

**LEAVENWORTH CITY COUNCIL**  
**Study Session Agenda**  
**City Hall – Council Chambers & Zoom Optional**  
**March 28, 2023 @ 5:30 PM – 6:50 PM**

**5:30 – 6:00    Changing from Mayor/Council to Council/Manager Form of Government**

Councilmember Aurilio requested time for the City Council to consider changing Leavenworth's form of government from that of a Mayor/Council to that of a Council/Manager. Emily Guildner is here to present the pros and cons and lead the conversation.

The following item is included under **TAB B**.

- Plans of Government: RCW 35A.12 and RCW 35A.13

**6:00 – 6:30    Discuss Moratorium on Bed & Breakfasts**

Several councilmembers are requesting a moratorium for new B&Bs until a density and/or use of ADUs is reviewed. The use of a moratorium is generally done in emergency situations, under RCW 36.70A.385. The emergency should be defined based on data.

The city has issued building permits for approximately 62 ADUs. As of last month, seven are used as a B&B. When the B&B ordinance was adopted, it included the following related findings:

- WHEREAS, the amendment strikes a necessary balance between the benefits and burdens associated with short-term rentals in residential zones;
- WHEREAS, the record shows that short-term rentals in residential zones can have a negative effect on residents and neighborhoods. Many residents testified about noise and parking problems from short-term rentals. Residents also testified about loss of community when neighbors are a stream of transient guests rather than a member of the community. Among specific concerns raised was the safety of children when the neighbors are transient guests who no one knows;
- WHEREAS, the high cost of housing in the City is well documented. The record shows that short-term rentals have the potential to exacerbate that problem, but they can also provide a means for some property owners to afford to buy or rent a home in the City. Renting out a room as a short-term rental can provide additional, needed income to pay a mortgage or rent;
- WHEREAS, the record shows that short-term rentals can provide greater income to property owners than long-term rentals. Because short-term rentals are subject to lodging taxes, and long-term rentals are not, short-term rentals can also provide revenue for the City;

Below is the current breakdown of B&Bs, including use of ADUs.

## Bed and Breakfasts Within City Limits

	File Number	Date	B&B Address	Name	ADU used	Business Name	Business / Property Owner
1	No Permit - Grandfathered		705 Birch	Hesler	N	Chikamin Haus B&B	Bonnie Johnson
2	CUP 1987-05	10/21/1987	1213 Front St	Holmer	N	Bergen Haus	Michael Cummings
3	STR 1991-03		303 1/2 Whitman		N		
4	CUP 1993-01	3/25/1993	321 Whitman St	Klodowski	N	Amanda's Lodge	Daniel McIlwain
5	CUP 1999-01	4/9/1999	106 W Center St	Miller	N	Tumwater Mountain B&B	Debra Miller
6	CUP 2003-02	3/4/2003	1112 Commercial St	Stroud	N		William & Tara Anderson
7	CUP 2003-07 (amended 2006-03)	5/23/2003 5/23/2006	225 Prospect	Subido	N	Airbnb Romantic Lodging	Rebekah Subido
8	CUP 2016-03	5/27/2016	1128 Commercial St	Martinez	N	Jillian's B&B	Joel & Jill Martinez
9	CUP 2016-04	10/11/2016	117 Mill St	Keziah	Y	Keziah Hospitality	Tom Keziah
10	CUP 2016-06 (amended 2019-02)	12/21/2016 10/3/2019	245 Center St	Blue	Y	Blue B&B	Ginnie Jo Blue
11	CUP 2017-02	7/7/2017	1213 Commercial St	Bedard	Y	Bedard B&B	Lisa & Michael Bedard
12	CUP 2018-01	5/24/2018	414 Ash St	Lewis	Y	Lewis Loft	Robert & Megan Lewis
13	CUP 2019-04	11/14/2019	504 Ash St	Blue	Y	Mountain Ash B&B	Travis & Holly Blue
14	CUP 2022-002	4/18/2022	166 W Whitman	Moser	Y	Red Cabin B&B	
15	CUP 2021-031	1/21/2022	260 Scholze St	Stevenson	Y	Stevenson B&B	
16	CUP 2022-013	6/21/2022	509 Orchard St	Barret	Y	Barret B&B	
17	CUP 2022-025	9/22/2022	337 Prospect	Miller	Y	Miller Studio B&B	
18	CUP 2022-036		408 Ash St	O'Neill	N		
19	CUP 2023-009	2/7/2023	417 Ash St	Lundgren	Y	Lundgren B&B	Jason Lundgren
No Longer Operating							
	CUP 1989-10	1/18/1990	167 W Whitman St	Jacobsen	N		Hitish Jawa
	CUP 2016-05	12/21/2016	426 Cedar St	McPherron	Y		Nicolas Pottier
	CUP 2021-012	4/10/2021	104 River Street	Pankow	N	Pankow B&B	Julie & Nicholas Pankow

