

Title 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.02

MAYOR

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2.02.010 Salary.

The salary of the mayor may be set by ordinance at the time of adoption of the annual budget, or by formal resolution or ordinance passed by the town council. (Ord. 92-12 § 1, 1992; Ord. 83-8 § 1, 1983).

2.02.020 Hours.

The office hours for the town shall be from 8:00 a.m. until 5:00 p.m., or such other period as directed by the mayor. (Ord. 92-12 § 7, 1992).

2.02.030 Town administrator.

A. A new position of town administrator is established, with duties and compensation to be set by the mayor, consistent with the town's budget.

B. The mayor has the authority to hire a town administrator. The duties of the administrator shall include the following: responsibility for the day to day operations of the town, under the direction of the mayor. At the direction of the mayor, the town administrator may administer and coordinate the activities and functions of the town, departments, commissions, committees, and boards in implementing the requirements of the town ordinances, codes and policies for the town council. He or she may assist the mayor and council in planning, administration and organization of all municipal government functions.

C. Assist the mayor in conducting the town's business in all matters, and perform duties and assume other responsibilities as the mayor directs, or as ordinances, codes and resolutions require. Report regularly to all council and planning commission meetings on the status of town operations and projects.

D. Coordinate and lead the activities of grant/loan programs that improve projects for all town departments (police, fire, EMS, public works and finance).

E. Perform cost control activities and monitoring budget compliance on a quarterly and annual basis; assist the town clerk with the preparation of the annual budget for submittal to the mayor and town council; responsible for internal auditing as deemed appropriate of all town accounts and funds; conduct research on behalf of the town to obtain funding, grants and other financial contributions for municipal programs; responsible for risk management/insurance records including capital equipment/assets and works in cooperation with the town's insurance agent. (Ord. 2004-12 § 1, 2004; Ord. 2004-04 § 1, 2004).

2.02.040 Office assistant.

A new position of office assistant is established, with duties and compensation to be set by the mayor, consistent with the town's budget. (Ord. 2004-10 § 1, 2004).

2.02.050 Town planner.

A new position of town planner is established, with duties and compensation to be set by the mayor, consistent with the town's budget. (Ord. 2005-01 § 1, 2005).

2.02.060 Town parks lead.

A new position of town parks lead, meter reader, cemetery and storm maintenance is established, with duties and compensation to be set by the mayor, consistent with the town's budget. (Ord. 2005-02 § 1, 2005).

2.02.070 Water treatment operator and water-wastewater laborer.

A new position of water treatment operator and water-wastewater laborer is established, with duties and compensation to be set by the mayor, consistent with the town's budget. (Ord. 2005-05 § 1, 2005).

2.02.080 Animal control, parks and storm maintenance.

A new position of animal control, parks and storm maintenance is established, with duties and compensation to be set by the mayor, consistent with the town's budget. (Ord. 2006-01 § 1, 2006).

2.02.090 Planning commission recorder.

A new position of planning commission recorder is established, with duties and compensation to be set by the mayor, consistent with the town's budget. (Ord. 2006-25 § 1, 2006).

2.02.100 GIS specialist.

A new position of GIS specialist is established, with duties and compensation to be set by the mayor, consistent with the town's budget. (Ord. 2007-07 § 1, 2007).

Chapter 2.04

COUNCIL

Sections:

- 2.04.001 General rules.
- 2.04.002 Types of meetings.
- 2.04.003 Chair and duties.
- 2.04.004 Order of business and agenda.
- 2.04.005 Consensus and motions.
- 2.04.006 Public hearing procedures.
- 2.04.007 Duties and privileges of citizens.
- 2.04.008 Filling council vacancies and selecting mayor pro tem.
- 2.04.009 Creation of committees, boards and commissions.
- 2.04.010 Resolutions.
- 2.04.011 Ordinances.
- 2.04.012 Enacted ordinances, resolutions and motions.
- 2.04.013 Suspension and amendment of these rules.
- 2.04.014 Councilmembers – Compensation for attending meetings.

2.04.001 General rules.

(As per RCW 35.27.280)

A. Meetings to Be Public. All official meetings of the council shall be open to the public with the exception of executive sessions for certain limited topics (as defined in Chapter 42.30 RCW). The journal of proceedings (minute book) shall be open to public inspection.

B. Quorum. Three councilmembers shall be in attendance to constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time, but no adjournment shall be for a longer period than until the next regular meeting.

C. Attendance, Excused Absences. As per RCW 35.27.140 a councilmember shall forfeit his/her office by failing to attend three consecutive regular meetings of the council without being excused by the council. Members of the council may be so excused by complying with this section. The member shall contact the mayor prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the mayor, the member shall contact the town clerk who shall convey the message to the mayor. The mayor shall inform the council of the member's absence, state the reason for such absence and inquire if there is a motion to excuse the member.

Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the town clerk will make an appropriate notation in the minutes. If the motion is not passed, the town clerk will note in the minutes that the absence is unexcused.

D. Journal of Proceedings. A journal of all proceedings of the council shall be kept by the town clerk and shall be entered in a book constituting the official record of the council.

E. Right of Floor. Any member desiring to speak shall be recognized by the chair and shall confine his/her remarks to one subject under consideration or to be considered.

F. Rules of Order. Robert's Rules of Order Newly Revised shall be the guideline procedures for the proceedings of the council. If there is a conflict, these rules shall apply. (Ord. 2000-06 § 1, 2000).

2.04.002 Types of meetings.

A. Regular Council Meetings. The council shall meet on the second Monday of each month at 7:00 p.m. When a council meeting falls on a holiday, the council may determine an alternate day for the meeting or cancel the meeting. The council may reschedule regular meetings to a different date or time by motion. The location of the meetings shall be at a location specified by ordinance in the Eatonville Municipal Code, unless designated otherwise by a majority vote of the council. All regular and special meetings shall be public.

B. Special Meetings. Special meetings may be called by the mayor or in accordance with RCW 42.30.080 by any three members of the council. The town clerk shall prepare a notice of the special meeting stating the time, place and business to be transacted. The town clerk shall attempt to notify each member of the council, either by telephone or otherwise, of the special meeting. The town clerk shall give at least 24 hours' notice of the special meeting to each local newspaper of general circulation and to each local radio and/or television station, which has filed with the clerk a written request to be notified of special meetings.

No subjects other than those specified in the notice shall be considered. The council may not make final disposition on any matter not mentioned in the notice. Special meetings may be called in less than 24 hours, and without the notice required in this section, to deal with emergencies involving injury or damage to persons or property or the likelihood of such injury or damage if the notice

requirements would be impractical or increase the likelihood of such injury or damage.

C. Continued and Adjourned Sessions. Any session of the council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting.

D. Study Sessions and Workshops. The council may meet informally in study sessions and workshops (open to the public), at the call of the mayor or of three or more members of the council, to review forthcoming programs of the city, receive progress reports on current programs or projects, receive other similar information from city department heads or conduct procedures workshops, provided that all discussions and conclusions thereon shall be informal and do not constitute official actions of the council. Study sessions and workshops held by the council are "special meetings" of the council, and the notice required by RCW 42.30.080 must be provided. Regular study sessions shall be held at 5:00 p.m. prior to each regular and continued meeting at the Town Hall.

E. Executive Sessions. Executive sessions or closed meetings may be held in accordance with the provisions of the Washington State Open Meetings Act (Chapter 42.30 RCW). Among the topics that may be discussed are (1) personnel matters; (2) consideration of acquisition of property for public purposes or sale of city-owned property; and (3) potential or pending litigation in which the city has an interest, as provided in the Revised Code of Washington. The council may hold an executive session during a regular or special meeting. Before convening in executive session the chair shall publicly announce the purpose for excluding the public from the meeting place and the time when the executive session will be concluded. If the council wishes to adjourn at the close of a meeting from executive session, that fact will be announced along with the estimated time for the executive session. The announced time limit for executive sessions may be extended to a stated later time by the announcement of the chair.

F. Attendance of Media at Council Meetings. All official meetings of the council and its committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings. (Ord. 2000-06 § 2, 2000).

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2.04.003 Chair and duties.

A. Chair. The mayor, if present, shall preside as chairperson at all meetings of the council under authority of RCW 35.27.160. In the absence of the mayor, the mayor pro tem shall preside. In the absence of both the mayor and mayor pro tem the council shall elect a chairperson.

B. Call to Order. The meetings of the council shall be called to order by the mayor or, in his absence, by the mayor pro tem. In the absence of both the mayor and mayor pro tem, the meeting shall be called to order by the town clerk or clerk's designee for the election of a temporary chairperson.

C. Preservation of Order. The chairperson shall preserve order and decorum, prevent attacks on personalities or the impugning of members' motives and confine members in debate to the question under discussion.

D. Points of Order. The chairperson shall determine all points of order.

E. Questions To Be Stated. The chair shall state all questions submitted for a vote and announce the result. A roll call vote may be taken upon all questions.

F. Mayor – Powers. The mayor may request that a motion be stated by a councilperson but may not make or second motions. (Ord. 2000-06 § 3, 2000).

2.04.004 Order of business and agenda.

A. Order of Business. The order of business for all regular meetings shall be transacted as follows unless the council, by a majority vote of the members present, suspends the rules and changes the order:

1. Call to order;
2. Roll call;
3. Pledge of Allegiance;
4. Council discussion/agenda review/set time restrictions (see EMC 2.04.006 and 2.04.007 (D));
5. Comments from citizens;
6. Consent agenda;
7. Mayor's reports;
8. Department head/council committee/board/commission reports;
9. Old business;
10. New business;
11. Councilmember comments;
12. Adjournment.

The consent agenda may contain items which are of a routine and noncontroversial nature which may include, but are not limited to, the following:

meeting minutes, payroll, claims, budget amendments, park use requests and any item previously approved by council with a unanimous vote and which is being submitted to council for final approval. Any item on the consent agenda may be removed and considered separately as an agenda item at the request of any councilmember or any person attending a council meeting.

B. Council Agenda. The mayor shall prepare the agenda for council meetings. A copy of the agenda and supporting materials shall be prepared for councilmembers and the press on or before 4:30 p.m. three working days before a regular council meeting if possible. Subject to the council's right to amend the agenda, no legislative item shall be voted upon which is not on the council agenda, except in emergency situations (defined as situations which would jeopardize the public's health, safety or welfare).

C. Mayor and Councilmember Comments and Concerns. The agenda shall provide a time when the mayor ("mayor's reports") or any councilmember ("comments from councilmembers") may bring before the council any business that he/she feels should be deliberated upon by the council. These matters need not be specifically listed on the agenda, but formal action on such matters may be deferred until a subsequent council meeting, except that immediate action may be taken upon a vote of a majority of all members of the council. There shall be no lectures, speeches or grandstanding. (Ord. 2010-07 § 1, 2010; Ord. 2000-06 § 4, 2000).

2.04.005 Consensus and motions.

A. Consensus Votes. When a formal motion is not required on a council action or opinion, a consensus voice vote will be taken. The chair will state the action or opinion and each councilmember will state his/her name and vote by saying "aye" or "no."

B. Motions. No motion shall be entertained or debated until duly seconded and announced by the chair. The motion shall be recorded and, if desired by any councilmember, it shall be read by the town clerk before it is debated and, by the consent of the member making the motion and the member seconding the motion, may be withdrawn at any time before action is taken on the motion.

C. Votes on Motions. Each member present shall vote on all questions put to the council except on matters in which he or she has been disqualified for a conflict of interest or under the appearance of fairness doctrine. Such member shall disqualify himself or herself prior to any discussion of the

matter and shall leave the council chambers. When disqualification of a member or members results or would result in the inability of the council at a subsequent meeting to act on a matter on which it is required by law to take action, any member who was absent or who had been disqualified under the appearance of fairness doctrine may subsequently participate, provided such member first shall have reviewed all materials and listened to all tapes of the proceedings in which the member did not participate.

D. Failure to Vote on a Motion. Any councilmember present who fails to vote without a valid disqualification shall be declared to have voted in the affirmative on the question.

E. Motions to Reconsider. A motion to reconsider must be made by a person who voted with the majority on the principal question and must be made at the same or succeeding regular monthly meeting. No motion to reconsider an adopted quasi-judicial written decision shall be entertained after the close of the meeting at which the written findings were adopted. (Ord. 2000-06 § 5, 2000).

2.04.006 Public hearing procedures.

A. Prior to the start of the “comments from the public” portion of the public hearing, the chair may require that all persons wishing to be heard shall sign in with the clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing all persons who have signed in and wish to be heard shall be heard. However, the chair shall be authorized to establish speaker time limits and otherwise control presentations to avoid repetition. In public hearings that are not of a quasi-judicial nature, the chair may establish time limits and otherwise control presentations. The chair may change the order of speakers so that testimony is heard in the most logical groupings (i.e., proponents, opponents, adjacent owners, vested interests, etc.).

B. The chair introduces the agenda item, opens the public hearing, and announces a summary of the following rules of order:

- (1) All comments by proponents, opponents, or the public shall be made in a clear, audible voice and any individual making comments shall first give their name and address. This is required because an official recorded transcript of the

public hearing is being made. If there is any appeal, the court must make its decision on the basis of what was said here.

- (2) It is not necessary to be a proponent or opponent in order to speak. If you consider yourself neither a proponent nor opponent, please speak during the proponent portion and identify yourself as neither a proponent nor an opponent.

- (3) If a podium is present for the meeting then no comments shall be made from any other location, and anyone making “out of order” comments shall be asked by the chair to cease and desist.

- (4) There will be no demonstrations during or at the conclusion of anyone’s presentation.

- (5) These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising their right of free speech.

C. When council conducts a hearing to which the appearance of fairness doctrine applies, the presiding officer, or in the case of a potential appearance of fairness doctrine violation by that individual, the mayor pro tem, will ask if any councilmember knows of any reason which would require such member to excuse themselves pursuant to appearance of fairness doctrine. The form of the announcement is as follows:

All councilmembers should now give consideration as to whether they have: (1) a demonstrated bias or prejudice for or against any party to the proceedings; (2) a direct or indirect monetary interest in the outcome of the proceedings; (3) a prejudgment of the issue prior to hearing the facts on the record; or (4) ex parte contact with any individual, excluding administrative staff, with regard to an issue prior to the hearing. If any councilmember should answer in the affirmative, then the councilmember should state the reason for their answer at this time so that the chair may inquire of administration as to whether a vi-

olation of the appearance of fairness doctrine exists.

D. At the outset of each public hearing or meeting to consider a zoning amendment or zoning reclassification the chair will announce the legal standards for zoning amendments and ask the parties to limit their presentations to information within the scope of the standards. The form of the announcement is as follows:

The following constitute the legal standards for zoning amendments under the law of the state of Washington:

1. The current zoning is presumed valid.
2. The burden of proof is on the applicant for the rezone to establish by proof in sufficient measure that conditions in the area have substantially changed since the enactment of the current zoning. This proof may, of course, come from any source; either the applicant, the administration, or the public. The important consideration is that the decision must be made on the basis of information provided at this meeting or any continued meeting.
3. A rezone must bear a substantial relationship to the public health, safety, morals or welfare.
4. Any terms of a concomitant agreement intended to neutralize the impact of the proposed property usage such as (without limitation) intermediate density, increased setbacks, screening, reduced building height restrictions, building or roads and sidewalks or other off-site requirements, and the like should be developed in writing upon the recommendation of the administration prior to the first public hearing on the application. However, the city council may introduce such terms on their own motions. In any event, no final action shall be taken until such terms are agreed to in writing.
5. After this body has heard all the evidence, there will be a motion to approve the rezone. This does not mean that the member so moving or so seconding is in favor of the rezone, but that we have been

advised by town attorney that affirmative motions are preferable.

6. Following the decision, this body must make findings of fact and conclusions of reasons for its action. These findings may be drafted by administration or there may be a recess for the drafting of such items.

Bearing in mind the legal standards I have just described, please limit your comments to information within the scope of these standards.

E. The chair calls upon town administration to describe the matter under consideration.

F. The chair calls for proponents in quasi-judicial proceedings and for speakers in nonquasi-judicial proceedings. When considering a zoning amendment or zoning reclassification the chair shall announce:

Site plans, artistic renditions, and the like in support of the zoning amendment should be avoided except as they help explain the terms of a concomitant agreement. Any graphic representations should be used for illustrative purposes only and the planning commission or town council should avoid indicating approval or disapproval of such plans, since the town of Eatonville has established a design review process through town planning department for such purposes.

G. The proponents or speakers now speak. (Note: If the town of Eatonville is the proponent, a member or members of the administration shall be designated to give proponent and rebuttal testimony).

H. The chair calls for additional proponents or speakers three times.

I. In nonquasi-judicial proceedings the chair calls for opponents by announcing the following:

At this time the opponents will have an opportunity to speak. Should any opponent have questions to ask of the proponents, ask the questions during your presentation. The proponents shall note the question asked, and answer such questions when the proponent speaks in rebuttal. The proponent shall be required to answer any reasonable question, provided that the

chair reserves the right to rule any question out of order.

J. Opponents speak.

K. The chair calls for additional opponents three times.

L. The chair calls for proponents to speak in rebuttal. A proponent speaking in rebuttal shall not introduce new material. If the proponent does, or is allowed to do so, the opponents shall also be allowed to rebut the new elements.

M. The chair announces the following:

At this time I will inquire of the administration as to whether there have been any misstatements of fact or whether the administration wishes to introduce any material as to subjects raised by the proponents or opponents or alter in any regard its initial recommendations.

N. The chair inquires as to whether any councilmembers have any questions to ask the proponents, opponents, speakers, or administration. If any councilmember has questions, the appropriate individual will be recalled to the podium.

O. The chair closes the public hearing.

P. The chair inquires if there is a motion by any councilmembers. If a motion is made, it shall be in the form of an affirmative motion. Following the motion and its second, discussion occurs among councilmembers. The chair may call on individual councilmembers in the discussion.

Q. The chair inquires if there is any further discussion by the councilmembers.

R. The chair inquires if there are any final comments or recommendations from administration.

S. The chair inquires of the councilmembers as to whether they are ready for the question.

T. The clerk shall conduct a roll call vote.

U. The chair directs administration to prepare findings consistent with the action. (Ord. 2000-06 § 6, 2000).

2.04.007 Duties and privileges of citizens.

A. Meeting Participation. Citizens are welcome at all council meetings and are encouraged to attend and participate prior to the deliberations of the council on any issue. Recognition of a speaker by the chair is a prerequisite and necessary for an orderly and effective meeting, be the speaker a citizen, councilmember or staff member. Further, it will be expected that all speakers will deliver their comments in a courteous and efficient manner and

will speak only to the specific subject under consideration. Anyone making out of order comments or acting in an unruly manner shall be asked by the chair to cease and desist. Use of cellular telephones is prohibited in the council chambers.

B. Subjects Not on the Current Agenda. Under agenda item "comments from citizens" citizens may address any item they wish to discuss with the mayor and council. They shall first obtain recognition by the chair, state their name, address and subject of their comments. The chair shall then allow the comments, subject to a three-minute limitation per speaker, or other limitations as the chair or council may deem necessary. Following such comments, if action is required or has been requested, the chair may place the matter on the current agenda or a future agenda or refer the matter to staff or a council committee for action or investigation and report at a future meeting.

C. Subjects on the Current Agenda. Any member of the public who wishes to address the council on an item on the current agenda shall make such request to the chair or presiding officer. The chair shall rule on the appropriateness of public comments as the agenda item is reached. All comments shall be limited to three minutes per speaker or other limitations as the chair or council may deem necessary.

D. Manner of Addressing the Council – Time Limit. Each person addressing the council shall give his/her name and address in a clear and audible tone of voice for the record and, unless further time is granted by the mayor, shall limit his/her remarks to three minutes. Agenda items "comments from citizens" shall be limited to a total of 30 minutes each unless additional time or less time is agreed upon by the council (dependent upon the length of the council agenda). All remarks shall be addressed to the council as a body and not to any member thereof. No person, other than the chair, members of the council and the person having the floor shall be permitted to enter into any discussion, either directly or through the members of the council. No questions shall be asked of the councilmembers, except through the chair. The council will then determine the disposition of the issue (information only, place on present agenda, workshop, a future agenda, assign to staff, assign to council committee or do not consider).

E. Severely Disruptive and Slanderous Remarks. Any person making disruptive impertinent or slanderous remarks or who shall become boisterous or take action disrupting the meeting whether or not addressing the council, may be

requested to leave the meeting and may be barred from further audience before the council during that council meeting by the chair or presiding officer. Such action shall constitute a misdemeanor, punishable by a fine not to exceed \$500.00.

F. **Written Communications.** Interested parties, or their authorized representatives, may address the council by written communication in regard to any matter of city business or issue which the council controls. The written communication may be submitted by direct mail or by addressing the communication to the town clerk who will distribute copies to the councilmembers. The communication will be entered into the record without the necessity for reading as long as sufficient copies are distributed to members of the audience/public.

G. **Comments in Violation of the Appearance of Fairness Doctrine.** The chair may rule out of order any comment made with respect to a quasi-judicial matter pending before the council or its boards or commissions. Such comments should be made only at the hearing on a specific matter. If a hearing has been set, persons whose comments are ruled out of order will be notified of the time and place when they can appear at the public hearing on the matter and present their comments.

H. **“Out of Order” Comments.** Any person whose comments have been ruled out of order by the chair shall immediately cease and refrain from further improper comments. The refusal of an individual to desist from inappropriate, slanderous or otherwise disruptive remarks after being ruled out of order by the chair may subject the individual to removal from the council chambers. These rules are intended to promote an orderly system of holding a public meeting and to give every person an opportunity to be heard. (Ord. 2000-06 § 7, 2000).

2.04.008 Filling council vacancies and selecting mayor pro tem.

A. **Notice of Vacancy.** If a council vacancy occurs, the council will follow the procedures outlined in RCW 42.12.070. In order to fill the vacancy with the most qualified person available until an election is held, the council will widely distribute and publish a notice of the vacancy and the procedure and deadline for applying for the position.

B. **Application Procedure.** The council will draw up an application form, which contains relevant information that will answer set questions posed by council. The application form will be used in conjunction with an interview of each can-

didate to aid the council’s selection of the new councilmember.

C. **Interview Process.** All candidates who submit an application by the deadline will be given an opportunity to be interviewed by the council during a regular or special council meeting open to the public.

D. **Selection of Councilmember.** The council may recess into executive session to discuss the qualifications of all candidates. Nominations, voting and selection of a person to fill the vacancy will be conducted during an open public meeting.

E. **Selecting Mayor Pro Tem and Alternate Mayor Pro Tem.** The mayor pro tem and alternate mayor pro tem will be selected by the councilmembers in accordance with RCW 35.27.160. (Ord. 2000-06 § 8, 2000).

2.04.009 Creation of committees, boards and commissions.

A. **Ad hoc temporary advisory committees** may be appointed by the mayor; more permanent committees, boards, and commissions which shall be purely advisory, only to give written suggestions for the conduct of the operation of city government may be created by the council.

B. **Membership and Selection.** Membership and selection of members shall be appointed by the mayor and confirmed by the council. Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the council. No committee so appointed shall have powers other than advisory to the council or to the mayor except as otherwise specified in the Eatonville Municipal Code.

C. **Removal of Members of Boards and Commissions.** The mayor may remove any member of any board or commission created by the council or the mayor. (This rule does not apply to the civil service commission or any other such body, which has statutory procedures concerning removal).

D. **Standing Council Committees.** The council may appoint standing council committees to expedite legislative governmental processes. Standing council committees performing a legislative function shall be composed of currently serving councilmembers only. Standing council committees shall consist of a maximum of two councilmembers appointed by the council in January of each year or at any such time as new standing committees are authorized by a majority vote of the council. Standing council committees may make recommendations on proposed ordinances, resolu-

tions and other matters of a legislative nature, within their area of responsibility before action is taken by the full council. The committee chair shall present the recommendations of the committee during the discussion of the item of business on a regular meeting agenda. (Ord. 2000-06 § 9, 2000).

2.04.010 Resolutions.

A resolution may be put to its final passage on the same day on which it was introduced unless it provides for an increase in any type of utility rates or fees, which shall require two readings before final passage. The requirement of two separate readings may be temporarily suspended by a majority vote of all members present. The title of each resolution shall in all cases be read prior to its passage; provided, should the council request that the entire resolution or certain of its sections be read, such requests shall be granted. Printed copies shall be made available upon request to any person attending a council meeting. (Ord. 2000-06 § 10, 2000).

