

**CITY OF MONROE
ORDINANCE NO. 017/2019**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING MONROE MUNICIPAL CODE TITLE 2, CHAPTERS 2.24, COMPENSATION FOR MAYOR AND COUNCIL, AND 2.52, CODE OF ETHICS; REPEALING CHAPTERS 2.16, PARK BOARD, 2.32, PLANNING COMMISSION, 2.49, LODGING TAX ADVISORY COMMITTEE, AND 2.70, CIVIL SERVICE SYSTEM AND COMMISSION; ADOPTING TITLE 4, BOARDS, COMMISSION, AND COMMITTEES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, governance for the City's various boards, commissions, and committees is located in various sections of the Monroe Municipal Code; and

WHEREAS, the City Council desires to combine the regulations into one title of the Monroe Municipal Code for ease of access, transparency, and efficient use of the code regulations by all users; and

WHEREAS, the City Council supports the addition of a general provisions chapter of the title to address common regulations of all City of Monroe Boards, Committees, and Commissions, for ease of access, transparency, and efficient use of the code regulations by all users.

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

Section 1. Repeal of Chapter 2.16 MMC – Park Board. Monroe Municipal Code Chapter 2.16, Administration and Personnel – Park Board, is hereby repealed in its entirety, as follows:

~~((Chapter 2.16
PARK BOARD~~

Sections:

- ~~2.16.010 – Definitions.~~
- ~~2.16.020 – Purpose and function.~~
- ~~2.16.030 – Creation, membership and compensation.~~
- ~~2.16.040 – Vacancies.~~
- ~~2.16.050 – Selection of officers.~~
- ~~2.16.060 – Quorum, meetings and voting.~~
- ~~2.16.070 – Reports.~~
- ~~2.16.080 – Matters referred to the board by city council.~~

2.16.010 Definitions.

Words used in this chapter shall have the following meanings:

- A. "Park board" means board of park commissioners.
- B. "Park, improved" means an area of land, with or without water, developed and used for public recreational purposes by the city of Monroe, including landscaped tracts, picnic grounds, playgrounds, athletic fields, recreation centers, foot and bicycle paths, and facilities for boating and fishing.
- C. "Park, undeveloped" means a parcel or tract of land which has been dedicated or otherwise acquired by the city for the intent of creating a recreational opportunity for the citizens of Monroe. The designation of use of said parcel or tract shall be in conformance with the city comprehensive plan and the city park plan.
- D. "Parks department" means a branch of city government.
- E. "Recreation" means any recreational facility, program, activity or function sponsored by or through or as a part of the services offered to residents of the city of Monroe through the parks department.
- F. "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets and avenues or shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city or to which the public has free access as a park. "Urban forest" is herein defined as trees, shrubs, bushes, and all other woody vegetation within the city limits of the city of Monroe including both street trees and park trees.

2.16.020 Purpose and function.

The board shall be an advisory board to the city council and shall have and exercise those powers and that authority prescribed below:

- A. Review on an annual basis the comprehensive park and recreation plan and suggest amendments, if appropriate, to the city council.
- B. Work with the planning commission in reviewing the needs and locations of park sites.
- C. Continually assess the city park and recreation facilities, programs, needs and costs and make recommendations to the city council for the care, management, supervision, improvement and budgeting for parks, recreational facilities and programs.
- D. Advise the city council on annual budget needs for the parks department.
- E. Advise the council on the personnel needs of the maintenance and operation of the park system.
- F. Advise the city council on capital expenditures program for the park department, including planning acquisition, construction, development, maintenance and operation; including restrictions on concessions or privileges in parks and play and recreation grounds and other municipally owned recreation facilities.
- G. The park and recreation board, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any special matter of question concerning trees in the city coming within the scope of its work.
- H. The park and recreation board may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

2.16.030 Creation, membership and compensation.

- A. There is hereby created a seven-member board of park commissioners.

~~B. The park board shall consist of five members at large, with one member from the city planning commission and one member from the Monroe school district. The mayor with the consent of the city council shall appoint the members at large. The members at large shall be of recognized fitness for such position, shall be selected without respect to political affiliations and shall reside within the limits of the city of Monroe, except the mayor may appoint, with consent of the city council, one board member from the city of Monroe's urban growth area to fill a vacant position. The mayor shall confer with the planning commission and Monroe school district to select a representative from each organization. The mayor shall appoint one member from each organization, with the consent of the city council.~~

~~C. The term of office for each appointed board member shall be four years except that the term of members from the planning commission and Monroe school district shall be for two years. No board member shall serve on the park board for a period exceeding twelve consecutive years, except as provided in this section.~~

~~1. A person may serve on the park board for a total of thirteen years if the person was previously appointed to fill a vacancy on the park board and the period of appointment was less than one year.~~

