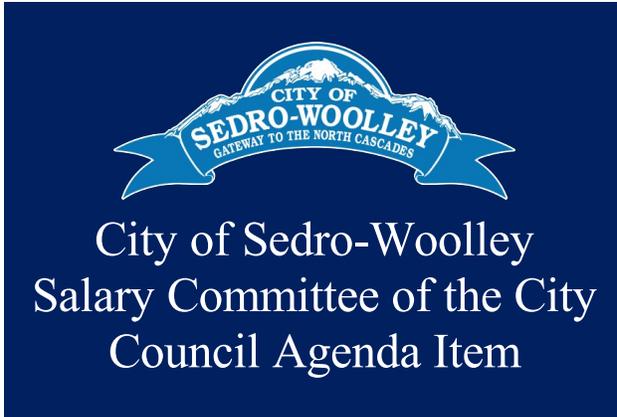


**SALARY COMMISSION  
AGENDA  
March 29, 2022  
5:30 PM**

1. Introductions
2. Legal Overview and Duties of the Commissioners
3. Select Terms for Members and appoint Chair and Co-Chair
4. Overview of Current Salaries and Identify Additional Data Requests
5. Select meeting next meeting date

**Next Meeting: To Be Determined**



Agenda  
Item No.

Date: March 29, 2022

Subject: Legal Overview and Duties of the  
Commissioners

**FROM:**

Nikki Thompson, City Attorney

**RECOMMENDED ACTION:**

NULL

**ISSUE:**

NULL

**BACKGROUND/SUMMARY INFORMATION:**

Ms. Thompson will present an overview of the responsibilities of the commission.

**FISCAL IMPACT, IF APPROPRIATE:**

NULL

**ATTACHMENTS:**

1. Sedro-Woolley Municipal Code Chapter 2.41

**Chapter 2.41**  
**SALARY COMMISSION**

Sections:

[2.41.005 Purpose.](#)

[2.41.010 Created—Membership, appointment, compensation, term.](#)

[2.41.020 Vacancies.](#)

[2.41.030 Removal.](#)

[2.41.040 Duties.](#)

[2.41.050 Referendum.](#)

**2.41.005 Purpose.**

The purpose of this chapter is to utilize RCW 35.21.015 which authorizes the city to establish through ordinance an independent salary commission given authority to set the salary of the members of city council and of other elected city officials, and provides that the commission's action fixing such salaries shall supersede any provision in a city ordinance related to fixing salaries. (Ord. 1995-21 § 1 (Exh. A), 2021)

**2.41.010 Created—Membership, appointment, compensation, term.**

- A. There is created a salary commission for the city. The commission shall consist of five members, to be appointed by the mayor with the approval of the city council.
- B. Not less than three shall be residents of Sedro-Woolley; the other two may be owners of business located within the city.
- C. A member of the commission shall serve for a six-year term without compensation. The initial members shall be appointed for staggered terms.
- D. Three members of such commission shall constitute a quorum and the vote of any three members of such commission concurring shall be sufficient for the decisions of all matters and the transaction of all business.
- E. A member of the commission shall not be an officer, official, or employee of the city or an immediate family member of an officer, official, or employee of the city. For purposes of this section, "immediate family members" means the parents, spouse, siblings, children, or dependent relatives of an officer, official, or employee of the city, whether or not living in the household of the officer, official, or employee. (Ord. 1995-21 § 1 (Exh. A), 2021)

**2.41.020 Vacancies.**

In the event of a vacant spot in office of commissioner, the mayor shall appoint, subject to the city council's approval, a person to serve the unexpired portion of the term of the expired position. (Ord. 1995-21 § 1 (Exh. A), 2021)

**2.41.030 Removal.**

A member of the commission shall only be removed from office for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of residence. (Ord. 1995-21 § 1 (Exh. A), 2021)

**2.41.040 Duties.**

A. The independent salary commission shall have the duty, at such intervals as determined by the commission, to review the salaries paid by the city to each elected city official. If after such review the commission determines that the salary of any elected official should be increased or decreased, the commission shall file a written salary schedule with the city clerk indicating the increase or decrease in salary.

B. Any increase or decrease in salary established by the commission shall become effective and incorporated into the city budget without further action of the city council or the commission.

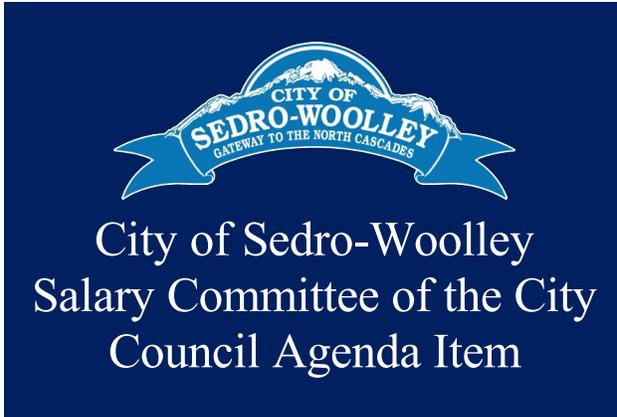
C. Salary increases established by the commission shall be effective as to all city elected officials, regardless of their terms of office.

