

Spring 2011

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Municipal Research and Services Center of Washington



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Trends in Forms of Government in Washington Cities

By Byron Katsuyama, Public Policy & Management Consultant, Municipal Research and Services Center

Historically, there have been three basic forms of municipal government found in Washington cities: the mayor-council form, the council-manager form, and the commission form. Each form represents a different approach to the political and administrative organization of municipal government. At one time or another, citizens of every city and town in Washington have taken up the question of which form of government would be best for their community. Every city, of course, must answer this question at least once upon their initial incorporation. Cities also have the ability to change their form of government at a later time and many have chosen to do so.

Current Picture

Table 1 (see page 3) shows the current distribution of Washington cities by population and form of government. Of Washington's 281 cities and towns, 228 (81%) operate under the mayor-council form, 52 (18%) have adopted the council-manager form, and one operates under the commission form.

The great majority of Washington's 281 municipalities are small mayor-council cities and towns. Of the 228 mayor-council municipalities in the state, 166 have populations under 5,000, including 82 small mayor-council municipalities that have fewer than 1,000 residents.

Ten of the state's largest cities, having populations greater than 50,000, also operate under the mayor-council form, including the city of Seattle, with over 600,000 residents. Mayor-council and council-manager cities in this population group (over 50,000) are in fact just about evenly split, with nine of the state's largest cities operating under the council-manager form. Most council-manager cities, 39 out of 52, fall within the 5,000 to 50,000 population range. Only one city, Shelton (8,545 population), is still operating under the commission form of government.

Historical Trends

Mayor-Council. The mayor-council form is the oldest form of government found in Washington cities and was the only option available to most cities from statehood in 1889 until 1910 when the commission form was first introduced.

This form consists of an elected mayor (elected at-large), who serves as the city's chief administrative officer, and a council (elected either at-large or from districts) that is responsible for formulating and adopting city policies. The mayor-council form is characterized by a separation of executive and legislative powers and a system of checks and balances patterned after our traditional national and state governments. In all but the largest cities, elected city and town mayors and councilmembers serve on

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Trends in Forms of Government in Washington Cities continued from page 1

a part-time basis, leaving most of the day-to-day operations to various full and part-time administrative personnel.

Nationally, mayor-council governments have been classified as either "strong-mayor" or "weak-mayor" types, depending upon the degree of executive authority that is concentrated in the office of mayor. In Washington, the state legislature basically provided for the "strong-mayor" type of mayor-council government, except that mayors in towns do not have the authority to veto ordinances. By the time of statehood in

sought to improve city government by removing politics from administration and by introducing the values of efficiency and professionalism borrowed from the model of America's successful business organizations.

Commission Form. Initially introduced at Galveston, Texas, in 1901 in response to a devastating natural disaster, the commission form was the first major alternative to the mayor-council form and was widely adopted in the United States during the early 1900s. The commission form featured a small

Council-Manager Form. Staunton, Virginia, has been credited as the first city to adopt the council-manager form of government in 1908. The council-manager form consists of an elected city council, which is responsible for policy making, and a professional city manager, appointed by the council, who is responsible for administration. The city manager is directly accountable to, and can be removed by, the council. Although mayors in council-manager cities have no administrative or executive duties, they do serve as the chair of the city council and often

Table 1
Washington Cities by Population and Form of Government 2011

| Form of Government [No. and % of (A)] | | | | |
|---------------------------------------|----------------|---------------|-----------------|------------|
| Population Group | All Cities (A) | Mayor-Council | Council-Manager | Commission |
| Total (All Cities) | 281 | 228 (81) | 52 (18) | 1 (1) |
| Over 500,000 | 1 | 1 (100) | --- | --- |
| 101,000-500,000 | 5 | 2 (40) | 3 (60) | --- |
| 50,001-100,000 | 13 | 7 (54) | 6 (46) | --- |
| 25,001-50,000 | 21 | 8 (38) | 13 (62) | --- |
| 10,001-25,000 | 35 | 20 (57) | 15 (43) | --- |
| 5,001-10,000 | 40 | 28 (70) | 11 (28) | 1 (2) |
| 2,501-5,000 | 33 | 30 (90) | 3 (10) | --- |
| 1,001-2,500 | 51 | 50 (98) | 1 (2) | --- |
| Under 1,000 | 82 | 82 (100) | --- | --- |

1889, there were 32 cities in Washington operating under the mayor-council form of government. From that time, the number of cities operating under this form steadily increased to 190 in 1920 and to 208 by 1940, becoming the most popular form of government among Washington cities, particularly among those cities and towns under 5,000 population.

Progressive Reform Movement. On the national scene, the progressive reform movement of the early 1900s resulted in the development of two new forms of government, the commission form and the council-manager form. Concerned with the excesses of "political machines" operating in many of the country's cities and dissatisfied with the poor quality of municipal services, government reformers of this period

council whose members functioned collectively as the city legislative body and individually as city department heads. In theory, combining executive and legislative responsibility in one small elected body was supposed to result in increased political accountability and a more efficient and responsive city government.

