RESOLUTION NO. 26-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON, STATING THE COUNCIL'S INTENTION TO REMOVE KRISTINA SWANSON AS CITY MANAGER WITHOUT CAUSE, TERMINATING THE CITY MANAGER EMPLOYMENT AGREEMENT DATED AUGUST 5, 2024, PROVIDING NOTICE, AUTHORIZING SEVERANCE PAYMENTS CONSISTENT WITH THE AGREEMENT, AND AUTHORIZING RELATED ACTIONS.

WHEREAS, the City of Battle Ground is a non-charter code city organized under the Council-Manager plan of government pursuant to Chapter 35A.13 RCW; and

WHEREAS, pursuant to RCW 35A.13.010 and Battle Ground Municipal Code Chapter 2.82, the City Council appoints the City Manager, who serves as the chief executive officer and head of the administrative branch of City government and is responsible to the Council for the proper administration of all City affairs; and

WHEREAS, on August 5, 2024, the City Council approved and the City entered into a City Manager Employment Agreement ("Agreement") with Kristina Swanson ("Employee" or "City Manager") to serve as City Manager of the City of Battle Ground; and

WHEREAS, Section 10 of the Agreement provides that the Employee's employment is at-will and may be terminated for any lawful reason, with or without cause, by the City Council in accordance with Washington State law (RCW Chapter 35A.13 et seq.); and

WHEREAS, Section 10.A of the Agreement specifically authorizes termination without cause by either party upon thirty (30) days' notice, and further provides that if the Employee is terminated without cause, the City shall pay the Employee twelve (12) months of the Employee's monthly salary, including all deferred compensation match and health and welfare benefits, subject to applicable withholding; and

WHEREAS, RCW 35A.13.130 provides that the City Manager may be removed by a majority vote of the Council and that, at least thirty days before the effective date of removal, 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 the manager and the reasons therefor; and

WHEREAS, upon passage of a resolution stating the Council's intention to remove the manager, the Council by a similar vote may suspend the manager from duty, but the manager's pay shall continue until removal becomes effective; and

WHEREAS, the City Council has determined that it is in the best interests of the City of Battle Ground to terminate the employment of Kristina Swanson as City Manager without cause pursuant to Section 10.A of the Agreement and applicable law; and

WHEREAS, the passage of any resolution for the removal of the City Manager requires the affirmative vote of at least a majority of the whole membership of the Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council hereby states its intention to remove Kristina Swanson from the position of City Manager of the City of Battle Ground, effective thirty (30) days from the date of service of this Resolution upon her (or such later date as may be specified by subsequent Council action), without cause, pursuant to Section 10.A of the City Manager Employment Agreement dated August 5, 2024, and RCW 35A.13.130.

Section 2. The reason for this action is that the City Council has determined that termination of the employment relationship without cause is in the best interests of the City of Battle Ground. No cause for removal under Section 10.B of the Agreement is asserted.

Section 3. The City Clerk is directed to promptly furnish a copy of this Resolution to Kristina Swanson in accordance with the notice provisions of the Agreement and applicable law, thereby providing the required formal statement and thirty (30) days' notice of the Council's intention to remove her.

Section 4. Upon passage of this Resolution, the City Council may, by separate majority vote, suspend Kristina Swanson for 30 days from duty effective immediately; provided, however, that her pay shall continue until removal becomes effective, consistent with RCW 35A.13.130 and the Agreement.

Section 5. Upon the effective date of termination without cause, and in accordance with Section 10.A of the Agreement, the City shall pay Kristina Swanson twelve (12) months of her then-current monthly salary, including all deferred compensation match and health and welfare benefits, subject to applicable withholding and any other terms of the Agreement. Accrued but unused vacation leave shall be compensated as provided in the Agreement (up to the maximum of 360 hours). The City Manager (or Interim/Acting City Manager or designee) and Finance Director are authorized and directed to process such payments in accordance with the Agreement and applicable law.

Section 6. The Mayor, City Clerk, City Attorney, and City staff are authorized and directed to take all actions necessary or appropriate to implement this Resolution, including but not limited to providing formal notice, coordinating transition of duties, designating an interim or acting City Manager pursuant to RCW 35A.13.150 if needed, and ensuring compliance with the Agreement, RCW Chapter 35A.13, and all other applicable laws.

Section 7. If any section, sentence, clause, or phrase of this Resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Resolution.

Section 8. This Resolution shall be effective immediately upon its adoption by the City Council.

ADOPTED by the City Council of the City of Battle Ground, Washington, at its special meeting on this 5th day of August**,** 2026

CITY OF BATTLE GROUND, WASHINGTON

Eric Overholser (Aug 12, 2026 06:29:25 PDT)
Eric Overholser, Mayor

Attest:

Elizabeth Halili
Elizabeth Halili, City Clerk

Approved as to Form:

Hillary Evans, City Attorney

Resolution 26-06 Terminating the City Manager Employment Agreement

Final Audit Report 2026-08-12

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