2.04.011 Ordinances.

The procedures for ordinances are as follows:

A. A councilmember may, in open session, request of the chair that the council study the wisdom of enacting a particular ordinance. The chair then may assign the proposed ordinance to a specific committee of the whole for consideration. The committee shall report its findings to the council.

B. All ordinances shall have two separate readings. At each reading the title of an ordinance shall in all cases be read prior to its passage; provided that should the council request that the entire ordinance or certain of its sections be read, such requests shall be granted. Printed copies shall be made available upon request to any person attending a council meeting.

C. The provision requiring two separate readings of an ordinance may be temporarily suspended at any meeting of the council by a majority vote of all members present.

D. If a motion to pass an ordinance to a second reading fails, the ordinance shall be considered lost.

E. Any ordinance repealing any portion of the Eatonville Municipal Code shall also repeal the respective portions of the underlying ordinance(s).

F. Any ordinance amending any portion of the Eatonville Municipal Code shall also amend the respective portions of the underlying ordinance(s). (Ord. 2000-06 § 11, 2000).

2.04.012 Enacted ordinances, resolutions and motions.

An enacted ordinance is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Council action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty. An enacted resolution is an administrative act which is a formal statement of policy concerning matters of special or temporary character, however this section is not meant to impose restrictions on the effectiveness of a resolution. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired. An enacted motion is a form of action taken by the council to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law. (Ord. 2000-06 § 12, 2000).

2.04.013 Suspension and amendment of these rules.

A. Suspension of These Rules. Any provision of these rules may be temporarily suspended by a vote of a majority of the council.

B. Amendment of These Rules. These rules may be amended or new rules adopted by a majority vote of all members of the council; provided, that the proposed amendments or new rules shall have been introduced into the record at a prior council meeting. (Ord. 2000-06 § 13, 2000).

2.04.014 Councilmembers – Compensation for attending meetings.

A. Regular Meetings. The compensation of each councilmember shall be \$50.00 for attending each regular or special meeting or continued meeting of the council.

B. Other Meetings. The compensation for each councilmember shall be \$50.00 for attending, as a town delegate or representative, meetings of organizations in which either (1) the town is a dues-paying member; or (2) any other official meeting authorized by motion of the council, and provided the member does not receive compensation from any other government unit or agency for attendance at the same meeting. In addition, the mayor pro tem and the alternate mayor pro tem shall receive compensation of \$25.00 for each day that

he or she performs any duty of the mayor in the absence of the mayor.

C. Payroll Procedure.

1. A councilmember may submit a payroll voucher for attendance at regular and special meetings of the council where roll is taken and minutes are recorded.

2. Councilmembers may also submit payroll vouchers for attendance at other meetings by listing the date, place and purpose of those meetings. The voucher is subject to approval of the town council. (Ord. 2009-13 § 1, 2009; Ord. 2003-14 § 1, 2003; Ord. 2000-06 § 15, 2000; Ord. 97-12 § 2, 1997. Formerly 2.04.020).

Chapter 2.08

CLERK

Sections:

- 2.08.010 Recordkeeping and account duties – Compensation.
- 2.08.020 Water/sewer system – Rental collection and reporting duties.
- 2.08.030 Light and power system – Rental collection, reporting duties, and compensation.

2.08.010 Recordkeeping and account duties – Compensation.

A. The duties of the town clerk include the following:

1. To comply with all duties required by statutes found in RCW Title 35 and other applicable laws, presently in effect or subsequently enacted;
2. To keep the records of the council and the accounts of the town in such books as may be prescribed by the town or as required by the State Auditor and state law;
3. To make and certify to the town council all assessments and assessment rolls as required;
4. To render to the council a monthly report of the records in the form and manner requested by the town;
5. May administer oaths or affirmations and certify to them;
6. May countersign warrants signed by the mayor for demands against the town;
7. May accept service of all claims against the town;
8. May make a monthly statement in writing showing the receipt and expenditures of the preceding month and the amount remaining in the treasury;
9. At the end of every fiscal year, make a full and detailed statement of receipts and expenditures of the preceding year and assist the council in preparing a full statement of the financial condition of the town;
10. File and certify all original resolutions or ordinances passed by the town council;
11. Perform the financial administration of grants received by the town by properly accounting for monies received and spent.

B. Records to Be Kept. The clerk shall:

1. Keep a full and true account of all the proceedings of the council in a book marked “Minutes of the Council”;

2. Keep accounting records of town accounts which include all revenue and expenses;

3. Keep records of all licenses issued, including the date thereof, to whom issued, for what, the time they expire, and the amount paid;

4. Keep and properly maintain the official town files;

5. In each of the foregoing records and files, maintain the records accurately and in order, to enable a person readily to ascertain matters contained therein;

6. Keep records of all invoices and warrants with written documentation of the number, date, and disposition of the warrant;

7. Keep a book marked "ordinances," which may be duplicated by electronic means, which shall contain all original town ordinances. The clerk shall in writing attest to the date and manner of publication of the ordinances, or a summary thereof as required by law, which document shall be placed in the ordinance book. True copies of all ordinances shall be forwarded for codification in the Eatonville Municipal Code by the clerk.

C. Compensation. The compensation for the town clerk shall be set by ordinance at the time of adoption of the annual budget, or by resolution of the town council. (Ord. 92-12 § 2, 1992; Ord. 70 § 1, 1914).

2.08.020 Water/sewer system – Rental collection and reporting duties.

The town clerk shall collect the monthly charges from the subscribers for municipal water and sewer services, issue receipts therefor, and render a monthly report to the council showing the receipts from such water and sewer, and the standing of the various funds in connection therewith. (Ord. 92-12 § 3, 1992; Ord. 70 § 2, 1914).

2.08.030 Light and power system – Rental collection, reporting duties, and compensation.

The town clerk shall collect the monthly charges from the subscribers for municipal electric light and power, issue receipts therefor, and render a monthly report to the council showing the receipts from such light and power and the standing of the various funds in connection therewith. (Ord. 92-12 § 4, 1992; Ord. 70 § 3, 1914).

Chapter 2.12**TREASURER***

Sections:

2.12.010 Salary.

2.12.020 Duties of the town treasurer.

*For statutory provisions requiring the salary of a town treasurer to be set by ordinance, see RCW 35.27.130.

2.12.010 Salary.

The salary for the town treasurer may be set forth by ordinance at the time of adopting the annual budget, or by formal resolution or ordinance. (Ord. 92-12 § 5, 1992; Ord. 78-8 § 7, 1978).

2.12.020 Duties of the town treasurer.

The town treasurer shall perform all duties required by state law including the following specific duties:

A. Receive and safely keep by depositing in an account approved by the town, all money of the town;

B. Execute duplicate receipts for the same, filing one with the town clerk;

C. Disburse money only on warrants signed by the mayor and countersigned by the clerk;

D. Make monthly account statements with the clerk, and the clerk shall provide the treasurer an accounting of all town receipts by the clerk;

E. Hold all sales of local improvement district lots, tracts, or parcels of land or other property, upon which a judgment of foreclosure and sale has been entered, if so ordered by a judge of the Superior Court;

F. Invest excess or inactive LID funds in U.S. Government bonds, notes, bills, certificates of indebtedness, or interim financing warrants of a local improvement district which is within the protection of the local improvement guaranty fund law for the benefit of the general current expense fund;

G. When so instructed by a majority vote of the council to designate one or more banks in Pierce County as the depository of the money required to be kept by the treasurer in accordance with RCW 39.58.050;

H. Apply money placed in the "town assessment redemption fund" in payment of any unpaid assessment liens on any lands belonging to the town;

I. Pay all warrants in the order of their number and date of issue whenever there are sufficient funds in the treasury applicable to the payment in

accordance with RCW 35.21.320, 35.45.050 and 35.45.060;

J. Collect all assessments for local improvements and keep them in a fund designated "local improvement fund, district No. ____";

K. Annually before August 15th, certify to the council the assessments according to the requirements of RCW 35.49.060;

L. Such further duties as may be required by the town council. (Ord. 92-12 § 5, 1992).

Chapter 2.16

OFFICERS' BONDS

Sections:

2.16.010 Amount.

2.16.010 Amount.

The bond for the town treasurer shall be \$2,000, and the bond for the chief of police shall be \$10,000. (Ord. 78-8 § 3, 1978).

Chapter 2.24

MUNICIPAL COURT*

Sections:

2.24.010 Established.

2.24.020 Jurisdiction and powers.

2.24.030 Appointment and qualifications of judge.

*For statutory provisions authorizing the creation of municipal courts, see RCW 3.50.010.

2.24.010 Established.

There is established a municipal court for the town, which shall be entitled and referred to as the "Municipal Court of the Town of Eatonville". (Ord. 190 § 1, 1962).

2.24.020 Jurisdiction and powers.

The municipal court of the town shall have all of the jurisdiction and shall exercise all the powers provided by Chapter 258, Laws of 1984, State of Washington as codified by Chapter 3.50 RCW (as now enacted or amended); together with such other powers and jurisdiction as generally conferred by the common law or other express statutes of the state of Washington. (Ord. 84-11 § 1, 1984; Ord. 190 § 2, 1962).

2.24.030 Appointment and qualifications of judge.

A. The judge of the municipal court shall be appointed by the town mayor, subject to the confirmation by the town council, for a term of office in accordance with the procedures for appointment of municipal court judges as provided in Chapter 3.50 RCW. The person appointed as municipal court judge shall be a United States citizen and a citizen of the state of Washington, and an attorney duly admitted to practice law before the Courts of Record in the state of Washington. The position of such municipal court judge shall be on a part-time basis, and salary for the municipal judge may be set by ordinance at the time of adopting the annual budget or by resolution of the town council.

B. The town mayor shall appoint judges pro tem who shall act in the absence or disability of the regular judge of the municipal court. (Ord. 93-04 § 1, 1993; Ord. 92-12 § 8, 1992).

Chapter 2.28

FIRE DEPARTMENT*

Sections:

- 2.28.010 Members.
- 2.28.020 Company defined.
- 2.28.030 Fire chief – Appointment and term.
- 2.28.040 Fire chief – Powers and duties.
- 2.28.050 Assistant fire chief – Appointment – Term.
- 2.28.060 Assistant fire chief – Eligibility.
- 2.28.070 Assistant fire chief – Powers and duties.
- 2.28.080 Officers – Police authority at fires.
- 2.28.085 Firefighter position – Established.
- 2.28.090 Firefighters – Response to alarm.
- 2.28.100 Firefighters – Training on apparatus.
- 2.28.110 Firefighters – Firefighting duties.
- 2.28.120 Per diem – Compensation.
- 2.28.130 Entry to firehouse or handling apparatus prohibited – Exception.
- 2.28.140 Apparatus – Hiring or letting out prohibited – Exception.
- 2.28.150 Fire chief – Salary.
- 2.28.160 Assistant chief of training and safety.
- 2.28.170 Firefighter/paramedic.

*For statutory provisions on town fire apparatus, see RCW 35.27.370(6).

2.28.010 Members.

The fire department shall consist of a fire chief, one assistant fire chief, and as many other officer positions and firefighter positions as are or may be approved by the town council. (Ord. 92-12 § 9, 1992; Ord. 108 § 1 Art. 1, 1934).

2.28.020 Company defined.

Each properly equipped piece of pumping, hose-carrying or ladder service apparatus in active service shall be considered a company as mentioned in this chapter. (Ord. 108 § 1 Art. 1, 1934).

2.28.030 Fire chief – Appointment and term.

The fire chief shall serve part-time, shall be appointed by the mayor, and shall serve at the discretion of the mayor. (Ord. 92-12 § 9, 1992; Ord. 108 § 2 Art. 1, 1934).

