

Title 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.04

Chapter 2.07

CITY COUNCIL

CITY ADMINISTRATOR

Sections:

2.04.010 Meetings.

Sections:

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2.04.010 Meetings.

A. Effective January 8, 1991, regular meetings of the council shall be held at 7:00 p.m. on the second Tuesday of each month. The meetings shall be held at the Clyde Hill City Hall, 9605 N.E. 24th Street, Clyde Hill, Washington.

B. In addition to the city council’s regular monthly meeting, the city council shall conduct study sessions, as needed, on alternate months, commencing with the month of February, 1991. Study sessions shall be on the fourth Tuesday of the alternate month, and shall commence at 7:00 p.m. at the City Hall. If there is no business scheduled to come before the council at a study session, the council shall not be required to meet. (Ord. 637 § 1, 1990; Ord. 567, 1987; Ord. 548, 1986; Ord. 538, 1986; Ord. 496 § 1, 1984; Ord. 463 § 2, 1983; Ord. 420 § 2, 1980)

2.07.010 Appointment of city administrator.

The mayor shall appoint a city administrator who will hold office at the pleasure of the mayor, and shall not be subject to confirmation by the city council. The city administrator’s salary shall be approved by the city council. (Ord. 540 §§ 1, 2, 1986)

2.07.020 Combination city administrator and city clerk – Allowed.

At the discretion of the mayor, the positions of city administrator and city clerk may be combined and performed by the same person. When these positions and responsibilities are combined for the same person, the salary shall take into consideration the joint responsibilities, and shall be recommended by the mayor and approved by the city council. (Ord. 540 §§ 1, 2, 1986)

2.07.030 City administrator – Duties and responsibilities.

The powers of the city administrator shall be:

2.07.040

A. To act as the chief administrative officer and head of the administrative branch of the city government, being responsible to the mayor and council for the proper administration of all affairs of the city;

B. To have general supervision over the administrative affairs of the city;

C. Subject to the concurrence of the mayor, to appoint and remove at any time all department heads, officers and employees of the city, except members of the council, and subject to the provisions of any applicable law, rule or regulation relating to civil service;

D. To attend all meetings of the council, at which his or her attendance may be required by that body;

E. To see that all laws and ordinances are faithfully executed, subject to the authority that the council may grant the mayor to maintain law and order in times of emergency;

F. To recommend for adoption by the council such measures as he or she may deem necessary or expedient;

G. To prepare and submit to the council such reports as may be required by that body, or as he or she may deem it advisable to submit;

H. To keep the council fully advised of the financial condition of the city and its future needs;

I. To prepare and submit to the mayor a tentative budget for the fiscal year;

J. To receive any claim for damages made under Chapter 4.96 RCW;

1. For purposes of this section, the city administrator may be reached during the normal business hours of the city at 9605 NE 24th Street, Clyde Hill, Washington;

2. If the city administrator is not available during normal business hours, the city administrator's designee is appointed as the agent to receive claims for damages;

3. All claims for damages against the city made pursuant to Chapter 4.96 RCW shall be presented to the city administrator within the applicable period of limitation within

which an action must be commenced. Said claims shall not be effective unless delivered to the agent or designee as specified in this section;

K. To perform such other duties as the mayor and council may determine by ordinance or resolution. (Ord. 837 § 1, 2001; Ord. 540 §§ 1, 2, 1986)

2.07.040 City administrator – Creation of departments.

On recommendation of the city administrator, the council may create such departments, offices and employments as may be found necessary, and may determine the powers and duties of each department or office. (Ord. 540 §§ 1, 2, 1986)

2.07.050 City administrator – Department heads – Authority.

The city administrator may authorize the head of a department or office responsible to him or her to appoint or remove subordinates in such department or office. Any officer or employee who may be appointed by the city administrator, or by the head of a department or office, except one who holds his position subject to civil service, may be removed by the administrator or other such appointing officer at any time. The decision of the city administrator or other appointing officer shall be final, and there shall be no appeal therefrom to any other office, body or court whatsoever. (Ord. 540 §§ 1, 2, 1986)

2.07.060 City administrator – Appointment of subordinates – Qualifications – Terms.

Appointments made by or under the authority of the city administrator shall be on the basis of executive and administrative ability, and of the training and experience of the appointees and the work which they are to perform. Residence within the city shall not be a requirement. All such appointments shall be without definite term. (Ord. 540 §§ 1, 2, 1986)

**2.07.070 City administrator –
Interference by council
members.**

Neither the council, nor any of its committees or members, shall direct or request the appointment of any person to, or his removal from, office by the city administrator or any of his or her subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the administrator, and neither the council nor any committee or member thereof shall give orders to any subordinate of the city administrator, either publicly or privately; provided, however, that nothing herein shall be construed to prohibit the council, while in open session, from fully and freely discussing with the administrator anything pertaining to appointments or removals of city officers and employees and city affairs. (Ord. 540 §§ 1, 2, 1986)

Chapter 2.08

CITY CLERK

Sections:

- 2.08.015 Appointment of city clerk.
- 2.08.020 City clerk – Duties.
- 2.08.030 Records to be kept by clerk.
- 2.08.040 City clerk – City warrants or checks.

2.08.015 Appointment of city clerk.

The mayor shall appoint a city clerk who will hold office at the pleasure of the mayor and shall not be subject to confirmation by the city council. The city clerk's salary shall be approved by the council. (Ord. 496 § 3, 1984)

2.08.020 City clerk – Duties.

A. The city clerk shall be custodian of the seal of the city. The clerk may appoint an assistant or deputy for whose acts the clerk and the clerk's bondsmen shall be responsible. The clerk and the clerk's assistant or deputy may administer oaths or affirmations and certify them, and may take affidavits and depositions to be used in any court or proceeding in the state.

B. The clerk shall make a quarterly statement in writing showing the receipts and expenditures of the city for the preceding quarter and the amount remaining in the treasury.

C. At the end of every fiscal year the clerk shall make a full and detailed statement of receipts and expenditures for the preceding year and a full statement of the financial condition of the city. This statement shall be published.

D. The clerk shall perform such other services as may be required by statute or by ordinances of the city council.

E. The clerk shall keep a full and true account of all the proceedings of the council. (Ord. 753 § 1, 1997; Ord. 496 § 4, 1984)

2.08.030

2.08.030 Records to be kept by clerk.

A. The city clerk shall keep a book marked "City Accounts," in which shall be entered on the debit side all moneys received by the city including but not limited to proceeds from licenses, franchises and general taxes and in which shall be entered on the credit side all warrants drawn on the treasury or checks drawn on the city bank accounts.

B. The clerk shall also keep a book marked "Marshal's Account" in which the clerk shall charge the marshal with all licenses delivered and credit the marshal with all money collected and paid in.

C. The clerk shall also keep a book marked "Treasurer's Account" in which shall be kept a full account of the transactions of the city with the treasurer.

D. The clerk shall also keep a book marked "Licenses" in which licenses issued by the clerk shall be entered, including the date thereof, to whom issued, for what, the time they expire, and the amount paid.

E. Each of the foregoing books, except the records of the council, shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein.

F. The clerk shall also keep a book marked "Demands and Warrants" or "Demands and Checks," in which the clerk shall enter every demand against the city at the time of filing it. The clerk shall state therein the final disposition of each demand and if it is allowed and a warrant or check drawn, the clerk shall state the number of the warrant or check and its date. This book shall contain an index in which references shall be made to each demand. (Ord. 753 § 2, 1997; Ord. 496 § 5, 1984)

2.08.040 City clerk – City warrants or checks.

The city clerk shall countersign all warrants drawn by the mayor or upon the treasurer or checks drawn by the mayor upon the city bank accounts after the allowance of a demand for

payment has been approved by the council. In the absence of the mayor or unavailability of the mayor for a period in excess of three business days, and only if specifically authorized by the mayor, the clerk may then present the warrant or check to the city treasurer or a designated member of the city council for signature in lieu of the mayor's signature on the warrant or check. This procedure should only be exercised in the event of an emergency and the mayor's permission to the treasurer shall only apply to the specific instance for which the permission is granted.

When such emergency occasion occurs, the clerk shall prepare and maintain a written record documenting the unavailability of the mayor, the mayor's determination that an emergency existed, and a statement by the clerk specifically describing the mayor's authorization given to the treasurer to sign the warrants or checks in the mayor's absence. (Ord. 753 § 3, 1997; Ord. 496 § 6, 1984)

Chapter 2.09

PUBLIC SAFETY DIRECTOR

(Repealed by Ord. 753)

Chapter 2.10

TREASURER

Sections:

2.10.005 Duties.

2.10.010 Payroll.

2.10.005 Duties.

A. The city treasurer shall receive and safely keep all money which comes into the treasurer's hands. The treasurer shall provide receipts for all funds received and shall provide a copy of the receipt to the city clerk. The treasurer shall pay out the money on warrants signed by the mayor and countersigned by the clerk, and not otherwise. Checks may be used in lieu of warrants as provided by the city council.

B. The office of city clerk shall be combined with the office of city treasurer and performed by the same person. After the effective date of the ordinance codified in this section, the treasurer shall exercise all the powers vested in and perform all duties required by the clerk. (Ord. 759 § 1, 1997)

2.10.010 Payroll.

A. The city treasurer is authorized to use a commercial payroll service.

B. After the city council has approved the yearly budget, including payroll figures, the vouchers approving each month's payroll expenses may be presented for council approval at the regular council meeting immediately following the month when the payroll expenditures were made. (Ord. 533 §§ 1, 2, 1985; Ord. 508, 1984)

2.11.010

Chapter 2.11

MAYOR

Sections:

- 2.11.010 Mayor – Duties – Powers – Mayor pro tempore.
- 2.11.020 Salary and benefits for the office of mayor.

time, exempt administrative employees. Alternatively, and in lieu of the benefit package, the mayor may elect to receive up to 70 percent of the cost of the benefit package in cash for any calendar year. (Ord. 847 § 1, 2002)

2.11.010 Mayor – Duties – Powers – Mayor pro tempore.

The mayor of the city of Clyde Hill shall preside over all meetings of the city council at which he or she is present. In the absence of the mayor, the city council may choose a mayor pro tem to act as the mayor for a specified period of time, not to exceed six months.

The mayor shall sign all warrants drawn on the treasurer or checks drawn on the city bank accounts and shall sign all written contracts entered into by the city. The mayor may administer oaths and affirmations, and take affidavits and certify them. The mayor shall sign all conveyances made by the city and all instruments which require the seal of the city. The mayor is authorized to acknowledge the execution of all instruments executed by the city which require acknowledgment.

The mayor shall appoint the city administrator and city clerk who shall hold office at the pleasure of the mayor, and shall not be subject to confirmation by the city council. At the discretion of the mayor, the positions of administrator and city clerk may be combined and performed by the same person. (Ord. 753 § 5, 1997)

2.11.020 Salary and benefits for the office of mayor.

The salary for the position of mayor shall be as is established from time to time by ordinance by the city council. In addition to such salary as established by ordinance, the mayor shall be entitled to receive the same benefit package as the city would provide for its full-

Clyde Hill Municipal Code

Chapter 2.12

STREET SUPERINTENDENT

(Repealed by Ord. 753)

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Chapter 2.14

PUBLIC WORKS DIRECTOR

Sections:

- 2.14.010 Created – Duties.
2.14.020 Term.

2.14.010 Created – Duties.

There is created in the city the office of public works director, whose duties shall consist generally of supervision over all public works, building, planning, building/development permits, and code enforcement, including, but not limited to, the following:

- A. Review of all building/development applications, including plans;
- B. Supervision of any and all street construction, repair or improvement;
- C. Supervision of any and all storm water system improvements;
- D. Enforcement of the building code, zoning code, and nuisance code;
- E. Review of all applications for variance from city codes;
- F. Attendance at all board of adjustment and planning commission meetings;
- G. Preparation of annual transportation improvement plan for submission to the city council; and
- H. Such other duties as may be assigned from time to time. (Ord. 753 § 7, 1997)

2.14.020 Term.

The city administrator shall appoint the public works director with the approval of the mayor. The public works director may be removed from such office without cause and without notice in the discretion of the city administrator with approval of the mayor. (Ord. 753 § 7, 1997)

Chapter 2.16

POLICE CIVIL SERVICE SYSTEM
AND COMMISSION

Sections:

- 2.16.010 Definitions.
2.16.020 Civil service commission created – Appointment – Terms – Removal and quorum.
2.16.030 *Repealed.*
2.16.040 Organization of commission – Powers and duties – Secretary.
2.16.050 Persons included – Competitive examinations – Transfers, discharges and reinstatements.
2.16.060 Existing positions covered by civil service.
2.16.065 Noncommissioned personnel – Temporary inclusion – No vesting rights.
2.16.070 Qualifications of applicants.
2.16.080 Tenure of employment – Grounds for discharge, reduction or deprivation of privileges.
2.16.090 Procedure for removal, suspension, demotion or discharge – Investigation – Hearing – Appeal.
2.16.100 Burden of proof.
2.16.110 Filling of vacancies – Probationary period.
2.16.120 Power to create offices, make appointments and fix salaries not infringed.
2.16.130 Enforcement by civil action – Legal counsel.
2.16.140 Deceptive practices, false marks, etc. – Prohibited.
2.16.150 Penalty – Jurisdiction.
2.16.160 Severability.
2.16.170 Applicability.

