordinance proposed through initiative petition is thirty days, making it consistent with the same action in Section 10.08. In Section 7.03 and 11.03, the term “police judge” which is no longer in use would be removed. An amendment to Section 11.04 replaces the phrase “either of them” with “the city council”. The current language is confusing.

Should these amendments to the Charter be enacted?

Yes

No

**Explanatory statement:**

Current Law: Sections 10.07 and 10.08 set different timeframes for Council to take action on an ordinance proposed through initiative petition. Sections 7.03 and 11.03 use the outdated term *police judge*. Section 11.04, “Investigations” has confusing wording regarding authorization of investigations.

Result of passage: Section 10.07 will be amended to confirm that the time frame for council action on an ordinance proposed through initiative petition is thirty days. Section 7.03 and 11.03, will be amended to remove the term “police judge”. Section 11.04 will be amended to replace the phrase “either of them” with “the city council”.

**Full Text:**

ELIMINATING INCONSISTENCY IN THE TIME DURING WHICH COUNCIL MUST ADOPT OR REPEAL AN ORDINANCE SUBJECT TO REFERENDUM OR INITIATIVE

Section 10.07 Consideration by Council: Whenever the city council receives a certified initiative or referendum petition from the city clerk, it shall proceed at once to consider such petition. A proposed initiative ordinance or referred ordinance shall be given a first reading, and provision shall be made for publication, second reading and public hearing upon the proposed ordinance. The city council shall take final action on the ordinance not later than ~~sixty~~ thirty days after the date on which such ordinance was submitted to the city council by the city clerk. A referred ordinance shall be reconsidered by the city council and its final vote upon such reconsideration

shall be upon the question: "Shall the ordinance specified in the referendum petition be repealed?" (As amended by vote of the people on November 2, 2004)

(No changes to Section 10.08 but included to provide context)

Section 10.08 Submission to Registered Voters of the City: If the city council shall fail to pass an ordinance proposed by initiative petition or if the city council fails to repeal a referred ordinance within thirty days after the receipt thereof, the proposed or referred ordinance shall be submitted to the registered voters of the city at the next municipal general election provided such election shall occur ninety days or more after the city council takes its final vote thereon. If the city council shall pass a proposed initiative ordinance in a different form, it shall likewise submit the proposed ordinance in its original form, if, and only if, an additional petition signed by not less than five per centum of the number of votes cast at the last regular city election, requesting such submission, shall be circulated, signed, and filed in the same manner as the original petition and within ten days of the date of adoption of the amended ordinance. The city council may provide for a special election if, in its judgment, an emergency exists.

ELIMINATE "POLICE JUDGE".

Section 7.03 Civil Service; Persons Excepted Therefrom: The city council may, by ordinance, establish a system of classified civil service for other employees of the city, excepting, however, the following:

- (1) Members of the city council;
- (2) The city manager, the city clerk, the city attorney, ~~police judges~~, municipal judge, and the directors of departments;
- (3) One principal assistant or deputy and one private secretary to each of the persons named in subdivision (2) of this section;
- (4) Members of boards and commissions in the city's service;
- (5) Persons employed to make or conduct a special inquiry investigation, examination, or installation, if the city council or city manager certifies that such employment is temporary, and that the work should not be performed by employees in the classified service.

Section 11.03 Practice of Law by Officials, When Permitted: Nothing contained in this charter shall prohibit the city attorney, ~~police judge~~, or municipal judge, if and to the extent permitted by state law, from engaging in the private practice of law, but they shall not seek nor accept any fee

or reward for any of their official services nor seek nor accept any employment that would conflict with the discharge of their official duties; nor shall they be engaged as attorney for either party in any civil action or for a party to any criminal proceeding depending upon the same facts as such criminal proceeding. Provided, further, that the city council may at any time place the city attorney upon a full time basis.

#### CLARIFYING LANGUAGE ON COUNCIL INVESTIGATIONS

Section 11.04 Investigations: The city council, or any person or committee authorized by the council ~~either of them~~, shall have power to inquire into the conduct of any office, department, agency, or officer of the city and to make investigations as to municipal affairs; and, for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence.