

Title 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.04**CITY COUNCIL**

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2.04.010 Meetings – Time.

The city council shall hold regular meetings at 5:30 p.m. on the second and fourth Mondays of each month. (Ord. 06-705 § 1, 2006; Ord. 04-635 § 1, 2004; Ord. 129 § 1, 1962)

2.04.020 Meetings – Place.

All meetings of the council shall be held at the Asotin City Hall and shall be public. (Ord. 129 § 4, 1962)

2.04.030 Resolution and payment order requirements.

No resolution or order for the payment of money shall be passed at any other than a regular meeting. No such resolution or order shall be valid unless passed by the votes of at least three councilmen. (Ord. 129 § 3, 1962)

Chapter 2.06**STANDING COUNCIL COMMITTEES**

Sections:

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2.06.010 Committees created and established.

The following standing committees of the city council are created and established:

- A. Administration and finance.
- B. Public safety.
- C. Public works.
- D. Transportation.
- E. Parks and recreation and cemetery. (Ord. 06-678 § 1, 2006)

2.06.020 Function and purpose.

The standing committees shall function as advisory bodies to the council as a whole in reviewing policy matters referred to them by the council, and such other matters as the whole council by simple majority vote may direct, within their respective areas of responsibility, and formulating recommendations to the council regarding action proposed to be taken in general. The purpose of each committee shall be to review matters within its subject areas of responsibility as delineated in this chapter. (Ord. 06-678 § 1, 2006)

2.06.030 Membership.

A. Each committee shall have a chairperson and at least one other member, to be appointed by the council annually upon the reorganization at the first regular or special meeting of each calendar year. It is further contemplated that the chairperson selected shall have a minimum of one year's immediate experience with the committee chaired.

B. The mayor shall be an ex officio member of every committee.

C. The council, in organizing and reorganizing the committee assignments, shall avoid having two same council members as co-members of more than two committees or having three same council members as co-members of more than one committee. (Ord. 06-678 § 1, 2006)

2.06.040 Powers and duties.

A. The standing committees shall consider, review, and make recommendations to the council concerning policy matters referred to them by the council. The mayor, committee chairpersons, and boards and commissions are encouraged to suggest policy questions to the council which should be considered by a committee. Whenever any policy matter is referred to a committee, the council should establish a date by which the committee should report its policy recommendations back to the council.

B. Each committee shall have general responsibility to investigate, collect and review appropriate information, and make recommendations to the council. Committees shall not have authority to take any action unless expressly authorized to do so by the affirmative vote of a majority of the council.

C. In carrying out their duties and responsibilities, the committees shall have the power and authority to examine all records, registers, minutes, and documents pertaining to the subject matter under review or consideration, including those kept by boards and commissions of the city. The city's officers, department heads, and board and commission chairpersons shall cooperate with and assist the committees in carrying out their duties and responsibilities and in furnishing necessary information, except where prohibited by law. In the event that any city officer, department head, or board or commission chairperson deems the release of information not in the best interest of the city, final authority for such release of information shall be vested in the mayor.

D. In the event of a conflict as to which committee has responsibility with respect to a particular subject matter or area of investigation or review, the question shall be referred to the council who, by majority vote, shall determine which committee should take responsibility for the matter in question.

E. In the appropriate place on the council agenda, any report from a standing committee shall be made by the committee chairperson or by an

alternate designated by the chairperson. A minority report may be given by any committee member who dissents from the report of the majority. Oral reports shall be sufficient, unless the mayor or a majority of the council feels that a written report should be furnished. (Ord. 06-678 § 1, 2006)

2.06.050 Administration and finance committee – Areas of responsibility.

The administration and finance committee shall be responsible for policy recommendations regarding the function and operation of municipal government through its department, boards, and appointive officers, both internally and through relationships with other governmental entities; public administration; council rules and procedures; matters relating to conflict of interest questions and ethics for public officials, campaign practices and expenditures; and financial analysis and auditing. (Ord. 06-678 § 1, 2006)

2.06.060 Public safety committee – Areas of responsibility.

The public safety committee shall be responsible for policy recommendations regarding law enforcement, fire protection and prevention, health and safety, environmental health, animal control, and other matters involving public safety, health, and welfare. (Ord. 06-678 § 1, 2006)

2.06.070 Public works committee – Areas of responsibility.

The public works committee shall be responsible for policy recommendations regarding public utilities, including but not limited to water distribution, storm drains, wastewater collection and treatment, and refuse collection and disposal. The committee shall coordinate with other privately owned utilities and special purpose districts as such coordination may be necessary for the efficient operation of the city's public works projects. (Ord. 06-678 § 1, 2006)

2.06.080 Transportation committee – Areas of responsibility.

The transportation committee shall be responsible for policy recommendations regarding streets, street lighting, street signing, traffic, and parking. (Ord. 06-678 § 1, 2006)

2.06.090 Parks and recreation and cemetery committee – Areas of responsibility.

The parks and recreation and cemetery committee shall be responsible for policy recommenda-

tions regarding parks, recreational facilities, and the city cemetery. (Ord. 06-678 § 1, 2006)

2.06.100 Mayor – Authority.

No provision of this chapter shall be construed to divest the mayor of any executive authority or power under the Municipal Code or the Revised Code of Washington, and particularly RCW 35A.12.090, nor shall any provision of this chapter be construed to grant any executive authority or power belonging to the mayor to any member of the council. (Ord. 06-678 § 1, 2006)

Chapter 2.08

CITY CLERK-TREASURER

Sections:

2.08.010 Offices combined – Effective date.

2.08.010 Offices combined – Effective date.

A. The office of city clerk-treasurer is combined with the office of city treasurer.

B. The consolidation of the offices shall take place three months after the effective date of the ordinance codified in this chapter. (Ord. 103 §§ 1, 2, 1955)

Chapter 2.09**POLICE DEPARTMENT**

Sections:

- 2.09.010 Police department established.
- 2.09.020 Police chief – Appointment and removal.
- 2.09.030 Civil service exclusion.
- 2.09.040 Duties.
- 2.09.045 Fees established.
- 2.09.050 Police powers.
- 2.09.060 Parking enforcement aide – Position created.
- 2.09.070 Parking enforcement aide – Position classification.
- 2.09.080 Parking enforcement aide – Duties.
- 2.09.090 Parking enforcement aide – Powers.
- 2.09.100 No private cause of action.
- 2.09.110 Title restricted.