2.16.010 Definitions.

As used in this chapter, the following mentioned terms shall have the following described meanings:

2.16.020

“Appointing authority” includes every person or group of persons who, acting singly or in conjunction, as a mayor, or the mayor’s designee, is invested with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service.

“Appointment” includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.

“Commission” means the civil service commission created in this chapter, and “commissioner” means any one of the five commissioners on that commission.

“Full paid police department” or “full paid police officer” means the regular commissioned police officers employed and paid regularly by the city who devote their whole time to police duty, excluding the chief of police. (Ord. 780 § 1, 1998; Ord. 668 § 1, 1992)

2.16.020 Civil service commission created – Appointment – Terms – Removal and quorum.

A. There is created in the city a civil service commission which shall be composed of five persons. The members of such commission shall be appointed by the mayor; provided, that the members of the civil service commission constituted pursuant to the Clyde Hill Municipal Code chapters repealed at the enactment of the ordinance codified in this chapter shall be the initial commissioners of the newly created civil service commission and shall continue in office until the term of their original appointment expires. The members of the commission shall serve without compensation. No person shall be appointed a member of the commission who is not a citizen of the United States, a resident of the city for at least one year immediately preceding such appointment, and an elector of the county wherein the member resides. The term of office of each commissioner shall be three years, except as specified in subsection (B) of this section for the initial

appointment of two additional commission members. A majority of the members of such commission shall constitute a quorum and the votes of any three members of such commission concurring shall be sufficient for the decision of all matters and transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this chapter. Confirmation of the appointment or appointments of commissioners by the city council shall not be required.

B. At the time Ordinance No. 780 is adopted, there are two existing commission members with one vacancy. In order to stagger the terms of the three new commission members, the vacancy shall be filled by a three-year appointment, while the two new positions created by Ordinance No. 780 shall be filled by a one-year appointment and a two-year appointment respectively. (Ord. 780 § 2, 1998; Ord. 668 § 1, 1992)

2.16.030 Terms limited.

Repealed by Ord. 780. (Ord. 668 § 1, 1992)

2.16.040 Organization of commission – Powers and duties – Secretary.

A. Immediately after appointment, the commission shall organize by electing one of its members chairperson and hold regular meetings as may be required for the proper discharge of their duties. It shall be the duty of the civil service commission:

1. To make suitable rules and regulations to implement this chapter which are not inconsistent with its provisions. 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. The rules and regulations and any amendments thereof shall be reproduced for free public distribution;

2. All tests shall be practical and shall consist only of subjects which will fairly determine the capacity of persons examined to per-

form duties of the position to which appointment is to be made, and may include tests of job related physical fitness and/or of manual skill;

3. The rules and regulations adopted by the commission shall provide for a credit as provided in RCW 41.04.010 in favor of all applicants for appointment under civil service, who, in time of war, or any expedition of the Armed Forces of the United States, have served in and have been honorably discharged from the Armed Services of the United States, including the Army, Navy, Air Force and Marine Corps and the American Red Cross. These credits shall apply to entrance examinations only;

4. The commission shall make investigations and hear appeals concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, department, offices, places, positions and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed;

5. An investigation may be made by the commission or by any commissioner designated by the commission for that purpose. The commission shall also make a like investigation on the 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 an investigation or in hearing appeal from an action of the commission or appointing authority, 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

failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter and punishable as such;

6. 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 two of the other four members;

7. To hear and determine appeals or complaints respecting the administration of the department by the appointing authority to, but only to the extent such actions relate to provisions of this civil service system, appeals relating to examination, placement or removal from an eligibility list and such other matters as may be referred to the commission pursuant to the duties outlined in subsection (A)(1) of this section. Nothing herein shall be interpreted to authorize investigation into or appeal of the day to day administration of the department, such as the assignment of work and direction of employees or budgetary matters such as salary and benefits;

8. Establish and maintain a roster of employees covered by civil service;

9. 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 as established by the city, and to pro-

2.16.050

vide that employees laid off because of curtailment of expenditures, reduction in force, and for like cause, head an applicable eligibility list in order of their seniority, to the end that they shall be the first to be reemployed so long as such employees fulfill a reasonable procedural obligation to inform the department of a current address and to promptly respond to notice of vacancy;

10. When a vacant position is to be filled, certify to the appointing authority, on written request, the name of the highest ranked persons on the eligibility list for the class. If more than one vacancy is to be filled, the commission shall certify a number of names equal to the number of vacancies, as well as four additional names from highest ranked individuals on the eligibility list. If there is no current eligibility list, the commission shall make provision in their rules for emergency, provisional or temporary appointments for such positions. Because a temporary or provisional appointment shall not exceed a period of 12 months in duration, the commission may extend the temporary or provisional appointment for up to six additional months for good cause. Good cause may include vacancy caused by an officer on indefinite disability leave or any other good cause which, in the discretion of the commission, warrants an additional extension of a provisional or temporary appointment;

11. Keep such records as may be necessary for the proper administration of this chapter.

B. The commission shall appoint a secretary and chief examiner. It may either utilize a staff member designated by the city administrator from among the city's personnel or may contract with funds provided by the city with an independent contractor to fill the position. Nothing in this section shall require hiring under civil service procedures to fill these positions nor extend civil service protection to those persons designated or contracted to serve. (Ord. 780 § 4, 1998; Ord. 758 § 1, 1997; Ord. 753 § 8, 1997; Ord. 668 § 1, 1992)

2.16.050 Persons included – Competitive examinations – Transfers, discharges and reinstatements.

A. Coverage. Except as provided in CHMC 2.16.065, the provisions of this chapter shall include only the full-time, full commissioned officers of the city's police department and shall exclude:

1. The position of police chief; and
2. The position of chief examiner and civil service secretary.

B. Examinations – Appointments – Reinstatement – Transfers – Suspension or Discharge. All appointments to and promotions covered by this chapter shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person subject to the coverage of this chapter shall be reinstated in or transferred, suspended, or discharged from any such place, position, or employment contrary to the provisions of this chapter. (Ord. 753 § 9, 1997; Ord. 668 § 1, 1992)

2.16.060 Existing positions covered by civil service.

Persons holding positions as fully commissioned police officers were included in the civil service system under the terms of Ordinance 668 of the city. Persons included in civil service upon enactment of CHMC 2.16.065 are included and/or vested only pursuant to the terms of that section. (Ord. 753 § 10, 1997; Ord. 668 § 1, 1992)

2.16.065 Noncommissioned personnel – Temporary inclusion – No vesting rights.

In recognition of a decision by the Washington Court of Appeals for Division III, *Teamsters v. Moses Lake*, 70 Wn. App. 404 (1993), the city of Clyde Hill determines it to be in the public interest to provide for temporary inclusion of noncommissioned personnel of the police and fire departments, as follows:

A. Until such time as the Washington State Supreme Court or State Legislature determine that cities' civil service system is not required to include noncommissioned personnel, the following listed positions and the incumbents holding a listed position at the effective date of the ordinance codified in this section are all regular, full-time personnel of the police department who are not covered by CHMC 2.16.050 as commissioned or uniformed officers of such department or excluded from coverage by such section.

B. The city reserves the right to remove noncommissioned personnel listed above whether incumbents in the position or persons hired after the effective date of the ordinance codified in this section. Such persons hereby are notified that their positions are subject to removal and no vested rights shall be created by their temporary inclusion in the system or their removal from the system. Such persons are included in the civil service system and shall be hired, disciplined or removed from the system only in accordance with the provisions of this chapter until the city council in its sole discretion deems it appropriate to remove such positions from civil service coverage.

C. Notwithstanding the provisions of this chapter, the commission is authorized to delegate the administration of the testing process for clerical positions to the city administrator under the supervision of the commission's secretary/chief examiner. (Ord. 753 § 11, 1997)

2.16.070 Qualifications of applicants.

An applicant for a position of any kind under civil service must be a citizen of the United States of America who can read and write the English language.

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, with the physical capability to perform all of the essential elements of the job, of good moral character and of temperate and industrious habits. The commission shall establish rules to ascertain an

applicant's qualifications and may delegate such matters as the review of an individual's background to the appointing authority.

Minimum qualification standards may be adopted by rule by the commission upon the recommendation of the chief of police; actual job descriptions shall be determined at the sole discretion of the appointing authority. (Ord. 668 § 1, 1992)

2.16.080 Tenure of employment – Grounds for discharge, reduction or deprivation of privileges.

The tenure of everyone holding an office, place, position or employment under the provisions of this chapter shall be only during good behavior and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of other special privileges for any of the following reasons:

A. Incompetency, inefficiency or inattention to or dereliction of duty;

B. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself; or any willful violation of the provisions of this chapter or the rules and regulations to be adopted hereunder;

C. Mental or physical unfitness for the position which the employee holds;

D. Dishonest, disgraceful, immoral or prejudicial conduct;

E. Drunkenness or current use of intoxicating liquors, narcotics or any other habit forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil services (nothing herein shall be interpreted to limit the

2.16.090

rights of a recovering alcoholic to the protections granted an individual with a disability under the Americans with Disabilities Act);

F. Conviction of a felony, or a misdemeanor, involving moral turpitude; and

G. Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service. (Ord. 668 § 1, 1992)

2.16.090 Procedure for removal, suspension, demotion or discharge – Investigation – Hearing – Appeal.

A. No person in the classified civil service who shall have been under provisions of this chapter shall be removed, suspended, demoted or discharged except for cause, and then only upon written notice of discipline of the appointing authority or written accusation of any citizen or taxpayer. A written statement of the notice of discipline or accusation, in general terms, shall be served upon the officer, and a duplicate filed with the commission. Any person so removed, suspended, demoted or discharged may, within 10 days from the time of his removal, suspension, demotion or discharge, file with the commission a written appeal whereupon the commission shall conduct a review of the action. The review shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons, and was or was not made in good faith for cause. After such hearing or deliberation, the commission may affirm, modify or overturn the action of the appointing authority. The commission may order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged. The reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or

compensation from the time of such removal, suspension, demotion or discharge. The commission may direct a suspension without pay for a given period, not to exceed 30 days, and subsequent restoration to duty, or demotion in classification grade, or pay. The findings of the commission shall be certified in writing to the appointing authority, and shall forthwith be enforced. Nothing herein shall be interpreted to limit the discretion of the commission to increase discipline on the record before it above the level originally set or proposed by the appointing authority.

B. The commission shall hold a public hearing, after reasonable notice to the parties of the time and place of such hearing. At the hearing, the parties shall be afforded an opportunity of appearing in person and by counsel, and presenting their case; provided, however, that upon the joint request of the appointing authority and appellant, the hearings may be closed in order to reasonably protect the rights of privacy of an individual or to prevent an undue disruption of the operations of the department. The deliberation of the commission may be closed, at its discretion, to all persons, including the parties and excepting only counsel to the commission.

C. Appeal from the judgment or order may be taken to the superior court of King County, Washington. Appeals shall be filed within 30 calendar days by serving a written notice of appeal and pleading upon the commissioner by service upon its secretary/chief examiner or any member of the commission. The superior court shall proceed to hear and determine such appeal in a summary manner on the record of the commission; provided, however, that such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission was or was not made in good faith for cause, and was not made for political or religious reasons, and no appeal to such

court shall be taken except upon such ground or grounds. (Ord. 753 § 12, 1997; Ord. 668 § 1, 1992)

2.16.100 Burden of proof.

All matters to be proven by any party shall be proven by preponderance of the evidence. The appointing authority bears the burden of sustaining a removal, suspension, demotion or discharge of an employee. The burden of proof shall be on the employee or applicant in all other matters. Any petitioner of the commission to investigate irregularities or abuses bears the burden of showing such irregularities or abuses occurred. (Ord. 668 § 1, 1992)

2.16.110 Filling of vacancies – Probationary period.

A. Original Appointment to Department. Whenever a vacancy exists, or upon the request of the appointing authority, the commission shall certify the names from the applicable eligibility list as provided in CHMC 2.16.040. An individual who refuses an offer of appointment shall be removed from the list.

