

**SULTAN CITY COUNCIL**

**AGENDA ITEM COVER SHEET**

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**Agenda Item #:** Action A 3  
**Date:** January 22, 2009  
**SUBJECT:** Ordinance 1016- 09 Civil Service  
**CONTACT PERSON:** Laura Koenig, City Clerk/Deputy Finance Director

**Issue:**

The issue before the Council is the introduction of Ordinance 1016-09 to repeal SMC Chapter 2.52 which creates a Civil Service Commission.

**Staff Recommendation:**

Introduction of Ordinance 1016-09 to repeal Chapter 2.52 for a first reading and pass it on to a second reading.

**Summary:**

The Council has taken action to enter into a contract with Snohomish County to provide police services. Effective January 1, 2009, all law enforcement services were transferred to Snohomish County. Snohomish County officers are represented by the Snohomish County Civil Service.

RCW 41.12 requires a Civil Service Commission if there are more than two persons, including the city marshal in the police force. Since there are no employees, the City does not need to maintain a Civil Service Commission. The City Attorney has recommended that SMC Chapter 2.52 be repealed so there is no question that there is no longer a Civil Service Commission.

**Alternatives:**

1. Move to introduce Ordinance 1016-09 for a first reading.
2. Do not introduce Ordinance 1016-09 for a first reading. This alternative will leave the existing code in place.

**Recommended Action:**

Introduction of Ordinance 1016-09 for a first reading and pass it on to a second reading.

**Attachments:** A. Ordinance 1016-09 Civil Service  
B. Chapter 2.52 SMC Civil Service

CITY OF SULTAN  
WASHINGTON  
ORDINANCE NO. 1016-09

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AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON,  
REPEALING CHAPTER 2,52 RELATING TO CIVIL SERVICE  
FROM THE SULTAN MUNICIPAL CODE; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

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WHEREAS, the City Of Sultan has contracted with Snohomish County to provide police services and;

WHEREAS, RCW 41.12 requires the establishment of a Civil Service Commission in the event there are more then two persons, including the city marshal, the police force and;

WHEREAS, there are no longer employees in the police force;

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

Section 1. Chapter 2.52, Civil Service is repealed.

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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED** BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

CITY OF SULTAN

\_\_\_\_\_  
Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Laura Koenig, City Clerk

Approved as to form:

\_\_\_\_\_  
Margaret J. King, City Attorney

Passed by the City Council:

Date of Publication:  
Effective Date:

**Chapter 2.52  
CIVIL SERVICE**

Sections:

[2.52.010](#) Established.

[2.52.020](#) Membership.

[2.52.030](#) Duties – Compliance with state law.

[2.52.040](#) Permanent appointment – Requirements.

**2.52.010 Established.**

Pursuant to the authority conferred by Chapter 41.12 RCW, there is created a civil service commission to substantially accomplish the exercise of the powers and the performance of the duties established by state law relative to the selection, appointment and employment in the police department of the city of Sultan, including the city marshal. Said commission shall perform its duties and exercise its powers only in the event that there are more than two persons, including the city marshal, in the police force. (Ord. 541 § 1, 1990)

**2.52.020 Membership.**

The commission shall be composed of three members who shall be appointed by the mayor of the city and who shall serve without compensation. Such commissioners shall have the qualifications prescribed by RCW 41.12.030. (Ord. 541 § 2, 1990)

**2.52.030 Duties – Compliance with state law.**

The commission, upon appointment, qualifications and organization, shall hold meetings, adopt rules and regulations, perform duties, and exercise powers in compliance with Chapter 41.12 RCW. (Ord. 541 § 3, 1990)

**2.52.040 Permanent appointment – Requirements.**

Any full-time permanent employee of the police department of the city of Sultan, who upon the effective date of the ordinance codified in this chapter shall have been employed in a specific position for the immediately preceding six months, in compliance with RCW 41.12.060, shall receive a permanent appointment to said position. Such appointment shall not be subject to any additional probationary period and shall be as equally permanent as any subsequent permanent appointment made under civil service after examination and investigation. (Ord. 541 § 4, 1990)