2.09.010 Police department established.

There is established and created a police department for the city. (Ord. 04-650 § 1, 2004)

2.09.020 Police chief – Appointment and removal.

The police department shall have a police chief who shall be appointed and removed at the pleasure of the mayor. In addition to statutory eligibility requirements, the police chief shall be appointed on the basis of his or her qualifications with special reference to education, actual experience in and knowledge of accepted practice in respect to the duties of the office and the field of municipal police operations. The appointment of a police chief shall be confirmed by a majority vote of the council. (Ord. 04-650 § 1, 2004)

2.09.030 Civil service exclusion.

The city police department, as created, is limited to two full-paid employees as commissioned officers, including the chief of police. However, the force may include such contract part-time commissioned personnel as needed. That the police department of the city being two or less full-paid commissioned officers is exempt from civil service rules and regulations pursuant to RCW 41.12.010. (Ord. 04-650 § 1, 2004)

2.09.040 Duties.

The police chief shall manage the police department, under the direction of the mayor. The police

chief shall attend all meetings of the city council. (Ord. 04-650 § 1, 2004)

2.09.045 Fees established.

The police department shall collect the following fees for official services:

A. For fingerprinting for noncriminal purposes, \$20.00 for each person. (Ord. 05-662 § 1, 2005)

2.09.050 Police powers.

The chief of police and all commissioned police personnel shall have the powers granted, with the duties imposed, by the laws of the state regulating to chief of police and law enforcement personnel of optional municipal code cities and, in addition thereto, the chief and all other commissioned police personnel of the police department shall have the power and duty to enforce the ordinances of the city and to perform such other services as the laws of the state or the ordinances of the city may now or hereafter require. (Ord. 04-650 § 1, 2004)

2.09.060 Parking enforcement aide – Position created.

There is created within the police department of the city a position designated as parking enforcement aide. (Ord. 04-650 § 1, 2004)

2.09.070 Parking enforcement aide – Position classification.

The person filling the position of a parking enforcement aide shall not be deemed to be a law enforcement officer as that term is used in the law enforcement officers and firefighters retirement system, nor shall the position be a classified position within the civil service system of the city. (Ord. 04-650 § 1, 2004)

2.09.080 Parking enforcement aide – Duties.

The duties of the parking enforcement aide shall include patrolling assigned areas of the city to detect violations of the city's parking regulations, to issue citations to violators of parking regulations and to authorize the towing of vehicles parked in violation of parking regulations, to appear in court to testify when so required, and to perform related work as assigned. (Ord. 04-650 § 1, 2004)

2.09.090 Parking enforcement aide – Powers.

The parking enforcement aide shall not have the power of arrest, but shall have authority to issue and serve citations and complaints for violation of city parking regulations. A copy of any such complaint or citation shall be filed with the clerk of the

Asotin County district court within 48 hours after its issuance. In addition, the parking enforcement aide shall have the ability to authorize the towing of vehicles parked in violation of parking regulations. (Ord. 04-650 § 1, 2004)

2.09.100 No private cause of action.

This chapter is not intended nor shall it create any private cause of action upon the failure of any duty set forth herein. (Ord. 04-650 § 1, 2004)

2.09.110 Title restricted.

This title is not intended to amend the terms of any final agreement between the city and any bargaining unit representing employees of the city, if applicable. (Ord. 04-650 § 1, 2004)

Chapter 2.10

COUNTY SHERIFF AUTHORITY

Sections:

2.10.010 County sheriff – Law enforcement power.

2.10.010 County sheriff – Law enforcement power.

The sheriff of Asotin County and his duly appointed and acting deputies shall have and do have, from the date of the ordinance codified in this chapter forward, official status of law enforcement officers of the city to enforce the laws and ordinances of the city as established by the city council and do have the powers vested in a police officer of an optional municipal code city in accordance with RCW Title 35A. (Ord. 87-386 § 1, 1987)

Chapter 2.11

POLICE RESERVE UNIT

Sections:

- 2.11.010 Police reserve unit created.
- 2.11.020 Purpose.
- 2.11.030 Supervision.
- 2.11.040 Authority and mission.
- 2.11.050 Membership.
- 2.11.060 Selection process.
- 2.11.070 Tenure.
- 2.11.080 Status of members.
- 2.11.090 Rules and regulations.
- 2.11.100 Reserve coordinator.
- 2.11.110 Relief and pension.
- 2.11.120 No private cause of action.
- 2.11.130 Chapter restricted.

2.11.010 Police reserve unit created.

There is created in the city a police reserve unit to consist of such members as may be appointed from time to time by the chief of police. (Ord. 05-661 § 1, 2005)

2.11.020 Purpose.

The purpose of the police reserve unit is to supplement the regular police service to the city in its efforts to maintain and preserve the peace and protect life and property. (Ord. 05-661 § 1, 2005)

2.11.030 Supervision.

The police reserve unit shall be under the general supervision and direction of the mayor of the city and the immediate supervision and direction of the chief of police. (Ord. 05-661 § 1, 2005)

2.11.040 Authority and mission.

The reserve police officers shall be commissioned with arrest authority. They shall assist full-time officers in police operations. The mission of the police reserve unit is fourfold:

- A. To provide support assistance to full-time police officers as needed;
- B. To assist full-time police officers in the performance of their duties;
- C. To protect the public safety at community events; and
- D. To provide a means whereby citizens with an interest in professional law enforcement may become actively involved in the community. (Ord. 05-661 § 1, 2005)

2.11.050 Membership.

Members of the police reserve unit shall be appointed by the chief of police. No persons shall be appointed as a member unless they meet the following requirements:

- A. Twenty-one years of age at the time of commission;
- B. High school graduate or GED equivalent;
- C. Physically and mentally fit to perform the duties of a reserve police officer;
- D. U.S. citizenship;
- E. No felony convictions;
- F. No gross misdemeanor convictions;
- G. Possess a valid driver's license; and
- H. Obtain a medical release from a physician that establishes member's medical fitness for duty. (Ord. 05-661 § 1, 2005)

2.11.060 Selection process.

The chief of police shall establish a selection process for applicants to the police reserve unit. The selection process may be modified and amended from time to time as deemed necessary by the chief of police. (Ord. 05-661 § 1, 2005)

2.11.070 Tenure.

A member's appointment to the police reserve unit may be revoked by the chief of police at any time it appears to the chief that such member is not satisfactorily performing his/her duties as a reserve police officer, or if such member otherwise conducts himself/herself in a manner that the chief of police determines improper. The revocation of any member's appointment shall also terminate that member's commission to arrest as a peace officer. All members shall comply with the standards of the Washington Association of Sheriffs and Police Chiefs. (Ord. 05-661 § 1, 2005)

2.11.080 Status of members.

Reserve police officers shall be compensated for their duties as such. Such compensation shall be based on a system equal to that of volunteer firefighters. The city shall provide reserve police officers with life insurance under the city's policy. Promotions in rank shall be made solely at the discretion of the chief of police and shall not be subject to approval or review by the civil service commission. (Ord. 05-661 § 1, 2005)

