

RESOLUTION 2009 - 46

ORIGINAL

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF SUNNYSIDE, WASHINGTON
REMOVING ERIC C. SWANSEN
FROM THE POSITION OF CITY MANAGER**

WHEREAS, the City Council of the City of Sunnyside has previously adopted Resolution 2008-31 appointing Eric C. Swansen as City Manager and approving an "Employment Agreement" dated May 27, 2008 for employment commencing on or about June 25, 2008; and

WHEREAS, RCW 35A.13.130 provides that the City Manager shall be appointed for an indefinite term and may be removed by a majority vote of the council; and

WHEREAS, RCW 35A.13.130 provides that at least thirty days before the effective date of the removal of a City Manager, the City Manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the city council stating the council's intention to remove him and the reasons therefore; and

WHEREAS, The City Council of the City of Sunnyside has determined that Eric C. Swansen should be removed from the position of City Manager.

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

Section 1. That the City Council of the City of Sunnyside, Washington believes that the current City Manager's performance does not meet a majority of the Council's expectations.

Section 2. That because of performance deficiencies, the delivery of city services that are provided to the City Council and to the community have been negatively impacted.

Section 3. That because of this negative impact, the City Council hereby removes Eric C. Swansen from the position of City Manager effective midnight, June 2, 2009.

Section 4. That Eric C. Swansen will continue to receive pay in accordance with RCW 35A.13.130 until midnight, July 2, 2009, at which time severance pay in accordance with section 10 of the "Employment Agreement" shall commence.

This Resolution shall be effective upon passage, approval and signatures hereon as required by law.

PASSED this 2nd day of June 2009.



PABLO GARCIA, MAYOR

ATTEST:



DEBORAH A. ESTRADA, CITY CLERK

APPROVED AS TO FORM:

/s/

MARK A. KUNKLER, CITY ATTORNEY