

To: Climate Policy Commission

From: CPC Chair

Date: December 1, 2020

Re: CPC Voting

During the 11/12/20 CPC meeting voting ability was discussed in the context of the student members. Below are various emails that address this issue.

What action does the commission wish to take?

Some options are:

- Do nothing at this time. There are no student commissioners. Perhaps a change would stimulate interest.
- Recommend to council that council change the legal language establishing the commission structure. This adds to the work load of council, staff, and CPC. Does this recommendation have sufficient importance to prioritize it over other CPC recommendations to council or dilute the discussion between CPC and council? If so, what is the specific recommendation?

If the commission chooses to pursue this topic the chair proposes that specific commissioners be tasked to draft a specific recommendation to be brought forward at a future meeting.

Richard Barth 11/25/20 email to Stu Green

I took an action item at the 11/12/20 meeting to find out about student commissioner voting. I've since realized that the last time I took on this sort of process question I was told that I need to work through staff assigned to the commission. Thus this email and the following questions:

- Do people who fill the high school or SOU student commissioner positions have a vote under any circumstances?
- Can commission voting requirements be modified so that people on the commission of less than election voting age have a vote? 16 was mentioned as old enough.
- Once a high school or SOU commissioner reaches the age of 18 can they then vote?

The above questions apply to votes which cause a motion to pass or fail. Can the commission decide on its own to have advisory votes from student commissioners that do not impact motion success?

Stu Green 11/30/20 email to Richard Barth and Tonya Graham

I believe Tonya had a discussion with the City attorney about CPC composition and voting requirements. Below is the short answer as I understand it. Tonya, feel free to chime in.

- The way the charter is written only the 9 "regular" positions can vote and student positions can never vote.

- A student could be re-appointed to fill a regular position if they are over 18.
- The number of voting members can be changed by amendment.

I do not know if we can change the voting age to 16, but I will ask.

Tonya Graham 11/30/20 email to Stu Green and Richard Barth

I asked Dave several questions about this because I was sending out the announcements to SOU and AHS. I'll forward that email conversation to the both of you. I suggest we ask Council to make some changes to how this is structured for student commissioners - especially given the size of the task of this particular commission.

David Lohman email exchanges with Tonya Graham; edited for clarity

The relevant provision is immediately below in italics. My responses interpreting this provision are in brackets and red type inserted into your email.

The Climate Policy Commission shall consist of nine (9) voting members. The Climate Policy Commission shall strive to include at least (2) members who are 35 years old or younger at the time of appointment. Eight (8) of the members shall reside within the City, and one (1) member may be an at-large member living within the City's urban growth boundary. Either the Mayor or one (1) City Councilor shall serve on the Commission as a voting, non-ex-officio member and, upon appointment by the Mayor and confirmation by the City Council, may serve as Chair. One (1) City staff person shall serve on the Commission as a nonvoting, ex-officio member. The Commission may optionally include two (2) student members representing the Ashland School District or a university. Student members under the age of 18 shall serve as nonvoting, ex-officio members. Both voting and ex-officio members shall be appointed by the Mayor with confirmation by the City Council. AMC 2.27.010.

We are still trying to fill our two student positions for the CPC and it came up at the last meeting that the high school student isn't a voting member. Others thought that the college student couldn't vote either, but I couldn't remember. Can you clarify?

[Two points are clear: (1) The Commission can have no more than nine voting members; and (2) Student members under 18 can only be ex officio, non-voting members. The most cogent interpretation of AMC 2.27.010 regarding a student member over 18 is that such a student can be an official voting member, but only if the student fills one of the nine authorized voting seats on the Commission. That is, a student member – even one over the age of 18 – cannot cause the voting membership to exceed nine and therefore must be an ex officio, non-voting member if all nine voting seats are otherwise filled.]

Also, I understand I'm a regular commissioner now, but I think it would work better if I was a standard council liaison. Is that allowed in how we set up the commission? If so, can that open up another regular commission position?

[Since the Mayor or a Councilor shall serve as one of the nine voting members, your becoming a standard, non-voting Council Liaison would free up a vacancy that still would have to be filled by the Mayor or another Councilor – not by a “regular” non-elected person. (In my opinion, that would be a dubious outcome. Citizen advisory bodies generally are intended to provide balanced, independent advice, serving as a sounding board for elected officials -- as opposed to merely reflecting the views of particular elected officials. Increasing the number of Council members participating in an advisory body’s meetings can undermine its value as a provider of carefully-considered independent advice and risk turning it into just another advocacy group.)]

Thanks Dave. We are finding that we have too much work for the small number of councilors and there are questions about whether we should combine the two climate commissions into one. If we were to do that, could we have more than 9 voting members or is that baked into law somewhere else? I'm thinking if we change this "shall serve" bit for the councilor or mayor to a "may serve" if we make any other changes. Also, to be clear - the university student can vote, right?

1. By making ordinance changes, the two commissions could be combined. The new ordinance could establish the number of members: That number is not dictated elsewhere and is solely within the discretion of the Council. Council may even want to consider establishing minimum and maximum membership limits, as in the ordinance on the Tree Commission ("... consist of no less than five members nor more than seven voting members."). Of course, the Council will want to be wary of establishing a group so large as to be unwieldy or so large that numerous subcommittees (and associated requirements for public notice, minutes, meeting space, and staff support) become a practical necessity and substantial additional administrative burden.
2. The university student member can vote only if the student is one of the nine regular members. Stated differently, unless appointed to fill one of the nine allowable voting seats, the university student is necessarily a non-voting, ex officio member.

Thanks Dave. Is it possible to change it so that both student positions are voting positions unless the student is under 18 years old?

Nothing would prevent that ordinance amendment. Absent a further amendment as to the number of voting members, those two student votes would constitute two of the nine maximum votes.

Stu Green 12/1/20 email to Richard Barth and Tonya Graham

Below is a response from the City Attorney re: minimum voting age on commissions. It sounds like any departure from the current structure will require an ordinance amendment. He offered some potential language, which I think is helpful.

1. Through an ordinance amendment, student commission members who are 16 – or even 15 or 14 or 10 -- could be allowed to vote.

2. As noted in my responses to Councilor Graham, absent a further amendment to increase the number of voting members from the nine currently allowed, any 16-year-old voting member would have to take up one of the nine allowable seats.
3. This is not a legal consideration, but I wonder about the stability of a commission that could have perhaps 20% of its members rotating off every year or two as they move on to college or distant careers. Recruiting new student members is probably fairly easy right now; that could change.
4. One way to address the potential problems noted above would be to change the ordinance to say the commission "shall consist of no fewer than nine (9) voting members and no more than eleven (11) voting members." Then, final few sentences of revised AMC 2.27.010, could say something like, "Up to two (2) of the voting members may be students representing the Ashland School District or a university. Also, students, as well as other community members, may serve as nonvoting ex officio members. Both voting and ex-officio members shall be appointed by the Mayor with confirmation by the City Council. The primary staff liaison shall be appointed by the City Manager and shall serve as the Secretary of the Commission."
 - a. I see no reason to legislatively limit the number of ex officio members. The fact that ex officio members would have to be appointed by the Mayor and confirmed by the Council should keep the number within reasonable limits. It is also a way of spreading the workload without bogging down the decision-making.