2.11.090 Rules and regulations.

The chief of police shall adopt a police reserve unit manual for the city, which shall establish rules and regulations governing the conduct of reserve

police officers. Such rules and regulations may be modified from time to time by the chief of police at his discretion as he deems necessary or convenient to organize or administer a police reserve unit and its functions. (Ord. 05-661 § 1, 2005)

2.11.100 Reserve coordinator.

The position of “reserve coordinator” is established to oversee the operations of the police reserve unit. The reserve coordinator shall be appointed by the chief of police and shall serve at his discretion. The reserve coordinator shall have such duties as may be assigned from time to time by the chief of police. (Ord. 05-661 § 1, 2005)

2.11.110 Relief and pension.

Any member of the police reserve unit is automatically enrolled under the provisions of Chapter 41.24 RCW for the purpose of enabling reserve police officers to avail themselves of the benefits provided thereunder. (Ord. 05-661 § 1, 2005)

2.11.120 No private cause of action.

This chapter is not intended nor shall it create any private cause of action upon the failure of any duty set forth herein. (Ord. 05-661 § 1, 2005)

2.11.130 Chapter restricted.

This chapter is not intended to amend the terms of any final agreement between the city and any bargaining unit representing employees of the city, if applicable. (Ord. 05-661 § 1, 2005)

Chapter 2.12

MUNICIPAL COURT

Sections:

- 2.12.010 Established – Powers generally.
- 2.12.020 Jurisdiction.

2.12.010 Established – Powers generally.

The city provides for an inferior court to be known and designated as a municipal court, which shall be entitled “the municipal court of the city of Asotin,” hereinafter designated and referred to as “municipal court,” which court shall have jurisdiction and shall exercise all powers declared to be vested in a municipal court by Chapter 299 of the Session Laws of 1961 (Chapter 3.50 RCW), together with such other powers and jurisdiction as generally conferred in the state by either common law or by express statute upon such court. (Ord. 163 § 1, 1966)

2.12.020 Jurisdiction.

The municipal court shall have exclusive, original, criminal jurisdiction of all violations of ordinances of the city duly adopted by the town and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or state statutes. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; to hear and determine all causes, civil or criminal, arising under such ordinances and pronounce judgment in accordance therewith. (Ord. 163 § 2, 1966)

Chapter 2.16

MUNICIPAL PUBLIC DEFENDER

Sections:

- 2.16.010 Purpose.
- 2.16.020 Definitions.
- 2.16.030 Determination of indigency – Discrimination prohibited.
- 2.16.040 Contract attorneys – Requests for proposals – Selection.
- 2.16.050 Contract attorneys – Qualifications and duties – Limitations on practice.
- 2.16.060 Contract attorneys – Compensation – Reimbursement.
- 2.16.070 Contract attorneys – Substitution of counsel.
- 2.16.080 Contract attorneys – Reports of activity – Monitoring.
- 2.16.090 Client complaints.
- 2.16.100 Termination of contract.
- 2.16.900 Severability.

2.16.010 Purpose.

Recognizing that RCW 10.101.030 creates in the city a duty to adopt standards for the delivery of public defender services to indigent persons accused of crimes in the municipal court of the city, the city shall contract for the delivery of such services pursuant to this chapter. (Ord. 06-702 § 1, 2006)

2.16.020 Definitions.

Undefined terms used in this chapter shall be given their ordinary and usual meaning. The following definitions shall apply to terms used in this chapter:

A. “Contract attorney” shall mean an attorney who contracts with the city to provide public defender services.

B. “Public defender services” shall mean legal representation, consistent with the constitutional requirements of fairness, equal protection, and due process, in all cases where the right to counsel attaches in the municipal court of the city, of indigent persons and indigent persons able to contribute who are accused of misdemeanor or gross misdemeanor crimes in said court. (Ord. 06-702 § 1, 2006)

2.16.030 Determination of indigency – Discrimination prohibited.

The city adopts and incorporates RCW 10.101.010 and 10.101.020 by reference as if set

forth in full herein. Indigency or lack thereof, as determined by the above-referenced statutes, shall be the sole factor in determining eligibility for public defender services. No determination of eligibility shall be based upon race, creed, color, national origin, sex, marital status, sexual orientation, age, disability, or any other prohibited classification under state or federal law. (Ord. 06-702 § 1, 2006)

2.16.040 Contract attorneys – Requests for proposals – Selection.

The city clerk-treasurer shall request bid proposals not less than 60 days prior to the stated expiration of any contract for public defender services.

A. Bid proposals submitted by prospective contract attorneys shall include at a minimum:

1. The prospective contract attorney’s name, office address, and Washington State Bar Association number;
2. Proposed monthly or per-case compensation, including administrative and support costs; and

3. Details of any other contracts for public defender services the prospective contract attorney has held within the previous five years, including the contracting agency, effective dates, and reasons for termination of each contract.

B. When the period for submissions has elapsed, the clerk-treasurer shall present all complete bid proposals meeting the requirements of subsection (A) of this section to the city council for review at regular session of the council.

1. A majority vote of the council authorizing the mayor to contract with any prospective contract attorney in accordance with that attorney’s bid proposal shall constitute selection of a contract attorney.

2. Neither the city attorney, any law enforcement officer, nor any county prosecuting attorney or deputy prosecuting attorney shall participate in the selection process.

3. Notwithstanding the foregoing, upon request of the mayor or any member of the council, the city attorney may express his legal opinion as to the qualification under this chapter of any prospective contract attorney or the meaning, requirements, or impact of the provisions of this chapter. (Ord. 06-702 § 1, 2006)

2.16.050 Contract attorneys – Qualifications and duties – Limitations on practice.

A. The city shall contract for delivery of public defender services only with members in good

standing of the Washington State Bar Association who maintain a law office or other professional facility in Asotin County and complete no less than seven hours of continuing legal education each calendar year in courses relating to that attorney's public defense practice.

B. Contract attorneys shall provide public defense services in all appointments in a skilled and professional manner consistent with Standard Two of the Washington Defender Association's Standards for Public Defense Services, as endorsed by the Washington State Bar Association.

C. No contract attorney shall be appointed to more than 60 cases per year in the municipal court of the city.

1. For purposes of this subsection, an appeal from the municipal court of the city to the superior court of this county shall be counted as three cases, and an appeal from the municipal court to an appellate court of this state shall be counted as 12 cases.

2. This subsection shall not be construed to restrict or be affected by appointments made in any other district or municipal court of the state, nor shall this section be construed to restrict a contract attorney's private practice so long as the standards referenced in subsection (B) of this section are upheld. (Ord. 06-702 § 1, 2006)

2.16.060 Contract attorneys – Compensation – Reimbursement.

A. Contract attorneys shall be compensated at a monthly or per-case rate commensurate with their training and experience and the expected caseload, as determined in the attorney selection process.

B. The monthly rate of compensation shall include administrative and training expenses that are reasonably expected to be borne by the contract attorney.