D. Salary decreases established by the commission shall become effective as to incumbent city elected officials at the commencement of their next subsequent terms of office. Article XI, Section 8 of the State Constitution prohibits salary decreases during the current term. (Ord. 1995-21 § 1 (Exh. A), 2021)

**2.41.050 Referendum.**

Any salary increase or decrease established by the independent salary commission pursuant to this chapter shall be subject to referendum petition by voters of the city, in the same manner as a city ordinance, upon filing of a referendum petition with the city clerk within thirty days after filing of a salary schedule by the commission. In the event of the filing of a valid referendum petition, the salary increase or decrease shall not go into effect until approved by a vote of the people.

Referendum measures under this section shall be submitted to the voters of the city at the next following general or municipal election occurring thirty or more days after the petition is filed, and shall otherwise be governed by the provisions of the State Constitution and the laws generally applicable to referendum measures. (Ord. 1995-21 § 1 (Exh. A), 2021)



Agenda  
Item No.

Date: March 29, 2022

Subject: Select Terms for Members and appoint  
Chair and Co-Chair

**FROM:**

Debbie Burton

**RECOMMENDED ACTION:**

Select Terms and appoint the Chair and Co-Chair

**ISSUE:**

Select Terms and appoint the Chair and Co-Chair

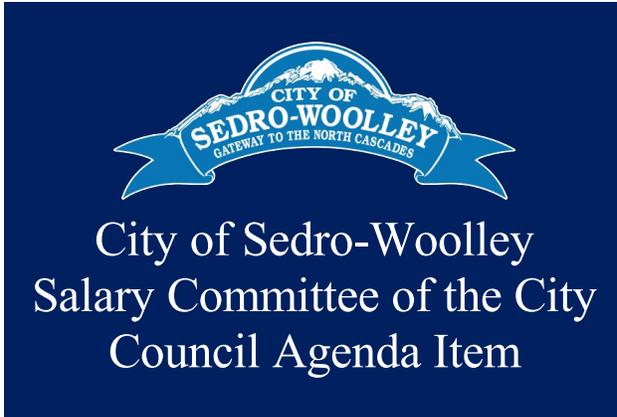
**BACKGROUND/SUMMARY INFORMATION:**

The six year terms will begin on April 1st and end on March 31st. The initial members of the salary commission will be appointed for staggered terms as follows: (a) two members for a period of six years; (b) two members for a period of five years; (c) one member for a period of four years. Initial member terms will be determined at the first meeting of the commission. Initial Chair and Co-Chair will be selected once the terms are established.

**FISCAL IMPACT, IF APPROPRIATE:**

NULL

**ATTACHMENTS:**



Agenda  
Item No.

Date: March 29, 2022

Subject: Overview of Current Salaries and  
Identify Additional Data Requests

**FROM:**

Debbie Burton, Interim Finance Director

**RECOMMENDED ACTION:**

NULL

**ISSUE:**

NULL

**BACKGROUND/SUMMARY INFORMATION:**

The attached Sedro-Woolley Municipal Code chapters outline the responsibilities of the Mayor and Councilmembers. The handbook is a reference document from MRSC as a best practices guide for the Mayor and Councilmembers.

**FISCAL IMPACT, IF APPROPRIATE:**

NULL

**ATTACHMENTS:**

1. City Council Duties
2. Mayors Duties
3. Mayor and Councilmember Handbook - Chapters 4-6

## Chapter 2.04 CITY COUNCIL

Sections:

**2.04.010 Regular meeting time.**

**2.04.020 Special meetings.**

**2.04.030 Adjournment of meetings.**

**2.04.040 Meeting—Place—Special meeting.**

### **2.04.010 Regular meeting time.**

The city council shall hold regular meetings at six p.m. on the first, second and fourth Wednesday of each month throughout the year, but whenever a regular meeting falls on a legal holiday now or hereafter designated as such by the laws of the state of Washington, such meeting shall be held at six p.m. of the first day following which is not itself a legal holiday; and provided, that the meeting immediately before the Thanksgiving holiday each year shall be held on the Tuesday before Thanksgiving rather than the fourth Wednesday; and provided further, that no meeting is scheduled for the fourth Wednesday in December. (Ord. 1984-21 § 1, 2021; Ord. 1858-16 § 1, 2016; Ord. 1699-11 § 1, 2011; Ord. 1665-10 § 1, 2010; Ord. 1661-10 § 1, 2010; Ord. 1561-06 § 1, 2006; Ord. 1277-96 § 1, 1996; Ord. 1147 § 1, 1992; Ord. 597 § 1, 1959; Ord. 555 § 1, 1956)

### **2.04.020 Special meetings.**

Special meetings of the city council may be called by the mayor upon written notice given to all members of the city council present in the city at least twenty-four hours before the time specified for the proposed meeting; provided, that no ordinances shall be passed or contracts let or entered into, or bill for the payment of money allowed at any special meeting; provided further, that no resolutions, rule, regulation, order or directive may be adopted at such special meeting unless public notice has been given by notifying the press, radio and television within Skagit County at least twenty-four hours prior to the time of the special meeting, and by such other means that may now or hereafter be provided by law. All notices given to the council members and to the press, radio and television shall specify the time and place of the special meeting and shall contain a brief statement of the purpose of the meeting. (Ord. 1355-00 § 1, 2000; Ord. 810, 1975; Ord. 555 § 2, 1956)

