
SENATE BILL 5041

State of Washington

54th Legislature

1995 Regular Session

By Senators Winsley, Haugen and McCaslin

Read first time 01/09/95. Referred to Committee on Government Operations.

1 AN ACT Relating to temporary absences in local elective offices;
2 amending RCW 35.18.020, 35.18.190, 35.23.191, 35.27.140, and 35.27.160;
3 and reenacting and amending RCW 35.23.101.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 35.18.020 and 1994 c 223 s 12 are each amended to read
6 as follows:

7 (1) The number of councilmembers in a city or town operating with
8 a council-manager plan of government shall be based upon the latest
9 population of the city or town that is determined by the office of
10 financial management as follows:

11 (a) A city or town having not more than two thousand inhabitants,
12 five councilmembers; and

13 (b) A city or town having more than two thousand, seven
14 councilmembers.

15 (2) Except for the initial staggering of terms, councilmembers
16 shall serve for four-year terms of office. All councilmembers shall
17 serve until their successors are elected and qualified and assume
18 office in accordance with RCW 29.04.170. Councilmembers may be elected
19 on a city-wide or town-wide basis, or from wards or districts, or any

1 combination of these alternatives. Candidates shall run for specific
2 positions. Wards or districts shall be redrawn as provided in chapter
3 29.70 RCW. Wards or districts shall be used as follows: (a) Only a
4 resident of the ward or district may be a candidate for, or hold office
5 as, a councilmember of the ward or district; and (b) only voters of the
6 ward or district may vote at a primary to nominate candidates for a
7 councilmember of the ward or district. Voters of the entire city or
8 town may vote at the general election to elect a councilmember of a
9 ward or district, unless the city or town had prior to January 1, 1994,
10 limited the voting in the general election for any or all council
11 positions to only voters residing within the ward or district
12 associated with the council positions. If a city or town had so
13 limited the voting in the general election to only voters residing
14 within the ward or district, then the city or town shall be authorized
15 to continue to do so.

16 (3) When a city or town has qualified for an increase in the number
17 of councilmembers from five to seven by virtue of the next succeeding
18 population determination made by the office of financial management,
19 two additional council positions shall be filled at the next municipal
20 general election with the person elected to one of the new council
21 positions receiving the greatest number of votes being elected for a
22 four-year term of office and the person elected to the other additional
23 council position being elected for a two-year term of office. The two
24 additional councilmembers shall assume office immediately when
25 qualified in accordance with RCW 29.01.135, but the term of office
26 shall be computed from the first day of January after the year in which
27 they are elected. Their successors shall be elected to four-year terms
28 of office.

29 Prior to the election of the two new councilmembers, the city or
30 town council shall fill the additional positions by appointment not
31 later than forty-five days following the release of the population
32 determination, and each appointee shall hold office only until the new
33 position is filled by election.

34 (4) When a city or town has qualified for a decrease in the number
35 of councilmembers from seven to five by virtue of the next succeeding
36 population determination made by the office of financial management,
37 two council positions shall be eliminated at the next municipal general
38 election if four council positions normally would be filled at that
39 election, or one council position shall be eliminated at each of the

1 next two succeeding municipal general elections if three council
2 positions normally would be filled at the first municipal general
3 election after the population determination. The council shall by
4 ordinance indicate which, if any, of the remaining positions shall be
5 elected at-large or from wards or districts.

6 (5) Vacancies on a council shall occur and shall be filled as
7 provided in chapter 42.12 RCW. In the event of the extended excused
8 absence or disability of a councilmember, the remaining members by
9 majority vote may appoint a councilmember pro tempore to serve during
10 the absence or disability.

11 **Sec. 2.** RCW 35.18.190 and 1969 c 101 s 1 are each amended to read
12 as follows:

13 Biennially at the first meeting of the new council the members
14 thereof shall choose a ((~~chairman~~)) chair from among their number who
15 shall have the title of mayor. In addition to the powers conferred
16 upon him or her as mayor, he or she shall continue to have all the
17 rights, privileges and immunities of a member of the council. If a
18 vacancy occurs in the office of mayor, the members of the council at
19 their next regular meeting shall select a mayor from among their number
20 for the unexpired term.

