

time, and shall be foreclosed within the time and manner prescribed by law for filing and foreclosing liens for labor and material. The lien shall be prior to any and all other liens and encumbrances filed subsequent to the filing of such lien but shall be subject to all general taxes and local improvement assessments whether levied prior or subsequent thereto.

Foreclosure
of lien.

Priority.

Passed the House February 27, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 271.

[H. B. 312.]

COUNCIL-MANAGER PLAN FOR MUNICIPAL CORPORATIONS.

AN ACT relating to the organization, classification, incorporation and government of municipal corporations under the council-manager plan.

*Be it enacted by the Legislature of the State of
Washington:*

SECTION 1. Any city or town having a population of less than twenty thousand (20,000) may be organized as a council-manager city under the provisions of this act by proceeding as hereinafter provided.

Cities under
20,000 may
adopt.

SEC. 2. Upon petition of electors equal in number to twenty per cent (20%) of the vote cast for all candidates for Mayor at the last preceding general city election of any such city, or upon resolution of the City Council, the Mayor shall, by proclamation, issued within ten (10) days after the filing of such petitions or resolution with the City Clerk of such city, submit the question of adopting the council-manager plan of city government as herein provided at a special election to be held at a time specified in such proclamation, which shall not be less than

Plan of
adoption.Submit at
special
election.

ninety (90) nor more than one hundred and twenty (120) days before the next regular municipal election.

Form of question.

SEC. 3. At such election the proposition to be submitted to the electors shall be: "Shall the city of adopt the council-manager plan of municipal government?" and there shall be printed on the official ballots of said election the above proposition, followed by the words:

"For organization as a council-manager city
....."

"Against organization as a council-manager city
....."

An election thereupon shall be conducted, the vote canvassed and the results declared in the same manner as provided by law in respect to other city elections.

Election of council.

SEC. 4. If the majority of the votes cast at such election shall be in favor of the plan, such city shall at the next regular municipal election, proceed to the election of a City Council of five (5) or more citizens according to the population of the city, as hereinafter provided. Said Councilmen shall be nominated and elected in the first instance, one (1) from each Councilmanic ward or such other existing districts of said city as may have been established for the election of the members of the City Council or other governing body. After the first election said Councilmen shall be elected either at large or from such districts as shall be established by ordinance.

Petition by legal voters.

SEC. 5. Petitions shall be signed by none but legal voters of the city and shall contain, in addition to the signatures and residence addresses of the petitioners, an affidavit of one or more legal voters of the city stating the number of signers at the time the affidavit was made. Petitions containing the required number of signatures shall be accepted by the City Clerk as *prima facie* valid until their invalidity has been proved.

SEC. 6. The number of Councilmen shall be in proportion to the population of the municipality, as determined by the last preceding federal census, as follows: A municipality having not more than two thousand (2,000) inhabitants, five (5); two thousand (2,000) and not more than twenty thousand (20,000), seven (7). All Councilmen shall serve for a term of four (4) years and until their successors are elected and have qualified, except that the first general election in municipalities having five (5) Councilmen the candidates having the three (3) highest number of votes shall serve for four (4) years, the other two (2) Councilmen shall serve for two (2) years, and in municipalities having more than five (5) Councilmen, the majority of Councilmen having the highest number of votes shall serve for a period of four (4) years and the others for a period of two (2) years. Vacancies in the Council shall be filled by the Council for the remainder of the unexpired term, but any vacancy resulting from a recall election shall be filled in the manner provided by law for such cases.

Size of council.

Terms.

Vacancies filled by appointment.

SEC. 7. The Council shall meet at such times and places as shall be fixed by ordinance, but shall hold at least one regular meeting during each month. The Clerk shall call special meetings of the Council upon written request of the Mayor or any two members. Such requests shall state the subjects to be considered at such special meeting and no other subject shall there be considered. All meetings of the Council and of committees thereof shall be open to the public, and the rules of the Council shall provide that citizens of the city shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat; but the Council or a committee thereof may by a three-fifths ($\frac{3}{5}$ ths) vote of all the members authorize an executive meeting.