### **2.04.030 Adjournment of meetings.**

Any regular or special meeting of the city council may be adjourned to the next or to any later day whenever the volume of business before the council, the shortage of time, the lateness of the hour, or other cause deemed sufficient by the council, renders it necessary, expedient, convenient, or desirable that an adjournment to a later date be made; any adjourned meeting may itself be adjourned to a later date; and any action taken by the city council on any ordinance, resolution, rule, regulation, order, directive, or other matter, at any adjourned meeting, shall be as valid as though taken at the original session of the meeting from which adjournment was had. (Ord. 555 § 3, 1956)

#### **2.04.040 Meeting—Place—Special meeting.**

All regular and special meetings of the city council shall be held in the council chambers in the City Hall of Sedro-Woolley, Washington, or the Sedro-Woolley Community Center or at such other place as designated by the mayor, and they shall be public meetings, open to the public at all times, and the minutes of such meeting shall be promptly recorded and open to public inspection. (Ord. 1137 § 1, 1992; Ord. 555 § 4, 1956)

**EXHIBIT “A”**  
**Chapter 2.02 Mayor**

- 2.02.010** Salary.
- 2.02.020** Powers and duties generally.
- 2.02.030** Appointment of appointive officers.
- 2.02.040** Oath, affidavit and signature powers.
- 2.02.050** Ordinance powers and duties.
- 2.02.060** Supervisory and administrative powers.
- 2.02.070** Investigative powers.
- 2.02.080** Meeting coordination duties

For statutory provision on the duties and authority of the mayor of a code city, see RCW 35A.12.100; for provisions on appointment and removal of officers, see RCW 35A.12.090; for provisions on code city budgets, see Ch. 35A.33 RCW.

**2.02.010 Salary.**

The salaries for the mayor shall be as established by the salary commission as set forth in Chapter 2.41 - Salary Commission.

**2.02.020 Powers and duties generally.**

A. The mayor shall be the chief executive of the city, in charge of all departments and employees, with authority to designate assistants and department heads, officers, and employees, and to enter into employment contracts with such individuals, and to appoint and remove members of various city boards and commissions, subject to the provisions of any applicable state law, ordinance or regulation, including the classified civil service and subject to confirmation by the council, where required, in the case of any members of boards and commissions. Council confirmation shall be required for the appointment of all department heads. The mayor may appoint and remove an executive assistant to the mayor, if so provided by ordinance or charter.

B. The mayor shall see that all laws and ordinances are faithfully enforced and that law and order is maintained in the city, and shall have general supervision of the administration of city government and all city interests.

C. The mayor shall also be authorized to negotiate the terms of and/or award contracts falling within the scope of the mayor’s authority pursuant to SWMC 3.76.010, as it currently exists or as it may be amended hereafter. Contracts that fall within the scope of the mayor’s authority pursuant to SWMC 3.76.010 may, but are not required to be, taken to the city council for approval as a part of the city council consent agenda or may, but are not required to be, taken to the city council for information. All official bonds and bonds of contractors with the city shall be submitted to the mayor or such person as the mayor may designate for approval or disapproval. The mayor shall see that all contracts and agreements made with the city or for its

use and benefit are faithfully kept and performed, and to this end the mayor may cause any legal proceedings to be instituted and prosecuted in the name of the city, subject to approval by majority vote of the council. The mayor shall also be authorized to negotiate agreements and execute all documents necessary to complete the acquisition of real property and the relocation of inhabitants required to complete city projects falling within the scope of the mayor's authority.

D. The mayor shall preside over all meetings of the city council, when present, but shall have a vote only in the case of a tie in the votes of the council members and only with respect to matters other than the passage of any ordinance, grant or revocation of franchise or license, or any resolution for the payment of money.

E. The mayor shall report to the council concerning the affairs of the city and its financial and other needs, and shall make recommendations for council consideration and action.

F. The mayor shall prepare and submit to the council a proposed budget, as required by Chapter 35A.33 RCW and to keep the council fully advised of the financial condition of the city and its future needs.

G. The mayor shall have the power to veto ordinances passed by the council and submitted to the mayor as provided in RCW 35A.12.130, but such veto may be overridden by the vote of a majority of all council members plus one more vote.

H. The mayor shall be the official and ceremonial head of the city and shall represent the city on ceremonial occasions, except that when illness or other duties prevent the mayor's attendance at an official function and no mayor pro tem has been appointed by the council, a member of the council or some other suitable person may be designated by the mayor to represent the city on such occasion.

#### **2.02.030 Appointment of appointive officers.**

A. The mayor shall appoint, and at their pleasure may remove, all city appointive officers, subject to the provisions of any applicable law, rule or regulation pertaining to civil service, state law or city ordinances. This appointive authority applies to acting, interim and permanent appointive officers of those departments and divisions listed in this title.

B. The mayor shall also have the authority to make temporary assignments of positions, including but not limited to deputy police chief, or equivalent positions.

C. It is provided, however, that appointment or termination of the city attorney shall be subject to confirmation by a majority of the members of the city council.

#### **2.02.040 Oath, affidavit and signature powers.**

The mayor and the mayor pro tem shall have power to administer oaths and affirmations, take affidavits and certify them. The mayor, or the mayor pro tem when acting as mayor, shall sign all conveyances made by the city and all instruments which require the city seal.