~~2. A person who has previously served twelve years on the park board shall be eligible for appointment to fill a vacancy on the park board if the period of appointment is less than one year.~~

~~3. The limitations set forth in this section shall not prevent a person from being appointed to serve on the park board where two consecutive years have lapsed since the date the person last served on the park board.~~

~~D. Each park commissioner may be paid for attending park board meetings, workshops and conferences. The amount shall be set annually by resolution by the city council on a per meeting for not more than one meeting per month basis.~~

~~E. Each park commissioner may be reimbursed for actual expenses incurred in the discharge of his or her official or authorized duties upon presentation of a claim therefor and after allowance and approval thereof by the city council.~~

~~F. The city council may select a member from its body as a liaison to the board of park commissioners.~~

~~2.16.040 Vacancies.~~

~~A. Vacancies occurring other than through the expiration of term shall be filled for the unexpired terms. Commissioners may be removed after public hearing by the mayor, with the approval of the city council, for inefficiency, neglect of duty or malfeasance in office.~~

~~B. Notice of the change and pendency of the hearing with respect to removal of a park commissioner shall be given by mail, addressed to the residence of the accused commissioner, at least five days before the date of said hearing. Park commissioners shall be subject to removal if absent from more than three consecutive meetings.~~

~~2.16.050 Selection of officers.~~

~~A chairperson, vice chairperson and secretary shall be elected each year. Officers shall be elected by a majority of all commissioners present at the first meeting of the new year.~~

~~2.16.060 Quorum, meetings and voting.~~

~~The board may establish rules for the transaction of its business. At meetings of the board, a majority of the members shall constitute a quorum for the transaction of business. A quorum shall consist of at least four commissioners. A quorum shall be necessary for the board to take any official action. Only those commissioners present at an official meeting shall vote on an issue. Written or verbal votes or opinions of members not physically~~

~~present at a meeting shall not be counted in any official action. A vote of the majority of the members of a quorum may constitute a decision or recommendation of the board. The board of commissioners shall determine a monthly meeting time and date. The board may have special meetings at other times; provided, such meetings are announced to the general public at least ten days prior to said meetings; and further provided, that such special meeting is used to consider a separate concern or agenda item. Special meetings should not be used to conduct general business.~~

~~**2.16.070 Reports.**~~

~~The board of commissioners shall present an annual report to the city council. Such annual report shall be in writing.~~

~~**2.16.080 Matters referred to the board by city council.**~~

~~The city council may refer to the board for its recommendation and report on any ordinance, resolution or other proposals on matters and subjects relating to city parks, parks operations, and recreation programs and other similar matters generally considered under the influence of park and recreation operations.))~~

Section 2. Amendment of Chapter 2.24 MMC – Compensation for Mayor and Council. Monroe Municipal Code Chapter 2.24, Administration and Personnel – Compensation for Mayor and Council, is hereby amended, as follows:

**Chapter 2.24
COMPENSATION FOR MAYOR AND COUNCIL**

Sections:

- 2.24.040 Salaries of councilpersons and mayor – Statement of purpose.
- 2.24.050 Salaries of councilpersons and mayor.
- ~~((2.24.060 Salary commission.)) **Repealed.**~~
- 2.24.070 Expenses.

2.24.040 Salaries of councilpersons and mayor – Statement of purpose.

The purpose of MMC 2.24.050 through 2.24.070 is to fix the salaries and provide for reimbursement of expenses as provided for by applicable Washington law, including without limitation RCW 35A.12.070.

2.24.050 Salaries of councilpersons and mayor.

The salaries for elected officials shall be as established by the salary commission as set forth in ~~((MMC 2.24.060.))~~ **MMC 4.70, Salary Commission.**

~~**((2.24.060 Salary commission.**~~

- ~~A. Established. There is created and established an independent salary commission.~~
- ~~B. Purpose – Function. The salary commission shall review and establish the salaries of the mayor and the councilpersons and shall exercise the powers and perform the duties set forth by RCW 35.21.015, as now existing or hereafter amended.~~
- ~~C. Membership, Appointment, Compensation, Term.~~
 - ~~1. The commission shall consist of five members, to be appointed by the mayor with the approval of the city council.~~
 - ~~2. A member of the commission shall serve for a three-year term without compensation and shall be a resident of the city. Initial terms shall be staggered with two members appointed for terms beginning upon their~~

~~appointment in 2015 and ending December 31, 2017, two members appointed for terms beginning upon their appointment and ending December 31, 2016, and one member appointed for a term beginning upon his or her appointment and ending December 31, 2015.~~

~~3. No member of the commission shall be appointed to more than two terms, whether consecutive or otherwise.~~