Tacoma and Spokane were the first cities to adopt the commission form in Washington, both in 1910. As first class cities, Tacoma and Spokane were able to adopt the commission form through their charter authority. For other classes of cities, enabling legislation authorizing adoption of the commission form was enacted in 1911. Other cities adopting this form included Yakima, Walla Walla, and Chehalis in 1911, and Centralia in 1912.

play a prominent political leadership role.

It was not until 1943 that the enabling legislation for the council-manager form was enacted by the Washington legislature. First class cities had the authority to adopt this form under their charters, but none had successfully done so (reformers in Seattle made several early, but unsuccessful, attempts). The first city in Washington to successfully adopt the council-manager form was the city of Sunnyside in 1948.

Modern Trends

Table 2 (see page 4) shows the number of Washington cities adopting the mayor-council, council-manager, and commission forms of government from 1940 to 2010. Also included in Table 2 is the percentage of incorporated

population governed by the three basic forms of government over the same period.

Mayor-Council Form. Since statehood, the number of mayor-council cities increased steadily until it peaked in 1962 at 238, and then declined slightly, reflecting a growing number of Washington cities that were adopting the council-manager plan. Between 1990 and 2010, the mayor-council form has been adopted in nine cities. One city (Liberty Lake) incorporated as a mayor-council city. Two cities (Raymond and Wenatchee) changed from the commission to mayor-council form. Six cities (Goldendale, Ferndale,

mission cities has steadily decreased, until today only one city, Shelton, continues to operate under this form, accounting for less than one percent of city residents. Of the 14 cities that abandoned the commission form, ten changed to the council-manager form and four to the mayor-council form. Nationally, the commission form is used in only one percent of U.S. cities over 2,500 population.

Council-Manager Form. The number of adoptions of the council-manager form in Washington has increased steadily since the time of its introduction. After Sunnyside first blazed the trail in 1948, the city of Ellensburg

plan is found in roughly 49 percent of U.S. cities over 2,500 population.

Merging Forms?

Over the last 20 to 30 years, a significant number of Washington's mayor-council cities have added a new professional position of city administrator or some other similarly titled position in the mayor's office. City administrators serve under the mayor, usually on a full-time basis, assisting them with their administrative and policy-related responsibilities. Typically, this position is responsible for budget preparation, personnel administration, and the daily supervision of departments. In theory, the appointment of a

Table 2
Forms of Government and Percentage of Incorporated Population of Washington Cities
1940 to 2010

| Year | Mayor-Council | | Council-Manager | | Commission | | Total No. of Cities | Total Incorp. Population |
|------|---------------|-------------------------|-----------------|-------------------------|------------|-------------------------|---------------------|--------------------------|
| | No. | % of Incorp. Population | No. | % of Incorp. Population | No. | % of Incorp. Population | | |
| 1940 | 208 | 65% | 0 | 0% | 13 | 35% | 221 | 1,060,518 |
| 1950 | 221 | 61% | 2 | 1% | 15 | 38% | 238 | 1,422,983 |
| 1960 | 234 | 60% | 18 | 32% | 9 | 8% | 261 | 1,705,986 |
| 1970 | 233 | 57% | 24 | 37% | 8 | 6% | 265 | 1,907,182 |
| 1980 | 230 | 55% | 29 | 40% | 6 | 5% | 265 | 2,125,392 |
| 1990 | 228 | 54% | 37 | 45% | 3 | 1% | 268 | 2,287,498 |
| 2000 | 224 | 50% | 54 | 49% | 1 | <1% | 279 | 3,387,824 |
| 2010 | 228 | 58% | 52 | 42% | 1 | <1% | 281 | 4,196,962 |

Spokane, Ephrata, Ocean Shores, and Federal Way) changed from the council-manager to the mayor-council form. In 2010, Washington's mayor-council cities accounted for 58 percent of the state's incorporated population. Nationally, the mayor-council form is used in 44 percent of U.S. cities over 2,500 population.

Commission Form. Although the commission form enjoyed an initial period of popularity in Washington, the number of adoptions peaked in the early 1940s at 15 cities. In 1944, Shelton was the last city to adopt the commission form. At the height of its popularity, 38 percent of the state's incorporated population lived in cities operating under the commission form. Since that time, the number of com-

mission cities has steadily decreased, until today only one city, Shelton, continues to operate under this form, accounting for less than one percent of city residents. Of the 14 cities that abandoned the commission form, ten changed to the council-manager form and four to the mayor-council form. Nationally, the commission form is used in only one percent of U.S. cities over 2,500 population.

followed quickly, adopting the plan in the following year. Other cities have followed over the years with 14 adoptions in the 1950s, seven in the 1960s, seven in the 1970s, and seven in the 1980s. Between 1990 and 2010, 14 new cities incorporated under the council-manager form and nine cities abandoned the mayor-council form to adopt the council-manager form. Today, the 52 Washington cities operating under the council-manager form of government range in population from 1,915 in Carnation to 204,200 in Tacoma. The total population in council-manager cities in 2010 was slightly over 1.7 million residents, accounting for approximately 42 percent of the state's incorporated population. On the national level, the council-manager

city administrator frees the mayor from the need to attend to administrative details and allows them to focus greater attention on policy development and political leadership and often to attend to their own private employment apart from city government.