#### **2.02.050 Ordinance powers and duties.**

Every ordinance which passes the council, in order to become valid, must be presented to the mayor. If the mayor approves it the mayor shall sign it, but if not, the mayor shall return it with written objections to be entered at large upon the journal and proceed to a reconsideration

thereof. If, upon reconsideration, five members of the council voting upon a call of yeas and nays favor its passage, the ordinance shall become valid notwithstanding the mayor's veto. If the mayor fails for 10 days to either approve or veto an ordinance, it shall become valid without mayoral approval.

#### **2.02.060 Supervisory and administrative powers.**

The mayor shall have general supervision over the several departments of the city government and over all its interests. Except as otherwise provided for by ordinance or state law, city administrative officers shall be responsible to the mayor for the efficient and economical conduct of their respective departments and offices. Where necessary the mayor will initiate programs designed to bring work up to proper standards and levels of performance. The mayor shall also have general administrative authority provided by state statutes, city ordinances and as not in conflict with state law.

#### **2.02.070 Investigative powers.**

The mayor shall have the power to investigate and to examine or inquire into the affairs or operation of any city department, division, bureau or office; and when so authorized by the council, the mayor shall have power to employ consultants and professional counsel to aid in such investigations, examinations or inquiries if money has been budgeted therefor in the year in which they are employed or if an emergency ordinance has appropriated the necessary funds for such personnel.

#### **2.02.080 Meeting coordination duties.**

The mayor or the mayor's designee shall be responsible for the preparation of agendas for the meetings of the council and of the various boards, commissions and committees of the city, and for including in those agendas the items and issues forwarded by the city council and/or or by the ad hoc committees designated to act on behalf of the city council, and for including in those agendas the items and issues proposed by the mayor and city administration, for consideration by the council. The mayor or the mayor's designee shall also be responsible for publishing notices for meetings and for public hearings for the meetings of the council and the various boards, commissions and committees of the city, and for setting the dates and times for said public hearings, except in those instances when setting dates and times for public hearings is required by statute to be done through council resolution.

# Mayor & Councilmember Handbook



## The mayor's leadership role

**See if you can develop a vision of what your city should look like in the future, and work with others to that end.**

The mayor occupies the highest elective office in the municipal government and is expected to provide the leadership necessary to keep the city moving in the proper direction. Effective mayors see themselves not only as leaders staking out policy positions, but also as facilitators of effective teamwork.

As a mayor, you have a special set of long-term responsibilities not shared by many others. You are supposed to be a community leader and a political leader. Yet most of the trials and tribulations you will face during your term of office will deal with city housekeeping. These day-to-day activities are of immediate concern to most residents, and sometimes solving the little problems are the most fun.

But you need to find time to deal with the important policy issues and some of the long-term future concerns. Try to make your city a better place to live tomorrow, not just today.

If you can leave something of long-term consequence to improve your community, you will at least have the satisfaction of a job well done, and that is the principal reward of public service.

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### Setting goals

The role of the city council in cities of all sizes is becoming more demanding and complex. In order to get anything accomplished, elected officials must work together to define and agree upon mutual goals. This is one of the most challenging aspects of being a mayor and working with a city council.

Goal setting provides a framework for city action. By setting short-term and long-term goals, and then deciding which are most important, you and the council can define what your city government will try to achieve. Staff then have clear guidelines regarding what you and the council want to accomplish, and you have a way of evaluating your programs and services.

Establishing goals will keep you on track and minimize distraction from the brush fires.

Some cities plan goals through council retreats. Some use outside facilitators to assist with this process.

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## A simple goal-setting process

The basic idea is to start with the big picture and work to ensure that your day-to-day tasks relate back to that big picture. Periodically, you'll want to look back at your goals and evaluate what you've accomplished, and decide what changes you want to make, if any.

### Step 1. Identify issues and needs

Before you can set goals, you have to come to some agreement on what needs to be done. As a group, come up with an overall list of issues and needs, including councilmembers' ideas and residents' concerns. Narrow down that list to a workable number of problems and needs to be addressed.

### Step 2. Set goals

Once you've developed a focused list of needs or problems, describe what you hope to do to eliminate each problem or meet each need. The goals you express may be both community goals and goals for your particular governing body to accomplish.

### Step 3. Set objectives

Objectives are the specific short-term strategies to meet your goals. They are statements of accomplishments to reach within a specific time frame. By setting objectives, the council can focus on a series of realistic goals and can then determine the resources needed to accomplish them.

### Step 4. Set priorities

Setting priorities is the most important step in the goal-setting process. Comprehensive goal setting results in more objectives to accomplish than is possible in the time available, so you've got to set priorities. Decide what areas need attention now and which ones can be delayed. A simple rating and ranking exercise can help you determine which areas are of highest concern.

### Step 5. Start an action program

Once you've decided on goal priorities, work with staff to develop specific programs and timelines to meet your goals.

### Step 6. Evaluate the results

You'll want to establish a formal process for evaluating goal progress. Are you reaching them? Are they still appropriate? Do any need to be dropped or altered?

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#### Additional resource:

Center for Government  
Innovation, Washington State  
Auditor's Office

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## Public relations

- Remember that what you say, privately and publicly, will often be news. You live in a glass house. Avoid over-publicizing minor problems.
- Don't give quick answers when you are not sure of the real answer. It may be embarrassing later on.

