

FINAL BILL REPORT

HB 1391

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Synopsis as Enacted

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.

House Committee on Local Government

Senate Committee on Government Operations & Elections

Background:

Forms of Government and City Classification.

Cities and towns in Washington are classified by the estimated total population at the time of organization, incorporation, or reorganization. Four classifications of municipal government exist in statute: first class cities; second class cities; towns; and optional municipal code cities (code cities).

Municipalities determine the form of government by which administrative, legislative, and policy actions within their jurisdiction are implemented. The municipal 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 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 are 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 his or her respective department.

Vacancies.

Statute governs the procedures for filling elected or appointed officials' vacancies. The procedures vary depending on whether the elective position is in a nonpartisan or partisan office, the classification of the city or town, and the form of government utilized by the jurisdiction. Statutory provisions directing the filling of mayoral vacancies in the following do not authorize the appointment of incumbent councilmembers:

- second class cities;
- second class cities operating under a mayor-council form of government;
- towns; and
- code cities operating under a mayor-council form of government.

Statute also governs procedures for filling vacant mayor pro tempore and mayor positions in second class cities. The members of the city council of a second class city must, at its first meeting each calendar year and whenever a vacancy occurs in the office of mayor pro tempore, elect from among their number a mayor pro tempore. Additionally, if a vacancy occurs in the office of mayor, the city council at its next regular meeting must elect from among their number a mayor who serves until a mayor is elected and certified at the next municipal election.

Summary:

Statutory provisions directing the filling of mayoral vacancies in the following are modified to allow the appointment of incumbent councilmembers:

- second class cities;
- second class cities operating under a mayor-council form of government;
- towns; and
- code cities operating under a mayor-council form of government.

A requirement is deleted obligating councils of second class cities to, at the first regular meeting following a vacancy in the office of mayor, appoint a councilmember to fill a vacancy.

Votes on Final Passage:

House	93	0
House	93	0
Senate	49	0

Effective: June 12, 2008