The mayor-council form with a city administrator is really a hybrid of the council-manager and mayor-council forms, since it borrows some of the characteristics of each. There is a single elected executive to represent the community and provide political leadership--assisted by a professional manager. Some local government observers have suggested that this trend actually represents a converging of the two dominant forms of government.

In Washington, this variation on the mayor-council plan has been growing in popularity, particularly among cities and towns under 10,000 population. The 2009 Association of Washington Cities' Salary Survey reported 75 mayor-council cities and towns that had established a position of city or town administrator, or other similar position. In addition, the lone remaining city operating under the commission form of government has also established a city administrator position, essentially adopting a hybrid council-manager form of government with the commission functioning as a three-member city council.

While there continues to be a wide variation in levels of responsibility among city administrators in mayor-council cities, their numbers are

significant and represent an important trend toward the further integration of professional management into Washington local government.

Conclusion

Reflecting national trends, the mayor-council form remains the most common form of government found in Washington cities and towns, particularly among the smaller jurisdictions and for some of the very largest. For the smallest cities and towns with relatively few services and more modest budgets, the mayor-council form is perhaps the most practical and economical form of government. For the very largest cities (i.e., Seattle), the mayor-council form remains a popular choice. However, a growing number of cities over 50,000 population now operate under the council-manager form.

The trend toward professional management in local government introduced through the council-manager plan during the 1940s has had a major influence on the structure of Washington local governments, including many mayor-council cities. The continuing popularity of professional management in Washington reflects not only the growth in the number and complexity of local government services, but also the growing demands placed on local governments, both large and small, in the form of state and federal mandates. The growth in external demands, in particular, may be one reason that increasing numbers of small and medium sized mayor-council cities have also hired professional administrators. ▀

Rich Yukubousky Announces Retirement Plans

Municipal Research and Services Center's Executive Director, Rich Yukubousky, announced his plans to retire in mid-July. Rich has served as MRSC's Executive Director since 1990.

"I will leave with a profound sense of gratitude for having the privilege to work for one of the finest local government organizations in the state of Washington," Yukubousky said. "MRSC is respected statewide and nationally for our excellent service and credible, objective, and timely information and advice."

Prior to being appointed as MRSC's Executive Director in June of 1990, Rich served as the Long Range Planning Director for the city of Seattle. Overall, Rich has more than 40 years' experience in public policy and administration working with and for state and local governments.

"The guidance of a visionary board of directors and a highly dedicated and capable staff that provides high quality programs and services will provide a

seamless transition for MRSC," Yukubousky said.

"Washington's local governments, citizens, businesses, and state agencies have benefitted from Rich's work as director," said MRSC President Kirke Sievers, Snohomish County Treasurer.

"It is my belief that MRSC is much stronger than it was 20 years ago. The reach of MRSC has expanded dramatically. MRSC now serves counties and about 550 special purpose districts in the state in addition to cities. The smart use of technology has facilitated enhanced service at low cost. We respond to thousands of inquiries and operate a nationally acclaimed website that is used by about 4 million visitors annually," Sievers said.

A nonprofit corporation, MRSC's mission is to promote excellence in Washington local government

through professional consultation, research, and information services.

The MRSC board of directors has begun the search for a new executive director with the goal of a seamless transition in leadership. ▀



Nordby's Notes

Lessons and observations from a career in public service

By Lynn Nordby, Public Policy Consultant, Municipal Research and Services Center

Look Before You Leap or Monday, Monday, can't trust that day

Monday, Monday, can't trust that day, Monday, Monday, sometimes it just turns out that way – The Mamas and the Papas

Looking at the year's calendar, I noticed that, in addition to the usual federal Monday holidays, a majority of the "date specific" holidays happen to fall on Mondays, too. That observation led me to start thinking about something that happened several years ago while I was a city administrator. The recollection concerned an unsuccessful attempt to change a city policy on solid waste collection and the lessons to be learned from failure as well as success. Why the connection between Monday holidays and my recollection of changing solid waste collection? Let me explain.

Our city collected solid waste with a small fleet of trucks and a hardworking and dedicated crew of workers who really performed well in all kinds of weather. They were truly motivated and service-oriented, but dealing with holidays was always difficult. On the day after a holiday, the crew had two routes to cover. Although, if necessary, we paid overtime and supplemented the crew with other staff and backup equipment, the "day after" was always grueling and hard on morale.

Our supervisor of utilities recommended that we try something new: stop trying to catch up on the day after the holiday and just skip the route that fell on the holiday and collect it on the regular schedule the following week. Customers on the affected routes would be allowed to set out twice the volume of trash at no additional charge. We reasoned that in practice we actually might collect less than before as customers might try to reduce their waste generation in an effort to get by for two weeks. The workers thought it would work much better than the current pro-

cess, so we recommended it to the city council and easily got their approval.

Prior to implementation, we conducted a public information campaign by including notices with our utility bills, and we promoted the change prominently in the local newspaper with official notices, a press release, and advertisements. There was little, or no, negative reaction.

However, we did *not* consult the calendar.