C. Requests for reimbursement of extraordinary costs associated with representation shall be submitted to the city clerk-treasurer for payment or denial, pursuant to the terms and conditions of the contract. The mayor shall be the final arbiter of payment or denial of reimbursement.

D. No funds received from any domestic violence penalty assessment pursuant to RCW 10.99.080 shall be expended for public defender services. (Ord. 06-702 § 1, 2006)

2.16.070 Contract attorneys – Substitution of counsel.

In any matter where the contract attorney is unable to provide public defender services to a particular defendant because of the existence of a con-

flict of interest or other ethical dilemma requiring the attorney to decline or withdraw from representation, the particular matter may be assigned to any other attorney who has contracted with Asotin County or any other city therein to provide public defender services.

A. Compensation for conflict services shall be at the current district court hourly rate for court appointments, or on a case-exchange basis if the contract attorney and the conflict attorney so agree.

B. If no other attorney who has an existing contract with the county or any city is able to accept representation, the judge of the municipal court is specifically authorized to appoint counsel in his sole discretion. (Ord. 06-702 § 1, 2006)

2.16.080 Contract attorneys – Reports of activity – Monitoring.

Contract attorneys shall provide to the mayor quarterly, on a form provided by the city attorney, a report of number and type of cases, attorney hours, and disposition. The contract attorney shall maintain this information separately from client files so as to disclose no privileged information.

A. Evaluation of a contract attorney's quarterly reports may be supplemented by evidence and/or comments from the judge of the municipal court, the city attorney, other defense attorneys, and clients on the skill and effectiveness of the contract attorney.

B. The mayor shall cause a written evaluation report to issue if he finds that the contract attorney's level of skill, effectiveness, or availability effectively deprives or imminently threatens to deprive indigent persons of their constitutional right to counsel, which shall include specific recommendations for remediation.

C. If a written evaluation report issues under subsection (B) of this section, the contract attorney may appeal the report to the council, who shall hear the appeal in executive session.

D. A second consecutive evaluation adverse to the contract attorney may form the basis for termination of a contract for public defender services pursuant to the terms of the contract and the provisions of this chapter. (Ord. 06-702 § 1, 2006)

2.16.090 Client complaints.

Complaints regarding public defender services shall be lodged with the clerk-treasurer, who shall direct such complaints to the appropriate reviewing authority as outlined in this section.

A. Complaints regarding the skill, effectiveness, or behavior of a contract attorney or conflict

attorney shall be directed to a hearing officer selected by the mayor, who shall hear the complaint within 10 business days.

1. At such hearing, the hearing officer may hear evidence and comments from the aggrieved client, the contract attorney or conflict attorney, the judge of the municipal court, and the city attorney. Such comments may be given orally at the hearing or in writing beforehand.

2. The hearing officer shall issue a written ruling, within five business days of such hearing, which shall address each specific allegation of lack of skill, ineffectiveness, or improper behavior according to the following criteria:

- a. Whether the allegation is well-founded;
- b. Whether the allegation effectively deprived the client of his or her constitutional right to counsel; and
- c. What remedial action should be taken.

3. A finding adverse to the contract attorney may form the basis for termination of a contract for public defense services pursuant to the terms of the contract and the provisions of this chapter.

B. Client complaints that do not fall within subsection (A) of this section may be resolved by executive action of the mayor, on advice from the contract attorney, the judge of the municipal court, and/or the city attorney. (Ord. 06-702 § 1, 2006)

2.16.100 Termination of contract.

A contract for public defender services may be terminated by any of the following events:

A. Expiration of the term of the contract where the contract attorney has declined to renew the contract pursuant to its renewal clause, if any;

B. Request by the contract attorney to be released from the contract for any reason; provided, that such release shall be governed by the terms and conditions of the contract;

C. A second consecutive adverse quarterly evaluation under AMC 2.16.080; or

D. An adverse written ruling after hearing of client complaint under AMC 2.16.090(A). (Ord. 06-702 § 1, 2006)

2.16.900 Severability.

If any portion of this chapter is held invalid, the remainder of this chapter shall not be affected. (Ord. 06-702 § 1, 2006)

Chapter 2.20

VOLUNTEER FIRE DEPARTMENT

Sections:

- 2.20.010 Established.
- 2.20.020 Duties.
- 2.20.030 Rules and regulations authority.
- 2.20.040 Right-of-way – Obstruction prohibited.
- 2.20.045 Compensation.
- 2.20.050 Fire department chief – Authority.
- 2.20.060 Violation – Penalty.

2.20.010 Established.

There is established a fire department in and for the city. (Ord. 89-408 § 1, 1988; Ord. 95 § 1, 1949)

2.20.020 Duties.

The duties of the volunteer fire department shall be to care for all fire equipment and use their best efforts to attend and extinguish all fires and perform such other duties as may, from time to time, be prescribed by the city council or the members of the volunteer fire department. (Ord. 95 § 2, 1949)

2.20.030 Rules and regulations authority.

The volunteer fire department shall have authority to make such rules and regulations as may be consistent with the laws of the state and the ordinances and regulations of the city, but the same shall be subject to the approval of the council and mayor of the city. The voluntary fire department shall have the right to elect all and any officers to be approved by the mayor and council. (Ord. 95 § 3, 1949)

2.20.040 Right-of-way – Obstruction prohibited.

The volunteer fire department shall have the right-of-way over all traffic on the streets and alleys of the city and it shall be the duty of every person to clear the streets of their equipment and not get in the way of or hinder the volunteer fire department during any fire alarm or during any fire or while the department is going to or coming from the fire. (Ord. 95 § 4, 1949)

2.20.045 Compensation.

A. RCW 49.46.010 provides in part that if a local governmental body pays its volunteers a nominal amount of compensation per unit of voluntary service rendered, that the employer-

employee relationship is deemed not to exist for the purposes of the minimum wage law.

B. Volunteer firefighters shall be compensated on a semi-annual basis and the amount to be paid shall be determined as follows:

1. At the end of the first semi-annual period there will be allotted \$2,500 to the active volunteers on the rolls for that period;

2. The allotment will be divided among the active volunteers on the basis of points earned for activities during that period;

3. At the end of the second semi-annual period the money allotted will be whatever remains in the budget for wages after the annual retirement payment is made decided the same as outlined in subsection (B)(2) of this section;

4. An active volunteer shall be defined as one who has earned points for participating in qualifying activities for the current period. (Ord. 99-556, 1999; Ord. 97-533, 1997; Ord. 92-453 § 4, 1992)

2.20.050 Fire department chief – Authority.

At all fires the chief of the fire department shall have sole command and all members of the fire department and all policemen of the city shall, during the continuance of the fire, be subject to his orders. He may, when deemed necessary for the extinguishment of any fire, call to his aid any person present, and it shall be the duty of every person so called upon by the chief of the fire department to render him prompt service; provided, however, that in the absence of the chief or the assistant chief, the first member of the department to arrive upon the scene of the fire shall be in command therewith until the arrival of the chief or assistant chief or superior officer in the fire department. (Ord. 95 § 6, 1949)

2.20.060 Violation – Penalty.

Any violation of this chapter shall constitute a misdemeanor and shall be punishable by a fine of not more than \$100.00. (Ord. 95 § 8, 1949)

Chapter 2.24

PLANNING COMMISSION

Sections:

- 2.24.010 Created.
- 2.24.020 Membership.
- 2.24.030 Appointment.
- 2.24.040 Term of office.
- 2.24.050 Vacancies.
- 2.24.055 Forfeiture of membership.
- 2.24.060 Chairman – Meetings.
- 2.24.070 Expenditures.
- 2.24.080 Powers.

