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SENATE BILL 5245

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State of Washington

54th Legislature

1995 Regular Session

By Senator Fairley

Read first time 01/17/95. 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 (1) A majority of the ((councilmen)) councilmembers shall  
10 constitute a quorum for the transaction of business, but a lesser  
11 number may adjourn from time to time and may compel the attendance of  
12 absent members in such manner and under such penalties as may be  
13 prescribed by ordinance.

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

26 (2) The members of the council may by ordinance elect to have  
27 council meetings presided over by a council chair. If the election is  
28 made, the members of the council at their first meeting each calendar  
29 year and thereafter whenever a vacancy occurs in the office of council  
30 chair shall elect from among their number a council chair who shall  
31 hold office at the pleasure of the council.

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

34 The mayor shall be the chief executive and administrative officer  
35 of the city, in charge of all departments and employees, with authority  
36 to designate assistants and department heads. The mayor may appoint  
37 and remove a chief administrative officer or assistant administrative

1 officer, if so provided by ordinance or charter. He or she shall see  
2 that all laws and ordinances are faithfully enforced and that law and  
3 order is maintained in the city, and shall have general supervision of  
4 the administration of city government and all city interests. All  
5 official bonds and bonds of contractors with the city shall be  
6 submitted to the mayor or such person as he may designate for approval  
7 or disapproval. He or she shall see that all contracts and agreements  
8 made with the city or for its use and benefit are faithfully kept and  
9 performed, and to this end he or she may cause any legal proceedings to  
10 be instituted and prosecuted in the name of the city, subject to  
11 approval by majority vote of all members of the council.

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

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

34 (1) The city council and mayor shall meet regularly, at least once  
35 a month, at a place and at such times as may be designated by the city  
36 council. All final actions on resolutions and ordinances must take  
37 place within the corporate limits of the city. Special meetings may be  
38 called by the mayor or any three members of the council by written

1 notice delivered to each member of the council at least twenty-four  
2 hours before the time specified for the proposed meeting. All actions  
3 that have heretofore been taken at special council meetings held  
4 pursuant to this section, but for which the number of hours of notice  
5 given has been at variance with requirements of RCW 42.30.080, are  
6 hereby validated. All council meetings shall be open to the public  
7 except as permitted by chapter 42.30 RCW. No ordinance or resolution  
8 shall be passed, or contract let or entered into, or bill for the  
9 payment of money allowed at any meeting not open to the public, nor at  
10 any public meeting the date of which is not fixed by ordinance,  
11 resolution, or rule, unless public notice of such meeting has been  
12 given by such notice to each local newspaper of general circulation and  
13 to each local radio or television station, as provided in RCW 42.30.080  
14 as now or hereafter amended. Meetings of the council shall be presided  
15 over by the mayor((7)) if present, except when the council has provided  
16 for the office of council chair under subsection (2) of this section,  
17 or otherwise by the mayor pro tempore, or deputy mayor if one has been  
18 appointed, or by a member of the council selected by a majority of the  
19 councilmembers at such meeting. Appointment of a councilmember as  
20 council chair or otherwise to preside over the meeting shall not in any  
21 way abridge his or her right to vote on matters coming before the  
22 council at such meeting. In the absence of the clerk, a deputy clerk  
23 or other qualified person appointed by the clerk, the mayor or council  
24 chair, or the council, may perform the duties of clerk at such meeting.  
25 A journal of all proceedings shall be kept, which shall be a public  
26 record.

27 (2) The members of the council may by ordinance elect to have  
28 council meetings presided over by a council chair. If the election is  
29 made, the members of the council at their first meeting each calendar  
30 year and thereafter whenever a vacancy occurs in the office of council  
31 chair shall elect from among their number a council chair who shall  
32 hold office at the pleasure of the council.

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