As it happened, the first year of implementation must have been on the same calendar cycle as 2011 appears to be; all the holidays that year were on a Monday. The same neighborhoods bore virtually all of the effects of the new policy and were required to hang on to their trash for two weeks, instead of the usual one, at the rate of almost once a month for an entire year.

Every community has a few active, articulate, and vocal citizens. Several of ours happened to live on the Monday collection route. Once they realized the full implications of the revised collection policy, they wasted no time in lobbying the mayor and city council to abandon the new schedule. We tried to maintain that, eventually, the one-week delay in service would be rotated throughout the community, but to no avail. The fact that there would always be at least four Monday holidays every year was enough to keep the opposition alive in a least one neighborhood and stop the idea for good.

Lesson learned – any new proposal can be defeated by failing to consider all the potential impacts. Perhaps

something as simple as consulting the calendar prior to implementation might have alerted us to the fact that by starting when we did, one route was going to bear the brunt of the inconvenience. Delaying the start of the new schedule until mid-year would have effectively delayed the impact on the Monday collection route by several years, perhaps allowing the new policy to gain acceptance.

We'll never know. ▮

The Sharpest Tools in the Shed

"To be a part of a throwaway mentality that discards goods and ideas, that discards principles and law, that discards persons and families, is to be at the dying edge." (From Leadership is an Art, by Max Depree)

I found this quotation several years ago, and it seems appropriate for opening a discussion of public sector leadership at this time, with many jurisdictions facing staff reductions. Public service is, by definition, a service industry. The majority of the budget of most public agencies is for the salaries of the people who deliver the services. With the dramatic and prolonged decline of local government revenue brought about by the current recession, it was inevitable that workers' wages, hours, working conditions, and benefits would be impacted. Expert analysts predict that even after the general economy begins to recover, the negative effects on local government revenue will continue to be felt. As deeply as some agencies have already cut, it is very likely that the end

is not yet in sight. How we make the decisions and how we treat the people directly affected by budget and staff reductions, whether through attrition, layoffs, or furloughs, will determine whether or not we're at the "dying edge."

"It's a poor workman who blames his tools," is a metaphor dating from the middle ages and expresses a basic truth that may be applied to public management. It's a reasonable analogy to say that people are the "tools" of public service. Public leaders and managers are responsible for the way we utilize the tools we're trusted with. We implement policies and programs with these human "implements." While the origins of the expression, "Take good care of your tools and they'll take good care of you" are unclear, the meaning is clear to any craftsman. If you've misused your tools or failed to maintain them properly, they won't serve you well when you need them. As a community leader, you're responsible for how sharp your tools are as well as how well you use them. Your ability to motivate and inspire is even more important now than when the city or county's coffers were flush. This is a critical time to show respect and empathy for the staff bearing the brunt of the effects of cost-cutting measures.

Critics of government may be quick to equate the reductions in force to "cutting fat" and "something that should have happened long before." As a leader, resist the temptation to agree with them (even if you do). For the employees losing their jobs and those still serving the public, this demeans them and belittles their service. It simply serves no useful purpose. Few public

agencies have formal outplacement programs to assist laid-off employees. However, at little or no expense, perhaps some time may be offered to assist these employees with resume preparation or with tips on job searching and dealing with Employment Security or the retirement system.

While, at the moment, "taking good care" of your personnel probably doesn't include monetary rewards, if you do your best for the people who work for you in other respects, they are much more likely to do their best for you. This can be as simple as showing interest in what they do, sincerely involving them in finding solutions,¹ and showing respect.

Those still on the job are already likely to be fearful and demoralized. It's your job to take whatever steps are within your ability to minimize the factors contributing to fear and low morale. In a previous column, I described the lasting beneficial effect of a small note left from a councilmember after a long and difficult meeting. (See "Big Results with a Small Gesture" *Municipal Research News* – Summer 2009.) Don't miss an opportunity to recognize the good work of your staff. Praise for major accomplishments is always appropriate and appreciated, but so is recognition for doing the everyday tasks that maintain the continuity of your agency's public services.

It shouldn't be a surprise that employees who are relieved to have survived the latest round of budget cuts may be experiencing survivor's guilt. They're happy to still be employed but sad to lose coworkers with whom they've shared a large part of their daily lives.

The loss of coworkers may even make your remaining employees experience grief symptoms such as those described by Elisabeth Kubler-Ross: denial, anger, bargaining, depression, and acceptance.² Recognizing that your employees will be going through similar emotions will give you the opportunity to anticipate and actively deal with them. Having an employee assistance program available can be helpful for employees coping with conflicting emotions.

While the overall economy may have officially turned the corner, it is generally agreed that state and local governments will have to endure more difficult budget cycles for the foreseeable future, as any recovery of government revenue traditionally lags behind personal and business income growth. Additionally, various tax limitation measures enacted in recent years have reset the tax base in a way that structurally guarantees the recovery will be even slower.

Anticipating that the times of difficult budgeting are not over and won't be for a while, what can we do to keep our "tools" sharp?