---

## Some of the mayor's leadership roles

### Ceremonial role

The mayor's participation in local ceremonial events is a never-ending responsibility. On a daily basis, the mayor is expected to cut ribbons at ceremonies to open new businesses, break ground for construction of new city facilities, and regularly appear at fairs, parades, and other community celebrations. The mayor also issues proclamations for a variety of purposes. As featured speaker before professional clubs, school assemblies, and neighborhood groups, the mayor can expect to be interviewed, photographed, and otherwise placed on extensive public display by the media.

### Intergovernmental relations

Your city does not operate in a vacuum. Cities must work within a complex intergovernmental system. Keep in contact and cooperate with your federal, state, county, and school officials. Get to know the officials of neighboring and similarly sized cities.

Mayors take the lead in representing their local government to those from outside the community who are interested in joint ventures – including other local governments, regional organizations, and federal and state government representatives. In this area, mayors promote a favorable image of their local government and pursue resources that will benefit the community.

### Public relations

Mayors inform the public, the media, and staff about issues affecting the community. This role is critical in building public support and facilitating effective decision-making by the council.

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## Working with residents

The most important trait a new official can cultivate is the simple ability to listen. You will quickly find that when frustrated city residents call on you to complain, they do not come to listen – they come to talk. So let them.

Make an effort to keep your constituents informed and encourage participation. Expect and respect complaints. Make sure your city has a way to effectively deal with them.

Sitting in your position of new responsibility does not allow you to forget the people who elected you to office. They expect you to keep them informed and to give them an opportunity to express themselves. If you do this, you will surely increase your chances for success as a public official.

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## Dealing with the media

The media is your best contact with the public – it informs the community about what is happening and why. A good working relationship is mutually beneficial to both you and the media. Through the media, you have the opportunity to comment publicly on local issues and inform residents of city activities. If you work hard to cultivate that relationship, you can ensure that the media have all the facts and provide accurate, fair coverage of city issues.

# Practical advice

Helpful pointers from other Washington mayors.

## Leadership ...

- **Lead by example.** Be honest, consistent, and flexible. Don't play games.
- **Use common sense.** If your heart, mind, and gut agree, then go for it.
- **Don't get stampeded into action by the strong demands of special interest groups.** Your job is to find the entire community's long-term public interest, and you may be hearing from a vocal minority.
- **Be clear on what you stand for.** List ten things you believe in.
- **A new mayor should have goals.** Make a list of things you want to accomplish. But don't act rashly and assume that only you know the best way to accomplish things. Every issue will benefit from additional discussion. Your perceptions may change.
- **Sometimes we underestimate the potential impact of a mayor's leadership.** Use the dignity of your office to help the community get past contentious issues.
- **There is a tremendous amount of discomfort in making very public decisions.** Sometimes the decisions feel like the end of the earth. It's easy to fear the political consequences. But it is important to look a little more long-term in perspective, weigh everything, and reach good decisions.
- **Know that you won't be able to satisfy everyone.** If you try, you won't be able to demonstrate leadership. Listen fairly, listen thoughtfully, and then do what's right.
- **Most of the easy decisions got made a long time ago.** Many decisions that need to be made can be very painful – but you can't solve those big problems without pain.
- **See if you can develop a vision of what your city should look like in the future, and work with others to that end.**

**"We're busy electing**

**barometers, when what we**

**really need are compasses."**

– Author unknown

# The mayor as chief executive

Most people understand that, except under a council-manager form of government, the mayor is the chief executive of the city. When there is a serious emergency, such as a flood, residents properly assume that it is the mayor who has the authority to take charge. Unfortunately, it is also assumed by some mayors that their power is almost supreme, even in the absence of an emergency.

Though the mayor has executive authority in a mayor-council city, that authority is defined by state law and must be exercised in a manner consistent with policy decisions made by the city council. There are statutory limitations both on what you can do and how you can do certain things. Appendix 1 lists the specific statutes that grant powers and responsibilities to the mayor. This chapter provides an overview of your chief executive responsibilities.

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### Administrative/policymaker distinction

Again, it is the council's role to adopt policies for the city and it is the mayor's role to administer or carry out those policies. The distinction sounds simple, but it can cause confusion and animosity.

Though a mayor does not set policy, as the elected chief executive it is certainly appropriate for the mayor to bring policy options and recommendations to the council. That is part of the leadership role of the mayor. That leadership role is particularly evident in the budget process, where the mayor submits a preliminary budget to the council as a proposed guideline for city priorities.

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### So, who actually runs the city?

In many of the smaller towns and cities in Washington, the city clerk is the person at city hall who does a lot of the day-to-day administration of the city. The clerk's duties are established by state statutes and city ordinances – this person is typically in charge of administration when the mayor is not at city hall.

In many cities, the mayor is employed full-time in another job and does not have the time to be at city hall taking care of administrative details. The mayor's salary in most municipalities clearly indicates that the job is not full-time.

As cities grow and the complexities of city administration become more difficult for a part-time mayor and a city clerk to handle, some cities choose to create a new position titled "administrative assistant," "city administrator," or "executive assistant" to help with city administration, under the direction of the mayor. The individual in such a position is generally appointed by the mayor and performs tasks within the statutory authority of the mayor. While the council can establish the qualifications and the duties of the position, it cannot take powers delegated by statute to the mayor and give those to the city administrator.

