
SENATE BILL 5133

State of Washington

54th Legislature

1995 Regular Session

By Senator Fairley

Read first time 01/12/95. Referred to Committee on Government Operations.

1 AN ACT Relating to city and town council meetings; and amending RCW
2 35.23.201, 35.23.810, 35.23.840, 35.23.845, 35.27.160, 35.27.280,
3 35A.12.100, and 35A.12.110.

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

5 **Sec. 1.** RCW 35.23.201 and 1994 c 81 s 42 are each amended to read
6 as follows:

7 (1) All meetings of the council shall be presided over by the
8 mayor, or by the council chair if the council has provided for the
9 office of council chair under subsection (2) of this section, or, in
10 the mayor's or council chair's absence, by the mayor pro tempore. If
11 the mayor presides over council meetings, the mayor shall have a vote
12 only in the case of a tie in the votes of the councilmembers. If the
13 clerk is absent from a council meeting, the mayor or mayor pro tempore
14 shall appoint one of the members of the council as clerk pro tempore.
15 The appointment of a councilmember as council chair, mayor pro tempore,
16 or clerk pro tempore shall not in any way abridge the councilmember's
17 right to vote upon all questions coming before the council.

18 (2) The members of the council may by ordinance elect to have
19 council meetings presided over by a council chair. If the election is

1 made, the members of the council at their first meeting each calendar
2 year and thereafter whenever a vacancy occurs in the office of council
3 chair shall elect from among their number a council chair who shall
4 hold office at the pleasure of the council.

5 (3) The clerk shall keep a correct journal of all proceedings and
6 at the desire of any member the ayes and noes shall be taken on any
7 question and entered in the journal.

8 **Sec. 2.** RCW 35.23.810 and 1994 c 81 s 26 are each amended to read
9 as follows:

10 In a city initially classified as a second class city prior to
11 January 1, 1993, that retained its second class city plan of government
12 when the city reorganized as a noncharter code city, the mayor shall be
13 the chief executive officer of the city and shall:

14 (1) Have general supervision over the several departments of the
15 city government and over all its interests;

16 (2) Preside over the city council when present except when the
17 council has provided for the office of council chair;

18 (3) Once in three months, submit a general statement of the
19 condition of the various departments and recommend to the city council
20 such measures as the mayor deems expedient for the public health or
21 improvement of the city, its finances or government; and

22 (4) Countersign all warrants and licenses, deeds, leases and
23 contracts requiring signature issued under and by authority of the
24 city.

25 If there is a vacancy in the office of mayor or the mayor is absent
26 from the city, or is unable from any cause to discharge the duties of
27 the office, the president of the council shall act as mayor, exercise
28 all the powers and be subject to all the duties of the mayor.

29 **Sec. 3.** RCW 35.23.840 and 1994 c 81 s 32 are each amended to read
30 as follows:

31 (1) In a city initially classified as a second class city prior to
32 January 1, 1993, that retained its second class city plan of government
33 when the city reorganized as a noncharter code city, the mayor and
34 twelve councilmembers shall constitute the city council. At the first
35 council meeting in each calendar year, the city council shall elect one
36 of their own body to serve as president of the council.

1 The mayor shall preside at all meetings at which the mayor is
2 present except when the council has provided for the office of council
3 chair under subsection (2) of this section. In the absence of the
4 mayor or council chair, the president of the council shall preside. In
5 the absence of both the mayor or council chair and the president of the
6 council, the council may elect a president pro tempore from its own
7 body. The president pro tempore shall have all the powers of the
8 president of the council during the session of the council at which the
9 president pro tempore is presiding.

10 (2) The members of the council may by ordinance elect to have
11 council meetings presided over by a council chair. If the election is
12 made, the members of the council at their first meeting each calendar
13 year and thereafter whenever a vacancy occurs in the office of council
14 chair shall elect from among their number a council chair who shall
15 hold office at the pleasure of the council.

16 **Sec. 4.** RCW 35.23.845 and 1994 c 81 s 33 are each amended to read
17 as follows:

18 In a city initially classified as a second class city prior to
19 January 1, 1993, that retained its second class city plan of government
20 when the city reorganized as a noncharter code city, if the mayor
21 presides over council meetings, the mayor shall have a vote only in the
22 case of a tie in the votes of the councilmembers. The council chair,
23 president of the council while presiding, or the president pro tempore
24 shall have the right to vote upon all questions coming before the
25 council.

26 A majority of all the members elected shall be necessary to pass
27 any ordinance appropriating for any purpose the sum of five hundred
28 dollars or upwards or any ordinance imposing any assessment, tax, or
29 license or in any wise increasing or diminishing the city revenue.

30 **Sec. 5.** RCW 35.27.160 and 1988 c 196 s 1 are each amended to read
31 as follows:

32 The mayor shall preside over all meetings of the council at which
33 he or she is present except when the council has provided for the
34 office of council chair. A mayor pro tempore may be chosen by the
35 council for a specified period of time, not to exceed six months, to
36 act as the mayor in the absence of the mayor. The mayor shall sign all
37 warrants drawn on the treasurer and shall sign all written contracts

1 entered into by the town. The mayor may administer oaths and
2 affirmations, and take affidavits and certify them. The mayor shall
3 sign all conveyances made by the town and all instruments which require
4 the seal of the town.