B. Promotional Appointments. Whenever the appointing authority determines that a vacancy shall be filled by a promotional appointment, the commission shall certify from the appropriate eligibility list names as follows:

1. For each police officer position the commission shall certify the three highest names on such list, from which the appointing authority may appoint any one. If more than one vacancy exists, additional names shall be certified as provided in CHMC 2.16.040(A) (10).

2. Nothing herein shall be interpreted to obligate the appointing authority to fill any position.

C. Procedure to Fill Vacancies. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy. The appointing authority may after review of the person so certified appoint one person to each such vacant position. If any person certi-

fied by the commission is removed from the list or otherwise requests not to be considered for appointment, the commission shall then certify the next highest person on the list to replace the individual(s) so removed. The commission in their rules shall establish a procedure for removal of names from the eligibility list either prior to or subsequent to certification to the appointing authority. Whenever requisition is made by the appointing authority or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall certify the names of the persons eligible for appointment to the appointing authority. The appointing authority may appoint a person from among the names certified, provided they are found to be in fact qualified, to the position. The appointing authority shall have absolute discretion regarding the decision to fill a vacant position. Nothing herein shall be interpreted to require the appointing authority to fill a position nor to limit its discretion to request a new eligibility list as provided in subsection (D) of this section.

D. Eligibility List – Rejection. The commission shall by rule provide for the life of an eligibility list. It may in its discretion provide for a process of continuous testing with an eligibility list of continuous, rolling nature. If the appointing authority determines in its discretion that there is no individual certified for hire from the eligibility list suitable to the department's needs and standards, it may request the commission reject the entire list and prepare a new list. The commission shall grant the appointing authority's request upon good cause shown.

E. Probation – Extensions. To enable the appointing authority to exercise an informed choice in the filling of vacancies, no appointment, employment or promotion in any position in the classified service shall be deemed complete until after the completion of a satisfactorily served probationary period. The probationary period for new employees shall be 12

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months. The probationary period for persons promoted or transferred to positions with different job descriptions shall be six months. Persons reemployed who have formerly acquired regular status within the same class shall not be subject to probation for that class. During such probationary periods, the appointing authority may terminate the employment of the probationer, if during the performance test thus afforded, in its sole discretion, the appointing authority deems it to be in the best interest of the city. The appointing authority shall then designate one of the persons certified as standing within the next three persons of highest rank on the eligibility list for the position. The new probationer shall likewise enter upon the duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided therefor. The appointment, employment or promotion shall be deemed complete when the appointing authority certifies in writing that the probation period has been satisfactorily completed and the individual has been certified to regular employment. Time spent by an individual on sick, disability, or family leave shall not be included in the calculation of the probationary period. (Ord. 758 § 2, 1997; Ord. 753 § 13, 1997; Ord. 668 § 1, 1992)

2.16.120 Power to create offices, make appointments and fix salaries not infringed.

All offices, places, classifications, job descriptions, positions and employments coming within the purview of this chapter shall be created by the mayor and city council or mayor or whoever shall be vested by the mayor and city council with power and authority to select, appoint, or employ any person coming within the purview of this chapter, and nothing contained in this section shall infringe upon the power and authority of any such person or group of persons, as the appointing authority, to fix the salaries and compensation of all

employees employed hereunder. (Ord. 668 § 1, 1992)

2.16.130 Enforcement by civil action – Legal counsel.

It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter and of the rules of the commission. The commission shall be represented in such suits by the chief legal officer of the city, or his/her designee, but the commission may in case of conflict request the city council to be represented by special counsel appointed by it. The approval of the city council shall not be unreasonably withheld. (Ord. 668 § 1, 1992)

2.16.140 Deceptive practices, false marks, etc. – Prohibited.

No commissioner or any other person, shall by himself/herself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his/her right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter, or aid in so doing, or make any false representations concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to impersonate him, in connection with any examination or registration of application or request to be examined or registered. (Ord. 668 § 1, 1992)

2.16.150 Penalty – Jurisdiction.

Any person who willfully violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction

thereof, shall be punished by a fine of not more than \$100.00 and by imprisonment in the county jail for not longer than 30 days, nor by both such fine and imprisonment. (Ord. 668 § 1, 1992)

2.16.160 Severability.

If any section, subsection, subdivision, sentence, clause or phrase of this chapter shall, for any reason, be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 668 § 1, 1992)

2.16.170 Applicability.

The examination and eligibility provisions of this chapter and establishment of positions covered by civil service by the provisions of this chapter shall be effective for all appointments made after the effective date of the ordinance codified in this chapter. (Ord. 668 § 1, 1992)

Chapter 2.18

POLICE DEPARTMENT

Sections:

2.18.010 Auxiliary police officer, school crossings – Position authorized – Duties.

2.18.020 Police chief – Duties.

2.18.010 Auxiliary police officer, school crossings – Position authorized – Duties.

A. Effective September 1, 1986, and within the limitations of the police department budget, the temporary and intermittent position of auxiliary police officer, school crossings, is authorized. The chief of police may fill this position as he deems necessary.

B. The temporary and intermittent auxiliary police officers shall regulate the traffic at school crossings and other points used by school children during the school year, and may include such additional duties associated with the school as assigned by the chief of police. The chief of police is authorized to invest the appointees with the authority and insignia of special police. (Ord. 551 §§ 1, 2, 1986)

2.18.020 Police chief – Duties.

A. The mayor shall appoint a police chief who shall hold office at the pleasure of the mayor and shall not be subject to confirmation by the city council. The police chief's salary shall be approved by the city council.

B. The police chief's duties include, but are not limited to, the following:

1. Supervision over all police officers and clerical personnel;

2. Preparation of monthly and annual reports on police activities, crimes, infractions and other police matters committed within the city boundaries;

3. Attendance at all city council meetings; and

4. Such other duties as may be assigned from time to time. (Ord. 753 § 14, 1997)

Chapter 2.20

PLANNING COMMISSION

Sections:

- 2.20.010 Established.
- 2.20.020 Terms.
- 2.20.030 Meetings, filing fees and rules.

2.20.010 Established.

A planning commission consisting of five members is established. Each planning commission member shall be appointed by the mayor and is subject to confirmation by a majority of the city council. (Ord. 753 § 15, 1997; Ord. 590 § 1, 1988; Ord. 496 § 1, 1984; Ord. 2, 1953)

2.20.020 Terms.

The term of office of the members shall be for a period of six years; provided, that during the first five years of the existence thereof, one member shall be appointed to serve for two years, one member shall be appointed to serve for three years, one member shall be appointed to serve for four years, and one member thereof shall be appointed to serve for five years. One member shall be appointed for six years. (Ord. 2, 1953)

2.20.030 Meetings, filing fees and rules.

The planning commission shall meet on the fourth Thursday of each month at 7:00 p.m. in the City Hall when business is scheduled to be conducted. No matter shall be scheduled for the planning commission’s consideration prior to the receipt of a completed application and all required accompanying materials, as approved by the city administrator.