- Know what to expect. People will feel fear, anger, sadness, and grief. Have the means to handle it.
- Treat people the way you'd want to be treated with respect, fairness, openness, and honesty.
- Show appreciation; it doesn't cost anything and yet yields lasting results. ▀

Footnotes

¹"Survivors indicated that they were reassured when they could understand and could have a voice in the restructuring process. They expressed frustration when their input was not sought or when it was ignored to the detriment of the organization." From: "Survivors of downsizing: helpful and hindering experiences," *Career Development Quarterly*, Monday, March 1, 2004

²"How to Cope When Coworkers Lose Their Jobs: Layoff Survivors Experience Feelings of Guilt, Sadness, Loss, and Fear," retrieved February 9, 2009 from http://humanresources.about.com/od/layoffsdownsizing/a/survivors_cope.htm

Ask MRSC

Summaries of recent inquiries answered by MRSC consultants

May cities impose residency requirements for appointed officials?

Yes. RCW 35.21.200, which applies to all classes of cities, provides that a city may by ordinance determine whether there shall be any residential qualifications for appointed officials. There are some nuances in the statute, such as it can't be applied retroactively to require current officials to move into the city if they were hired before a residency requirement existed. This statute provides:

Any city or town may by ordinance of its legislative authority determine whether there shall be any residential qualifications for any or all of its appointive officials or for preference in employment of its employees, but residence of an employee outside the limits of such city or town shall not be grounds for discharge of any regularly appointed civil service employee otherwise qualified: PROVIDED, That this section shall not authorize a city or town to change any residential qualifications prescribed in any city charter for any appointive official or employee: PROVIDED, FURTHER, That all employees appointed prior to the enactment of any ordinance establishing such residence qualifications as provided herein or who shall have been appointed or employed by such cities or towns having waived such residential requirements shall not be discharged by reason of such appointive officials or employees having established their residence outside the limits of such city or town: PROVIDED, FURTHER, That this section shall not authorize a city or town to change the residential requirements with respect to employees of private public utilities acquired by public utility districts or by the city or town.

However, for council-manager code cities, state law requires the city manager be a resident after his or her appointment, unless the city council waives that requirement. RCW 35A.13.050.

Are federal projects exempt from local building permit and land use requirements?

Yes, federal projects are exempt from local land use regulations and building permit requirements. The concept of federal exemption from state and local regulations is based on the supremacy clause of the U.S. Constitution. Article VI of the federal constitution states in relevant part:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

So, neither local zoning regulations nor the local building code apply to a federal building project on federally-owned property. This is also the conclusion of the Office of the Attorney General in AGO 1978 No. 6, dated March 7, 1978. There is one caveat in this AGO, however. Sometimes the Congress might require that a certain building project comply with local building codes and, in that case, the local building code must be followed by the federal agency. Of course, the federal government may always voluntarily subject itself to local zoning and building code regulations, if it so desires.

Also see California Planning, "The Essentials of Preemption" <http://ceres.ca.gov/planning/preemption/Part1.html>.

If an ordinance is repealed by means of a referendum, is there a statutory limitation on when the council could reenact the provision?

There is no prohibition on a council reenacting an ordinance after it has been repealed by a local referendum

election, and there is no required waiting period before it could be reenacted. Though, of course, such a decision to reenact may have political consequences, even if it is not specifically prohibited in state law.

When must the local government attorney be present at an executive session?

The local government attorney, or other legal counsel representing the agency, must be present during an executive session to discuss litigation or potential litigation with the governing body. RCW 42.30.110(1)(i). So, the council or board may meet in executive session for any of the other authorized reason without such attorney being present.

Also, it is our opinion that it is legally permissible for the attorney to be "present" at the executive session by means of speaker phone; that option may save money in some circumstances.

What is the procedure for renaming streets and designating new addresses in a newly-annexed area?

There is no statutory procedure or requirement that must be followed by a city when naming or renaming streets, except that the procedure should be established by ordinance. The only statute that deals with street naming and numbering is RCW 58.17.280, which provides that cities "shall, by ordinance, regulate the procedure whereby . . . streets . . . are named and numbered."

We recommend that at least one public hearing be held prior to adoption of any street name in order to allow public input into the decision. If the name of the street appears in a plat that has been approved and filed with the county auditor, some provision should be made for filing a notice of the name change with the county auditor. Other agencies, such as the post office or the

fire district, if one serves your area, should also be notified of the change so they can alter their records.

Does the absence of the mayor (in a mayor-council code city) from a council meeting have to be excused by the council? Is the mayor's position subject to becoming vacant because of three consecutive missed regular meetings without being excused?

In short, "no" to both questions. RCW 35A.12.060, which provides that a council position becomes vacant if the councilmember fails to attend three consecutive regular meetings without being excused by the council, refers only to councilmembers, and not to the

mayor. No statute addresses the mayor being absent from meetings, although RCW 35A.12.065 authorizes the council to designate one of its members as mayor pro tempore or deputy mayor to serve as mayor if the mayor is absent or temporarily disabled.

May a problem with the doctrine of incompatible offices be cured by abstaining from voting on a specific issue?

No, if two offices are incompatible, the incompatibility may not be cured by abstention from voting on a specific issue.

