

HOUSE BILL REPORT

HB 1832

As Passed House:
February 9, 2022

Title: An act relating to code city form of government elections and city manager appointment.

Brief Description: Concerning code city form of government elections and city manager appointment.

Sponsors: Representatives Springer, Vick, Walen and Goehner.

Brief History:

Committee Activity:

Local Government: 1/25/22, 1/28/22 [DP].

Floor Activity:

Passed House: 2/9/22, 91-2.

Brief Summary of Bill

- Allows a proposal to change a city's form of government to council-manager under the optional municipal code and a proposal to designate the person in council position one as chair of the council to be combined and placed before voters as a single proposition.
- Allows a city manager under the optional municipal code to reside outside of the city, unless the city council affirmatively requires residency within the city.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Pollet, Chair; Duerr, Vice Chair; Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Berg, Robertson and Senn.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Kellen Wright (786-7134).

Background:

A code city is a city operating under the operation municipal code. An area may initially incorporate as a code city, or a city or town may later reorganize as a code city.

There are two forms of government that a code city may operate under. The first is a mayor-council form. This form of government has an elected mayor as well as an elected council. The size of the council varies based on the population of the city; generally cities with fewer than 2,500 people have a five-member council, while those with more than 2,500 people have a seven-member council. The mayor is the chief executive and administrative officer of the city, and is in charge of all departments and employees. The mayor can veto legislation, and can break a tie on the council. Legislative power resides with the council.

The second form of government is a council-manager form of government. Under this form of government, councilmembers are the only elected officers. There are generally five councilmembers in cities with fewer than 2,500 people and seven councilmembers in cities with more than 2,500. All councilmembers are elected at large, in consecutively numbered council positions, unless the city provides for election by wards. The council appoints a city manager, who acts as the chief executive and administrative officer. The city manager is responsible to the council for the administration of the city. The council may choose one of its number to act as chair. The chair of the council has the title of mayor, and is the head of the city for ceremonial purposes. Alternatively, when the council is elected at-large, the city council may place a measure before the voters to designate the person elected to council position one as the chair of the council, and thus as the mayor.

The city manager does not need to live within the city at the time of appointment, but must reside in the city after appointment, unless this requirement is waived by the council.

A city may change its form of government upon a resolution of the legislative body or the filing of a petition with a sufficient number of voters, if the measure is approved by voters at an election .

Summary of Bill:

A proposal to change a city's form of government to a council-manager form under the optional municipal code may be combined with a proposal to designate the person elected to council position one as chair of the council, and may be placed before voters as a single proposition.

A city manager does not need to reside in the city after appointment, unless such residency is required by the city council.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is a simple bill, and the changes it makes are not massive. It only impacts cities moving from a strong mayor form of government to a council-manager form of government and city manager residency. A city residency requirement can be difficult for many to afford while acting as a public servant. It is impossible for some to afford a family home within the city. Many female candidates and those from underrepresented groups won't even consider a city manager position with residency requirements, therefore excluding qualified potential applicants. The residency requirement is a barrier to getting the best applicants. The residency requirement was created when the typical city manager was a white male with a trailing spouse, but in modern times this is no longer the default situation. There shouldn't be a requirement to uproot and move if they are within easy commuting distance of the city, and this is a disincentive for local candidates for the position. Selling a house and buying another within the city can be a money-losing proposition. This bill modernizes requirements around city managers, and removes outdated barriers. A city manager's engagement with the city can be encouraged and monitored without the residency requirement.

(Opposed) None.

Persons Testifying: Candice Bock, Association of Washington Cities; Julie Underwood; Kristi Rowland, Washington City and County Managers Association; and Stephanie Lucash, Washington City and County Management Association.

Persons Signed In To Testify But Not Testifying: (In support) Adam Lincoln, City of Pasco.