The planning commission shall adopt rules appropriate to the orderly operation of its business, including providing for the selection of a chairperson. (Ord. 753 § 16, 1997; Ord. 590 § 2, 1988; Ord. 496 § 12, 1984)

Chapter 2.21

BOARD OF ADJUSTMENT

Sections:

- 2.21.010 Established.

2.21.010 Established.

A. A board of adjustment, consisting of five members, is established to hear and determine requests for variances and special exceptions from the provisions of CHMC Title 17 and to consider appeals from certain administrative actions. However, the board of adjustment shall not have authority to hear requests for variances and special exceptions from Chapter 17.77 CHMC, as such is solely within the purview of the city council.

B. The board and its chairperson shall be appointed and serve at the pleasure of the mayor and shall be subject to confirmation by the city council.

C. Board members may be removed by the mayor at any time; provided, any member removed may appeal such removal to the city council by filing a letter appealing the removal with the city council at or before the council’s next regular meeting after the removal. If an appeal is filed, the council will review the removal and render a final decision. If no appeal is filed, the mayor’s decision shall be final.

D. Unless removed as provided above, appointments shall be for three-year staggered terms.

E. The board shall meet monthly on the third Thursday at 7:00 p.m. in the City Hall when there is business scheduled; provided, that in accord with the State Open Meetings Act, the board may adjourn any meeting and reconvene it at a time convenient to all parties.

F. The board shall promulgate rules for the conduct of its meetings including providing for the selection of a chairperson.

G. The presence of three members shall be necessary to constitute a quorum.

H. No matter shall be scheduled for the board of adjustment's consideration prior to the receipt of the completed application and all required accompanied materials, as approved by the city administrator. The completed application and all materials must be received by the city no later than 35 days prior to the board of adjustment meeting date at which the matter is to be considered. (Ord. 773 § 1, 1997; Ord. 753 § 17, 1997; Ord. 628 § 1, 1990. Formerly 17.72.010)

Chapter 2.22

UTILITIES COMMISSION

Sections:

- 2.22.010 Formation and authority.
- 2.22.020 Regulation.
- 2.22.030 Consumer protection.
- 2.22.040 Appeal.

2.22.010 Formation and authority.

The mayor shall appoint a commission and its chairperson to be known as the utilities commission (hereunder the "commission"). The commission shall consist of three members. Each member shall be resident of the city, and shall serve a term of three years; provided, however, that appointments to the first commission shall be for one-year, two-year and three-year terms respectively. Any vacancy on the commission that occurs during the term of a commission member shall be filled by the mayor for the remainder of the vacant term. No employee or person with ownership interest in a utility, telecommunications or cable franchise granted by the city, nor any relative or agent of such employee or person shall be eligible for membership on the commission. The commission shall have the following functions and authority:

A. Advise the city council on application for franchises;

B. Advise the city council on matters which might constitute grounds for revocation of any franchise;

C. Resolve disagreements among operators, subscribers, and public and private users of utility, telecommunications and cable facilities;

D. Advise the city council on the regulation of rates in accordance with this chapter and such other applicable provisions of the CHMC;

E. Audit all operator's records required by this chapter and such other provisions of the CHMC as may apply, and, at the commission's

2.22.020

discretion, require the preparation and filing of information by the franchisee or operator additional to that required herein;

F. Make an annual report to the city council including a summary of its activities, an account of franchise fees received, and a review of any plans submitted during the year by operators for system extension to new service areas, or for the introduction of new services;

G. Conduct periodic evaluations of utility, telecommunications and cable service issues with operators, providers and franchisees, and pursuant thereto make recommendations to the city council for amendments to this chapter, other provisions of the CHMC, and/or franchise agreements;

H. Act to assure coordination between the city and utility operators to assure proper and timely extension of service to new service areas;

I. Advise the council and mayor regarding general policy relating to the cable services provided subscribers and the operation and use of access and leased access channels, if any, with a view to maximizing the diversity and usefulness of programs and services to subscribers carried by cable operators;

J. Assist the council in its consideration of applications for new, transfer and renewal of franchises; and

K. Perform such other duties as the council and mayor may from time to time assign to the commission. (Ord. 767 § 29, 1997; Ord. 753 § 18, 1997; Ord. 602 § 1, 1988. Formerly 5.14.010)

2.22.020 Regulation.

Day-to-day regulation is assigned to the commission as defined and determined by the city council. In addition to the responsibilities as are assigned by this chapter or which may be assigned later by the city council, the commission shall have the following authority and responsibility:

A. In cases where customers are dissatisfied by an operator's responses to complaints of service failures, poor service, inferior audio or video signals, the commission shall have the authority, after conducting a hearing thereon, to require that the operator:

1. Adjust individual subscriber billing charges for service deficiencies in whole or in part, based upon the commission's evaluation of the deficiencies and the equities involved; or

2. Make reasonable refunds, not to exceed the amount paid.

B. In cases where requests for service have been ignored or unfilled for whatever reason, the commission shall have the authority to investigate and require specific terms on which the operator is to provide the service requested, based upon its determination of the intent of this chapter, and the equities involved. (Ord. 753 § 18, 1997; Ord. 602 § 2, 1988. Formerly 5.14.020)

2.22.030 Consumer protection.

Upon request of the commission, each utility operator shall furnish to the commission, and the commission shall compile and maintain for public inspection during regular business hours, copies of:

A. All applications and other communications submitted by any franchise applicants or an operator to the city, the Federal Communications Commission or any federal, state or local regulatory body having jurisdiction with respect to the utility within the city.

B. Current information on ownership and management of all utility operators.

C. Current information on forms of subscriber agreements used by the utility operators, complaint procedures followed by the operators, and services provided by the operators and the rates and charges thereof.

D. All federal, state and local laws and regulations applicable to utilities within the city.

E. Records of all written complaints filed with the commission and the disposition thereof.

F. Policy statements and administrative staff operation procedures of the operator, the commission and the city. (Ord. 753 § 18, 1997; Ord. 602 § 3, 1988. Formerly 5.14.030)

2.22.040 Appeal.

A. Commission Action. The decision of the commission shall be final, unless within 10 days of the commission's action a notice of appeal is filed with the city clerk. In the event of an appeal, the city council shall consider the matter de novo, providing such notice as it deems appropriate to ensure all parties have a full opportunity to present their position. The council may affirm, reverse, or modify the decision of the commission, or remand it for further consideration.

