

M E M O R A N D U M

TO: Pete Capell, City Administrator
FROM: Shawn R. MacPherson
DATE: May 16, 2018
RE: Council/Manager Form of Government

This memorandum is intended to provide a general outline of the procedures for the City to adopt a resolution to submit to the voters a proposition as to whether to abandon the Council/Mayor form of government and adopt the Council/Manager form of government. I have attached to this memorandum the form of Resolution which could be utilized by the City Council in this regard. I will also address the procedures by which the City Council, under RCW 35A.13.033, may by resolution place before the voters the proposition to allow for a city wide election of the chair who, under RCW 35A.13.030, has the title of Mayor. Finally, I also briefly touch on the adopting ordinances which will be necessary to revise city code and other changes which will need to be addressed if the proposition is adopted at the general election this fall.

As to the procedures for a change in the form of government, RCW 35A.06.040 allows for the issue to be presented to the voters either by presentation of a petition with the County Auditor by 10% of the registered voters or upon the adoption of a resolution by the legislative body of a non-charter code city. The City Council in this case will be presented with the form of resolution which is attached. The City of Camas has acted as a non-charter code city for more than six consecutive years and is therefore authorized under RCW 35A.06.030 to adopt a change in the form of government in this manner. If approved by the voters, the City Council members will serve out the remainder of the terms and the Mayor at that point would serve as a council member for the remainder of his term. I would note that there is no intent to change the City's classification as non-charter code city governed by RCW Chapter 35A, the optional municipal code.

The second issue relates to how you designate an elected mayor. The statute relates under RCW 35A.13.030 that the new council chooses a chair, unless the chair is elected pursuant to RCW 35A.13.033. RCW 35A.13.033 indicates that the city council of a Council/Manager City may by resolution place before the voters a proposition to designate the person elected to "council position one" as the chair.

The intent in the City of Camas is for the "at large" position to be the position up for a vote to be

elected as the chair. The statute relates only to “council position one”, so therefore the city has to establish a “council position one” in the City of Camas as the at large position, while maintaining the other wards.

The sequence would then be as follows:

- Adopt the resolution placing this issue on the ballot for the fall general election changing to a Council/Manager form of government, and abandoning the Council/Mayor form of government. If the election is in the affirmative, then the change would be effective as of the certification of the election.
- At the first meeting in December following the election the Council would be asked to adopt an ordinance which formally revises the City Code. Please see the attached.
- There would need to be other accompanying ordinance changes which could be addressed following the election. These would include revisions to Chapter 2.04 and in particular Chapter 2.06 as any reference to “City Administrator” within the code would need to be changed to “City Manager”. Further, any reference to powers reserved by the Mayor would need to be revised to “City Manager”.
- In order to create “Council Position One” Section 2.04.010 would be revised to reflect in the first sentence the following: “There should be elected as members of the City Council, two persons from each ward, and one person at large which position shall be designated as Council Position One; provided, however, election to a position to the city council should be by vote from the City at-large.”
- After the adoption of the ordinance which establishes “Council Position One” the Council would adopt a Resolution under RCW 35A.13.033 to place on the ballot in a February special election the proposition that designates the person elected to Council Position One as the chair of the council.
- In the event in the February election the Resolution to designate the person elected to Council Position One as the chair of the Council passes then I would include a new section under Chapter 2.04 which generally describes their duties in reference to RCW 35A.13.030 for clarification.

An issue which is worth discussion concerns the provisions of RCW 35A.13.030 which relates that at the first meeting of the “new Council” the members shall chose a chair. In our case, there will be an existing mayor, and RCW 35A.06.030 clearly states that the existing mayor converts to a sitting council member upon the change in the form of government. The statute does not clarify whether the “mayor” automatically becomes the new chair, so we would have to go through the process under RCW 35A.13.030 to technically appoint a new chair in the interim.

Please contact me if you have any questions.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMAS, WASHINGTON Providing for the submission to the voters of the City, at the general election to be held on November 6, 2018, of a proposition whether the City should adopt the Council/Manager form of government and abandon the Council/Mayor form of government; and requesting the Clark County Auditor to conduct that election on November 6, 2018.