2.28.040 Fire chief – Powers and duties.

The fire chief, under the direction of the mayor, is head of the town fire department and is responsible for planning, organizing and directing an emer-

gency organization specifically concerned with minimizing the loss of life and property caused by fire. This includes the planning, direction, and coordination of personnel engaged in firefighting, fire inspections, training, maintenance and repair of fire equipment, alarm systems, and station upkeep, and to report all fires of criminal, suspected, or undetermined origin to the State Fire Marshal. The fire chief's duties shall also include the following:

A. To have direct control, management and direction of all officers and firefighters of the fire department and the power to detail any of them to such public service as he/she may see fit, looking to the best interest and efficiency of the department;

B. To carry out the enforcement of the rules and regulations of the department, and to be able to suspend or remove from service any officer or firefighter for cause in such manner as is provided in this chapter;

C. To exercise supreme command over the department at fires and over all equipment belonging to it;

D. To cause all fires to be extinguished with the least possible danger to life and property and to the extent possible to prevent unnecessary damage by water at fires; however, the town shall not have any liability under this section for any damage caused by excessive water damage;

E. To see that the premises on which fires occur are left in such condition that they will not rekindle and cause further damage to life and property;

F. To observe the general condition of the department and apparatus and make a monthly report to the supervisory body concerning same, along with a complete report of the activities of the department;

G. To the extent possible, to make an investigation of each fire, keeping a record of and determining the cause, amount of loss to building and contents, amount of insurance coverage and insurance paid, and number and description of each building destroyed, together with names of owners and occupants;

H. The chief is authorized, empowered and required to inspect from time to time, all buildings and premises where accumulations of combustible materials or other hazardous conditions are liable to exist, and to issue such changes and recommendations required for compliance with current town fire codes. For purposes of inspection, he/she is empowered to enter any and all buildings and premises at any reasonable hour;

I. No member of the department shall be eligible for appointment as fire chief or assistant fire chief whose night is not spent within the town limits;

J. It shall be the duty of the fire chief to see that all new hose is tested at 200 pounds hydrostatic pressure, and that all hose is tested annually at 150 pounds hydrostatic pressure;

K. It shall be the duty of the fire chief to see that the fire hall is heated during the winter;

L. It shall be the duty of the fire chief to see that all hose is washed and dried after use at fires and drills, and that all fire equipment is kept in good condition and constantly ready for use;

M. It shall be the duty of the fire chief to see that each town firefighter is properly trained, and provided with updated training on a regular basis. (Ord. 92-12 § 11, 1992; Ord. 108 § 2 Art. 2, 1934).

2.28.050 Assistant fire chief – Appointment – Term.

The assistant fire chief shall be appointed by the fire chief, and confirmed by the mayor, to serve for a term of one year. (Ord. 92-12 § 12, 1992; Ord. 108 § 3 Art. 1, 1934).

2.28.060 Assistant fire chief – Eligibility.

No member of the department may be eligible for appointment as assistant fire chief who on a regular basis is absent from the town limits from 6:00 p.m. to 6:00 a.m. (Ord. 92-12 § 13, 1992; Ord. 108 § 3 Art. 3, 1934).

2.28.070 Assistant fire chief – Powers and duties.

The assistant fire chief is authorized, empowered and required to carry out the duties of fire chief, in his/her absence, or any portion of such duties and he/she may be ordered to do by the fire chief. (Ord. 92-12 § 14, 1992; Ord. 108 § 3 Art. 3, 1934).

2.28.080 Officers – Police authority at fires.

The fire chief and his/her assistants or officers in command at any fire are invested with full and complete police authority, and are authorized and directed to require and secure the removal of any and all obstructions in front of and around fire hydrants, and for that purpose are authorized to call upon the head of any municipal departments for aid and assistance in securing such removal of obstructions. (Ord. 92-12 § 15, 1992; Ord. 108 § 4 Art. 1, 1934).

2.28.085 Firefighter position – Established.

A new position of full-time fire department firefighter is established, with duties and compensation to be set by the mayor, consistent with the town’s budget. (Ord. 2009-09 § 1, 2009).

2.28.090 Firefighters – Response to alarm.

All firefighters upon the sounding of an alarm shall report for duty immediately and with all possible speed, as the fire chief shall designate. (Ord. 92-12 § 16, 1992; Ord. 108 § 5 Art. 1, 1934).

2.28.100 Firefighters – Training on apparatus.

All firefighters shall be trained to handle any and all fire equipment, and shall be trained to handle any and all emergency medical services equipment. (Ord. 92-12 § 18, 1992; Ord. 108 § 5 Art. 2, 1934).

2.28.110 Firefighters – Firefighting duties.

All firefighters shall do everything in their power to control and extinguish fires, under direction of the fire chief, and shall remain at their posts of duty unless excused by the commanding officer. (Ord. 92-12 § 17, 1992; Ord. 108 § 5 Art. 3, 1934).

2.28.120 Per diem – Compensation.

Eatonville fire and EMS volunteers will be reimbursed for their activities via the “point system.” No volunteer firefighter or EMS worker shall receive a salary for work performed while volunteering.

Volunteer firefighters will receive points as follows:

Fire, EMS & Public Safety Incidents	1 point
Fire, EMS & Related Training < 3 hrs.	1 point
Fire, EMS & Related Training 3 to 6 hrs.	2 points
Fire, EMS & Related Training 6 to 8 hrs.	3 points
Special Events or Assignments < 4 hrs.	2 points
Training Instructor	2 points
Station Standby	1 point/3 hours in station

The total of all points accrued by all volunteers will be divided into the monthly budgeted allotment to determine the value of one point. The value of one point is then multiplied by the number of

points each volunteer accrued during the month to determine individual compensation.

Example: The total of all accrued points for all the volunteers for the month is 100. The budgeted amount for the month is \$500.00. Five hundred divided by 100 makes the value of each point \$5.00.

Firefighter volunteer Jon Doe responded on six emergency incidents and attended two two-hour training sessions and one special event. Jon has accrued 10 points for the month. Jon has earned \$5.00 times 10 points, so Jon earned \$50.00 for the month.

Volunteers transporting and assisting in patient care, in an ambulance, shall be compensated at the rate of \$50.00 per transport to the hospital and \$25.00 for transport to meet ALS ambulances.

Point system compensation will be paid quarterly, at the end of the month following the end of the quarter. Transport compensation will be paid monthly. (Ord. 2010-05 § 1, 2010; Ord. 2008-11 § 1, 2008; Ord. 2000-17 § 1, 2000; Ord. 96-12 § 1, 1996; Ord. 96-3 § 1, 1996; Ord. 92-12 § 19, 1992; Ord. 108 § 6, Art. 1, 1934).

2.28.130 Entry to firehouse or handling apparatus prohibited – Exception.

No person shall be allowed to enter any firehouse or handle any apparatus or implements belonging to the department unless accompanied by an active member of the department. (Ord. 108 § 7 Art. 1, 1934).

2.28.140 Apparatus – Hiring or letting out prohibited – Exception.

No fire equipment or apparatus shall be rented, leased, borrowed, loaned, or let out for hire, except on consent of the mayor and the fire chief, and then only in the case of a fire in an adjacent or neighboring municipality, or neighboring fire district through a mutual aid agreement. (Ord. 92-12 § 20, 1992; Ord. 108 § 7, Art. 2, 1934).

2.28.150 Fire chief – Salary.

The salary of the fire chief may be set by ordinance at the time of adoption of the annual budget, or by resolution of the town council. (Ord. 92-12 § 21, 1992; Ord. 84-3 § 1, 1984).

2.28.160 Assistant chief of training and safety.

A new position of fire department assistant chief of training and safety is established, with duties and compensation to be set by the mayor, consis-

tent with the town's budget. (Ord. 2008-14 § 1, 2008).

2.28.170 Firefighter/paramedic.

A new position of fire department firefighter/paramedic is established, with duties and compensation to be set by the council, consistent with the town's budget. (Ord. 2008-17 § 1, 2008).

Chapter 2.29

POLICE DEPARTMENT

Sections:

- 2.29.010 Police chief powers and duties.
- 2.29.020 Deputy police chief powers and duties.

2.29.010 Police chief powers and duties.

The police chief, under the direction of the mayor, is head of the town's police department and shall have the responsibilities as set forth herein and in state law, RCW 35.27.240. The eligibility requirements for the police chief are as set forth in RCW 35.21.333. Before making any appointment in the office of chief of police, the town shall complete a background investigation, as required by RCW 35.21.334. The duties of the police chief are as follows:

A. Carries out supervisory responsibility in accordance with town of Eatonville policies, procedures and applicable laws including: interviewing, hiring and training, planning, assigning and directing work; appraising performance; rewarding and disciplining members; addressing complaints and resolving problems;

B. Plans long-range goals, objectives, organizational structure, and overall direction for the Eatonville police department;

C. Monitors, reviews, and communicates the implementation phases of the Eatonville police department's strategic plans to ensure that long range goals and objectives are met;

D. Plans and implements short-term or annual goals, objectives, and strategies for the Eatonville police department to ensure efficient organization and completion of work;

E. Plans, allocates, and monitors time, people, equipment, and other resources for the town of Eatonville to ensure efficient organization and completion of work;

F. Plans for the staffing needs of the Eatonville police department, coordinates the hiring process, and is responsible for the assignment of all Eatonville police department personnel;

G. Plans, coordinates, assigns and monitors performance and coaches, counsels, mentors, trains, and advises members of the Eatonville police department for the dual goals of meeting Eatonville police department goals and member career development;

H. Confers with the town of Eatonville administration to keep them informed on key issues and

progress toward objectives and to gain their support and approval; makes recommendations to assist the administration in making needed improvements;

I. Signs official and other documents to approve or ensure information adequacy, accuracy, and legitimacy;

J. Maintains and upgrades professional knowledge, skills, and development by attending seminars and training programs and reading trade and professional journals and publications;

K. Supervises special assignments as requested, to include researching and preparing reports and projects, developing and implementing programs, and presenting technical data to administration, elected officials, and others;

L. Represents the town of Eatonville at various functions such as making speeches at civic and business associations, meeting with influential persons within the community, developers, officials, citizens, and representatives of the press, to establish goodwill and resolve/respond to issues;

M. Collects, analyzes, recommends, and reports on data concerning budget preparation, grant administration, personnel analysis, etc.;

N. Secures, justifies, and monitors use of budgetary monies and capital;

O. Operates assigned vehicle in accordance with all applicable laws and regulations. (Ord. 2010-08 § 1, 2010).

2.29.020 Deputy police chief powers and duties.

A. The deputy police chief shall be appointed by the mayor. The duties of the deputy police chief shall be on file with the town clerk and maintained as set forth in EMC 2.30.010.

B. Deputy Police Chief Job Description. The job description for the deputy chief of the police department is attached as Exhibit A to the ordinance codified in this section, which is incorporated herein as if fully set forth. This job description shall be filed with the town clerk and maintained as set forth in EMC 2.30.010. (Ord. 2010-08 §§ 1, 2, 2010).

Chapter 2.30

JOB DESCRIPTIONS

Sections:

2.30.010 Job descriptions – Town job positions.

2.30.010 Job descriptions – Town job positions.

The mayor or his/her designee shall maintain job descriptions for each job position authorized in the town of Eatonville. They shall be on file in the town files. (Ord. 92-12 § 24, 1992).

Chapter 2.32

PLANNING COMMISSION*

Sections:

2.32.010 Created – Membership – Appointment.

2.32.020 Members – Terms.

2.32.030 Members – Removal from office – Selection – To serve without compensation.

2.32.040 Mayor – Ex officio member – Term.

2.32.050 Powers and duties.

2.32.060 Ordinance or resolution – Recommendation and report.

2.32.070 Subdivision – Recommendation and report.

2.32.080 Secretary – Designation.

2.32.090 Quorum – Action.

2.32.100 Annual report.

*For statutory provisions on planning commissions, see Chapter 35.63 RCW.

2.32.010 Created – Membership – Appointment.

Pursuant to the authority conferred by Chapter 35.63 RCW, there is re-created a town planning commission, consisting of seven members who shall be appointed by the mayor and confirmed by the town council. (Ord. 2007-09, 2007; Ord. 150 § 1, 1952).

2.32.020 Members – Terms.

There shall be seven planning commission positions to be known as position 1, position 2, position 3, position 4, position 5, position 6, and position 7, respectively. The current term expiration for each of the respective planning commission positions is as follows:

Position	Term Expiration
Position 1	12/31/2007
Position 2	12/31/2008
Position 3	12/31/2009
Position 4	12/31/2010
Position 5	12/31/2011
Position 6	12/31/2012
Position 7	12/31/2012

Upon expiration of the terms of each position above, successors shall be appointed by the mayor for the term of six years each, so that one member of the planning commission shall be appointed annually for five years and two members appointed in the sixth year. When an appointment by the mayor is to fill an open position prior to the end of the term, then the person so appointed shall serve out the term of the position into which he or she has been appointed. The term for each member shall be six years, except that appointments to fill any unexpired term shall be for the duration of said unexpired term. (Ord. 2007-09, 2007; Ord. 150 § 1, 1952).