B. Council Action. The decision of the council after considering an appeal under this chapter shall be final, unless within 10 days of the council's action the adverse party makes application to the superior court for King County for a writ of certiorari, writ of prohibition, or writ of mandamus. Upon granting of a writ, the city clerk shall prepare, at the expense of the applicant or petitioner, a certified copy of the record or records of the body from whom the appeal is taken and file the same with the clerk of the superior court. (Ord. 753 § 18, 1997; Ord. 602 § 4, 1988. Formerly 5.14.040)

Chapter 2.24

OFFICERS' BONDS

Sections:

- 2.24.010 Police chief bond.
- 2.24.020 Treasurer's bond.
- 2.24.030 Clerk's bond.
- 2.24.040 Blanket bond.

2.24.010 Police chief bond.

The police chief shall execute a bond for the faithful performance of the chief's duties including the duties of all officers which the chief is made ex officio incumbent in the penal amount of \$100,000, the form of such bond to be approved by the city council. (Ord. 753 § 19, 1997; Ord. 496 § 13, 1984; Ord. 14 § 1, 1954)

2.24.020 Treasurer's bond.

The bond of the city treasurer shall be in the penal sum of \$100,000 and shall be conditioned upon the faithful performance of the treasurer's duties, the form of such bond to be approved by the city council. (Ord. 753 § 20, 1997; Ord. 42 § 2, 1956)

2.24.030 Clerk's bond.

The city clerk shall execute a bond for the faithful performance of the clerk's duties in the penal amount of \$100,000, the form of such bond to be approved by the city council. If the office of city clerk is combined with the office of city treasurer, a single bond in the penal amount of \$100,000 for the combined office shall be sufficient. (Ord. 753 § 21, 1997; Ord. 496 § 14, 1984)

2.24.040 Blanket bond.

The requirements of this chapter may be met by the provision of individual bonds or by a blanket fidelity and faithful performance bond covering the named officials and others where appropriate, so long as the limits per occurrence meet or exceed the specified bond amounts given. (Ord. 638 § 2, 1990)

Chapter 2.25

INDEMNIFICATION OF EMPLOYEES AND OFFICERS

Sections:

- 2.25.005 Definitions.
- 2.25.010 Legal representation.
- 2.25.020 Exclusions.
- 2.25.030 Determination of exclusion.
- 2.25.040 Representation and payment of claims – Conditions.
- 2.25.050 Effect of compliance with conditions.
- 2.25.060 Failure to comply with conditions.
- 2.25.070 Reimbursement of incurred expenses.
- 2.25.080 Conflict with provisions of insurance policies.
- 2.25.090 Pending claims.

2.25.005 Definitions.

Unless the context indicates otherwise, the words and phrases used in this chapter shall have the following meanings:

A. “Employee” means any person who is or has been employed by the city.

B. “Official” means any person who is serving or has served as an elected city official, and any person who is serving or has served as an appointed member of any city board, commission, committee or other appointed position with the city. (Ord. 613 § 1, 1989)

2.25.010 Legal representation.

A. As a condition of service or employment the city shall provide to an official or employee, subject to the conditions and requirements of this chapter, and notwithstanding the fact that such official or employee may have concluded service or employment with the city, such legal representation as may be reasonably necessary to defend a claim or lawsuit filed against such official or employee resulting from any conduct, act or omission of such official or employee performed or omitted on be-

half of the city in their capacity as a city official or employee, which act or omission is within the scope of their service or employment with the city. This chapter is subject to repeal or modification at the sole discretion of the city council, provided, that such repeal or modification shall apply prospectively only, and shall have no effect upon the obligation to indemnify and/or defend against any claim which is based, in whole or in part, upon any act or omission of an official occurring prior to the effective date of the repeal or modification.

B. The legal services shall be provided by the office of the city attorney unless:

- 1. Any provision of an applicable policy of insurance provides otherwise; or
- 2. A conflict of interest or ethical bar exists with respect to said representation.

C. In the event that outside counsel is retained under subsection (B)(1) of this section, the city shall indemnify the employee from the reasonable costs of defense, provided that in no event shall the officer or employee be indemnified for attorney’s fees in excess of the hourly rates established by the city’s contract with its city attorney. The officer or employee shall be liable for all hourly charges in excess of said rate. (Ord. 613 § 1, 1989)

2.25.020 Exclusions.

A. In no event shall protection be offered under this chapter by the city to:

- 1. Any dishonest, fraudulent, criminal, willful, intentional or malicious act or course of conduct of an official or employee;
- 2. Any act or course of conduct of an official or employee which is not performed on behalf of the city;
- 3. Any act or course of conduct which is outside the scope of an official’s or employee’s service or employment with the city; and/or
- 4. Any lawsuit brought against an official or employee by or on behalf of the city.

B. Nothing herein shall be construed to waive or impair the right of the city council to institute suit or counterclaim against any official or employee nor to limit its ability to discipline or terminate an employee.

C. The provisions of this chapter shall have no force or effect with respect to any accident, occurrence or circumstance for which the city or the official or employee is insured against loss or damages under the terms of this chapter shall provide protection, subject to its terms and limitations, above any loss limit of such policy. The provisions of this chapter are intended to be secondary to any contract or policy of insurance owned or applicable to any official or employee. The city shall have the right to require an employee to utilize any such policy protection prior to requesting the protection afforded by this chapter. (Ord. 613 § 1, 1989)

2.25.030 Determination of exclusion.

The determination of whether an official or employee shall be afforded a defense by the city under the terms of this chapter shall be made by the city council on the recommendation of the mayor. The decision of the city council shall be final as a legislative determination and shall be based upon a finding that an official or employee meets or does not meet the criteria of this chapter. Nothing herein shall preclude the city from undertaking an officer or employee's defense under a reservation of rights. The determination as to whether to furnish a defense as provided under this chapter to a member or members of the city council shall be made without the vote of such member or members of the city council unless the inclusion of such member or members is required for a quorum; provided, that if a claim or lawsuit affects a quorum or greater number of the members of the city council, all such affected members shall retain their voting privileges under this section. (Ord. 613 § 1, 1989)

2.25.040 Representation and payment of claims – Conditions.

The provisions of this chapter shall apply only when the following conditions are met:

A. In the event of any incident or course of conduct potentially giving rise to a claim for damage, or the commencement of a suit, the official or employee involved shall, as soon as practicable, give the city attorney written notice thereof, identifying the official or employee involved, all information known to the official or employee involved, all information known to the official or employee with respect to the date, time, place and circumstances surrounding the incident or conduct giving rise to the claim or lawsuit, as well as the names and addresses of all persons allegedly injured or otherwise damaged thereby, and the names and addresses of all witnesses.