  

Approved & Operating	15
Preliminary Approval	3
Applied	1
No Longer Operating	2
Expired - Void	1

The 2023 Planning Commission Docket includes a review of B&B densities. Staff recommends requesting the Planning Commission discuss this item in the spring rather than implement a moratorium.

There are no items included under **TAB C.**

### **6:30 – 6:40     Monthly Surveys for Leavenworth Residents**

Councilmember Aurilio requested time for the Council to consider putting together a monthly survey for the residents of Leavenworth. The purpose of this would be to find out what is important to the residents in order for the Council to set policy based on the wants and needs of our residents.

There are no items included under **TAB D.**

### **6:40 – 6:50     Council Open Discussion**

This time is for the Council open discussion.

There are no items included under **TAB E.**

## **Common Issues and Pro/Con Arguments in Elections to Change Form of Government**

What are some of the most common issues and arguments pro and con that have come up in elections to change forms of government?

In our experience, the most common issues revolve around:

- **Responsiveness and accountability** – which form will be the most responsive?
- **Professional management** – which form provides the best quality of management?
- **The appropriate role of politics in administration** – should politics be removed from administration?
- **Effectiveness and efficiency** – which form produces the most efficient and effective management?
- **Political harmony (an oxymoron?)** – which form produces greater harmony and less divisiveness?

**These “arguments” have been collected from a variety of sources and do not necessarily reflect the opinions of MRSC or MRSC Staff.**

### **Arguments For the Mayor-Council Form**

- This is the form that is familiar to most Americans because it is patterned after our traditional national and state governments. There is a separation of powers between the executive and legislative branches. There are checks and balances. The council can refuse to confirm the mayor's appointments and the mayor can veto the council's legislation.
- Also separation of powers provides healthy independence, debate and creative tension. Separate legislative and executive branches provide the best opportunity for debate and consensus building.
- By electing, rather than appointing a mayor, political leadership is established. The city has a political spokesperson who has a high degree of visibility.
- Some argue that an elected mayor will have a higher standing and greater voice in regional affairs of the city
- The mayor is vested with the veto power and can serve as a check on an unpopular council decision
- A skilled administrator can be hired to minimize weaknesses in the mayor's management background or experience, but the mayor is still fully responsible. (This refers to the appointment of a CAO and the addition of professional expertise to the mayor's office)

### **Arguments Against the Mayor-Council Form**

- The office of the mayor gives too much power and authority to one person. It permits an incumbent to make decisions based largely on political considerations, and to use the office to further personal political objectives
- They also point out that the qualities needed to win an election are not the same qualities needed to manage a modern city. A mayor, while politically astute, may not always possess the necessary management training and experience.
- If an elected mayor proves to be incompetent or worse, he/she cannot be removed until the end of their term, or after an expensive and divisive recall election.
- A separately elected mayor may resist requests from the council. The mayor may attempt to isolate the council by controlling staff, information, and reports.

### **Arguments For the Council-Manager Form**

- Administration of city business is removed from politics
- Efficiency of professional management based on a business model also the familiar model of school board to school superintendent relationship
- Since city managers are appointed rather than elected, greater attention can be given to selecting a qualified manager. The pool of qualified candidates is larger since city managers traditionally are paid better than mayors and since candidates can be recruited from outside the city including a nationwide search. (mayors must be a resident of the city prior to their election).
- Emphasis is placed on the role of the legislative body and its policy-making function. Council gets better cooperation and information because the city manager is their employee.
- Since manager serves at the pleasure of the council without a definite term, he/she can be removed at any time, limiting the danger of an abuse of authority.

