

**Medina City Council
Management Transition Plan
Phase 2
Engagement of Regular City Manager**

Presentation and Discussion

January 21, 2022

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Statutory Requirements; Options; Timing

Council Appointment. The Council – Manager form of government used by Medina is authorized by RCW Chapter 35A.13. The City Council is required to select and appoint the City Manager by RCW 35A.13.010:

RCW 35A.13.010 City Officers—Size of Council

The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city.

Selection Criteria. State law prescribes several ability and qualification criteria applicable to the Council's selection of a city manager. The following statutes are the most comprehensive statements:

RCW 35A.13.050 City manager—Qualifications

The city manager need not be a resident at the time of his or her appointment, but shall reside in the code city after his or her appointment unless such residence is waived by the council. He or she shall be chosen by the council solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in, or his or her knowledge of, accepted practice in respect to the duties of his or her office. No person elected to membership on the council shall be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he or she was elected.

RCW 35A.13.060 City manager may serve two or more cities

Whether the city manager shall devote his or her full time to the affairs of one code city shall be determined by the council. A city manager may serve two or more cities in that capacity at the same time.

RCW 35A.13.070 City manager—Bond and oath

Before entering upon the duties of his or her office the city manager shall take an oath or affirmation for the faithful performance of his or her duties and shall execute and file with the clerk of the council a bond in favor of the code city in such sum as may be fixed by the council. The premium on such bond shall be paid by the city.

Because the selection criteria are limited, it is useful to understand the statutory function and authority of city managers. There are numerous statutes describing that (and describing the interaction of and relative authority between city managers and city councils); the following is one fairly comprehensive example of the former:

RCW 35A.13.080 City manager—Powers and duties

The powers and duties of the city manager shall be:

- (1) To have general supervision over the administrative affairs of the code city;
- (2) To appoint and remove at any time all department heads, officers, and employees of the code city, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: PROVIDED, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of a city planning commission, and other advisory citizens' committees, commissions, and boards advisory to the city council: PROVIDED FURTHER, That if the municipal judge of the code city is appointed, such appointment shall be made by the city manager subject to confirmation by the council, for a four year term. The council may cause an audit to be made of any department or office of the code city government and may select the persons to make it, without the advice or consent of the city manager;
- (3) To attend all meetings of the council at which his or her attendance may be required by that body;
- (4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;
- (5) To recommend for adoption by the council such measures as he or she may deem necessary or expedient;
- (6) To prepare and submit to the council such reports as may be required by that body or as he or she may deem it advisable to submit;
- (7) To keep the council fully advised of the financial condition of the code city and its future needs;
- (8) To prepare and submit to the council a proposed budget for the fiscal year, as required by chapter 35A.33 RCW, and to be responsible for its administration upon adoption;
- (9) To perform such other duties as the council may determine by ordinance or resolution.

The Council Rules and Guidelines (Chapter 8) provide some basic guidelines concerning city manager functions and council-manager interactions, giving insight to criteria that could be used in selecting a city manager. We will look specifically at Council – Manager interactions in a later presentation.

Council Process. The selection process is not prescribed by state law, leaving it to Council discretion and adopted procedures. Meeting procedures that apply to the decision are located at MMC Chapter 2.04, and in the Council Rules and Guidelines Chapter 5 (Meeting Procedures).

There are many options for a selection process, ranging from a wholly in-house do-it-yourself approach to a full-meal-deal professional search firm. The choice rests with the Council, and may take into consideration the makeup of the Council and its internal capabilities, size and needs of the City, available staff capabilities, complexity of City functions, budget allowances, etc. Here are two common approaches:

Professional Search Company. Engage a professional search company to handle some of, the majority of, or all of the work needed to determine a city manager profile (often including initial presentations to and interviews with Councilmembers to identify goals, needs, functions, desires, etc.), prepare materials and advertise for the position, identify candidates through previous work and advertisement responses, verify and evaluate credentials, interview and winnow candidates, assist Council in final selection, and negotiate or assist

with contract terms. Depending on the scope of the services, costs easily range to several tens of thousands of dollars.

Facilitator. Identify a professional or semi-professional person knowledgeable in regional public affairs and officials who can advise the Council on the various functions described above (and who may have immediate suggestions) and/or is willing to work with Council and City Staff to identify candidates and assist with the recruiting, evaluation and selection process.

Timing. There is no deadline in state law for making a city manager appointment. In Medina's current situation, Council appointed Police Chief Steve Burns to serve as Interim City Manager when Michael Sauerwein left, per RCW 35A.13.150 ("The council may designate a qualified administrative officer of the city or town to perform the duties of manager ... [d]uring the absence ... of the manager."). The appointment provides that Steve's "appointment as Interim City Manager will remain in effect until the City Council selects and appoints a regular city manager, and is subject to the terms and requirements of RCW Chapter 35A.13", and further provides that Steve's salary "may be increased while serving as the Interim City Manager in an amount to be set by the City Council in the first quarter of 2022"

Given these facts, the Council should not feel pressured to immediately commence a formal city manager search (though the Council could certainly choose to do so). Rather, because Steve has stated his desire to be appointed as the regular city manager for Medina, the Council could choose to work with Steve for a period of time and use that opportunity to evaluate his suitability for the regular position in light of the criteria discussed above.

Next Steps. This topic will be carried forward on future Council agendas in order to facilitate Council's ongoing discussions, review of the situation, evaluation of the City's needs, and Council actions.

I look forward to discussing the foregoing information with the Council at its January 24th meeting, and will be happy to address questions, concerns, ideas, comments, and alternatives.

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