B. Upon receipt thereof, the official or employee shall forthwith deliver any claim, demand, notice or summons or other process relating to any such incident or conduct to the city attorney, and shall cooperate with the city attorney or an attorney designated by the city attorney, and, upon request, assist in making settlement of any suit and enforcing any claim for any right of subrogation against any persons or organizations that may be liable to the city because of any damage or claim of loss arising from said incident or course of conduct, including, but not limited to, rights of recovery for costs and attorney's fees arising out of state or federal statute upon a determination that the suit brought is frivolous in nature.

C. Such official or employee shall attend interviews, depositions, hearings and trials and shall assist in securing and giving evidence and obtaining attendance of witnesses all without any additional compensation to the official or employee and, in the event that an employee has left the employ of the city, no fee or compensation shall be provided; and

D. Such official or employee shall not accept nor voluntarily make any payment, assume any obligation, or incur any expense

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relating to said claim or suit; other than for first aid to others at the time of any incident or course of conduct giving rise to any such claim, loss, or damage. (Ord. 613 § 1, 1989)

2.25.050 Effect of compliance with conditions.

If legal representation of an official or employee is undertaken by the city attorney, all of the conditions of representation are met, and a judgment is entered against the official or employee, or a settlement made, the city shall pay such judgment or settlement; provided, that the city may at its discretion appeal as necessary such judgment. (Ord. 613 § 1, 1989)

2.25.060 Failure to comply with conditions.

In the event that any official or employee fails or refuses to comply with any of the conditions of CHMC 2.25.040, or elects to provide his/her own representation with respect to any such claim or litigation, then all of the provisions of this chapter shall be inapplicable, and have no force or effect with respect to any such claim or litigation. (Ord. 613 § 1, 1989)

2.25.070 Reimbursement of incurred expenses.

A. If the city determines that an official or employee does not come within the provisions of this chapter, and a court of competent jurisdiction later determines that such claim does come within the provisions of this chapter, then the city shall pay any judgment rendered against the official or employee and reasonable attorney's fees incurred in defending against the claim. The city shall pay any costs and reasonable attorney's fees incurred in obtaining the determination that such claim is covered by the provisions of this chapter; provided, if a court of competent jurisdiction determines that such claim does not come within the provisions of this chapter, then the official or employee shall pay the city's costs

and reasonable attorney's fees incurred in obtaining the determination that such claim is not covered under the provisions of this chapter.

B. If the city determines that a claim against a city official or employee does come within the provisions of this chapter, and a court of competent jurisdiction later finds that such claim does not come within the provisions of this chapter, then the city shall be reimbursed for costs or expenses incurred in obtaining the determination that such claim is not covered by the provisions of this chapter. (Ord. 613 § 1, 1989)

2.25.080 Conflict with provisions of insurance policies.

The indemnification provisions of this title do not constitute a policy of insurance, and nothing contained in this chapter shall be construed to modify or amend any provision of any policy of insurance where any city official or employee thereof is the named insured. In the event of any conflict between this chapter and the provisions of any such policy of insurance, the policy provisions shall be controlling; provided, however, that nothing contained in this section shall be deemed to limit or restrict any employee's or official's right to full coverage pursuant to this chapter, it being the intent of this chapter and section to provide the coverage detailed in this chapter only outside and beyond insurance policies which may be in effect, while not compromising the terms and conditions of such policies by any conflicting provision contained in this chapter. (Ord. 613 § 1, 1989)

2.25.090 Pending claims.

The provisions of this chapter shall apply to any pending claim or lawsuit against an official or employee, or any such claim or lawsuit hereafter filed, without regard to the date of events or circumstances which are the basis of such claim or lawsuit. (Ord. 613 § 1, 1989)

Chapter 2.28

CITY OFFICE HOURS

Sections:

2.28.010 Office hours.

2.28.010 Office hours.

The City Hall shall be open for the transaction of business on Monday through Friday (except on state holidays) of each week between the hours of 8:00 a.m. and 5:00 p.m. (Ord. 753 § 22, 1997; Ord. 621 § 1, 1990; Ord. 595 § 1, 1988; Ord. 496 § 15, 1984; Ord. 463 § 1, 1983; Ord. 420 § 1, 1980)

Chapter 2.32

PERSONNEL REGULATIONS

Sections:

2.32.010 Authorization for development of personnel manual.

2.32.020 Expense reimbursement.

2.32.010 Authorization for development of personnel manual.

The mayor and city administrator are hereby authorized to publish and, from time to time, amend a manual of personnel regulations. These regulations shall represent an extension of the mayor's statutory authority to direct the day-to-day operations of the city under the auspices of the city administrator and the mayor and city administrator may, in their discretion, vary from the specific application of the rules if they deem it to be in the best interest of the city. Such rules and regulations shall govern the day-to-day activities of employees, provided, however, that the city council reserves to itself the sole right to approve salaries and benefits which effect the budget in the course of the annual adoption of the city's budget. Such rules and regulations shall also yield in the event of conflict to any contrary provision of collective bargaining agreement, ordinance, individual written contract as approved by the city council, or civil service rule. (Ord. 712 § 1, 1995)

2.32.020 Expense reimbursement.

Reasonable expenses of city employees and/or representatives of the city shall be reimbursed in accordance with rules established by the mayor and city administrator, provided, however, that such employees or representatives of the city shall be reimbursed at the authorized IRS rate for the use of personal vehicles in the course of city business unless provided otherwise by collective bargaining agreements or an individual employment contract. (Ord. 712 § 1, 1995)

2.40.010

Chapter 2.36

CONTRACTORS' BONDS

(Renumbered to Chapter 1.06 by Ord. 760)

Chapter 2.40

SMOKING IN THE CITY HALL

Sections:

2.40.010 Prohibited.

2.40.010 Prohibited.

All persons, upon entering the City Hall of Clyde Hill located at 9605 Northeast 24th, shall have extinguished all smoking materials and shall refrain from smoking within the premises of the City Hall until such time as that person exits the same. (Ord. 493, 1985)