2.32.030 Members – Removal from office – Selection – To serve without compensation.

Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired terms. Members may be removed, after public hearing, by the mayor with the approval of the town 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. 150 § 1, 1952).

2.32.040 Mayor – Ex officio member – Term.

The mayor of the town shall automatically be an ex officio member of the planning commission. The term of office of the mayor as a member of the planning commission shall correspond with the term of office of the mayor as mayor of the town. (Ord. 78-8 § 5, 1978; Ord. 176 § 1, 1957; Ord. 150 § 1, 1952).

2.32.050 Powers and duties.

The planning commission shall have all of the powers and perform each and all of the duties specified by Chapter 35.63 RCW, together with any other duties or authority which may hereafter be conferred upon them by the laws of the state, the performance of such duties and the exercise of such authority to be subject to each and all the limitations expressed in such legislative enactment or enactments. (Ord. 150 § 2, 1952).

2.32.060 Ordinance or resolution – Recommendation and report.

The town council may refer to the planning commission for its recommendation and report, any ordinance, resolution or other proposal relating to any of the matters and subjects referred to in Chap-

ter 35.63 RCW, and the commission shall promptly report to the council thereon, making such recommendations and giving such counsel as it may deem proper in the premises. (Ord. 150 § 3, 1952).

2.32.070 Subdivision – Recommendation and report.

All final plats or plans of subdivisions of land within the town or proposed additions, as well as dedications of streets and alleys offered to the town council for acceptance first shall be submitted to the department of public works. Preliminary plat applications shall be processed in accordance with Chapter 17.20 EMC, and final plat applications shall be processed in accordance with Chapter 17.22 EMC. (Ord. 2003-13 § 1, 2003; Ord. 150 § 4, 1952).

2.32.080 Secretary – Designation.

The planning commission may designate one of its members to act as secretary without salary or, if requested by the commission, the mayor shall des-

ignite a member of the paid staff of the town to serve as such secretary, who shall serve without additional compensation. (Ord. 150 § 5, 1952).

2.32.090 Quorum – Action.

A majority of the members of the planning commission shall constitute a quorum for the transaction of business. Any action taken by a majority of those present when those present constitute a quorum at any regular or special meeting of the planning commission shall be deemed and taken as the action of the commission. (Ord. 150 § 6, 1952).

2.32.100 Annual report.

The planning commission, at or before its first regular meeting in February of each year, shall make a full report in writing to the town council of its transactions and expenditures, if any, for the preceding year, with such general recommendations as to matters covered by its prescribed duties and authority as may to it seem proper. (Ord. 150 § 7, 1952).

Chapter 2.34

POLICE CIVIL SERVICE COMMISSION

Sections:

- 2.34.010 Established.
- 2.34.020 Definitions.
- 2.34.030 Appointment by town authorities.
- 2.34.040 Members – Generally.
- 2.34.050 Organization.
- 2.34.060 Applicability.
- 2.34.070 Eligibility and appointment.
- 2.34.075 Competitive examinations.
- 2.34.080 Qualifications – Generally.
- 2.34.090 Qualifications – Residency.
- 2.34.100 Penalties for prohibited behavior or acts.
- 2.34.110 Demotions of chiefs of police or fire chiefs.
- 2.34.120 Removal, suspension, demotion, or discharge – Investigation.
- 2.34.130 Filling of vacant positions.
- 2.34.131 Promotions – Adopted.
- 2.34.135 Lateral eligibility list created.
- 2.34.140 Creation of positions by mayor and town council.
- 2.34.150 Leave of absence.
- 2.34.160 Representation by town attorney.
- 2.34.170 Illegal acts regarding examination or registration.
- 2.34.180 Political service and contributions.
- 2.34.190 Accommodations to be provided by town.
- 2.34.200 Duty of the commission to carry out provisions.
- 2.34.202 Investigations.
- 2.34.204 Hearings.
- 2.34.210 Duty of town officers and employees to aid commission.
- 2.34.220 Appropriation of funds.
- 2.34.230 Payroll review.
- 2.34.240 Violation – Penalty.

2.34.010 Established.

There is established in the town pursuant to Chapters 41.12 and 41.08 RCW a police and fire fighter civil service commission which shall be composed of three persons appointed by the mayor and confirmed by the town council. (Ord. 96-05 § 2, 1996; Ord. 84-1 § 1, 1984).

2.34.020 Definitions.

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

A. "Appointing power or authority" means the mayor of the town.

B. "Commission" means the civil service commission created in this chapter, and "commissioner" means any of the three members of the commission.

C. "Dereliction of duty" means the wilful neglect to perform one's duty or duties.

D. "Discrimination" means a wilfully unjust or harmful distinction in favor or treatment of one over another, in general, a failure to treat all equally.

E. "Disgraceful conduct" means shameful, degrading or dishonorable behavior.

F. "Dishonest conduct" means fraudulent, deceiving, or cheating behavior or untrustworthiness.

G. "Full-time employee" means a person on a regular monthly salary and who devotes all of his work time to police duty or to firefighter duty and whose work as a police officer or a firefighter constitutes his regular employment.

H. "Good cause" means any ground which is put forward by the appointing authority in good faith and which is not arbitrary, irrational, unreasonable, or irrelevant to the duties with which the appointing authority is charged, and is not limited to some form of inefficiency or of misconduct on the part of the person dismissed.

I. "Good behavior" means behavior which is orderly and lawful.

J. "Immoral conduct" means any form of behavior contrary to good morals, or conduct which is sinful, flagrant, or shameless.

K. "Incompatibility of duty" means being incapable of existing or being exercised together.

L. "Incompetency" means lack of ability, legal qualification, or fitness to discharge the required duty.

M. "Inefficiency" means the quality of being incapable or indisposed to do the things required.

N. "Insubordination" means refusal to obey some order which a superior officer is entitled to give and have obeyed, or a wilful disregard of express or implied directions of the employer.

O. "Intemperance" means a lack of moderation or restraint in the use of intoxicants which disqualifies the person from properly attending to his work.

P. "Malfeasance" means the doing of an act which is wholly wrongful and unlawful.

Q. "Misfeasance" means the doing of a lawful act in an unlawful manner or the wrongful exercise of lawful authority.

R. "Political reason" means a reason of a strictly partisan and political nature arising from or caused by a person's partisan political beliefs or adherence to a political party.

S. "Religious reason" means reason arising from or caused by a person's religious denomination. (Ord. 96-05 § 3, 1996; Ord. 84-1 § 2, 1984).

2.34.030 Appointment by town authorities.

In 90 days after the taking effect of the ordinance codified in this chapter, it shall be the duty of the duly constituted authority of the town to appoint and create a civil service commission as provided for in EMC 2.34.010. (Ord. 84-1 § 3, 1984).

2.34.040 Members – Generally.

Persons appointed to the commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of the town for at least three years immediately preceding such appointment, and an elector of the county wherein he resides. The term of office of the members of the commission shall be for six years, except that the first three members of the commission shall be appointed for different terms as follows: one to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of the commission may be removed from office by the appointing authority for incompetence, incompatibility or dereliction of duty, malfeasance or misfeasance in office, or other good cause; provided, that no member of the commission shall be removed until charges have been preferred in writing, due notice given to the commission member, and a full hearing held by the appointing authority. The members of the commission shall devote due time and attention to the performance of the duties specified in this chapter and imposed upon them by this chapter. Two members of the commission shall constitute a quorum, and the votes of any two members of the commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this chapter. At the time of any appointment, not more than two commissioners shall be adherents of the same political party. (Ord. 84-1 § 4, 1984).

2.34.050 Organization.

A. Immediately after appointment of the commission, the members shall organize by electing

one of its members as chairman and hold regular meetings four times a year, and such additional meetings as may be required for the proper discharge of their duties.

B. The commission shall appoint a secretary who shall keep the records for the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe pursuant to this chapter.

C. The secretary shall be appointed by the commission from among persons already in the service of the town and shall be compensated for actual hours worked for the commission as prescribed by the town council.

D. The secretary may be subject to suspension, reduction, or discharge as relates to his/her duties for the commission in the same manner and subject to the same limitations as are provided in the case of members of the police department.

E. It shall be the duty of the civil service commission:

1. To make suitable rules and regulations not inconsistent with the provisions of this chapter and necessary for this chapter's implementation as relates to full-time, monthly salaried employees of the police department. Such rules and regulations shall provide in detail the manner in which examinations may be held, and how appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made where such rules and regulations are not provided in detail within this chapter or subsequent amendments adopted by the town council. Further, the commission may provide for any other matter which may be considered desirable to carry out the purposes of this chapter. Such rules and regulations may be changed from time to time. All rules, regulations and amendments thereof shall be printed, mimeographed or multigraphed, and copies made available to the public upon request.

2. Establish and maintain in card or other suitable form a roster of full-time, monthly salaried officers and employees of the police department.

3. Provide for, formulate, and hold competitive tests to determine the relative qualifications of persons who seek full-time employment in any class or position and as a result thereof, establish eligible lists for the various classes of positions, and to provide that employees laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their

seniority to the end that they shall be the first to be re-employed.

4. When a vacant position is to be filled, to certify to the mayor, on written request, the names of the three persons highest on the eligible list for the class. The mayor, as the appointing authority, subject to confirmation by the town council, may then appoint from the three names certified to him. If there is no such list, to authorize a provisional or temporary appointment list of three from among such class. Such a temporary or provisional appointment from the list shall not continue for a period longer than four months, nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one calendar year except in the case of the failure of the commission to supply the appointing authority with the names of the three persons highest on an eligibility list for the class.

5. Keep such records as may be necessary for the proper administration of this chapter. (Ord. 98-09 §§ 1, 2, 3, 1998; Ord. 96-05 § 4, 1996; Ord. 84-1 § 5, 1984).

2.34.060 Applicability.

The classified civil service and provisions of this chapter shall only include all full-time monthly salaried employees of the police department who do police work and of the fire department who do firefighter work. All appointments to promotions in the departments shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person shall be reinstated in or transferred, suspended or discharged from any such full-time monthly salaried place, position, or employment contrary to the provisions of this chapter. (Ord. 96-05 § 5, 1996; Ord. 84-1 § 6, 1984).

2.34.070 Eligibility and appointment.

For the benefit of the public service and to prevent delay, injury, or interruption therein by reason of the enactment of this chapter, all persons holding a full-time position in the police department, including the present chief of police, when this chapter takes effect who shall have served in such position for a period of at least one year last past continuously, are declared eligible for permanent appointment under civil service to the offices, places, positions, or employments which they shall then hold, respectively, without examination or other act on their part, and not on probation; and every such person is automatically adopted and

inducted permanently into civil service, into such office, place, position or employment which such person then holds, except the office of chief of police, as completely and effectually to all intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation. Any person holding a position when this chapter takes effect who has not served in such position for one year shall be eligible for permanent appointment at the successful completion of the one year without examination. (Ord. 84-1 § 7, 1984).

2.34.075 Competitive examinations.

A. All examinations shall be practical, fair, and impartial so far as practicable, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skills. Written examinations shall be so conducted that the identity of applicants will not be known to the examiners or other persons scoring the answers. So far as practicable, different parts of the examination shall be scored separately without the examiners, or other persons scoring a part of the examination, knowing the applicants scores in the other parts of the examination. No person shall reveal before the completion of an examination any information about such examination except in the official bulletin or by announcement to all applicants or candidates equally.

B. Notice of Examination. A written notice of each examination shall be published in the official publication as designated by the town of Eatonville and posted on the official bulletin board at least one week prior the date of the examination. Additional notice, such as paid advertising or publicity, shall be given when the secretary/chief examiner deems it necessary in order to have a sufficient number of qualified applicants.

C. Competitive Examinations. All examinations shall be competitive. An examination shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities or when applicants are scored against a fixed standard.

