

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF KELSO, WASHINGTON,
PROVIDING FOR THE SUBMISSION TO THE QUALIFIED
ELECTORS OF THE CITY OF KELSO AND TRANSMISSION TO
THE COWLITZ COUNTY AUDITOR FOR THE GENERAL
ELECTION TO BE HELD ON TUESDAY NOVEMBER 8, 2016, A
PROPOSITION AUTHORIZING A CITY CHARTER AMENDMENT
RELATED TO CITY MANAGER PROVISIONS**

WHEREAS, based on concerns raised by councilmembers in prior years related to the City's Charter, the City Council formed a Charter Review Committee in April 2016; and

WHEREAS, the Charter Review Committee met on April 26, May 2, May 16, May 23, and June 13, 2016 to take public comment and consider changes to the City Charter; and

WHEREAS, at a special meeting of the City Council on June 28, 2016, the Charter Review Committee made its recommendations to amend the City Charter to the City Council; and

WHEREAS, on June 28, 2016, the City Council considered the Charter Review Committee's recommendations to amend the City Charter and took public comment on the proposed changes and determined to submit four (4) ballot propositions to the voters of the City of Kelso; and

WHEREAS, upon consideration of the purposes of the original City Charter, operation of the Charter since its adoption, the comprehensiveness of state law governing city manager provisions, the Charter Review Committee recommended removing the city manager provisions because they are largely consistent with existing state law; and

WHEREAS, on July 5, 2016, the Council by a majority vote determined it advisable and in the best interest of the citizens of the City of Kelso to submit this resolution concerning city manager provisions;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KELSO DO HEREBY RESOLVE:

Section 1. Proposition No. 3 Concerning City Manager Provisions. There shall be submitted to the qualified electors of the City of Kelso at a General Election to be held on Tuesday the 8th day of November 2016, for their approval or rejection a ballot proposition to amend Article III of the Charter as set forth in Exhibit A attached hereto and incorporated herein by reference. Upon approval of the voters of the proposition hereinafter set forth, the Charter shall be amended as proposed.

The Cowlitz County Auditor, as ex officio supervisor of elections, is hereby requested to call and conduct such election and to submit to the qualified electors of the City for their approval or rejection, the proposed Charter amendments as set forth in Exhibit A. The City Clerk shall cause the proposed City Charter amendments to be published in the City's newspaper of record in the manner provided by law, and is further authorized and directed to certify the following proposition to the Cowlitz County Auditor, as ex officio supervisor of elections, in substantially the following form:

CITY OF KELSO, WASHINGTON

PROPOSITION NO. 3

**CHARTER AMENDMENT CONCERNING CITY
MANAGER PROVISIONS**

The City Council adopted Resolution ___ concerning City Charter amendments related to the City Manager. If adopted, this proposition would eliminate Article 3 from

the Charter related to City Manager appointment, removal, powers, and duties. If adopted, City Manager appointment, removal, powers, and duties would be governed solely by the same optional code city provisions of state law at RCW 35A.13 applicable to all other code cities within the state.

Should this proposition be:

APPROVED? _____

REJECTED? _____

Section 2. Minor Adjustments. The City Manager and City Attorney are authorized to make such minor adjustments to the wording of such proposition as may be recommended by the Cowlitz County Elections as long as the intent of the proposition remains clear and consistent with the intent of this Resolution as approved by the City Council.

Section 3. Effective Date. This resolution will take effect from and after its adoption as provided by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this _____ day of _____, 2016.

MAYOR

ATTEST/AUTHENTICATION:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A

II. Text Amendment

Article III ~~RESERVED~~ City Manager

~~3.01 City Manager—Appointment.~~

~~The council shall appoint a chief administrative officer of the city who shall have the title of “city manager” and who shall serve at the pleasure of the council. The appointment shall require the affirmative vote of no less than four members of the council. The manager shall be chosen solely on the basis of demonstrated qualifications as an administrator with particular emphasis on training and actual experience as a professional municipal administrator. The manager need not be a resident of the state when appointed, but during the tenure of office, the manager shall reside within the city. No councilmember shall be eligible for appointment as manager within two years following the expiration of his/her latest term as councilmember.~~

~~3.02 City Manager—Removal.~~

~~The council may remove the manager from office in accordance with the following procedure:~~

~~(1) By first adopting by the affirmative vote of at least four of its members a preliminary resolution stating the reasons for the manager’s removal. This resolution may also suspend the manager from duty. In either case, the manager shall continue to receive a salary until the final resolution of removal is adopted.~~

~~(2) Within fifteen days the manager may file with the council a reply in writing and request a public hearing. This hearing shall be held not earlier than fifteen days nor later than thirty days after filing the request.~~

~~(3) Not less than thirty days after the date of adoption of the preliminary resolution and after such public hearing, if any, the council by the affirmative vote of at least four of its members may adopt a final resolution of removal, at which time the manager shall be paid any balance of salary then due or accrued and an additional amount equal to two months’ salary or as specified by an employment contract.~~

~~3.03 Acting City Manager.~~

~~In the event of the absence, suspension, or disability of the manager, or if a vacancy should occur in the office, the council may designate a qualified administrative officer of the city to perform the duties of the office until the manager shall return to duty or until the appointment of a successor.~~

~~3.04 Powers and Duties of City Manager.~~

~~The manager shall be the head of the administrative branch of the city government. The manager shall be responsible to the council for the proper administration of all city affairs under the manager’s jurisdiction. Subject to the personnel provisions of this Charter, the manager shall:~~

~~(1) Give general direction to the programs and activities of all city departments and offices under the manager’s jurisdiction. The manager shall update and maintain a city policy and procedures manual which shall assist employees in carrying out such programs and activities;~~

~~(2) Serve as personnel officer of the city and administer the city personnel system, unless the council on the recommendation of the manager authorizes the appointment of a personnel officer to administer the system;~~

~~(3) Appoint, and when the best interests of the city require, remove officers and employees of the city unless otherwise provided by this Charter or by general laws. The manager may authorize the head of a department or office to appoint and remove subordinates in such department or office;~~

- ~~(4) Prepare the annual budgets, including a five-year capital expense budget, and submit them to the council. Upon adoption of any budget by the council, the manager shall be responsible for its administration;~~
- ~~(5) Prepare and submit to the council, at the close of each fiscal year, a complete report on the finances and administrative activities of the city for the preceding year;~~
- ~~(6) Keep the council informed on the financial condition and present and future needs of the city, making such recommendations as deemed desirable;~~
- ~~(7) Perform such other duties as may be prescribed by this charter or required by the council, not inconsistent with this Charter;~~
- ~~(8) Be authorized to sign such documents as necessary to execute City business, subject to approval by a majority of the city council.~~