

ORDINANCE NO. 674

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Chapter 02.10 of the Lakewood Municipal Code relative to the Civil Service Commission.

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, in 2003 the City of Lakewood adopted Ordinance 328 which created a Civil Service Commission; and

WHEREAS, after considering RCW 41.12.050 the City Council created a Civil Service Commission and some of the rules that the Civil Service Commission would follow; and

WHEREAS, since that time the Civil Service Commission has adopted their own rules and procedures in accordance with RCW 41.12; and

WHEREAS, the City Council has determined that the current Civil Service Board Rules and procedures are both in keeping with the original intent of the Council and beneficial to the City for purposes of selecting qualified people for Civil Service appointment; and

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

Section 1. Chapter 02.10 of the Lakewood Municipal Code is amended to read as follows:

2.10.010 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.

#### 2.10.020 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.

#### 2.10.030 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.

#### 2.10.040 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.

#### 2.10.050 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.

~~2.10.060 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 (e) 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.~~

2.10.070 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.

2.10.080 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.

2.10.090 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 16th day of October, 2017.

CITY OF LAKEWOOD

  
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Don Anderson, Mayor

Attest:

  
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Alice M. Bush, City Clerk

Approved as to Form:

  
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Heidi Ann Wachter, City Attorney