This conclusion is supported by McQuillin, *Municipal Corporations*, where

it is noted in regard to the application of the doctrine of incompatibility:

Although the conflict in duties may never arise, it is enough that it may, in the regular operation of the statutory plan. It is not an answer to say that if a conflict should arise, the incumbent may omit to perform one of the incompatible roles. The doctrine of incompatibility was designed to avoid the necessity for that choice.

McQuillin, 3rd ed., Vol. 3, Sec. 12.67.

So, our conclusion is that, if the duties and responsibilities of the two offices in question make them incompatible if held by the same person, that incompatibility cannot be cured by abstaining on specific issues. ▀

Should Our Council Adopt *Robert's Rules of Order*?

By Ann G. Macfarlane, Professional Registered Parliamentarian™ *Jurassic Parliament*

The state of Washington gives city councils wide authority to decide how they will carry on their business:

The council shall determine its own rules and order of business, and may establish rules for the conduct of council meetings and the maintenance of order. RCW 35A.12.120

Some councils have adopted, by resolution or ordinance, a set of guidelines for this purpose, and others have not. Many of these guidelines include reference to *Robert's Rules of Order*, using such language as "meetings shall be governed by *Robert's Rules of Order* and these council rules of procedure. In case of a conflict, the council rules of procedure shall prevail."

Recently it was suggested to *Jurassic Parliament* that *Robert's Rules of Order* is too complicated for small cities and towns, and they would do better not to adopt it. We agree that the book is complicated, but we believe that *Robert's Rules* still provides the best and most useful set of rules of order for civic bodies in our state - provided that folks are willing to do a little work and learn how to use *Robert's Rules* properly. Our argument runs like this:

1. The fundamental principles in *Robert's* are common to all our civic discourse and are not hard to learn. Everyone participating in council debate and discussion should understand that the majority will rule, that the minority have rights that must be respected, that members have a right to information to help make decisions, that courtesy and respect are required, that all members have equal rights, privileges and obligations, and that members have a right to an efficient meeting.
2. The use of written motions and amendments provides an efficient and fair way to consider proposals and modify them in accord with the group's preferences. The method is a little unusual, in that amendments are taken up before the motion is voted on, but once groups get used to it, the system works well.
3. *Robert's* rule that no one may speak a second time until everyone who wishes to do so has spoken once is vital to equalizing power imbalances and giving everyone a fair shake in discussion. We believe that it should be observed by all groups, whether or not they have formally adopted *Robert's*.
4. *Robert's* provides "special rules for small boards" that can be useful for smaller councils, should they choose to apply them.
5. *Robert's* also allows groups to develop and apply their own "special rules of order," so if a body wishes to change something in *Robert's*, it is perfectly free to do so.
6. In sticky situations, "do-it-yourself" rulemaking can lead to ad hoc invention of rules, likely supplied by the chair on his own authority. A chair who makes up rules or improvises on the basis of vague memories from student government days is a sure path to problems, especially if the rule-maker has an air of authority about him (or her).
7. While councils often rely on their attorney for advice in this arena, it has been our experience that few

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Heads Up

Emerging information for local government

By Lynne De Merritt, Senior Research Consultant, Municipal Research and Services Center

Bellevue Solar Leases

In February, the city of Bellevue approved the leasing of public roof space for "community solar projects," under the state's cost-recovery incentive program to promote renewable energy systems. Each project could generate enough energy to power approximately six homes per year. The initial cost to install a solar array would be paid for by members of a community solar organization, who can recoup their investment through incentive payments as specified in the state legislation authorizing these projects. There would be no cost to the city. The city will solicit proposals from community solar groups that want to sign a long-term lease for selected roof space. Lease amounts have not yet been determined. *From Bellevue Council Roundup, 02/24/11. For more information, view the Council Study Session item at <http://www.bellevuewa.gov/pdf/City%20Council/PacketStudySession2-22-112b.pdf>.*

Fundraising and Donations

In a period of difficult financial times, with program cutbacks prevalent, some communities are pitching in to save old or provide new fundraising or donation programs.

Here are a few items recently noted:

Merger Island Parks and Recreation Department is seeking direct donations to save a number of recreation and special events programs cut from the budget, including Adventure Playground, Community Campout, the April egg hunts, and the Fun Mobile. The department has placed a "help save community recreation programs and events" plea and a donation button on its Park and Recreation page, along with a link to the press release explaining the need. See <http://www.mercergov.org/SectionIndex.asp?SectionID=42>.

Walla Walla's Pioneer Park Aviary is home to approximately 200 exotic birds. The Aviary is financially supported by donations and the sale of birds it raises. The Aviary began as a small collection of hobby pens and was enlarged to its current status through service club, trust fund, and individual contributions. A donation box is on site in the middle of the pen area, and the city maintains the Aviary Trust Fund account to receive other monetary and estate donations. A total of \$55,000 is needed to keep the facility operating in 2011. In January, the Elks raised \$12,500 through ticket sales and auctions held at the "It's for the Birds" event. Friends of Pioneer Park Aviary and the city of Walla Walla raised \$17,000 in donations, making the current total just shy of \$30,000. *Walla Walla Pioneer Park Aviary website and Web Union Bulletin, January 20, 2011 <http://union-bulletin.com/stories/2011/01/20/event-pushes-walla-walla-aviary-fund-raising-near-30-000>.*