2.24.010 Created.

In order to avail itself of the powers conferred by Chapter 35.63 RCW, as amended, the city created a city planning commission to be known as the “city of Asotin planning commission.” (Ord. 158 § 1, 1965)

2.24.020 Membership.

The planning commission shall consist of a minimum of five members and a maximum of seven members, none of whom shall be ex officio members by virtue of any office otherwise held in the city. (Ord. 02-604 § 1, 2002; Ord. 158 § 2, 1965)

2.24.030 Appointment.

The members of the planning commission shall be appointed by the mayor, and the appointment of each member shall be confirmed by a majority of the city council. (Ord. 158 § 3, 1965)

2.24.040 Term of office.

The term of office for the first appointive members appointed to such commission shall be as follows: one term of two years, one term of three years, one term of four years, one term of five years and one term of six years, all running from the date of establishment of the town planning commission. Thereafter the term of office for each appointive member shall be six years. (Ord. 158 § 4, 1965)

2.24.050 Vacancies.

Vacancies in the membership of the planning commission, occurring otherwise than through the expiration of terms, shall be filled for the unexpired term.

Members may be removed, after public hearing, by the appointing official with the approval of the city council, for inefficiency, neglect of duty or malfeasance in office. The members shall be

selected without respect to political affiliations and they shall serve without compensation. (Ord. 158 § 5, 1965)

2.24.055 Forfeiture of membership.

A member of the planning commission shall forfeit his/her office creating a vacancy if he/she ceases to have the qualifications prescribed to such office by law or ordinance, or if he/she is convicted of a crime involving moral turpitude or an offense involving violations of oath of office. A member shall also forfeit his/her office if he/she fails to attend three consecutive regular meetings of the planning commission without being excused by the commission. (Ord. 06-686 § 1, 2006)

2.24.060 Chairman – Meetings.

The commission shall elect its own chairman and create and fill such other offices as it may determine it requires. The commission shall hold at least one regular meeting in each month for not less than nine months in each year. It shall adopt rules for transaction of business and shall keep a written record of its meetings, resolutions, transactions, findings and determinations, which record shall be a public record. (Ord. 158 § 6, 1965)

2.24.070 Expenditures.

The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the city council. (Ord. 158 § 7, 1965)

2.24.080 Powers.

The powers of the planning commission shall be as set forth in Chapter 35.63 RCW, as amended, and as the same may hereafter be amended. (Ord. 158 § 8, 1965)

Chapter 2.28**SOCIAL SECURITY AND RETIREMENT**

Sections:

- 2.28.010 Participation in Social Security System.
 2.28.020 Plan submittal.
 2.28.030 Payments to contribution fund authorized.
 2.28.040 Participation in State Retirement System.

2.28.010 Participation in Social Security System.

The city shall become a participant in the Social Security System and the benefits of old age and survivors' insurance rate shall be extended to its employees and officers. (Ord. 100, 1952)

2.28.020 Plan submittal.

The mayor and the clerk-treasurer are authorized to execute and deliver to the Washington Department of Employment Security for its approval the plan or plans required under the provisions of Section 5 of Chapter 184, Laws of 1951, and of the Social Security Act to extend coverage to the employees and officers of this city and to do all other things necessary to that end. (Ord. 100, 1952)

2.28.030 Payments to contribution fund authorized.

The proper fiscal officers are authorized to make all required payments into the contribution fund established by the enabling act and to establish such system of payroll deductions from the salaries of employees and officers as may be necessary to their coverage under such old age and survivors' insurance system. (Ord. 100, 1952)

2.28.040 Participation in State Retirement System.

The city authorizes and approves the membership and participation of its eligible employees in the State Employees' Retirement System, pursuant to RCW 41.40.410, and authorizes the expenditure of the necessary funds to cover its proportionate share for participation in the system. (Ord. 142 § 1, 1963)

Chapter 2.32**PERSONNEL**

Sections:

- 2.32.010 Purpose.
 2.32.020 Personnel manual adopted.
 2.32.030 Exceptions.
 2.32.040 Deviation from personnel manual.
 2.32.050 Conflict of laws.
 2.32.060 Discrimination.
 2.32.070 Amendment to personnel policies.

2.32.010 Purpose.

This chapter is designed to facilitate the efficient operation of the government of the city of Asotin with respect to personnel matters by providing a comprehensive personnel policy. (Ord. 06-679 § 2, 2006)

2.32.020 Personnel manual adopted.

Employment and personnel policies of the city of Asotin are governed by the city personnel manual, a copy of which is attached to the ordinance codified in this chapter and incorporated herein by reference. (Ord. 06-679 § 2, 2006)

2.32.030 Exceptions.

A. The provisions of the city personnel manual shall not apply to elected officials or independent contractors.

B. No provision of the city personnel manual shall be construed to limit or remove any portion of the mayor's executive power granted by state statute or other city ordinance. (Ord. 06-679 § 2, 2006)

2.32.040 Deviation from personnel manual.

The mayor is authorized to deviate from the policies contained in the city personnel manual in individual situations, particularly in an emergency, in order to achieve the city's primary mission of providing orderly and cost-efficient services to its citizens. (Ord. 06-679 § 2, 2006)

2.32.050 Conflict of laws.

In any case where the application of the policies contained in the city personnel manual would conflict with applicable civil service rules or other state or local law, such other rule or law shall govern. (Ord. 06-679 § 2, 2006)

2.32.060 Discrimination.

RCW 49.60.180 shall control issues of discrimination that may arise under this chapter. (Ord. 06-679 § 2, 2006)

2.32.070 Amendment to personnel policies.

Any provision of the city personnel manual may be amended, deleted, supplemented, or rescinded by resolution of the city council in regular meeting assembled. (Ord. 06-679 § 2, 2006)

Chapter 2.36**COMPENSATION FOR CITY OFFICERS**

Sections:

2.36.010 Mayor.

2.36.020 Council members.

2.36.010 Mayor.

The mayor shall be paid a salary of \$175.00 for each meeting attended by him, whether city council meeting or other meetings pertaining to or dealing with city business; provided, however, the mayor shall not be paid more than \$350.00 total in any one calendar month. If any issue should arise as to whether or not the meeting attended by the mayor is "other meeting pertaining to or dealing with city business," such issue shall be decided by the city council at its next regular meeting. (Ord. 07-716 § 1, 2007; Ord. 93-465 § 1, 1993; Ord. 91-440 § 1, 1991; Ord. 89-422 § 1, 1989; Ord. 89-416 § 1, 1989; Ord. 85-351 § 1, 1985)

2.36.020 Council members.

Each member of the city council shall be paid a salary of \$112.50 for each meeting attended by the council member, whether city council meeting or other meetings pertaining to or dealing with city business; provided, however, the council member shall not be paid more than \$225.00 total in any calendar month. If any issue should arise as to whether or not the meeting attended by the council member is "other meeting pertaining to or dealing with city business," such issue shall be decided by the city council at its next regular meeting. (Ord. 07-715 § 1, 2007; Ord. 93-465 § 2, 1993; Ord. 91-440 § 2, 1991; Ord. 89-422 § 2, 1989; Ord. 89-416 § 3, 1989; Ord. 85-351 § 2, 1985)

Chapter 2.40

TRAVEL EXPENSES

Sections:

- 2.40.010 Travel expenses – Generally.
- 2.40.020 Reimbursement for expenses – Meals.
- 2.40.030 Reimbursement for expenses – Travel.

2.40.010 Travel expenses – Generally.

When employees are required to travel on city business, reimbursement for expenses incurred shall be determined as follows:

A. The propriety of expenditures by city employees is to be judged within the context of those reasonable and prudent under the circumstances. Care must be taken to avoid unnecessary or excessively costly expenditures. With respect to local business expenses, the following guidelines are to be followed:

1. Meals should be limited to those incurred by elective and appointed officers and employees of the city while they are conferring, consulting or meeting with noncity officials, technicians or executives, the city council or any committee thereof, or approved professional organizations, or where work schedules or commitments of the participants make the business meal appropriate for purposes generally associated with routine official duties of such city personnel. It is not, however, the responsibility to bear the cost of evening or other meals as a reward for performance, overtime or attending off-hour meetings.

2. It shall be the responsibility of the city clerk-treasurer to ensure that these policies are adhered to and to provide the form and instruction necessary for implementation. Exceptions to the rules will be made only upon the written directive of the chief administrative officer. (Ord. 96-512 § 1, 1996; Ord. 284 § 1, 1980)

2.40.020 Reimbursement for expenses – Meals.

Reasonable costs of necessary meals while conducting city business locally or while traveling from home are reimbursable. Reimbursement may include the cost of meals of city officials and employees. Reimbursement will be authorized by either vendor's receipt or the use of the following schedule which is the maximum allowable for meal claims:

Breakfast	\$8.00
Lunch	\$9.00
Dinner	\$18.00

The only exception to the maximum meal authorization expenditure shall be for meals held in conjunction with approved meetings or seminars which exceed the maximum set forth herein, when the meal is an integral part of the meeting or seminar and then only upon prior approval of the city council. (Ord. 98-537 § 1, 1998; Ord. 96-512 § 2, 1996; Ord. 90-428 § 1, 1990; Ord. 284 § 2, 1980)

2.40.030 Reimbursement for expenses – Travel.

The reasonable cost of travel for an employee is reimbursable. General guidelines are as follows:

A. City vehicle out of the area: cost of the vehicle operation such as gas, oil, tires and necessary repairs;

B. Personal vehicle: expenses shall be reimbursed at the rate as specified in the Internal Revenue Service regulations governing travel expenses. Private vehicles are to be used only when a city vehicle is unavailable for use;

C. Actual cost of travel such as air fare, train fare, bus fare shall be reimbursed upon presentation of a verified vendor's receipt. (Ord. 03-621, 2003; Ord. 00-573, 2000; Ord. 96-512 § 3, 1996)

Chapter 2.44

PUBLIC RECORDS

Sections:

- 2.44.010 Request for records.
- 2.44.020 Response to request.
- 2.44.030 Information exempt from public inspection.
- 2.44.040 Record copy charge.
- 2.44.050 Alteration of cost schedule.
- 2.44.060 Payment of verbatim written transcript.
- 2.44.070 Disclosure prohibited.

2.44.010 Request for records.

A. All persons desiring to inspect or receive a copy of any public record of the city must make their request to the city clerk-treasurer, or his/her designee, on forms specified by the city clerk-treasurer.

B. Any reference herein to "city clerk" means and includes the city clerk-treasurer and his or her designee. (Ord. 93-464 §§ 1, 8, 1993)

2.44.020 Response to request.

A. Responses to requests for records will be made in five business days. If the request is for a record maintained or indexed other than in the clerk's office the requester will be advised that their request has been forwarded to the appropriate department. All assistance necessary to help the requester shall be provided either by an employee of the city clerk's office or of the particular department. The giving of such assistance shall not unreasonably disrupt the operation of the city or the other duties of assisting employees. If the written request includes a request for copies, a payment in accordance with the city's fee schedule shall be paid.

B. Whenever a member of the public has requested to inspect an identifiable public record and that request has been denied, such a person may submit a written request and have such denial reviewed by the city clerk-treasurer. The review of the denial by the city clerk-treasurer shall be as prompt as possible. (Ord. 93-464 § 2, 1993)

2.44.030 Information exempt from public inspection.

The following shall be exempt from public inspection and copying:

A. Personal information and any files maintained for prisoners;

B. Personal information and any files maintained for city employees, appointees or elected officials to the extent the disclosure would violate their right to privacy;

C. Information required of any taxpayer or city license holder in connection with the assessment or collection of any tax or license fee if the disclosure of the information to other persons would violate the taxpayer or licensee's right to privacy or would result in unfair competitive disadvantage to such taxpayer or licensee;

D. Specific intelligence information and specific investigative files compiled by investigative, law enforcement and penology agencies and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

E. Information revealing the identity of persons who file complaints with investigative, law enforcement or penology agencies, if disclosure would endanger any person's life, physical safety or property, or if the complainant has indicated a desire for nondisclosure;

F. Test questions, scoring keys and other examination data used to administer license, employment or civil service examination;

G. Except as provided by Chapter 8.26 RCW, the contents of any real estate appraisals made for or by any agency, including the city, relative to the acquisition of property by the city until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the date of the appraisal;

H. Valuable formulas, designs, drawings and research data obtained or produced by the city, its officers, employees and agents within five years of any request for disclosure thereof, when disclosure would produce private gain and public loss;

I. Preliminary drafts, notes, recommendations and intra-agency memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action;

J. Records which are relevant to a controversy to which the city or any of its officers, employees or agents is a party, but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts;

K. Any library record which could disclose the identity of a user of library materials;

L. Lists of individuals requested for commercial purposes;

M. Any public record access which the Asotin County superior court has found would damage any person or vital governmental function;

N. Residence addresses and telephone numbers of city employees or volunteers;

O. Applications for employment, including name of applicant, resume and other related material submitted with respect to an applicant.