D. Character of Examinations. The commission shall by motion, prior to any examination, determine the method of testing pursuant to subsection (E) of this section, the procedure of the examination, the number of parts of each examination, the relative weight for scoring purposes of each part, and the minimum passing score, provided, that the

commission may in its discretion, establish minimum passing scores for each part of the examination, and may refuse to allow any applicant not achieving a minimum passing score in one part of the examination from proceeding with subsequent parts of the examination

E. Method of Testing. The qualifications and fitness of applicants shall be determined either individually or in a group or groups by one or more of the following methods:

1. Written tests.
2. Oral tests of knowledge or ability.
3. Interviews covering qualifications, education, training and/or experience.
4. Performance/assessment center examinations (working tests).
5. Physical tests of strength, stamina, agility or dexterity.
6. Evaluation of education, training, experience, or other qualifications as shown by the applications, by other information submitted, or by the record.
7. Any other appropriate measure of fitness.

F. Time and Place of Examination. Whenever applicants are required to appear for an examination, the time and place shall be designated in the official bulletin or the applicants shall be notified in person, by mail, or by telephone. Any examination under this rule held outside of the town of Eatonville may be administered by any person designated to give the examination by the secretary/chief examiner.

G. Postponement or Cancellation of Examinations. The administration of an examination, or any part thereof, may be postponed or canceled at any time. Notice of such postponement or cancellation shall be posted on the official bulletin board and mailed or telephoned to the applicants. In an emergency, where time does not permit such notice, an examination may be postponed or canceled or the place of examination changed by posting a notice on the official bulletin board as soon as possible and in a conspicuous location at the time and place originally set for the examination.

H. Late Applicants. Whenever applicants are required to assemble for a test, no applicant will be admitted after the designated time except at the discretion of the secretary/chief examiner.

I. Inability to Appear. If an applicant is unable to appear at the time or place designated, the secretary/chief examiner may, at his or her discretion, arrange to give the applicant the examination at another time or place, if the secretary/chief examiner finds:

1. That substantial and sufficient reasons exist for the inability to appear;
2. That no fraud will be perpetrated; and
3. That no person taking the examination will be materially prejudiced or assisted in passing the examination by reason of such special privilege.

If such examination is administered, it will be conditional on the signing of an affidavit by the applicant to the effect that he or she has no prior knowledge of the examination content.

J. Eatonville Reserve/Volunteer Service Preference. In a competitive examination for a civil service position, preference points may be provided to candidates with documented service as an Eatonville police reserve officer or an Eatonville volunteer firefighter. The applicability of preference points and the method for determining the total number of points available for an examination shall be determined by the commission in authorizing an examination.

K. Veteran's Preference. In all competitive examination for entrance into the civil service, in addition to all other credits, a credit of 5 or 10 percent, based on the military retirement status of the candidate, of the final earned average score in such examination shall be given to a candidate who has, or who shall have, served in any branch of the armed forces of the United States and has received the armed forces expeditionary medal, or Marine Corps and Navy expeditionary medal, for opposed action on foreign soil. A "period of war" includes World War I, World War II, the Korean conflict, the Vietnam era, the Persian Gulf War, and the period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the Congress; provided, that the applicant:

1. Has received an honorable discharge;
2. Has received a discharge for physical reasons with an honorable record;
3. Has been released from active military service with evidence of service other than that for which a general, undesirable, bad conduct, or dishonorable discharge shall be given;
4. Applies the preference point option within eight years of the date of release from active service, in accordance with RCW 41.04.010;
5. Furnishes a Form DD 214 as proof of active military service; and
6. Has not previously been awarded the veteran's preference credits under Washington state law to obtain a position.

L. Promulgation and Notification of Test Results. After all parts of an examination have been completed and scored, the secretary/chief examiner shall promulgate an eligibility list, subject to approval by the commission by motion, and an applicant shall be notified:

1. When passing, of the total score, including veteran's preference credit and relative standing where applicable, and the days during which the applicant may inspect their papers.

2. When failing, of the failure to achieve a passing grade, and the days during which the applicant may inspect their papers.

M. Inspection of Rating Standards. The applicants shall be allowed a period of five business days, following the mailing date of notification of examination results, in which each applicant may inspect their answers and the rating standards by which he or she has been rated during any part of the examination, except that copyrighted or standardized tests shall not be subject to review. During such inspection, the applicant shall not be allowed to remove copies of any of the test questions or answers from the inspection room where all protests must be completed.

N. Protests Against Ratings to the Secretary/Chief Examiner. An applicant who believes that an error has been made may, during the final five-day period referred to in the preceding rule, make a protest in writing, stating specifically where he or she believes the error has been made. Each protest shall be in writing and shall give specific facts and reasons to support the protest. No protest may be made after the five-day period. Upon receipt of a written protest or request for re-rating, a review of the protest shall be made by the secretary/chief examiner, who shall pass on all such protests or requests and make necessary correction in grades or rating.

O. Report on Examination. After the expiration of the five-day period and after the secretary/chief examiner has passed on all protests and has corrected any errors, a complete report on each examination shall be submitted to the commission, including a report on all protests in connection with the examination and the disposition of such protests, and shall rank the applicants according to their relative scores.

P. Appeal to Commission. Any persons aggrieved may appeal to the commission from the ruling of the secretary/chief examiner in writing within five business days after the report of examination has been placed in the hands of the civil service commission. No correction made by the

secretary/chief examiner or by the commission shall affect an appointment made from a certification which occurred prior to the correction.

Q. Correction of Clerical Errors. Any clerical error may be corrected by the secretary/chief examiner upon discovery at any time during the life of the eligibility list, but no such correction shall affect an appointment made from a certification made prior to the correction.

R. Rules Peculiar to Written Examination. Written examinations shall be copyrighted or standardized tests and shall be given, supervised and graded by the secretary/chief examiner, provided, that the chief examiner may appoint qualified assistant examiners to facilitate the conduct of any examination.

S. Rules Peculiar to Oral Examinations. The commission shall designate qualified and competent persons to serve as an oral examiner, or as an oral review board to conduct any oral examinations. If the selected examiner or examiners submit suggested questions to be asked, they shall submit recommended answers to the chief examiner.

T. Permanent Record of Examination. The commission shall preserve the following record of each examination for a period of five years from the date of examination:

1. All copies of the written examination.
2. All questions, submitted by the examiner for the oral examination and the answers thereto.
3. The explanatory statement concerning the standards and relative weights assigned to each examination.
4. The individual answers given by each applicant in those parts of the examination when answers on record thereto can be maintained.
5. A summary or narrative statement of the examination showing the method of testing used or the general nature of the examination, the weights of the various part, the time and place each part was given, the minimum scores required, if any, and the names of the examiners.

U. Promotional Examinations. Vacancies in job classes that represent promotional opportunities for covered employees may be filled by promotion, if, in the judgment of the commission it is practicable to do so. Upon showing from the appointing authority that special training and knowledge gained within a department are essential to the proper filling of the vacancy, the commission may limit an examination to current eligible employees within the department.

V. Scope of Recruitment. The commission, in reviewing requests for examinations, shall deter-

mine whether the recruitment for the examination shall be open to applicants who are not presently employed by the town or whether the recruitment shall be limited to current town employees, either civil service covered or non-civil service covered. In making this determination, the commission will consider the recommendation of the appointing authority and comments by employees or interested members of the public. If the appointing authority establishes that the position requires special knowledge and training available only in one particular department, the recruitment may be limited by the commission to a specific department. (Ord. 98-09 § 4, 1998).

2.34.080 Qualifications – Generally.

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

B. An applicant for a position of any kind under this chapter must be of an age suitable for the position applied for, in ordinary good health, or good moral character and temperate and industrious habits. These factors shall be ascertained in such manner as the commission may deem advisable; provided, that this section shall not be interpreted as requiring applicants to meet the minimum medical or age requirements required by the state LEOFF system for membership in that system. (Ord. 84-1 § 98, 1984).

2.34.090 Qualifications – Residency.

Neither the town nor the commission shall require any person applying for or holding an office, place, position, or employment under the provisions of this chapter to reside within the limits of the town as a condition of employment; provided, police officers shall reside within a proximity specified by ordinance. (Ord. 84-1 § 9, 1984).

2.34.100 Penalties for prohibited behavior or acts.

The tenure of everyone holding office, place, position, or employment under the provisions of this chapter, except the chief of police, 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 vacation privileges or other special privileges by the appointing authority for any of the following reasons:

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

B. Insubordination;

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

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

E. Dishonest, disgraceful, immoral or prejudicial conduct;

F. Drunkenness or 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 the civil service;

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

H. Any other act or failure to act which in the judgment of the commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service. (Ord. 84-1 § 10, 1984).

2.34.110 Demotions of chiefs of police or fire chiefs.

The person holding the position of chief of police or fire chief may be demoted or terminated by the mayor and a new chief appointed, and the provisions of this chapter shall have no application of the offices of chief of police or the fire chief, except as otherwise required under Chapters 41.08 and 41.12 RCW. (Ord. 96-05 § 6, 1996; Ord. 84-1 § 11, 1984).

2.34.120 Removal, suspension, demotion, or discharge – Investigation.

A. No person except the chief of police and/or the fire chief in the classified civil service of the police or fire department who shall have been permanently appointed or inducted into civil service under the provisions of this chapter shall be removed, suspended, demoted or discharged by the appointing authority except for cause, and only upon written accusation of the appointing power, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, 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 demand for an investigation. The investigation shall be confined solely 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, or on the grounds authorized by state law. After such an investigation the commission may affirm the action of the appointing authority, or, if it shall find that the removal, suspension, demotion, or discharge was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement or re-employment of such person in the office, place, position or employment from which the person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from time to time of such removal, suspension, demotion, or discharge. The commission upon such investigation may, in lieu of affirming the removal, suspension, demotion, or discharge, modify the order of removal, suspension, demotion, or discharge only by directing a suspension without pay for a given period, 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 be forthwith enforced by such officer.

B. All investigations made by the commission pursuant to the provisions of this section shall be had by public hearing, after reasonable notice to the accused and to the appointing authority of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel and presenting his defense. If such judgment or order is concurred in by the commission or a majority thereof, the accused may appeal therefrom to the court of original and unlimited jurisdiction in civil suits of the county wherein he resides. Such appeal shall be taken by serving the commission within 30 days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order be filed by the commission with such court. The commission shall, within 10 days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlim-

ited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner; 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 no appeal to such courts shall be taken except upon such ground or grounds. (Ord. 96-05 § 7, 1996; Ord. 84-1 § 12, 1984).

2.34.130 Filling of vacant positions.

A. Whenever a position in the classified service becomes vacant, the appointing power, if he or she desires to fill the vacancy, shall make requisition upon the commission for the names and addresses of three persons eligible for appointment thereto. Upon request of names to fill a vacancy, the secretary/chief examiner shall certify to the appointing authority the names of the three persons standing highest on the appropriate eligible list, pursuant to subsection (I) of this section, who are willing to accept the position for which certification is made.

B. If there is no appropriate eligible list for the class, the secretary/chief examiner shall certify the names of three persons standing highest on the list held appropriate for such class. If more than one vacancy is to be filled, an additional three names shall be certified for each additional vacancy. The appointing authority shall appoint a person to such vacant position from among the names submitted.

C. Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall forthwith certify the names of the three persons highest on the list and eligible for appointment to the appointing power, and the appointing authority shall appoint a person from among those so certified to the position. No person appointed shall be laid off, suspended, or given leave of absence from duty, transferred, or reduced in pay or grade by the appointing authority except for reasons which will promote the good of the department, specified in writing, after an opportunity to be heard by the commission shall be given the employee affected if requested by the employee within 10 days of the action.

D. To further enable the appointing authority to exercise a choice in the filling of positions, no appointment, employment, or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of one year probationary service, during which the appointing power may terminate the employment

of the person appointed if, during the performance test thus afforded, upon observation or consideration for the performance of duty, the appointing power deems him or her unfit or unsatisfactory for service in the department, whereupon the appointing power shall again request the names of three persons certified as standing next highest on any such list, and select one from among the three names submitted, who likewise shall enter upon the duties until some person is found who is deemed fit for appointment, employment, or promotion for the probationary period provided therefor, whereupon the appointment, employment, or promotion shall be deemed to be complete.

E. Priority of Lists. Certification to fill a vacancy shall be made by the civil service commission secretary/chief examiner from eligibility lists in the following order:

1. Re-employment;
2. Promotional;
3. Reduction;
4. Reversion;

5. Open competitive list and the lateral entry list with the top three candidates being chosen from a combination of both lists.