Council meetings.

Special meetings.

Open to public.

SEC. 8. The Councilmen shall be the only elective officials of cities organized under this act. They shall

No other elective officials.

Organization of council.	take office at the time provided by general law. The other city officials and employees who are incumbent at the time the council-manager plan takes effect shall hold office until their successors have been selected in accordance with the provisions of this act.
Chairman is Mayor.	Biennially, at its first meeting, each new Council shall choose a chairman from among its members, who shall have the title of Mayor. In addition to the powers conferred on the Mayor by this act, he shall also have the rights, privileges and immunities of a member of the Council. The Mayor shall preside at meetings of the Council and shall also have the powers and perform the duties conferred and imposed by this act and the ordinances of the city. He shall be recognized as the head of the city for all ceremonial purposes and by the Governor for purposes of military law. He shall have no regular administrative duties but in time of public danger or emergency shall, if so authorized and directed by vote of the council, take command of the police, maintain order and enforce the law. If a vacancy occurs in the office of Mayor, or in case of his absence or disability, a Mayor pro tem shall be selected by the Council from its members to act as Mayor for the unexpired term or during the continuance of the absence or disability.
Presides at meetings.	
May be voted emergency powers.	
Council holds all powers.	SEC. 9. Except as otherwise provided in this act, all powers of the city shall be vested in the City Council. Each member of the Council shall receive such compensation, if any, as shall be provided by the general laws relating to municipal corporations.
Qualifications.	Members of the City Council shall be qualified electors of the city and any member ceasing to possess any of the qualifications specified in this section or convicted of crime involving moral turpitude while in office, shall immediately forfeit his office.
Powers of council.	SEC. 10. The Council shall have power to pass ordinances, adopt regulations, appoint a chief admin-

istrative officer to be known as the City Manager, fix all salaries, except as otherwise provided in this chapter, and create departments and boards as hereinafter provided. The enumeration of particular powers by this chapter shall not be held or deemed to be exclusive but in addition thereto, it is intended that any city organized under the provisions of this act shall have all the powers which cities of its class now have, or hereafter may have conferred upon them; all which powers shall inhere in and be exercised by the Council provided for in this act unless the exercise of such powers shall have been expressly conferred upon some authority of the municipality or reserved to the people thereof.

Powers and duties of council.

SEC. 11. Every ordinance or resolution passed by the Council shall be signed by the Mayor or two (2) members, filed with the Clerk within two (2) days and by him recorded.

SEC. 12. The Council shall appoint an officer whose title shall be City Manager and who shall be the chief executive officer and the head of the administrative branch of the city government. The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter outlined. No person elected to membership on the Council shall, subsequent to such election, be eligible for appointment as City Manager until one (1) year has elapsed following the expiration of the term for which he was elected. Before entering upon the duties of his office such City Manager shall take the official oath for the support of the government and the faithful performance of his duties, and shall execute a bond in favor of the municipality in such sum as may be fixed by the council.

Council to appoint city manager.

Qualifications.

Councilman not eligible.

Oath.

Bond.

SEC. 13. Whether the City Manager shall devote

May divide time.

Manager
may serve
2 or more
cities.

his full time to the affairs of one city shall be determined by the City Council, and nothing in this act shall prevent one manager from serving two or more municipalities at the same time.

Term
indefinite.

SEC. 14. The City Manager shall be appointed for an indefinite term but he may be removed by a three-fifths ($\frac{3}{5}$ ths) vote in cities having a Council of five (5) members or he may be removed by a five-sevenths ($\frac{5}{7}$ ths) vote in cities having a council of seven (7) members. At least thirty (30) days before such removal may become effective the Manager shall be furnished with a formal statement in the form of a resolution passed by a majority vote of the members of the Council, stating the Council's intention to remove him and the reasons therefor. The manager may reply in writing to such resolution. After such reply in writing by the Manager is filed with the City Clerk the Council shall fix a time for a public hearing upon the question of his removal and the final resolution removing the Manager shall not be adopted until such public hearing has been had. Upon passage of a resolution stating the Council's intention to remove the Manager, the Council may suspend him from duty, but his pay shall continue until his removal shall become effective as herein described. The action of the Council in removing the Manager shall be final. In case of the absence or disability of the Manager the Council may designate a qualified administrative officer of the city to perform the duties of the Manager during such absence or disability.