Only about a dozen Washington cities currently have full-time mayors, though a growing number of cities have individuals who work full-time as executive assistants to the mayor, as described above.

Some cities have chosen to change to a council-manager form of government when there is a consensus that a professional administrator could better handle the city administration. The decision of whether a city should have a professional city administrator or city manager is complex, involving politics, finances, and the views of the people.

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## **Responding to resident complaints**

Residents often contact the mayor when they have a problem, whether it involves a land use matter, a barking dog, or a pothole. Work with staff to resolve problems, keeping in mind that you are not the individual with all the answers.

For instance, as land use planning becomes more complex, don't be tempted to give a quick answer or promise to a landowner before checking with the city's planning department or reviewing the city's development regulations. Consider referring callers to the staff person with the expertise, then follow up to make sure the matter has been handled appropriately. If a matter is normally handled by the police department, direct the complainant to the police department.

City staff will appreciate your involvement if you make the proper referrals, and if you are careful to not make promises that are inconsistent with city procedures or policies.

If word gets out that complaining to the mayor gets a more prompt response to minor nuisance problems, you are bound to receive a lot of those calls. Did the people elect you to solve the barking-dog problem, or did they elect you to make sure that city staff properly handle these minor issues?

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## **Relationship with the city attorney**

In most cities, the mayor appoints the city attorney, whether that position is full-time or part-time. In some cities, the council takes an active role to arrange for the provision of legal services through a contract. Regardless of how the position is established, remember that although the mayor typically has more contact with the city attorney than the councilmembers or city staff, the city attorney's job is to advise all city officials. Sometimes councilmembers feel that the city attorney is the mayor's attorney, particularly if the city attorney generally supports the mayor's position in situations where the answer is unclear.

A mayor cannot prohibit the council from accessing the city attorney for advice. For financial reasons, the mayor may feel that questions to the city attorney should be channeled through the mayor, to avoid possible duplication and to make sure that the questions are presented clearly. Ultimately it is up to the council to establish procedures on how to provide city attorney services.

Some smaller cities try to minimize legal service fees by having the city attorney skip regular council meetings. That can be thrifty, but shortsighted, particularly when the council is dealing with controversial matters such as land development, or complex procedural issues such as local improvement districts.

### **Make your attorney's job easier**

Inform the city attorney ahead of time when you see a legal issue brewing. No attorney wants to be asked a complex question at a council meeting without prior warning. Don't be surprised if your attorney tells you they need to research the issue or discuss it with you (and council) in an executive session.

Instead of asking the city attorney without warning: "Can we do \_\_\_\_?", ask: "How can we do \_\_\_\_?" and give your attorney time to research the issue. City attorneys often get frustrated by frequently informing the mayor and council that they cannot do something. They would rather use their creativity to come up with alternate ways to legally accomplish an objective.

The attorneys at MRSC are another good source of legal expertise, but they are not a substitute for your city attorney, and your conversations with them are not subject to attorney-client privilege. Please keep in mind that their consultation is based on the facts you provide. Sometimes there are special factors involved, perhaps unique to your city. That is why MRSC will always advise you to review an issue with your city attorney.

---

### **Public records disclosure**

You are legally obligated to disclose city documents to the public upon request. For example, when there is a request from the public to disclose a city document, the city must respond to the disclosure request in writing within five working days. The short turnaround time requires that city staff have clear guidelines for how to process these requests. Most cities have adopted public disclosure procedures. If your city has not yet adopted public disclosure policies, consider making that recommendation to the council.

Many city records are exempt from disclosure, and there are even statutes that prohibit disclosure of some records. (See Appendix 3, Public records disclosure, for more details on what is disclosable.) The Open Government Trainings Act requires elected officials to receive training on public records, the Open Public Meetings Act (OPMA), and records retention within 90 days of taking office and every four years thereafter.

In partnership with MRSC, AWC provides the courses for free online. The eLearnings are available to watch anytime, and they meet the Open Government Trainings Act requirement.

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### **Emergency management**

In mayor-council cities, the mayor is statutorily in charge when there is an emergency or disaster. RCW 38.52 contains the state statutes requiring that every city and town adopt an emergency management plan. Some cities choose to join with other cities or the county to create a joint emergency management agency. Together they select a director and grant them extensive authority to cope with an emergency.

The city clerk can provide you with a copy of your city's emergency management plan. Read it. Keep a copy readily available in both your office and at home. When a disaster happens, you may need to coordinate the emergency response. Depending on the emergency type and its duration, you may want to seek

consultation or approval of the council for certain actions, if feasible. (See Appendix 1, Overview of statutes, for further discussion of emergency management.)

And remember that while you have operational control during an emergency, the council always has final control of the city's budget. It is a good practice to keep them informed and get them to ratify purchasing and other budget-related decisions as soon as practicable during an emergency.

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## Personnel management

The statutes generally give the mayor or city manager, as chief executive, broad authority to hire and fire employees. (See Appendix 1, Overview of statutes.) Realize, however, that employee lawsuits can be one of your largest areas of potential liability. There are legal limitations on the actions you take in hiring, discipline, and discharge:

- **State and federal laws, court decisions** – Laws relating to anti-discrimination, overtime compensation, safety, sexual harassment, and many others.
- **The city's personnel policies** – Policies passed either as an ordinance or adopted as administrative policies.
- **Civil service** – Except for very small cities, most police and fire employees are protected by civil service. Some charter cities also provide civil service coverage for other city employees. Civil service governs hiring processes and provides hearings for disciplinary actions. Your actions may be subject to appeal to the local civil service commission (RCW 41.08 and 41.12).
- **Union contracts** – The terms of the labor contract prevail over other local regulations, including civil service rules and personnel rules. In many contracts, a grievance procedure provides for disciplinary appeals to an outside arbitrator.