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

7 **Sec. 6.** RCW 35.27.280 and 1965 c 107 s 2 are each amended to read
8 as follows:

9 A majority of the (~~councilmen~~) councilmembers shall constitute a
10 quorum for the transaction of business, but a lesser number may adjourn
11 from time to time and may compel the attendance of absent members in
12 such manner and under such penalties as may be prescribed by ordinance.

13 The mayor shall preside at all meetings of the council except when
14 the council has provided for the office of council chair under
15 subsection (2) of this section. If the mayor presides over council
16 meetings, the mayor shall have a vote only in case of a tie in the
17 votes of the (~~councilmen~~) councilmembers. In the absence of the
18 mayor or council chair the council may appoint a president pro tempore;
19 in the absence of the clerk, the mayor or council chair or president
20 pro tempore(~~(7)~~) shall appoint one of the councilmembers as clerk pro
21 tempore. The council may establish rules for the conduct of its
22 proceedings and punish any members or other person for disorderly
23 behavior at any meeting. At the desire of any member, the ayes and
24 noes shall be taken on any question and entered in the journal.

25 **Sec. 7.** RCW 35A.12.100 and 1979 ex.s. c 18 s 22 are each amended
26 to read as follows:

27 The mayor shall be the chief executive and administrative officer
28 of the city, in charge of all departments and employees, with authority
29 to designate assistants and department heads. The mayor may appoint
30 and remove a chief administrative officer or assistant administrative
31 officer, if so provided by ordinance or charter. He or she shall see
32 that all laws and ordinances are faithfully enforced and that law and
33 order is maintained in the city, and shall have general supervision of
34 the administration of city government and all city interests. All
35 official bonds and bonds of contractors with the city shall be
36 submitted to the mayor or such person as he may designate for approval
37 or disapproval. He or she shall see that all contracts and agreements

1 made with the city or for its use and benefit are faithfully kept and
2 performed, and to this end he or she may cause any legal proceedings to
3 be instituted and prosecuted in the name of the city, subject to
4 approval by majority vote of all members of the council.

5 The mayor shall preside over all meetings of the city council(~~(7)~~)
6 when present, (~~but~~) except when the council has provided for the
7 office of council chair. If the mayor presides over council meetings,
8 he or she shall have a vote only in the case of a tie in the votes of
9 the (~~councilmen~~) councilmembers with respect to matters other than
10 the passage of any ordinance, grant, or revocation of franchise or
11 license, or any resolution for the payment of money. He or she shall
12 report to the council concerning the affairs of the city and its
13 financial and other needs, and shall make recommendations for council
14 consideration and action. He or she shall prepare and submit to the
15 council a proposed budget, as required by chapter 35A.33 RCW. The
16 mayor shall have the power to veto ordinances passed by the council and
17 submitted to him or her as provided in RCW 35A.12.130 but such veto may
18 be overridden by the vote of a majority of all councilmembers plus one
19 more vote. The mayor shall be the official and ceremonial head of the
20 city and shall represent the city on ceremonial occasions, except that
21 when illness or other duties prevent the mayor's attendance at an
22 official function and no mayor pro tempore has been appointed by the
23 council, a member of the council or some other suitable person may be
24 designated by the mayor to represent the city on such occasion.

25 **Sec. 8.** RCW 35A.12.110 and 1993 c 199 s 3 are each amended to read
26 as follows:

27 (1) The city council and mayor shall meet regularly, at least once
28 a month, at a place and at such times as may be designated by the city
29 council. All final actions on resolutions and ordinances must take
30 place within the corporate limits of the city. Special meetings may be
31 called by the mayor or any three members of the council by written
32 notice delivered to each member of the council at least twenty-four
33 hours before the time specified for the proposed meeting. All actions
34 that have heretofore been taken at special council meetings held
35 pursuant to this section, but for which the number of hours of notice
36 given has been at variance with requirements of RCW 42.30.080, are
37 hereby validated. All council meetings shall be open to the public
38 except as permitted by chapter 42.30 RCW. No ordinance or resolution

1 shall be passed, or contract let or entered into, or bill for the
2 payment of money allowed at any meeting not open to the public, nor at
3 any public meeting the date of which is not fixed by ordinance,
4 resolution, or rule, unless public notice of such meeting has been
5 given by such notice to each local newspaper of general circulation and
6 to each local radio or television station, as provided in RCW 42.30.080
7 as now or hereafter amended. Meetings of the council shall be presided
8 over by the mayor((7)) if present, except when the council has provided
9 for the office of council chair under subsection (2) of this section,
10 or otherwise by the mayor pro tempore, or deputy mayor if one has been
11 appointed, or by a member of the council selected by a majority of the
12 councilmembers at such meeting. Appointment of a councilmember as
13 council chair or otherwise to preside over the meeting shall not in any
14 way abridge his or her right to vote on matters coming before the
15 council at such meeting. In the absence of the clerk, a deputy clerk
16 or other qualified person appointed by the clerk, the mayor or council
17 chair, or the council, may perform the duties of clerk at such meeting.
18 A journal of all proceedings shall be kept, which shall be a public
19 record.

20 (2) The members of the council may by ordinance elect to have
21 council meetings presided over by a council chair. If the election is
22 made, the members of the council at their first meeting each calendar
23 year and thereafter whenever a vacancy occurs in the office of council
24 chair shall elect from among their number a council chair who shall
25 hold office at the pleasure of the council.

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