How
removed.

Formal
notice.

Reply.

Hearing.

Absence or
disability.

Duties of
City
Manager.

SEC. 15. The duties of the City Manager shall be:

1. To have general supervision over the administrative affairs of the municipality.
2. To see that the laws and ordinances are faithfully executed.
3. To attend all meetings of the Council at which his attendance may be required by that body.

4. To recommend for adoption to the Council such measures as he may deem necessary or expedient.

Duties of
City
Manager.

5. To appoint all officers and employees of the municipality except the members of the City Council: *Provided*, That the Council may cause to have an audit made of any department or office of the city government and may select the persons to make such audit without the advice or consent of the City Manager.

6. To prepare and submit to the Council such reports as may be required by that body, or as he may deem it advisable to submit.

7. To keep the Council fully advised of the financial condition of the municipality and its future needs.

8. To prepare and submit to the Council a tentative budget for the next fiscal year.

9. To perform such other duties as the Council may determine by ordinance or resolution.

SEC. 16. The council may, on the recommendation of the City Manager, create such departments, offices and employments as may be found necessary and may determine the powers and duties of each department or office.

SEC. 17. The city manager shall be responsible to the Council for the proper administration of all affairs of the city and to that end he shall have power to appoint and remove all department heads, officers and employees in the service of the city except members of the City Council; but the Manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. Appointments made by or under the authority of the City Manager shall be on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term. Residence

Responsible
to council.

Manager to
appoint and
remove.

Residence
not required.

within the city shall not be required of any city official or employee, except the members of the City Council.

Appointees
removable
at any time.

SEC. 18. Any officer or employee who may be appointed by the City Manager, or by the head of a department or office, may be removed by the Manager or other such appointing officer at any time. Subject to the provisions of section 15, the decision of the Manager or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body or court whatsoever.

Council has
no voice in
appointments.

SEC. 19. Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the City Manager or any of his subordinates, or in any manner take part in the appointment or removal of officers, and employees in the administrative service of the city except as provided herein. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager either publicly or privately. Any violation of the provisions of this section by a member of the Council shall be a misdemeanor, conviction of which shall immediately forfeit the office of the member so convicted.

Deal through
manager.

Penalty.

Council to
fix pay.

SEC. 20. The City Manager and other officers or assistants shall receive such salary or compensation as the Council shall fix by ordinance and shall be payable at such times as the Council shall determine.

Subject to
general laws.

SEC. 21. Any city organized under this act shall be subject to all laws governing cities of its particular class where such laws are not inconsistent with the provisions of this act.

May abandon
after six
years.

SEC. 22. Any city which shall have operated for more than six (6) years, under the provisions of this chapter, may abandon such organization hereunder,

and accept the provisions of the general laws of the state then applicable to cities of its population. Upon petition of not less than twenty per cent (20%) of the electors of such city, a special election shall be called at which the following proposition only shall be submitted: "Shall the city of abandon its organization under the council-manager plan and become a city under the general law governing cities of its population?"

Procedure
for abandon-
ment.

Petition and
election.

Question.

SEC. 23. If a majority of the votes cast at such special election be in favor of the proposition set forth in section 22, the officers elected at the next succeeding biennial election shall be those then prescribed by the general law of the state for cities of like classification, at the time of adopting the provisions of this section; and upon qualification of such officers, such city shall again become organized under such general law of the state; but such change shall not in any manner or degree affect the property, rights or liabilities of such city, but shall merely extend to such change in its form of government. The sufficiency of such petition shall be determined, the election ordered and conducted, and the results declared generally as provided by this act in so far as the provisions thereof are applicable.

Abandoned
by majority
vote.

Organize
under
general laws.

Passed the House February 25, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.