WHEREAS, RCW Chapter 35A.06 authorizes a non-charter code city such as Camas to abandon its plan of government and reorganize under another plan of government, and to pass a resolution requesting that a proposition be submitted to the qualified voters within the City whether the City should abandon its current form of government and reorganize under another plan of government; and

WHEREAS, the City Council had determined that the best interests and general welfare of the City would be served by submitting to the qualified voters in the City the proposition whether the City should adopt the Council/Manager form of government and abandon the Council/Mayor form of government;

WHEREAS, the City of Camas has operated under its current form of government for more than six consecutive years;

WHEREAS, the City Council desires that the proposition be considered at the general election in the City to be held on November 6, 2018 for the purpose of submitting to the qualified voters of the City the proposition whether the City should adopt the Council/Manager form of government and abandon the Council/Mayor form of government;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CAMAS, WASHINGTON DOES RESOLVE AS FOLLOWS:

Section 1. In accordance with RCW 35A.06.040 and .050, RCW 29A.04.330 and other applicable state law, the City Council of the City of Camas hereby requests and calls for the Clark County Auditor to conduct and hold an election on November 6, 2018 in the City of Camas for the purposes of submitting to the qualified voters of the City the proposition whether the City should adopt the Council/Manager form of government and abandon the Council/Mayor form of government.

Section 2. The proposition to be submitted at the general election on November 6, 2018 shall be substantially in the form of a ballot title prepared by the City Attorney and to read as follows:

CITY OF CAMAS

PROPOSITION NO.

WHETHER TO ADOPT THE COUNCIL/MANAGER FORM OF GOVERNMENT
WITHIN THE CITY OF CAMAS

Shall the City of Camas Adopt The Council/Manager Form of Government And
Abandon The Council/Mayor Form Of Government?

Yes.....

No.....

The City Attorney is authorized and directed to make such revisions in the
statement of the Proposition as required by the Clark County Auditor and the
Prosecuting Attorney for Clark County.

Section 3. The City Clerk is authorized and directed to file a certified
copy of this Resolution with Clark County Auditor on or before _____,
2018

Section 4. The City Attorney is authorized to take such additional steps
required to cause the election on the proposition to occur.

Section 5. If any section, sentence, clause or phrase of this resolution
should be held to be invalid or unconstitutional by a court of competent
jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
constitutionality of any other section, sentence, clause or phrase of this resolution.

PASSED by the Council of the City of Camas and approved by the Mayor this
____ day of _____, 2018.

SIGNED: _____
Mayor

ATTEST: _____
Clerk

APPROVED as to form:

City Attorney

ORDINANCE NO.

AN ORDINANCE of the City of Camas, Washington, relating to the form of municipal government; adopting the Council/Manager form of government; and amending Section 1.08.020 of the Camas Municipal Code.

WHEREAS, RCW Chapter 35A.06 authorizes a non-chartered code city to abandon its plan of government and reorganize under a new plan of government, and to pass a resolution requesting that a proposition be submitted to the qualified voters within the City of Camas to decide whether the City should abandon its form of government and reorganize under another plan of government; and

WHEREAS, the City Council determined that the best interest and general welfare of the City would be served by submitting to the qualified voters in the City the proposition of whether the City should adopt the Council/Manager form of government and abandon the Council/Mayor form of government; and

WHEREAS, the City Council passed Resolution No. _____ requesting that the Clark County Auditor at the general election on November 6, 2018, submit to the qualified voters of the City the proposition of whether the City should adopt the Council/Manager form of government and abandon the Council/Mayor form of government; and

WHEREAS, on November 6, 2018, a majority of the voters participating in said general election voted in favor of adopting the Council/manager form of government and abandoning the Council/Mayor form of government;

WHEREAS, the City Council desires to amend Camas Municipal Code Section 1.08.020 to reflect said change in the form of government of the City of Camas;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CAMAS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 1.08.020 of the Camas Municipal Code is hereby amended to read as follows:

1.08.020 Plan of Government

Pursuant to an election held on November 6, 2018, in accordance with RCW 35A.06.040, 35A.06.050, 29.04.330 and other applicable law, the results of which were certified by the Clark County Auditor on _____, the City adopted the Council/Manager form of government as set forth in RCW Chapter 35A.13, endowed with all the applicable right, powers, privileges, duties and obligations of non-charter code cities as set forth in RCW Title 35A as the same now exists including, but not by way of limitation, those set forth in RCW Chapter 35A.11, and further including any and all supplements, amendments or other modifications of said RCW Title 35A which may hereafter be enacted.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication as provided by law.

PASSED by the City Council this _____ of _____, 2018

SIGNED: _____

Mayor

ATTEST: _____

Clerk

APPROVED as to form:

City Attorney