### Before you jump...

Prior to taking any serious disciplinary action, consult with your attorney. Your liability insurance carrier may also provide some preventative legal assistance.

Another tip is to have good and consistent personnel policies. Current and clearly written policies help avoid lawsuits, promote consistency, and contribute to employee morale.

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## Labor relations

Unions have a significant presence in Washington cities. Most city employees have the right to organize under the state Collective Bargaining Act and have joined statewide unions or have formed local associations (RCW 41.56).

In particular, most police and fire departments are well-organized. Except for very small cities, police and fire are also subject to interest arbitration when an impasse in bargaining occurs. This can create a unique dynamic in police and fire negotiations.

### Labor relations advice

- Know the terms of your labor contracts.
- You can't change wages, hours or working conditions without bargaining these

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**In any disciplinary action –**

**hasten slowly.**

issues with the union. This means you can't unilaterally implement a change in benefits, for example, without risking an unfair labor practice.

- You may or may not choose to be on the bargaining team. Be aware of the disadvantages – the process is very time-consuming and may affect your day-to-day relationships with employees. Because city employees are often your constituents, you may have unions putting political pressure on you. Some cities hire professional consultants to bargain on behalf of management.

## Practical advice

### Helpful pointers from other Washington mayors.

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#### Working with staff ...

- **Hiring good people is what it's all about.** Get the best that you can. Take your time. It can be incredibly costly to undo a bad hiring decision.
- **Get to know staff.** Learn what they do.
- **Listen to your staff.** Give them as much responsibility as they can handle. Task your employees with the responsibility to create new ideas and better ways to get stuff done.
- **Keep perspective.** The people who helped get you elected may not always be the right people to help you run the city.
- **Say thank you!** Let folks know how much you appreciate them and give credit where credit is due.
- **Treat staff with respect.** They are a very valuable asset.
- **Be consistent.** Treat everyone the same.
- **Formalize your city's personnel rules and regulations.** Make sure the rules are clear.
- **Keep your employees informed.** Stay in touch with decision-makers on the front line and those who are in frequent contact with the people.
- **Budget money for and encourage your staff to attend professional meetings and seminars.** These learning opportunities and the personal contacts can be invaluable to your city.

# The job of a councilmember

The principal job of a city or town council is to set policy. A policy is a course of action for a community. Policymaking often takes the form of passing ordinances or resolutions. After policy decisions are made by the legislative body, others perform the administrative task of implementing the policies. The distinction between formulation and implementation may not always be clear, necessitating open communication between legislators and administrators.

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## Adopting policy

The council does not make policy in a vacuum. Councils rely on ideas from many sources, including the council staff, community groups, advisory committees, chambers of commerce, and others. It is the council's responsibility to consider the merits of each idea and then approve, modify, or reject them. In doing so, councilmembers analyze community needs, program alternatives, and available resources. The decision often takes the form of an ordinance or resolution, although it may take the form of a rule, regulation, motion, or order. The budget and comprehensive plan are powerful policy tools that are adopted by ordinance.

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## So, who actually runs the city?

It is important to recognize that it is not the role of the councilmember to administer city affairs. The council sets policy, but it is either the mayor (in mayor-council cities) or the city manager (in council-manager cities) who actually implements the policies. This means that it is not the role of the councilmember to supervise city employees on-the-job or become involved in the day-to-day administration of city affairs. This can be a source of conflict between the executive and legislative branches of city government.

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## Responding to constituent complaints

Residents often contact a councilmember when they have a problem, whether it involves a land use matter, a barking dog, or a pothole. Don't hesitate to send them to the appropriate city staff person for resolution of their problems. Keep in mind that you lack the authority to take action in administrative matters.

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## Relationship with the city attorney

In most cities, the mayor appoints the city attorney, whether that position is full-time or part-time. In some cities the council takes an active role to arrange for the provision of legal services through a contract. Regardless of how the position is established, remember that although the mayor or city manager typically has more contact with the city attorney than the councilmembers or city staff, the city attorney's job is to advise all city officials. Sometimes councilmembers feel that the city attorney is the mayor's or manager's attorney, particularly if the city attorney generally supports the mayor's or manager's position in situations where the answer is unclear.

## Question & answers

**Q. What is the role of the city council regarding employee discipline, and what input can the council have concerning performance appraisals of employees?**

**A.** Though the council may be concerned about employee discipline and how certain employees are performing their duties, the council should not be involved in any individual situations. While the council can establish personnel policies and voice their concerns to the mayor, it is solely the mayor's job to discipline and supervise city employees, including conducting performance evaluations.

**Q. Is the mayor or city manager required to inform councilmembers prior to terminating or disciplining a city employee?**

**A.** No. However, when a particular termination or discipline is likely to be controversial, the mayor may want to notify the council and explain the decision in an executive session. Disciplinary and termination decisions should be reviewed with the city attorney first. The mayor and councilmembers should be careful to not discuss specific cases outside of an executive session.

