

Ordinance No. 00328

[Council meeting minutes of Dec 1 2003](#)

ORDINANCE NO. 328

AN ORDINANCE of the City Council of the City of Lakewood, Washington, creating a police Civil Service Commission, establishing eligibility, terms and appointments to such Commission, providing for the removal of commissioners, defining powers and duties and creating a method for filling vacancies and creating a new Chapter 02.10 of the Lakewood Municipal Code.

WHEREAS, Chapter 41.12 RCW authorizes cities to establish individual systems of civil service as long as such systems substantially accomplish the purposes of state civil service laws; and

WHEREAS, after considering RCW 41.12.050 and the nature of the position of Police Chief, Director of Police Services and/or other similar job classifications with such management authority and the need for the same responsiveness to the City Manager and responsibility from that position, as with other City departments directors, the City Council has determined that it is in the best interests of the City to exclude these positions from civil service; and

WHEREAS, after considering RCW 41.12.050 and the nature of the position of the assistant or deputy to the Police Chief or Director of Police Services and recognizing that such assistant serves as the chief or director in his or her absence, the City Council has determined that it is in the best interests of the City to exclude these positions from civil service; and

WHEREAS, after considering RCW 41.12.050 and the provision allowing an additional number of positions to be excluded from civil service, not to exceed the number allowed by state law; and

WHEREAS, the City Council of the City of Lakewood desires to create a civil service system as authorized by Chapter 41.12 RCW which substantially accomplishes the purpose of the state civil service laws relating to police while, at the same time meeting the particular needs of the City of Lakewood.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1. That a new Chapter 02.10 of the Lakewood Municipal Code be, and the same hereby is, created to read as follows:

Chapter 02.10

CIVIL SERVICE COMMISSION

Sections:

02.10.010 Definitions.

02.10.020 Creation - Appointment.

02.10.030 Eligibility.

02.10.040 Terms.

02.10.050 Removal.

02.10.060 Proceedings - Quorum.

02.10.070 General powers and duties.

02.10.080 Secretary-chief examiner.

02.10.090 Rules and regulations.

02.10.010 Definitions.

02.10.020 Creation - Appointment.

02.10.030 Eligibility.

02.10.040 Terms.

02.10.050 Removal.

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02.10.070 General powers and duties.

02.10.080 Secretary-chief examiner.

02.10.090 Rules and regulations.

02.10.010 Definitions.

As used in this division, the following words and terms shall be given the following definitions:

- (1) Appointment includes all means of selecting, appointing, or employing any person to hold the office of civil service commissioner.
- (2) Commission means the civil service commission herein created and "commissioner" means any one of the three commissioners appointed to the commission. "Alternate commissioner" means any one of the two alternate commissioners appointed to the commission.
- (3) City means the city of Lakewood, a Washington municipal corporation.
- (4) Elector means a registered voter.
- (5) Resident means a person whose primary dwelling place is located in the city.

02.10.020 Creation - Appointment.

There is hereby created a police civil service commission, consisting of three (3) members who shall be appointed by the city manager to exercise the powers and perform the duties established by this chapter and by state law as set forth in Chapter 41.12 RCW in connection with the selection, appointment, promotion, demotion and employment of police officers commissioned pursuant to RCW 43.101.200, unless exempt pursuant to RCW 41.06.070. The rank of police chief, director of police services, assistant or deputy to such chief or director, and commander shall be excluded from civil service pursuant to RCW 41.12.050 in recognition of the management authority delegated to such positions. The commissioners

shall serve without compensation, provided however, that they may be reimbursed for expenses incurred in service as a commissioner.

02.10.30 Eligibility.

No person shall be appointed a commissioner or alternate commissioner unless that person is a citizen of the United States, a resident of the city for at least three years immediately preceding such appointment, and an elector of the county in which the

commissioner resides.

02.10.040 Terms.

The term of office of the commissioners shall be for six years, except that the first three commissioners shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, one to serve for a period of six years.

02.10.050 Removal.

Any commissioner or alternate commissioner may be removed from office for incompetency, incompatibility, dereliction of duty, malfeasance in office, or other good cause; provided, however, that no commissioner or alternate commissioner shall be removed until (1) charges have been filed, in writing; (2) the commissioner or alternate commissioner has been personally served with a written notice of charges against him or her and with a notice of hearing; and (3) after a full hearing has been convened before the Lakewood city council. The charging party in all such actions shall be the city manager. Should any commissioner or alternate commissioner resign from, or be removed from office, then the city manager shall appoint a successor to that position for the remainder of the unexpired term.

02.10.060 Proceedings - Quorum.

(a) Two commissioners shall constitute a quorum and the votes of two commissioners shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission.

(b) Alternate commissioners shall have the right to participate in the debate and the deliberations of the commission on the regular business of the commission. Alternate commissioners shall not be part of the commission quorum and shall not move action or vote on matters coming before the commission, except as provided in subsection (c) of this section.

(c) In the event a commissioner is disqualified from participation or otherwise unable to participate in a hearing on employee discipline, an alternate commissioner shall be appointed by the commission chair to serve in the place of the absent commissioner. The alternate commissioner shall be entitled to participate fully in such proceedings, and is authorized to vote on the action before the commission.

02.10.070 General powers and duties.

The commission shall have the powers and duties as set forth in Chapter 41.12 RCW, except as provided herein. The commissioners shall devote due time and attention to the performance of their specified duties.

02.10.080 Secretary-chief examiner.

The secretary-chief examiner authorized by RCW 41.12.040 shall be appointed by the commission from among qualified city employees selected and recommended by the city manager.

02.10.090 Rules and regulations.

The commission shall have power to make and adopt such rules and regulations as are necessary to effectuate the purposes of this ordinance and Chapter 41.12 RCW; provided, however, that the commission shall have the flexibility to adopt rules different from the express provisions of Chapter 41.12 RCW which effectuate such purposes; and provided further, that such rules shall include a 12-month probationary period and a certification rule of three eligible persons or 15 percent of the eligible persons, whichever is greater, notwithstanding RCW 41.12.100. The commission shall also have the power to make rules and regulations governing the commission in the conduct of its meetings and any other matter over which it has authority. In promotional testing the commission shall not grant service credit or priority for length of service in city employment.

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 1st day of December, 2003.

CITY OF LAKEWOOD

Bill Harrison, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney

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