King County Save Maury Island Campaign – At the end of December, King County purchased a sand and gravel site from the CalPortland Company. The property includes 250 acres of open space, including pure Madrone forests and a habitat that supports endangered species in Puget Sound, such as Chinook Salmon, Orca, and Bull Trout. When combined with the adjacent Maury Island Marine Park, the two sites will represent the largest public holding of protected marine shoreline in Puget Sound. The purchase was paid for through the King County Conservation Futures Fund. The purchase was facilitated by Cascade Land Conservancy (CLC), and \$2 million was to be raised through private fundraising contributions to reimburse the Conservation Futures Fund. The group, Save Our Islands, raised \$500,000 from Vashon donors. The CLC will continue to head efforts to raise the remaining \$1.5 million. *King County Executive*

News and Maury-Vashon Beachcomber, January 4, 2011.

Lake Forest Park – Carter Subaru donated a Subaru Forester for the use of the city's Crime Watch Volunteers, who make daily visits to homes where the residents are out of town. The volunteers check for open windows, collect newspapers, and check the grounds. Crime Watch is a service program staffed by 33 volunteers sponsored by the Lake Forest Park Police Department.

Bonneville Power Administration (BPA) donated six surplus all-terrain vehicles to **Skamania County** to aid search and rescue in the rugged terrain of the Columbia River Gorge. The vehicles had been used to repair electric transmission lines in remote areas and are being replaced with new ones. *BPA Journal, March 2011; and Columbian, February 13, 2011.*

Emergency Services

The **Yakima Fire Department** is offering yellow medical cards to help improve its response during a medical emergency. The medical card, listing contact information and medications taken, may be displayed on a resident's refrigerator. This card will provide emergency service personnel vital information so they are able to provide better and more efficient care in an emergency. It will eliminate the need to ask specific questions when ill people are in pain and/or short of breath. *Yakima Fire Department <http://www.ci.yakima.wa.us/services/fire>.*

Firefighters in the **Monroe Fire District #3**, which includes the city of Monroe, are learning to speak Spanish. The district received a grant award from the Department of Homeland Security and the Federal Emergency Management Agency. Part of the award was used to hire a Spanish-speaking educator for one year to teach Spanish to firefight-

ers and to conduct outreach education to Monroe's Latino community. Funds were also used to purchase interactive educational props to support the fire district's existing community education programs. Monroe's Fire Marshal said, "The consequences of unpreparedness do not discriminate between races or native languages. Our valuable community education programs historically have been taught only in English. This grant will help us provide equal opportunities to learn about fire and injury prevention to our second most predominant language community." The fire district provided \$15,217 as local matching funds to support the grant projects, making the total grant around \$152,000. *Monroe Fire District No. 3 News Release, August 18 2010 and Herald Net article, December 21, 2010.*

City and County Anniversaries in 2011

150 Years:
Snohomish County

100 Years:
Pend Oreille County
Krupp, Grant County
Mansfield, Douglas County
Metaline Falls, Pend Oreille County
Omak, Okanogan County
South Cle Elum, Kittitas County
Zillah, Yakima County

50 Years:
George, Grant County
Lake Forest Park, King County

New Acquisitions

New resource materials now available

Airports

Planners and Planes: Airports and Land-Use Compatibility, by Susan M. Schalk with Stephanie A.D. Ward; Chicago: American Planning Association, 2010 [AA 4.0000 P53 2010]

Energy Resources and Conservation

Planning for a New Energy and Climate Future, by Scott Shuford, Suzanna Rynne, and Jan Mueller; Chicago: American Planning Association, 2010 [EC 2.0500 P53 2010]

Economic Development

Revitalizing Main Street: A Practitioner's Guide to Comprehensive Commercial District Revitalization, project editor, Andrea L. Dono; contributing editor, Linda S. Glisson; Washington, DC: National Trust for Historic Preservation, National Trust Main Street Center, 2009 [ED 5.3400 R48 2009]

The Wealth and Poverty of Regions: Why Cities Matter, by Mario Polese; Chicago: The University of Chicago Press, 2009 [ED 0.0009 W43 2009]

Finance

The Bidding Book for Washington Cities and Towns; Seattle: MRSC, 2010 [F 8.3000 B555 2010]

A Budgeting Guide for Local Government, by Robert L. Bland; 2nd ed. Washington, D.C.: International City/County Management Association, 2007 [F 3.0000 B83 2007]

An Elected Official's Guide to Government Finance, by Girard Miller; 2nd ed. Chicago: Government Finance Officers Association, 2008 [F 1.0000 E54 2008]

An Elected Official's Guide: Long-Term Financial Planning, by Shayne C. Kavanagh and Monica Han Na; Chicago: Government Finance Officers Association, 2008 [F 1.0000 E45 2008]

Governance

Build a Successful Volunteer Program to Drive Growth and Recovery, by Michelle Nunn; Washington, D.C.: International City/County Management Association, 2010 [G 0.0000 15m v.42 no.2]

The Five Qualities of Collaborative Leaders and How Communities Benefit, by Russ Linden; Washington, D.C.: International City/County Management Association, 2010 [G 0.0000 15m v.42 no.3]

