

CITY OF GRANITE FALLS

ORDINANCE NO. 778-09

**AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON, ADDING A
NEW CHAPTER TO TITLE 2 OF THE GRANITE FALLS MUNICIPAL CODE
ENTITLED CIVIL SERVICE COMMISSION AND PROVIDING FOR AND
ESTABLISHING A POLICE CIVIL SERVICE COMMISSION FOR THE CITY OF
GRANITE FALLS.**

WHEREAS, the Granite Falls Police Department currently employs more than two commissioned police officers, including the police chief; and

WHEREAS, Chapter 41.12 RCW requires the appointment of a civil service commission for all cities with a police force of more than two police officers, including the Chief of Police; and

WHEREAS, the testing and selection of applicants for entry-level positions in the City's Police Department is an important step in hiring quality employees for that department; and

WHEREAS, civil service helps assure that law enforcement officers are recruited through open competition, hired and promoted on the basis of merit, and are demoted, suspended, removed from office, or discharged only for cause; and

WHEREAS, the City Council of the City of Granite Falls desires to establish a Civil Service Commission in accordance with state law;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1: A new Chapter 2.34, Civil Service Commission – Police, is hereby added to the Granite Falls Municipal Code to read as follows:

Chapter 2.34

CIVIL SERVICE COMMISSION – POLICE

Sections:

2.34.010	Created
2.34.020	Appointment
2.34.030	Term of Office – Removal

- 2.34.040 Organization of Commission – Duties
- 2.34.050 Quorum and Procedures
- 2.34.060 Expenses

2.34.010 **Created.** A Civil Service Commission is created to accomplish the purposes of Chapter 41.12 RCW relating to the selection, appointment, and employment of police officers within the Granite Falls Police Department.

2.34.020 **Appointment.**

- A. The Civil Service Commission shall be comprised of three members who shall be appointed by the Mayor.
- B. The members of the Civil Service Commission shall serve without compensation.
- C. Each appointed member of the Civil Service Commission shall:
 - (1) be a citizen of the United States;
 - (2) have been a resident of Granite Falls, Washington for at least three years immediately preceding his/her appointment to the Commission; *and*
 - (3) be an elector of Snohomish County.
- D. At the time of any appointment there shall not be more than two (2) members of the Commission who are adherents of the same political party.

2.34.030 **Term of Office – Removal.**

- A. The term of office of Civil Service 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 (2) years; one to serve for a period of four (4) years; and one to serve for a period of six (6) years. Commissioners shall remain in office until successors are appointed; provided, however, that commissioners may be reappointed by the Mayor for additional term(s).
- B. In the event any commissioner shall resign, become disqualified, or be removed for cause, another commissioner shall be appointed to take his/her place for the unexpired portion of the term.
- C. Any member of the Commission may be removed from office for incompetency, incompatibility or dereliction of duty, malfeasance in office, or other good cause; provided, however, that no member of the Commission shall be removed until written charges have been presented and due notice and a full hearing had.

2.34.040 **Organization of Commission – Duties.**

- A. Immediately after appointment, the Commission shall organize by electing one of its members as Chair, and shall appoint a Secretary and a Chief Examiner, or a Secretary/Chief Examiner, who shall keep the records of the Commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the Commission may prescribe.
- B. The members of the Commission shall devote due time and attention to the performance of the duties specified and imposed on them by Chapter 41.12 RCW, and shall

adopt written rules and regulations and perform such duties as outlined below or as required by RCW 41.12.040 as now enacted or as hereafter amended:

(1) To make suitable rules and regulations not inconsistent with the provisions of Chapter RCW 41.12. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions, and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of Chapter RCW 41.12, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed, or multigraphed for free public distribution. Such rules and regulations may be changed from time to time;

(2) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill;

(3) The rules and regulations adopted by the Commission shall provide for a credit in accordance with RCW 41.04.010 in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army, navy, marine corps, and the American Red Cross. These credits apply to entrance examinations only;

(4) The Commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of Chapter RCW 41.12, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions, and employments affected by Chapter RCW 41.12, and ascertain whether Chapter RCW 41.12 and all such rules and regulations are being obeyed. Such investigations may be made by the Commission or by any commissioner designated by the Commission for that purpose. Not only must these investigations be made by the Commission, but the Commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation.

In the course of such investigation, the Commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents, and accounts appertaining to the investigation, and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his or her judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of Chapter RCW 41.12, and punishable as such;

(5) Hearings and Investigations: How conducted. All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be

governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission; provided, however, that no order, decision, rule, or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members;

(6) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the Commission;

(7) Establish and maintain in card or other suitable form a roster of officers and employees;

(8) Provide for, formulate, and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed;

(9) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months, nor shall any person receive more than one provisional appointment or serve more than four months as provisional appointee in any one fiscal year;

(10) Keep such records as may be necessary for the proper administration of Chapter RCW 41.12.

2.34.050 **Quorum and Procedures.** The Civil Service Commission shall hold regular meetings at least once a month and additional meetings as may be required for the proper discharge of their duties. Two members of the Civil Service Commission shall constitute a quorum and the concurring votes of any two members of the Commission shall be sufficient for the decision of all matters and the transaction of all business of the Commission.

2.34.060 **Expenses.**

The Civil Service Commission, as a body or individual members thereof, may be reimbursed actual and reasonable expenses in the performance of their duties on behalf of the Commission from funds included in the general budget of the City. Such expenses may include, but are not limited to travel and subsistence; registration fees and other costs incidental to meetings and conferences; professional and consulting services; subscriptions to periodicals and purchase of informational and/or educational texts; and similar expenditures that may be deemed necessary to increase the efficiency and professional ability of the members of the Commission.

Civil Service Commission expenses to be reimbursed from the City's general budget must be authorized by the Mayor.

Section 2: Conflict. All ordinances or parts of ordinances of the City of Granite Falls in conflict herewith, be and the same, are hereby repealed.

Section 3: Severability. If any section, sentence, clause or phrase of this ordinance 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 ordinance.

Section 4: Publication and Summary. This Ordinance or summary thereof consisting of the title shall be published in the official newspaper of the City.

Section 5: Effective Date. This Ordinance shall be in full force and effect five (5) days after publication of the summary consisting of the title.

Said Ordinance was passed in open session by the City Council of the City of Granite Falls on the 6th day of May, 2009, and signed in authentication of its passage this 6th day of May, 2009.



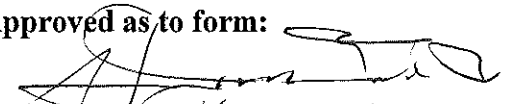
LYLE ROMACK, Mayor

ATTEST:



DARLA REESE, City Clerk

Approved as to form:



H.J. Zachor Jr., City Attorney

DATE OF FIRST AND FINAL READING:

DATE OF PUBLICATION:

EFFECTIVE DATE:

COPY TO CPC:

5-6-2009
5-9-09
5-14-09