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or person. (Ord. 93-464 § 3, 1993)

2.44.040 Record copy charge.

A. Copies of any disclosable public record (or portions thereof) including, but not limited to, maps, reports, codes, plans and tape recordings, shall be made and provided by the city upon request and payment of the actual cost incidental to reproducing the same. The city clerk-treasurer, in consultation with appropriate departments, is directed to prepare and have on file as a public document a schedule of such costs of reproduction. In determining the cost of reproduction, all costs incidental to such reproduction shall be includable factors, including labor and mailing costs.

B. Where the request is for a certified copy, there shall be an additional charge to cover the additional expense and time required for certification.

C. Payment for the cost of reproduction of all public records shall be made at the time the request for public records is submitted to the city clerk-treasurer. If there is uncertainty as to the amount required, the amount tendered shall be based upon estimates established by the city clerk-treasurer in the schedule of costs for reproduction. If the actual amount of the cost of reproduction exceeds the amount tendered, the balance shall be paid upon delivery of the requested copy or copies. In the event the amount tendered exceeds the actual cost, the balance shall be refunded at the time of the delivery of the copy or copies. Except as specifically provided herein, there shall be no refunds. (Ord. 93-464 § 4, 1993)

2.44.050 Alteration of cost schedule.

When a change in the established cost schedule is required, the city clerk-treasurer, in consultation with appropriate department(s), shall change the schedule by filing a new schedule. (Ord. 93-464 § 5, 1993)

2.44.060 Payment of verbatim written transcript.

A. Whenever the city is required to prepare a verbatim written transcript of any proceeding of the city in response to a writ of review or other action filed in the superior court or any other state or federal court, the cost of preparing the same shall be borne by the party filing the action. The party filing such action shall pay to the city clerk-treasurer the estimated cost of the preparation of the transcript (as established by the city clerk-treasurer), including copying costs and the city clerk-treasurer shall thereafter make a provision for the preparation of the transcript.

B. Should the actual cost incurred by the city in preparation of the transcript exceed the amount deposited with the city clerk-treasurer, the party making such deposit shall be required to reimburse the city for such additional amount within 10 days of notification that such amount is due or prior to the time the transcript is required to be filed with the court, whichever occurs first. Should the actual cost incurred by the city be less than the estimated cost deposited, such credit due shall be reimbursed by the city to the party making the deposit. (Ord. 93-464 § 6, 1993)

2.44.070 Disclosure prohibited.

The city shall not be required to permit public inspection and/or copying of any record to the extent public disclosure is prohibited, restricted or limited by state or federal laws. (Ord. 93-464 § 7, 1993)

EXHIBIT "A"

REQUEST FOR/ACCESS TO PUBLIC RECORDS

Department _____ Division _____

Person Receiving Request/Date _____

Date _____

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____

If an emergency request, indicate date desired: _____

RECORDS REQUESTED:

Title of Record _____
Date of Record _____

Please describe below the records you are requesting and any additional information that will help us locate them for you as quickly as possible.

I certify that the lists of individuals obtained through this request for public records will not be used for commercial purposes.

Signature _____
Number of copies _____
Number of pages _____
Per page charge _____
TOTAL CHARGE _____

Give brief explanation of how exemption applies to the record withheld _____. These exemptions authorize the withholding of specific portions of the public record. The public record to which access was requested is exempt from disclosure requirements. Therefore, the request for access to the above-described record is denied.

CERTIFICATION

I certify under penalty of perjury that on _____ I hand delivered/mailed to _____ at _____ the Denial of Request of access document on which this certification appears.

Date Signed Agent for the City of Asotin

EXHIBIT "B"

Copies	\$0.25 per page
Preparing, transcribing, or providing such other assistance required to fulfill request	\$25.00 per hour – No charge for less than 30 minutes
Certifying, authenticating or notarizing service	\$4.00 per page
Other service such as photographic reproduction, postage, computer usage, etc.	Applicable city costs plus 20%

EXHIBIT "C"

CITY OF ASOTIN
130 Second Street – P.O. Box 517
Asotin, Washington 99402
(509) 243-4411

DENIAL OF REQUEST FOR ACCESS

The City of Asotin has this date received the request of _____ for access to a public record. In response to this request, the City is refusing to allow inspection of copying of _____ (identify public record). This material is withheld pursuant to RCW 42.217.310, Section _____.

Chapter 2.48

DRUG FREE WORKPLACE

Sections:

- 2.48.010 Purpose.
- 2.48.020 On-the-job use of alcohol, or possession, or sale of controlled substances.
- 2.48.030 When an employee appears under the influence.
- 2.48.040 Urinalysis testing.
- 2.48.050 Notification of urinalysis results.
- 2.48.060 Alcohol or controlled substance related traffic offenses on or off the job.
- 2.48.070 Criminal convictions.
- 2.48.080 Operation of equipment prohibited.
- 2.48.090 Noncompliance by the employee.
- 2.48.100 Right of appeal.
- 2.48.110 Acknowledgement.
- 2.48.120 Searches.

2.48.010 Purpose.

A. As an employer, the city is required to adhere to various federal, state and local laws and regulations regarding alcohol and substance use.

B. The city also has a vital interest, in maintaining safe, healthful and efficient working conditions for its employees. Being under the influence of a controlled substance or alcohol on the job potentially presents serious safety and health risks to the user and also to all working with the user. The possession, use, or sale of a controlled substance which may alter mental and physical abilities or the use of alcohol in the workplace also presents an unacceptable risk of safe, healthful and efficient operations.

C. Within the legal framework and with these basic objectives in mind, the parties hereby establish the following policy with regard to use, possession, or sale of alcohol or controlled substances that may alter mental and/or physical abilities. The objective of this chapter is to ensure a safe, productive work environment for everyone. Further, it is the city's desire to help any employee who has a substance abuse problem to resolve that problem before he/she is found in violation of this chapter.

D. Professional assistance for resolving employee alcohol or substance abuse problems is available through the city's medical insurance program. Requests for such help may be made through the mayor. Requests for this assistance will be treated confidentially and the employee will be

directed to professional organizations that can provide in-patient, out-patient, and post-treatment care.