21 The council may, as the need may arise, appoint any qualified
22 person to serve as mayor pro tempore in the event of an extended
23 excused absence or temporary disability of the mayor.

24 **Sec. 3.** RCW 35.23.101 and 1994 c 223 s 19 and 1994 c 81 s 38 are
25 each reenacted and amended to read as follows:

26 The council of a second class city may declare a council position
27 vacant if the councilmember is absent for three consecutive regular
28 meetings without permission of the council. In addition, a vacancy in
29 an elective office shall occur and shall be filled as provided in
30 chapter 42.12 RCW.

31 Vacancies in the city council or in the office of mayor shall be
32 filled by majority vote of the council. Vacancies in offices other
33 than that of mayor or city councilmember shall be filled by appointment
34 of the mayor.

35 If there is a temporary vacancy in an appointive office due to
36 illness, absence from the city or other temporary inability to act, the

1 mayor may appoint a temporary appointee to exercise the duties of the
2 office until the temporary disability of the incumbent is removed.

3 In the event of the extended excused absence or disability of a
4 councilmember, the remaining members by majority vote may appoint a
5 councilmember pro tempore to serve during the absence or disability.

6 **Sec. 4.** RCW 35.23.191 and 1994 c 81 s 41 are each amended to read
7 as follows:

8 The members of the city council, at their first meeting each
9 calendar year and thereafter whenever a vacancy occurs in the office of
10 mayor pro tempore, shall elect from among their number a mayor pro
11 tempore, who shall hold office at the pleasure of the council and in
12 case of the absence of the mayor, perform the duties of mayor except
13 that he or she shall not have the power to appoint or remove any
14 officer or to veto any ordinance. If a vacancy occurs in the office of
15 mayor, the city council at their next regular meeting shall elect from
16 among their number a mayor, who shall serve until a mayor is elected
17 and certified at the next municipal election.

18 The council may, as the need may arise, appoint any qualified
19 person to serve as mayor pro tempore in the absence or temporary
20 disability of the mayor.

21 The mayor and the mayor pro tempore shall have power to administer
22 oaths and affirmations, take affidavits and certify them. The mayor or
23 the mayor pro tempore when acting as mayor, shall sign all conveyances
24 made by the city and all instruments which require the seal of the
25 city.

26 **Sec. 5.** RCW 35.27.140 and 1994 c 223 s 22 are each amended to read
27 as follows:

28 The council of a town may declare a council position vacant if that
29 councilmember is absent from the town for three consecutive council
30 meetings without the permission of the council. In addition, a vacancy
31 in an elective office shall occur and shall be filled as provided in
32 chapter 42.12 RCW.

33 In the event of the extended excused absence or disability of a
34 councilmember, the remaining members by majority vote may appoint a
35 councilmember pro tempore to serve during the absence or disability.

36 A vacancy in any other office shall be filled by appointment by the
37 mayor.

1 **Sec. 6.** RCW 35.27.160 and 1988 c 196 s 1 are each amended to read
2 as follows:

3 The mayor shall preside over all meetings of the council at which
4 he or she is present. ((A)) The council may, as the need may arise,
5 appoint any qualified person to serve as mayor pro tempore ((~~may be~~
6 ~~chosen by the council for a specified period of time, not to exceed six~~
7 ~~months, to act as the mayor~~)) in the absence or temporary disability of
8 the mayor. The mayor shall sign all warrants drawn on the treasurer
9 and shall sign all written contracts entered into by the town. The
10 mayor may administer oaths and affirmations, and take affidavits and
11 certify them. The mayor shall sign all conveyances made by the town
12 and all instruments which require the seal of the town.

13 The mayor is authorized to acknowledge the execution of all
14 instruments executed by the town which require acknowledgment.

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