### **Arguments Against the Council-Manager Form**

- Critics of the council-manager plan argue the following:
- The council-manager form gives too much power to one person - the city manager
- A professional manager, often chosen from outside the city, does not know the community and is too far from the voters

- Councils may leave too much decision making to the manager, who is not directly accountable to the public
- Without an elected chief executive, the community lacks political leadership
- The council-manager form is too much like a business corporation which is not suitable for managing community needs
- City managers cost too much, local people could handle the job for less cost
- Citizens may be confused about who is in charge. Most expect the mayor to respond to their problems. The mayor has no direct control over the delivery of services and can only change policy through the city council
- City managers may leave a city when offered higher salaries and greater responsibilities in other cities

# Plans of Government

RCW 35A.12 and RCW 35A.13





# Code City Plans of Government

## **MAYOR-COUNCIL RCW 35A.12**

- Current plan – “Strong Mayor”
- Most common plan of government in Washington state – 227/281 cities

## **COUNCIL-MANAGER RCW 35A.13**

- Most common plan since 1970 for newly incorporated cities or change
- Hired professional executive, elected legislature
- Currently 54/281 cities using this plan of government



# Division of Authority and Responsibilities

Characteristics	Mayor-Council	Council-Manager
Legislative authority	Council	Council; ceremonial Mayor is part of council
Executive authority	Elected Mayor	Appointed Manager
Selection of CEO	Popularly elected	Appointed by Council on basis of experience
CEO must reside in city?	Yes	No, unless required by local policy
Removal of CEO	Recall election	Removed by majority vote of the Council
Tenure of executive	4-year term	Indefinite
Tenure of council	4-year term	4-year term
Appointment of department heads	Mayor (with Council confirmation if provided)	Manager (no Council confirmation)
Removal of department heads	Mayor	Manager
Veto	Mayor (except for towns)	Manager has no veto
Policy development	Mayor can propose	Manager can recommend
Policy implementation	Mayor	Manager



# Issues to Consider

- Responsiveness and accountability – which plan will be the most responsive?
- Professional management – which plan provides the best quality of management?
- The appropriate role of politics in administration – should politics be removed from administration?
- Effectiveness and efficiency – which plan produces the most efficient and effective management?
- Political harmony – which plan produces greater harmony and less divisiveness?



# Underlying Principles

## MAYOR-COUNCIL

### PROS:

- Separation of powers offers checks & balances.
- Political leadership provided by Mayor.
- Strong central executive.
- Professional administrator can be hired to assist Mayor and is responsible to Mayor.
- Mayor has veto power.

## COUNCIL MANAGER

### PROS:

- Separation of politics from administration.
- Promotion of economy and efficiency through professional management.
- Strong central executive.
- Greater collegiality and communication without political pressures.
- Business model – Council hires CEO.



# Underlying Principles

## MAYOR-COUNCIL

### CONS:

- Mayor subject to political pressure, possible cronyism.
- Mayor has too much power.
- Mayor may not have executive or management skills.
- Difficulty in removing a Mayor.
- Often two executive salaries – Mayor & Administrator.
- Mayor is not accountable to Council and may have too much power that is used to further personal political objectives.

## COUNCIL-MANAGER

### CONS:

- City Manager may not know the city.
- Citizens may be confused about who is in charge.
- Mayor has no independent authority and channels citizen needs through Council and Manager.
- Manager may leave a city when offered a higher salary elsewhere.



# Process for Changing the Plan of Government

- The process may be initiated by petition of the citizens or a resolution of the City Council.
- Both options require the proposed change to be put on the ballot for a vote. Simple majority vote in favor is sufficient to change.
- City Council would be required to appoint pro and con committees and the City Attorney is required to draft the ballot title and explanatory statement.
- The effective date is vague under RCW 35A.06.060.
- Code updates would be required.
- Decision on elected chair “Mayor” RCW 35A.13.033 or Council appointed.



QUESTIONS?