Certification from the lateral entry list will be as provided in EMC 2.34.135.

F. Withholding Names from Certification or Removing Names from Eligibility Lists. The names of an eligible shall be withheld from certification or removed from an eligibility list when the person:

1. Expresses unwillingness or inability to accept appointment, or refuses offer of an appointment without adequate explanation;
2. Fails to respond within 10 business days next succeeding the mailing of written inquiry regarding availability for regular employment or fails to respond within five business days of request to appeal for interview regarding such employment;
3. Fails to report for duty at the time agreed upon after having accepted an appointment;
4. Cannot be reached in time for appointment when immediate temporary employment is required, but this shall apply only to such immediate temporary employment;
5. Has accepted temporary appointment from the list and is so employed at time of certification for other temporary employment;
6. Fails to present the license, registration, certificate or any other credentials required; the name of any such eligible may be restored for cer-

tification when the particular requirement has been met;

7. Fails to maintain a record of current address with the commission as evidenced by the return of properly addressed unclaimed letter, or other evidence;

8. Willfully violates any of the provisions, of these rules or any applicable law;

9. Resigns from the service; or

10. Is appointed to a regular position from a certified list.

G. Restoration to Certification. When the name of a person has been withheld from an eligibility list or from certification or has been removed from the list, it may be restored thereto by the secretary/chief examiner or by the commission on appeal taken within five business days after notice of the decision, only under the following circumstances:

1. Where the withholding or removal was because of the unwillingness or inability of the employee to accept an appointment, or failure to respond to inquiry as to availability, to appear for an interview, or to present themselves for duty, and the applicant presents a valid reason for such unwillingness, inability, or failure, and certifies to the secretary/chief examiner that they are now willing and able to accept appointment;

2. Where the withholding or removal was for a valid reason and such reason no longer exists.

H. Effect of Removal, Withholding, or Restoration. The removal or withholding of a name shall automatically advance all of the names below it on the eligibility list.

1. Restoration of the name to an eligibility list under these rules shall not affect an appointment from any certification made before such name was restored or added.

2. The acceptance or refusal by an eligible or temporary appointment shall not affect the applicant's certification from the eligibility list for regular appointment.

I. Appointment of Eligible Candidates. In filling vacancies by appointment from an eligibility list, the secretary/chief examiner, pursuant to the request of the appointing authority, shall certify in writing to the appointing authority the names of the three persons highest on the eligibility list for each vacancy. A copy of this certification shall be presented to the commissioners at their next regular meeting.

1. The appointing authority shall attempt to appoint one of those certified persons to such vacant position. In the event the appointing author-

ity, for a good cause, cannot make an appointment of one of the persons on the certified list of names, then the appointing authority shall request the submission of three additional names of persons next highest on the eligibility list, if such are available, whereupon the appointing authority shall effectuate an appointment of one of those additional certified persons to such vacant position. If the appointing authority finds good cause to reject each of the certified persons on the first list of three, a report in writing from the appointing authority shall be provided to the commission explaining the reasons why an appointment to the vacant position could not be made. (Ord. 98-09 § 5, 1998; Ord. 96-05 § 8, 1996; Ord. 84-1 § 13, 1984).

2.34.131 Promotions – Adopted.

Promotions from within shall be the primary method of filling vacancies for higher levels in the police/fire department except for the police or fire chief, provided there are at least two officers that meet the requirements of the job description in which the vacancy is open. If there are not at least two that qualify from within, officers from other departments (lateral hires) may compete for promotion, if they meet the requirements of the job description. All promotion applicants shall take the appropriate tests and oral exam. (Ord. 96-05 § 1, 1996).

2.34.135 Lateral eligibility list created.

A. An eligibility list shall also be created from the names of persons employed for at least 24 of the past 36 months in a full-time paid position in a civilian law enforcement agency.

B. Qualifications. In order to be considered for employment as lateral entry, an applicant must meet the following requirements:

1. Must have been employed for at least 24 of the last 36 months prior to application as a full-time paid employee of a law enforcement agency;

2. Must have been employed with the current or most recent public safety employer for 12 consecutive months in the classification for which application is being made and must have successfully completed the probationary period with that employer;

3. Law enforcement applicants must have satisfactorily completed the Washington State Criminal Justice Training Commission basic law enforcement academy or its equivalent.

4. All applicants must meet physical, medical and background standards as provided by civil service rules.

C. Method of Testing. Eligibility lists shall be promulgated as provided for in EMC 2.34.130.

D. Certification and Appointment. Upon request for certification of names to fill a vacancy, the secretary/chief examiner may certify names of persons standing highest on the lateral entry list, without providing names from the open competitive list. The appointing authority will provide the commission with a written request and rationale for certification from the lateral entry list. (Ord. 98-09 § 6, 1998).

2.34.140 Creation of positions by mayor and town council.

All offices, places, positions and employments coming within the purview of this chapter shall be created by the mayor subject to confirmation by the town council, who are vested by law with power and authority to create, select, appoint, or employ any person coming within the purview of this chapter, and nothing contained in this chapter shall infringe upon the power and authority of the mayor and town council to create or eliminate positions, or fix the salaries and compensation of all employees employed hereunder. (Ord. 84-1 § 14, 1984).

2.34.150 Leave of absence.

Leave of absence without pay may be granted by the appointing power to any person under civil service; provided, that the appointing power shall give notice of such leave to the commission. The appointment of any person on a full-time temporary basis to fill a vacancy caused by a leave of absence shall be made from the eligible list of the classified civil service. (Ord. 84-1 § 15, 1984).

2.34.160 Representation by town attorney.

The commission shall be advised in the performance of its duties as outlined in this chapter by the attorney for the town. The commission, with the approval of the mayor, may appoint special counsel to represent it where a conflict of interest may prohibit the town attorney from representing the commission. (Ord. 84-1 § 16, 1984).

2.34.170 Illegal acts regarding examination or registration.

No commissioner or any other person shall, by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect to his 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 representation 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 (im)personate him, in connection with any examination or registration of application or request to be examined or registered. (Ord. 84-1 § 17, 1984).

2.34.180 Political service and contributions.

No person holding any office, place, position, or employment subject to civil service is under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing to do so. No public officer, whether elected or appointed, shall discharge, promote, demote, or in any manner change the official rank, employment or compensation of any person under civil service, or promise to threaten to do so, for giving or withholding or neglecting to make any contribution of money, or services, or any other valuable thing, for any political purpose. (Ord. 84-1 § 18, 1984).

2.34.190 Accommodations to be provided by town.

The duly constituted authorities of the town shall provide the commission with suitable and convenient room and accommodations and cause the same to be furnished, heated and lighted and supplied with office supplies and equipment necessary to carry on the business of the commission and with such clerical assistance as may be necessary, all of which is to be commensurate with the number of persons in the town coming within the purview of this chapter. (Ord. 84-1 § 19, 1984).

2.34.200 Duty of the commission to carry out provisions.

It shall be the duty of the commission appointed subject to the provisions of this chapter to immediately organize and see to it that the provisions hereof are carried into effect, and to this end to make suitable rules and regulations not inconsistent with the purpose of this chapter, for the purpose of carrying the provisions of this chapter into effect. (Ord. 84-1 § 20, 1984).

2.34.202 Investigations.

A. When necessary, the commission shall make investigations concerning the report upon matters relating to the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions, and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by a commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigations on petition of a citizen, duly verified in writing, stating that irregularities or abuses exist, or setting forth in writing, in concise language, the necessity for such investigation.

B. In the course of such investigation, the commission, or designated commissioner or chief examiner, shall have the power to administer oaths, subpoena and require books, papers, documents, and accounts pertaining 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.

C. The oaths administered hereunder and subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in their judicial capacity.

D. 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. (Ord. 98-09 § 7, 1998).

2.34.204 Hearings.

A. All hearings and investigations before the commission, or designated commissioner or chief examiner, shall be governed by this chapter and by the rules of practice and procedure to be adopted by the commission.

B. In the conduct thereof, neither the commission nor designated commissioner shall be bound by the technical rules of evidence. No informality in the proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule, or regulation made, approved, or confirmed by the commission, provided, however, that no order, decision, rule, or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in

by at least one of the other two members. (Ord. 98-09 § 8, 1998).

2.34.210 Duty of town officers and employees to aid commission.

It shall be the duty of all officers and employees of the town to aid in all proper ways of carrying out the provisions of this chapter, and such rules and regulations as may from time to time be prescribed by the commission thereunder, and to afford the commission, its members and employees all reasonable facilities and assistance to inspect books, papers, documents and accounts applying to any offices, places, positions and employments, subject to civil service, and also to produce the books, papers, documents and accounts, and attend and testify, whenever required to do so by the commission or any commissioner. (Ord. 84-1 § 21, 1984).

2.34.220 Appropriation of funds.

For the purpose of carrying out the provisions of this chapter, the town authorizes from the general fund not to exceed four-tenths of one percent of the total payroll of those included under the jurisdiction and scope of this chapter; provided, however, that if the town council makes an appropriation for the support of the commission equal to or more than the continuing appropriation in any year, this section shall not be operative for the year but otherwise shall be in full force and effect. (Ord. 84-1 § 22, 1984).

2.34.230 Payroll review.

The monthly payroll providing for the payment of salary, wage, or other compensation for services to any person subject to the jurisdiction and scope of this chapter may be reviewed by the commission, its secretary, or other duly authorized agent to ascertain that the persons to be paid, the amount to be paid each person and the services on account of which it is paid are persons who have been appointed or employed in compliance with this chapter. (Ord. 84-1 § 23, 1984).

2.34.240 Violation – Penalty.

Any person who wilfully violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in this code. (Ord. 84-1 § 24, 1984).

Chapter 2.35

AIRPORT COMMISSION

Sections:

- 2.35.010 Established.
- 2.35.020 Duties.

2.35.010 Established.

An airport commission is established which shall consist of not less than three nor more than five members. Commission members shall be appointed by the mayor and shall serve for a three year term. The initial appointments shall be staggered. One of the members of the commission shall serve as director of the airport. There shall be no salary for these positions; however, expenses which commission members incur, with preauthorization of the mayor, may be reimbursed. (Ord. 90-8 § 1, 1990).

2.35.020 Duties.

The airport commission shall make recommendations to the council concerning the overall operation of the airport, and shall suggest rules and regulations governing the airport for consideration and adoption by the council. (Ord. 90-8 § 2, 1990).

Chapter 2.36

CANDIDATES FOR OFFICE*

Sections:

- 2.36.010 Procedures for candidacy.

*For statutory provisions on declarations of candidacy for municipal offices, see RCW 29.21.060.

2.36.010 Procedures for candidacy.

All candidates for elective public office in the town government shall be nominated by filing declarations of candidacy, in such form as provided by the laws of the state, with the town clerk and the county auditor within the time prescribed by state statute. A filing fee of \$10.00 shall accompany the declaration of candidacy for any office with an annual salary of \$1,000 or less; a filing fee equal to one percent of the annual salary shall accompany the declaration of candidacy for any office with an annual salary of more than \$1,000 per year, and no fee may be charged if the office sought is without a fixed annual salary. The fee shall be paid to the county auditor who shall transmit it to the town clerk for deposit in the town treasury as provided in RCW 29.18.050(4). (Ord. 92-12 § 22, 1992).

Chapter 2.40

EQUAL EMPLOYMENT OPPORTUNITY*

Sections:

- 2.40.010 Policy – Declared.
- 2.40.020 Policy – Scope.
- 2.40.030 Review required.

*For statutory provisions on discrimination, see Chapter 49.60 RCW.

2.40.010 Policy – Declared.

It is the established policy of the town to provide equal opportunity to all of its employees and applicants for employment, and to assure that there shall be no discrimination against any persons on the basis of race, color, religion, national origin, age, sex, marital status or physical disability unless based upon a bona fide occupational qualification. (Ord. 75-6 § 1, 1975).

2.40.020 Policy – Scope.

The policy declared in EMC 2.40.010 shall extend to all areas of employment and to all relations with employees, including recruitment, selection and placement, compensation, promotion and transfer, disciplinary measures, demotions, layoffs and terminations, testing and training, daily working conditions, awards and benefits, and all other terms and conditions of employment. (Ord. 75-6 § 2, 1975).

2.40.030 Review required.

Formal equal employment opportunity review will be held by the town council as often as necessary, but at least once annually. (Ord. 75-6 § 3, 1975).

