

HOUSE BILL REPORT

HB 1391

As Passed House:

January 28, 2008

Title: An act relating to filling vacancies in the office of mayor.

Brief Description: Clarifying that councilmembers are eligible to be appointed to the office of mayor.

Sponsors: By Representatives Eddy, Ross, Curtis, Jarrett, Morrell and B. Sullivan.

Brief History:

Committee Activity:

Local Government: 1/30/07, 2/6/07 [DP].

Floor Activity:

Passed House: 2/23/07, 93-0.

Floor Activity:

Passed House: 1/28/08, 93-0.

Brief Summary of Bill

- Allows incumbent council members of cities or towns to fill, by appointment, a vacancy in the office of mayor.
- Allows city councils of second class cities to appoint a person outside of the council to fill a vacancy in the office of mayor.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Simpson, Chair; Eddy, Vice Chair; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross, B. Sullivan and Takko.

Staff: Ethan Moreno (786-7386).

Background:

Forms of Government & City Classification

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Cities and towns in Washington are classified by the estimated total population at the time of organization, incorporation, or reorganization of an area. Four classes of municipal government exist under Washington law. These include: first class cities; second class cities; towns; and optional municipal code cities.

Municipalities accordingly determine the form of government by which administrative, legislative, and policy procedures are carried out. The forms of government found in Washington include:

- **Mayor-Council:** The policy and administrative duties of a mayor-council form of government remain separate from each other. Legislative and policy-making powers are vested in the city council, while administrative authority is vested in the mayor. Mayors also possess veto power in first class cities, second class cities, and code cities.
- **Council-Manager:** Legislative and policy-making powers of a council-manager form of government are vested in the city council. A city manager is appointed as the head of the administrative branch of city government and carries out the policies and plans developed by the council. A mayor is selected by the city council from either among its members or by election.
- **Commission:** Executive and legislative authority in a commission form of government is combined into one elected body. Commissioners are authorized to determine the powers and duties of all officers and employees of each department by ordinance. Each commissioner administers a department, including the mayor, and only possesses administrative authority over their respective department.

Vacancies

Washington statute contains procedures for filling elected or appointed officials' vacancies. The procedures vary depending on whether the position is in a nonpartisan or elective partisan office, the classification of the city or town, and the form of government utilized by the jurisdiction.

Members of a city council in a mayor-council form of government must elect at their first meeting of the year, or whenever a vacancy occurs, a mayor pro tempore amongst them. The pro tem mayor performs the duty of mayor during periods of approved absence or illness of the mayor. The pro tem mayor may not appoint or remove any officer or veto any ordinances.

Vacancies in an elected office are filled according to procedures and requirements determined by the classification of city. A vacancy in a nonpartisan office of a town or code city must be filled by a temporary appointment of a "qualified person" by the city council. Vacancies in the office of mayor in a second class city must be filled by an elected member of the city council. The procedures governing the appointment to a vacant position specify that each person who is appointed by a council may only serve until the next possible election. Following the election, the person receiving the greatest number of votes is elected to immediately take office and serve the remainder of the unexpired term.

Summary of Bill:

The city council of a second class city, town, or code city must appoint a qualified person to fill a vacancy in the office of the mayor until the next municipal election may be held. Incumbent members of the council are also eligible to be appointed to fill a vacancy. Council members of second class cities are no longer required to fill a vacancy for mayor from only amongst themselves.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This is a finding by the state auditor. Mayor-council forms of government have been operating this way for years. The auditor has decided under current law that council members have to resign from their position in order to fill a vacancy. This is a simple change that allows mayors to be eligible without resigning their position.

(Opposed) None.

Persons Testifying: Victoria Lincoln, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.