

ORDINANCE NO. 2229

ORDINANCE AMENDING SELAH MUNICIPAL CODE CHAPTER 1.22

WHEREAS, state law – including RCW Chapters 41.08 and 41.12 – requires the City to have a civil service commission that endeavors to, among other things, ensure that firefighters and police officers are selected for employment, employed and disciplined via fair processes; and

WHEREAS, the City has, and has long had, a civil service commission; and

WHEREAS, the existing sections of Selah Municipal Code (SMC) Chapter 1.22 incorporate – by reference – many provisions of state law pertaining to the adoption and appointment of the city's civil service commission; and

WHEREAS, all “full paid employees” of a municipal fire department and also all “full paid employees” of a municipal police department are presumptively covered by (a/k/a “within”) the civil service system (with such positions being referred to as “classified” service positions), but state law empowers the City's legislative body – subject to the civil service commission's concurrence, in certain instances – to exclude certain full paid positions from the civil service system (with such positions often then being referred to as “unclassified” position appointments); and

WHEREAS, the full paid positions that state law empowers the City's legislative body to exclude are the following:

- (1) the fire chief, if appointed after July 1, 1987 (see RCW 41.08.050);
- (2) the police chief, if appointed after July 1, 1987 (see RCW 41.12.050(2)); and
- (3) if the police chief has been excluded, an additional number of police department employees subject to a maximum limit based on the size of the department (with four positions being the applicable limit for a department that has 21-50 paid employees), which positions can only be assistant chief, deputy chief, bureau commander, administrative assistant or administrative secretary, and with the initial selection of such additional exempt positions being made by the police chief (see RCW 41.12.050(2)&(3));

WHEREAS, the City Council is the City's legislative body; and

WHEREAS, the City Council previously excluded the fire chief position and the police chief position from the civil service system; and

WHEREAS, City staff recommends the City Council reaffirm that the fire chief position and the police chief position are each and both excluded from the civil service system, and that SMC Chapter 1.22 be amended so as to expressly state therein that such positions are excluded because said Chapter is a logical place for such information to be set forth; and

WHEREAS, a former City police chief previously notified the City's civil service commission of his initial selection of the deputy police chief position as an additional excluded position; and

WHEREAS, City staff has separately recommended that the exclusion of the deputy police chief position from the civil service system also be reaffirmed, specifically via concurrence of the police chief, mayor or city administrator, and the City's civil service commission; and

WHEREAS, the City's civil service commission held an open meeting on May 9, 2024, during such meeting it reviewed a written statement by the police chief and city administrator stating that they each and both desire for the deputy police chief position to be excluded from the civil service system, and thereafter the City's civil service commission issued its written concurrence on the issue; and

WHEREAS, City staff further recommends that SMC Chapter 1.22 be further amended so as to expressly stated therein that the deputy chief position at the police department is an additional position that is excluded from the civil service system because said Chapter is a logical place for such information to be set forth; and

WHEREAS, City staff – specifically the City Attorney – yet further recommends that SMC Chapter 1.22 be yet further amended so as to make corrections and also stylistic updates that more closely conform to language used more recently by the City within other portions of the SMC; and

WHEREAS, the City Council finds that good cause exists;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, does hereby ordain as follows:

Section 1. Amendment of SMC Chapter 1.22. That titles and body of SMC Chapter 1.22 be amended to read and provide as set forth below (and as shown hereon in editing marks for ease of reference, but which shall be removed when the codifiers publish the official updated version of such Chapter on the internet):

Chapter 1.22
CIVIL SERVICE COMMISSION AND LIST OF POSITIONS EXCLUDED FROM CIVIL
SERVICE SYSTEM

Sections:

- 1.22.010 ~~Civil service commission adopted.~~ Incorporation of state laws.
- 1.22.020 Civil service commission – Appointment.
- 1.22.030 List of positions excluded from civil service system.

- 1.22.010 ~~Civil service commission adopted.~~ Incorporation of state laws.

~~The civil service system set forth in RCW Sections 41.12.010 to 41.12.220 inclusive for police are hereby adopted by the city of Selah, and all of the details and provisions of RCW Sections 41.12.010 to 41.12.220 inclusive are hereby made a part of the ordinance codified herein as fully as if incorporated herein. The provisions of RCW Chapter 41.12, or any replacements thereof, shall apply to each full paid employee of the police department within a classified service position, and all such provisions are, by this reference, expressly incorporated within this section as if fully set forth herein. Further, the civil service system~~

~~set forth in RCW Sections 41.08.010 to 41.08.220 inclusive for firefighters is hereby adopted by the city of Selah, and all of the details and provisions of RCW Sections 41.08.010 to 41.08.220 inclusive are hereby made a part of the ordinance codified herein as fully as if incorporated herein. The provisions of RCW Chapter 41.08, or any replacements thereof, shall apply to each full paid employee of the fire department within a classified service position, and all such provisions are, by this reference, expressly incorporated within this section as if fully set forth herein.~~

1.22.020 Civil service commission – Appointment.

There is hereby created pursuant to RCW 41.12.030 and pursuant to RCW 41.08.030, or any replacements thereof, a civil service commission for the both the police department and the fire department of the city of Selah, which commission shall be composed of three members and appointed by the mayor of the city of Selah. The members of such commission shall hold office as provided in RCW Chapters 41.12 and 41.08, or any replacements thereof, RCW 41.12 and RCW 41.08, and shall have and exercise all powers and duties prescribed therein and thereby, ~~by those Chapters of the Revised Code of Washington.~~

1.22.030 List of positions excluded from the civil service system.

Each of the following positions is excluded from the civil service system and shall remain excluded unless and until, if ever, a position becomes non-excluded by operation of law, or by decision of the city council when that is the applicable method, or by concurrence of the police chief, mayor or city administrator, and civil service commission when that is the applicable method:

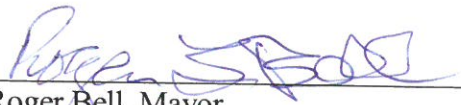
- (a) the fire chief;
- (b) the police chief; and
- (c) the deputy police chief.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Corrections. The City Attorney and the codifiers of the SMC are authorized to make any necessary or desirable clerical or formatting changes – including but not limited to correcting scrivener errors; changing formatting; eliminating bold, italic and underscore emphasis; changing numbering; and correcting references – when publishing or republishing the official text of any section(s), Chapter(s), title(s) or other portion(s) of the SMC due to any amendment, addition, alteration, change, impact or enactment effectuated by this Ordinance.

Section 4. Publishing & Effective Date. Consistent with RCW 35A.12.130 (3rd ¶) and .160 (1st and 2nd ¶¶), this Ordinance or a summary of it shall be published at least once in the City's official newspaper this Ordinance shall not take effect until at least five (5) after such publishing has occurred.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH,
WASHINGTON this 9th day of July, 2024.



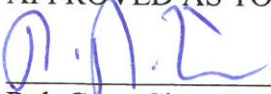
Roger Bell, Mayor

ATTEST:



Kimberly Grimm, Finance Director (a/k/a Clerk/Treasurer)

APPROVED AS TO FORM:



Rob Case, City Attorney