If We Can Put a Man on the Moon--: Getting Big Things Done in Government, by William D. Eggers, John O'Leary; Boston: Harvard Business Press, c2009 [G 9.0000 I3 2009]

Making Smart Choices about Fire and Emergency Medical Services in a Difficult Economy, by Joseph J. Fitch; Washington, D.C.: International City/County Management Association, 2010 [G 0.0000 15m v.42 no.5]

The Next 100 Years: A Forecast for the 21st Century, by George Friedman; 1st ed. New York: Doubleday, 2009 [G 0.0009 N45 2009]

Open Government: Collaboration, Transparency, and Participation in Practice, edited by Daniel Lathrop and Laurel Ruma; 1st ed. Beijing; Cambridge: O'Reilly, 2010 [G 9.1526 O64 2010]

Operations Planning for Improved Performance in a Tough Economy, by John F. Luthy; Washington, D.C.: International City/County

Management Association, 2009 [G 0.0000 15m v.41 no.6]

Promote Economic Development with Public-Private Partnerships, by William C. Rivenbark, Justin Marlowe, and A. John Vogt; Washington, D.C.: International City/County Management Association, 2010 [G 0.0000 15m v.42 no.1]

The State and Local Government Performance Management Sourcebook, edited by Anne Spray Kinney, Michael J. Mucha; Chicago: Government Finance Officers Association, 2009 [G 9.7025 S83 2009]

Strengthen your Local Economy through Economic Gardening, by Christine Hamilton-Pennell; Washington, D.C.: International City/County Management Association, 2010 [G 0.0000 15m v.42 no.4]

The Upside of the Downturn: Ten Management Strategies to Prevail in the Recession and Thrive in the Aftermath, by Geoff Colvin; New York: Portfolio, 2009 [G 9.0000 T45 2009]

Licensing and Regulation

A Lawyer's Guide to Dangerous Dog Issues, edited by Joan E. Schaffner; Chicago: ABA, 2009 [LR 8.4000 L39 2009]

Parks and Recreation

Urban Green: Innovative Parks for Resurgent Cities, by Peter Harnik; Washington, DC: Island Press, 2010 [P 0.0009 U 73 2010]

Planning and Land Use

Designing Walkable Urban Thoroughfares: A Context Sensitive Approach, Washington, DC: Institute of Transportation Engineers, 2010 [PL 10.4100 D47 2010]

Fiscal Impact Analysis: Methodologies for Planners, by L. Carson Bise II; Chicago: American Planning Association, 2010 [PL 5.1300 F56 2010]

A Planners Guide to Community and Regional Food Planning, by Samina Raja, Brandon Born, and Jessica Russell; Chicago: American Planning Association, 2008 [PL 5.2310 P53 2008]

Smart Codes: Model Land-Development Regulations, by Marya Morris, General Editor; Chicago: American Planning Association, 2009 [PL 8.6270 S63 2009]

Smart Growth for Coastal and Waterfront Communities; Washington, DC: National Oceanic and Atmospheric Administration, 2009 [PL 5.2900 S53 2009]

The Smart Growth Manual, by Andres Duany, Jeff Speck with Mike Lydon; New York: McGraw-Hill, 2010 [PL 8.6270 S632 2010]

Smart Growth Policies: An Evaluation of Programs and Outcomes, edited by Gregory K. Ingram ... et al; Cambridge: Lincoln Institute of Land Policy, 2009 [PL 8.6270 S631 2009]

Urban Agriculture: Growing Healthy Sustainable Places, by Kimberley Hodgson, Marcia Caton Campbell, and Martin Bailkey; Chicago: American Planning Association, 2010 [PL 5.2300 U73 2010]

Transportation

Complete Streets Best Policy and Implementation Practices, by Barbara McCann and Suzanne Rynne, Editors; Chicago: American Planning Association, 2010 [T 6.2500 C65 2010]



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Should Our Council Adopt *Robert's Rules of Order* continued from page 9

attorneys have had serious training in parliamentary procedure and few correct the common and widespread misunderstandings about *Robert's Rules*.

8. A body cannot do its work without some guidelines. Failing to adopt *Robert's* doesn't mean that there are no guidelines - but without a specific "parliamentary authority," in times of conflict, a group will be driven back to rely on "common parliamentary law." Finding out what "common parliamentary law" requires and how it applies to a given situation is likely to be complicated and expensive, requiring time and attention from legal counsel and qualified parliamentary consultants. Far better to have set the terms of discourse in advance, so that everyone knows

and agrees to the way they will consider matters.

We believe that adopting a set of common-sense guidelines based on *Robert's Rules*, incorporating *Robert's* by reference for the more unusual or complicated situations that may arise, and then committing to the education necessary to get everyone on the same page, will pay big dividends for every council willing to make the effort.

That education can be quite affordable. Every city budget ought to be able to provide a copy of *Robert's Rules of Order Newly Revised in Brief* to each council member. This little book is a splendid summary of the rules applicable to all but the most exceptional situations. At \$7.00 it's an amazing buy, and you can read it in an evening. ▶

