

**RESOLUTION 2013 - 10**



**A RESOLUTION OF THE CITY OF SUNNYSIDE,  
WASHINGTON, DECLARING ITS INTENT TO REMOVE  
THE CITY MANAGER PURSUANT TO RCW 35A.13.130.**

**WHEREAS**, RCW 35A.13.130 authorizes the City Council to remove the City Manager, or Interim City Manager, by passing a Resolution stating the Council's intent to remove him, and stating the reasons therefore; and

**WHEREAS**, RCW 35A.13.130 requires that at least thirty (30) days before the effective date of the City Manager's removal, the City Manager must be furnished with a formal statement in the form of a Resolution stating the Council's intention to remove the City Manager and the reasons therefore; and

**WHEREAS**, a Professional Services Agreement exists between the City of Sunnyside and Frank Sweet for the position of Interim City Manager which provides the right of either party to terminate the employment agreement upon sixty (60) days prior written notice of the intent to terminate; and

**WHEREAS**, the majority of the City Council believes that the Interim City Manager's performance does not meet the Council's expectations and has failed to carry out his duties in a manner satisfactory to the Council.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON**, as follows:

**SECTION 1.** Pursuant to RCW 35A.13.130, the City Council states its intent to remove the Interim City Manager and terminate his employment for the reasons set forth above. The effective date of such termination shall, in accordance with the Professional Services Agreement entered into between the parties, be sixty (60) days from the date of this Resolution. The City Clerk is hereby directed to furnish the City Manager a copy of this Resolution as a formal statement of the Council's intent.

**SECTION 2.** Pursuant to RCW 35A.13.140, the Interim City Manager may file a written reply with the City Clerk within thirty (30) days of the service of this Resolution upon him replying in writing to the Resolution stating the Council's intended termination of his employment. If a reply is timely filed with the City Clerk, the City Council shall fix a time for a public hearing upon the question of the Interim City Manager's removal and the final Resolution removing the Interim City Manager shall not be adopted until the public hearing has been held. If the Interim City Manager fails within the time provided to reply in writing to the Resolution, this shall constitute the final Resolution removing the Interim City Manager, and his services shall be terminated upon that date stated in Section 1 above.

**SECTION 3.** This resolution shall be effective upon passage, approval and signatures hereon as required by law.

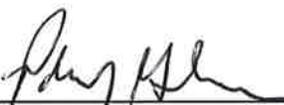
**PASSED** this 11<sup>th</sup> day of February, 2013.

  
DON VLIEGER, DEPUTY MAYOR >

**ATTEST:**

  
DELILAH SAENZ, CMC, CITY CLERK

**APPROVED AS TO FORM:**

  
KERR LAW GROUP, LLP  
Attorneys for the City of Sunnyside