E. Whenever a supervisor has reasonable grounds to believe that an employee is under the influence of a controlled substance while on duty, another city representative shall confirm the supervisor's observations. Before an overt action is taken under this provision directly affecting an employee, every possible effort will be made to contact and consult either the steward or his/her designated alternate. (Ord. 93-467 § 1, 1993)

2.48.020 On-the-job use of alcohol, or possession, or sale of controlled substances.

A. Alcohol. Consumption of alcohol by any employee while on duty is prohibited. Consumption of alcohol in a city facility or on city premises is prohibited unless consumed at a private or public function, or as authorized by a liquor catering permit issued by the state of Washington. Consumption of alcohol in a city vehicle is prohibited.

B. Controlled Substances.

1. Conviction of a violation of a local, state or federal offense involving the use, sale, purchase, transfer, or possession of a controlled substance by any employee shall result in disciplinary action, up to and including termination.

2. When a supervisor has reasonable grounds to believe that an employee is in possession, selling or transferring illegal controlled substances, the police shall be notified.

C. Legal Drugs and Medication. Employees who may be required to operate vehicles, equipment, or machinery as part of their employment responsibility should exercise extreme caution in the use of medication which may induce drowsiness, dizziness, or other side effects that could impair the employee's ability to function efficiently. Employees shall notify their supervisors of the legal drugs and medications being ingested that may cause such side effects. (Ord. 93-467 § 2, 1993)

2.48.030 When an employee appears under the influence.

If an employee appears to be under the influence of a controlled substance or alcohol, or such are in the employee's possession while on duty, immediate action is required. When this is the situation, the supervisor should do the following:

A. Under the Influence of Alcohol.

1. The supervisor with the suspicion should confront the employee in a private setting. Arrangements for transportation to the evaluation site shall be made by the employee's supervisor. If the employee refuses to be evaluated, arrangements shall be made for the employee to be transported home. The employee shall not be allowed to drive a city vehicle home.

2. Any employee who is determined to be under the influence of alcohol while on the job shall be subject to disciplinary action.

B. Use, Possession or Sale of Controlled Substances. When a supervisor has reasonable grounds to believe that an employee is under the influence of a controlled substance while on duty, the employee should be confronted by the supervisor in a private setting. If in the judgment of the supervisor, the employee's condition is potentially hazardous to the safety of any individual, the supervisor may relieve the employee of such responsibilities as a necessary to protect the safety of those individuals. The supervisor shall notify the police of any possible violation of law. Management and supervisors are to restrict conversations concerning possible violations of this policy to persons participating in the evaluation, investigation or disciplinary action. Further investigation shall be at the discretion of the city. (Ord. 93-467 § 3, 1993)

2.48.040 Urinalysis testing.

A. There shall be no across-the-board or random drug testing of employees. Where there is a reasonable cause to suspect that an employee is under the influence of alcohol or controlled substances while on duty or there is reasonable cause to believe the employee is on sick leave as a result of the use of controlled substances or the habitual use of alcohol, that employee may be required to report for a drug screen urinalysis. When a supervisor has a reasonable cause to suspect that an employee is under the influence of alcohol or controlled substances, that supervisor shall have a representative of the city confirm or refute the suspicion. Before an overt action is taken under this provision directly affecting an employee, every possible effort will be made to contact and consult either the steward or his/her designated alternate. If the city deems it necessary, a test shall be arranged without delay.

B. Should the employee refuse to undergo the urinalysis test or should the test show positive for alcohol or controlled substances, a predisciplinary hearing shall be conducted. The result of that pre-

disciplinary hearing may be that the employee enters into an authorized and agreed upon treatment program and/or that appropriate disciplinary action is taken. If the employee elects to enter a mutually agreed upon treatment program, disciplinary action may be held in abeyance. If the employee completes the program and there are no further controlled substances or alcohol violations within two years of the date of completion of the program, there shall be no record of the offense giving rise to the predisciplinary hearing.

C. The illegal use, sale, or possession of alcohol or controlled substances on city premises or while on city time constitutes grounds for immediate dismissal. (Provided, however, alcohol secured in the personal vehicle of an employee shall not in and of itself be a violation of this subsection.)

D. Only laboratories that meet the state's standards of the draft National Institute of Health standards shall be used to conduct the tests. The labs must use tamperproof containers, have a chain-of-custody procedure, maintain confidentiality, and preserve specimens for a minimum of 60 days.

E. An initial test may, at either the city's or the employee's request, be confirmed by an additional test at the certified laboratory in a nearby state. Such additional test shall be at the expense of the requesting party.

F. Test results will be kept confidential. The employee will receive written notice of the initial result, information about options for a second test, and an opportunity to provide rebuttal evidence. If the test results are inconclusive or negative, the employee may be disciplined only for the incident which prompted testing, subject to the right to grieve for cause. The fact that tests were given and the results of such tests may not be used in the discipline or grievance process. (Ord. 93-467 § 4, 1993)

2.48.050 Notification of urinalysis results.

The employee being tested shall permit the city to be notified of the results of all urinalysis tests. Any employee required to undergo a urinalysis test may be given the results of that test by asking the city's physician or the city. Failure to authorize test results to be released to the city shall result in disciplinary action, up to and including dismissal. (Ord. 93-467 § 5, 1993)

2.48.060 Alcohol or controlled substance related traffic offenses on or off the job.

It is the duty of any employee who is required to drive as part of his/her assigned duties or job classification to report to his/her supervisor any alcohol or controlled substance related traffic violation. Every employee required to drive as part of their assigned duties or job description shall annually certify that he/she has a valid driver's license. It shall be the employee's duty to report any restrictions imposed by law on the employee's driving privilege. (Ord. 93-467 § 6, 1993)

2.48.070 Criminal convictions.

In accordance with the Anti-Drug Abuse Act of 1988, the city shall notify Region 10 of the Environmental Protection Agency whenever any employee is criminally convicted of a drug offense that occurs in the workplace. (Ord. 93-467 § 7, 1993)

2.48.080 Operation of equipment prohibited.

Under no circumstances shall a supervisor allow an employee who appears to be under the influence of alcohol or controlled substances to drive a vehicle. If the supervisor is unable to stop the employee from driving, the supervisor shall immediately notify the police. (Ord. 93-467 § 8, 1993)

2.48.090 Noncompliance by the employee.

Supervisors are not to use force in seeking compliance with an order. The supervisor will explain to the employee that noncompliance with a direct order is insubordination and subjects employee to discipline up to and including dismissal. (Ord. 93-467 § 9, 1993)

2.48.100 Right of appeal.

Employees disciplined for violations of this policy shall have the right of appeal through the grievance procedure. (Ord. 93-467 § 10, 1993)

2.48.110 Acknowledgement.

A copy of the city's Substance and Alcohol Agreement shall be given to each employee with each employee acknowledging receipt in writing. (Ord. 93-467 § 11, 1993)

2.48.120 Searches.

Body cavity searches are prohibited. Sampling shall be done in a manner to insure privacy. (Ord. 93-467 § 12, 1993)

Chapter 2.62

CIVIL SERVICE

(Repealed by Ord. 09-743)