Neither the mayor nor the city manager can prohibit the council from accessing the city attorney for advice. For financial reasons, the mayor or manager may feel that questions to the city attorney should be channeled through the executive's office, to avoid possible duplication and to make sure that the questions are presented clearly. Ultimately, it is up to the council to establish procedures on how to provide city attorney services.

Some smaller cities try to minimize legal service fees by having the city attorney skip regular council meetings. That can be thrifty, but shortsighted, particularly when the council is dealing with controversial matters such as land development, or complex procedural issues such as LIDs.

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## Personnel management

The statutes generally give the mayor or city manager, as chief executive, the broad authority to hire and fire employees.

The city council, however, determines the number of employees that can be hired and those employees' duties. The council establishes salaries and other forms of compensation paid to city workers. The council may also establish job qualifications.

One piece of advice is to have good, consistent personnel policies. Up-to-date, clearly written policies help avoid lawsuits, promote consistency, and contribute to employee morale.

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## Labor relations

Unions have a significant presence in Washington cities. Most city employees have the right to organize under state law and have joined statewide unions or formed local associations. The city must negotiate labor contracts with these unions over wages, hours and working conditions.

In particular, most police and fire departments are unionized. Except for very small cities, police and fire unions have access to interest arbitration when an impasse in bargaining occurs. This can create a unique dynamic in police and fire negotiations, given the potential for an outside arbitrator to make decisions regarding wages, benefits and contract language.

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## Open government laws

Compliance with public disclosure and open meetings builds trust with your community. The Open Government Trainings Act requires elected officials to receive training on public disclosure, the Open Public Meetings Act (OPMA), and records retention within 90 days of taking office and every four years thereafter.

In partnership with MRSC, AWC provides the courses for free online. The eLearnings are available to watch anytime and they meet the Open Government Trainings Act requirement.

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## Local laws – ordinances and resolutions

How does the council adopt policy? Typically, a council will adopt policy by passing ordinances and resolutions at council meetings.

### Difference between ordinances and resolutions

An ordinance is a local law of a municipal corporation, prescribing general rules of conduct. Ordinances are used for a variety of purposes, including administrative actions such as establishing offices and setting salaries, or they may be used for actions that control the conduct of the public. An ordinance is a legislative enactment, within its sphere, as much as an act of the state Legislature.

A resolution, on the other hand, is typically an act that is less solemn or formal than an ordinance. Resolutions reflect the council's expression of policy and sometimes provide direction to the administration and staff. Legislation must be enacted via ordinance. Deciding what constitutes legislation may require reference to case law, but the general guiding principle is that "[a]ctions relating to subjects of a permanent and general character are usually regarded as legislative, and those providing for subjects of a temporary and special character are regarded as administrative..." (*Durocher v. King County*, 80 Wn.2d 139, 153, 492 P.2d 547, 1972).

When deciding whether to use an ordinance or a resolution, first refer to the city charter and state law (RCW). Some state statutes clearly define which action is needed, while others leave it to the discretion of the legislative body. If the charter and the code are silent as to the mode of decision-making, and the action is not "legislation," then either a resolution or an ordinance may be used.

### Rules for adopting ordinances

The state statutes for each class of municipality do contain some procedural requirements which govern the ordinance adoption. However, these procedural requirements are generally not complicated and do not require an elaborate adoption procedure. For a comprehensive discussion of adoption procedures, including information on requirements for signatures on ordinances and publication of ordinances, see *MRSC Local Ordinances for Washington Cities and Counties*.

Many cities and towns have adopted local rules of procedure that relate to the adoption of ordinances, and these, of course, must be followed. For example, although the state statutes do not require that an ordinance be read more than once (in most circumstances) prior to adoption, many local rules of procedure do contain such a requirement. Therefore, it is important that councilmembers familiarize themselves with the local rules of procedure as well as the state statutory requirements for the adoption of ordinances.

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**An ordinance is a local law of the city.**

**A resolution is typically an act that is less formal than an ordinance.**

# Practical advice

## Helpful pointers from other elected officials.

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### Leadership ...

- **Lead by example.** Be honest, consistent, flexible. Don't play games.
- **Use common sense.**
- **Don't be stampeded.** You may receive strong demands from special interest groups. Your job is to find the long-term public interest of the entire community.
- **Be clear on what you stand for.** List 10 things you believe in.
- **A new councilmember should have goals.** These are things you want to accomplish. But don't act rashly and assume that only you know the best way to accomplish things. Every issue will benefit from additional discussion. Your perceptions may change.
- **Use your role as a leader.** The dignity of your office can help the community get past contentious issues.
- **It can be uncomfortable to make very public decisions.** Sometimes the decisions feel like the end of the earth. It's easy to fear the political consequences. But it is important to look a little more long-term in perspective, weigh everything, and reach good decisions.
- **Know that you can't satisfy everyone.** Listen fairly and thoughtfully, and then do what's right.

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### Working with staff ...

- **Get to know staff and what they do.**
- **Say thank you!** Let folks know how much you appreciate them and give credit where credit is due.
- **Treat staff with respect** – they are a very valuable asset.
- **Be consistent.** Treat everyone the same.
- **Budget money for and encourage your staff to attend professional meetings and seminars.** These learning opportunities and the personal contacts can be invaluable to your city.