Chapter 2.44

PERSONNEL POLICIES AND PROCEDURES

Sections:

- 2.44.010 Personnel policies and procedures – Town council authority.

2.44.010 Personnel policies and procedures – Town council authority.

The town shall develop, document and maintain personnel policies and procedures for the town of Eatonville by resolution of the town council. (Ord. 92-12 § 23, 1992).

Chapter 2.52**STATE EMPLOYEES' RETIREMENT***

Sections:

- 2.52.010 Participation – Eligibility.
- 2.52.020 Participation – Authorization and approval.
- 2.52.030 Transmittal of evidence of authorization.
- 2.52.040 Participation – Commencement date.

*For statutory provisions on public employees' retirement, see Chapter 41.40 RCW.

2.52.010 Participation – Eligibility.

All full-time employees are required to participate in the pension plan after six months' continuous employment. Regular part-time employees may elect to participate after six months' regular employment. Police officers are eligible immediately for pension plan under Washington Law Officers' and Firefighters' Retirement Plan. (Ord. 71-6 § 4, 1971).

2.52.020 Participation – Authorization and approval.

The town 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 said system. (Ord. 240 § 1, 1966).

2.52.030 Transmittal of evidence of authorization.

The clerk of the town is directed to transmit a certified copy of the ordinance codified in EMC 2.52.020 through 2.52.040, to the retirement board of the retirement system as evidence of such authorization and approval. (Ord. 240 § 2, 1966).

2.52.040 Participation – Commencement date.

Participation membership in the State Employees' Retirement System shall commence as of January 1, 1967. (Ord. 240 § 3, 1966).

Chapter 2.56**VOLUNTEER FIREMEN'S RELIEF AND PENSION FUND***

Sections:

- 2.56.010 Enrollment.
- 2.56.020 Previous member – Enrollment permitted.
- 2.56.030 Payment of fees.
- 2.56.040 Benefits.

*For statutory provisions on volunteer firemen's relief and pensions, see Chapter 41.24 RCW.

2.56.010 Enrollment.

The members of the volunteer fire department of the town shall be enrolled in the State Volunteer Firemen's Relief and Pension Fund. (Ord. 173 § 1, 1956).

2.56.020 Previous member – Enrollment permitted.

Each member of the department who has in previous years served as a member of the volunteer fire department and who is eligible under the requirements of state law shall be permitted on a voluntary basis to make the contributions required of such volunteer firemen to the State Volunteer Firemen's Relief and Pension Fund, as provided by Chapter 41.24 RCW and amendments thereto. (Ord. 173 § 2, 1956).

2.56.030 Payment of fees.

The town shall pay to the State Volunteer Firemen's Relief and Pension Fund the fees required annually from the town for the enrollment of the members of its volunteer fire department in the pension fund. The town shall pay into the pension fund the approximate fees for years of prior service as members of the volunteer fire department, for the benefit of those members with previous service who voluntarily desire to contribute the matching fees required by state law, to secure credit as enrolled members of the State Pension Fund for such prior service with the volunteer fire department. (Ord. 92-12 § 26, 1992; Ord. 173 § 3, 1956).

2.56.040 Benefits.

The members of the volunteer fire department will receive all mandatory benefits as set forth in Chapter 41.24 RCW, and shall be entitled to apply for any optional benefits as provided therein. (Ord. 78-8 § 8, 1978; Ord. 173 § 6, 1956).

Chapter 2.60

CIVIL EMERGENCY

Sections:

- 2.60.010 Definitions.
- 2.60.020 Proclamation.
- 2.60.030 Curfew.
- 2.60.040 Emergency orders.

2.60.010 Definitions.

A. "Civil emergency" is defined to be:

1. A riot or unlawful assembly characterized by the use of actual force or violence, or any threat to use force if accompanied by immediate power to execute, by three or more persons acting together without authority of law;

2. Any natural disaster or manmade calamity including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the town, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

B. "Curfew" is defined as a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the town, except persons officially designated to duty with reference to said civil emergency. (Ord. 70-6 § 1, 1970).

2.60.020 Proclamation.

When in the judgment of the mayor, a civil emergency as defined in this chapter is deemed to exist, he shall forthwith proclaim, in writing, the existence of the same. (Ord. 70-6 § 2, 1970).

2.60.030 Curfew.

After proclamation of a civil emergency by the mayor, he may order a general curfew applicable to such geographical areas of the town, or of the town as a whole, as he deems advisable and applicable during such hours of the day or night as he deems necessary in the interest of the public safety, health and welfare. (Ord. 70-6 § 3, 1970).

2.60.040 Emergency orders.

After proclamation of a civil emergency, the mayor may also, in the interest of public safety, health and welfare, make any or all of the following orders:

- A. Order the closing of all retail liquor stores;
- B. Order the closing of all beer taverns;

C. Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted;

D. Order the discontinuance of the sale of beer;

E. Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

F. Order the closing of gasoline stations and other establishments the chief activity of which is the sale, distribution or dispensing of liquid flammable or combustible products;

G. Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever;

H. Order the closing of any or all establishments or portions thereof the chief activity of which is the sale, distribution, dispensing or giving away of firearms and/or ammunition;

I. Issue such other orders as are imminently necessary for the protection of life, health, safety and property of the residents of the town. (Ord. 70-6 § 4, 1970).

Chapter 2.62

EMERGENCY SERVICES DEPARTMENT

Sections:

- 2.62.010 Created.
- 2.62.020 Director – Appointed office – Duties.
- 2.62.030 Coordination with state.

2.62.010 Created.

There is created the department of emergency services. The purpose of said department shall be to formulate such rules and regulations as are necessary to help the town prepare for and deal with an emergency or disaster of the magnitude referred to in the preamble of the ordinance codified in this chapter. (Ord. 95-08 § 1, 1995).

2.62.020 Director – Appointed office – Duties.

There is created the position of the director of the emergency services department. The director shall be appointed by the mayor subject to confirmation by the town council. The director of the emergency services department shall be responsible for the organization, administration and operation of the department of emergency services. The director of the department of emergency services shall promulgate such rules and regulations as are necessary in order to prepare the town for dealing with an emergency or disaster as described in the preamble to the ordinance codified in this chapter. All rules and regulations so promulgated shall be approved by the mayor prior to becoming effective. The rules shall supplement the authority granted the mayor under Chapter 2.60 EMC. (Ord. 95-08 § 2, 1995).

2.62.030 Coordination with state.

A certified copy of the ordinance codified in this chapter shall be sent to the director of the Washington State Emergency Services Council and the director of the emergency services department shall coordinate his efforts with that of the director of the Washington State Emergency Services Council. (Ord. 95-08 § 3, 1995).

Chapter 2.64

INSPECTION OF PUBLIC RECORDS

Sections:

- 2.64.010 Town clerk.
- 2.64.020 Request for records.
- 2.64.030 Response to request.
- 2.64.040 Information exempt from public inspection.
- 2.64.050 Record research access and copy charges.
- 2.64.060 Alteration of costs schedule.
- 2.64.070 Payment of cost of transcription of verbatim written transcript for town proceedings.
- 2.64.080 Disclosure prohibited.

2.64.010 Town clerk.

Any reference herein to “town clerk” includes the town clerk, duty town clerk and his or her designee. (Ord. 94-02 § 8, 1994).

2.64.020 Request for records.

A. All persons desiring to inspect or receive a copy of any public record of the town must make their request to the town clerk, or his/her designee, on forms specified by the town clerk. Example set out in subsection (B) of this section.

B.

Town of Eatonville
201 Center St. W
P. O. Box 309
Eatonville, WA 98328
(360) 832-3361

REQUEST FOR/ACCESS TO PUBLIC RECORDS

Department _____

Division _____

Person receiving request _____

Date _____

Requested by:

Name _____

Date _____

Physical

Address: _____

Street City State Zip

Mailing Address (if different than above)

Street (or P O Box) City State Zip

Telephone Number: _____

If emergency request, indicate date desired: _____

RECORDS REQUESTED: (be specific)

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 _____ Date _____

Number of copies _____

Number of pages _____

Per page charge _____

TOTAL CHARGE _____

(Ord. 94-02 § 1, Exhibit A, 1994).

2.64.030 Response to request.

A. Responses to requests for records will be made promptly, within five working 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 town clerk’s office or of the particular department. The giving of such assistance shall not unreasonably disrupt the operation of the town or the other duties of assisting employees. If the written request includes a request for copies, a payment in accordance with the town’s fee resolution 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 town clerk. The review of the denial by the town clerk shall be as prompt as possible. (Ord. 94-02 § 2, 1994).

2.64.040 Information exempt from public inspection.

The following, pursuant to RCW 42.17.260 and 42.17.310, shall be exempt from public inspection and copying:

A. RCW 42.17.260(7) forbids public agencies from providing lists of individuals requesting for commercial purposes unless specifically authorized or directed by law, but could be available to recognized professional associations or educational organizations.

B. Records exempt from public inspection, but only to the extent required to protect a right of privacy (as that term is defined in the Act), and/or a vital governmental interest. A right of privacy is violation only if disclosure: (1) would be highly offensive to a reasonable person and, (2) is not of legitimate concern to the public (RCW 42.17.255). RCW 42.17.310 grants a qualified exemption for certain specific classes, including:

1. Personal information and any files maintained for prisoners;
2. Personal information and any files maintained for town employees, appointees or elected officials to the extent the disclosure would violate their right to privacy (as to whether the information pertains to the public’s business versus the individual’s business and must be decided on a case by case basis);
3. Information required of any taxpayer or town 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 tax payer or licensee’s right to privacy or would result in unfair competitive disadvantage to such tax payer or licensee;
4. 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;
5. 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;

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

7. Except as provided by Chapter 8.26 RCW, the contents of any real estate appraisals made for or by any agency, including the town, relative to the acquisition of the property by the town 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;

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

9. Preliminary drafts, notes, recommendations and intra-agency memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record shall be exempt when publicly cited by an agency in connection with any agency action;

10. Records which are relevant to a controversy to which the town or any of its officers, employees or agencies 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;

11. Lists of individuals requested for commercial purposes;

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

13. Residential addresses or telephone numbers of town utility customers;

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

C. 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 persons. Denial of request form is set out in subsection (D) of this section.

D.

Town of Eatonville
201 Center St. W
P. O. Box 309

Eatonville, WA 98328
(360) 832-3361

DENIAL OF REQUEST FOR ACCESS TO PUBLIC RECORDS

The Town of Eatonville has this date received the request of _____ for access to a public record. In response to this request, the Town is refusing to allow inspection/copying of _____(identify public record). This material is withheld pursuant to RCW 42.17.310, Section_____. 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_____Date_____
Signature Title

(Ord. 94-02 § 3, Exhibit B, 1994).

2.64.050 Record research access and copy charges (set by resolution).

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 town upon written request and payment of the cost incidental to reproducing the same. The clerk, in consultation with the 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 incident 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 town clerk. If there is uncertainty as to the amount required, the amount tendered shall be based upon estimates established by the town clerk according to fees in the fee resolution and based on an estimate of time to accomplish the written request. If the actual amount of the 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 as soon as possible after delivery of the copy or copies. Except as specifically provided herein, there shall be no refunds. (Ord. 94-02 § 4, 1994).

extent public disclosure is prohibited, restricted or limited by state or federal laws. (Ord. 94-02 § 7, 1994).

2.64.060 Alteration of costs schedule.

When a change in the cost schedule, as established by resolution, is required, the town clerk, in consultation with appropriate department(s), shall prepare a new resolution for modification recommendation to the town council. (Ord. 94-02 § 5, 1994).

2.64.070 Payment of cost of transcription of verbatim written transcript for town proceedings.

A. Whenever the town is required to prepare a verbatim written transcript of any proceeding of the town 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 town clerk the estimated cost of the preparation of the transcript (as established by the town clerk), including copying costs and the town clerk shall thereafter make a provision for the preparation of the transcript.

B. Should the actual cost incurred by the town, in preparation of the transcript, exceed the amount deposited with the town clerk, the party making such deposit shall be required to reimburse the town 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 town be less than the estimated cost deposited, such credit due shall be reimbursed by the town to the party making the deposit. (Ord. 94-02 § 6, 1994).

2.64.080 Disclosure prohibited.

The town shall not be required to permit public inspection and/or copying of any record to the