~~4. A member of the commission shall not be an officer, official, or employee of the city or an immediate family member of an officer, official, or employee of the city. For purposes of this section, "immediate family member" means the parents, spouse, siblings, children, or dependent relatives of an officer, official, or employee of the city, whether or not living in the household of the officer, official, or employee.~~

~~D. Vacancies. In the event of a vacancy in the office of commissioner, the mayor shall appoint, subject to approval of the city council, a person to serve the unexpired portion of the term of the expired position.~~

~~E. Removal. A member of the commission shall only be removed from office for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of residence.~~

~~F. Duties — Adjustment of Salaries:~~

~~1. The commission shall have the duty to review the salaries paid by the city to the mayor and city council. If after such review the commission determines that the salary paid to the mayor or city council should be increased or decreased, the commission shall file a written salary schedule with the city clerk indicating the increase or decrease in salary.~~

~~2. The commission shall convene and complete its first review of the salaries paid to the mayor and city council within ninety days of the appointment of the commission. Should the commission determine that the salary paid to the mayor or city council should be increased or decreased, the commission shall file its initial schedule of salaries for the mayor and city council with the city clerk no later than the ninety-first day following the appointment of the commission.~~

~~3. For subsequent years, the commission shall meet no less than one time per year, during the month of August.~~

~~4. All meetings of the commission shall be governed by the Open Public Meetings Act and shall be open to the public except as otherwise allowed under that Act. Members of the public shall have an opportunity to comment or submit comments in writing prior to a commission vote to increase or decrease salaries.~~

~~5. Any increase or decrease in salary shall become effective and incorporated into the city budget without further action of the city council or the commission.~~

~~6. Salary increases established by the commission shall be effective as to the mayor and all councilpersons, regardless of their terms of office.~~

~~7. Salary decreases established by the commission shall not be effective as to an incumbent mayor and councilpersons until the commencement of their next term of office.~~

~~8. Any adjustment of salary by the commission shall supersede any city ordinance related to the budget or fixing of salaries, but only to the extent there is a conflict.~~

~~9. The commission shall adopt rules of procedure to govern its meetings. Such rules shall make provision for the taking of minutes and keeping of commission records, and shall provide for the election of such officers as are deemed necessary by the commission for the conduct of its business.~~

~~G. Referendum Measures.~~

~~1. Salary increases and decreases shall be subject to referendum petition by the people of the city in the same manner as a city ordinance upon filing of such petition with the city clerk within thirty days after filing of the salary schedule. In the event of the filing of a valid referendum petition, the salary increase or decrease shall not go into effect until approved by vote of the people.~~

~~2. Referendum measures under this section shall be submitted to the voters of the city at the next following general or municipal election occurring thirty days or more after the petition is filed, and shall be otherwise governed by the provisions of the state Constitution, or city charter, or laws generally applicable to referendum measures.))~~

2.24.070 Expenses.

The mayor, members of the city council, city officials and city employees may be reimbursed for actual expenses incurred in the discharge of their official or authorized duties upon presentation of a claim therefor and after allowance and approval thereof by the city council.

Section 3. Repeal of Chapter 2.32 MMC – Planning Commission. Monroe Municipal Code Chapter 2.32, Administration and Personnel – Planning Commission, is hereby repealed in its entirety, as follows:

**((Chapter 2.32
PLANNING COMMISSION**

Sections:

~~2.32.010 Created – Membership – Compensation.~~

~~2.32.020 Terms of office.~~

~~2.32.030 Vacancies.~~

~~2.32.040 Powers and duties.~~

~~2.32.050 Selection of secretary.~~

~~2.32.060 Quorum.~~

~~2.32.070 Matters referred to commission by city council.~~

~~2.32.080 Report of transactions and expenditures.~~

2.32.010 Created – Membership – Compensation.

~~A. Pursuant to the authority conferred by Chapter 35A.63 RCW, as amended, there is created a city planning commission consisting of seven members who shall be appointed by the mayor and confirmed by the city council. All members of the planning commission shall reside within the city limits of the city of Monroe, except the mayor may appoint and~~

the city council confirm one commissioner from the city of Monroe's urban growth area to fill a vacant position.

B. The members shall be selected without respect to political affiliations. They may be reimbursed for expenses necessarily incurred in performing their official duties.

C. Salaries of Commissioners. Each city planning commissioner may be paid for attending commission meetings and workshops an amount not exceeding seventy-five dollars per meeting for not more than one meeting each week.

2.32.020 Terms of office.

The term of office for each appointed commission member shall be four years, and expiration of terms of office shall be set forth so that each position shall expire in rotation on December 31st in each succeeding year, so that the fewest possible terms will expire in any one year. No planning commission member shall serve on the commission for a period exceeding twelve consecutive years, except as provided in this section.

A. A person may serve on the planning commission for a total of thirteen years if the person was previously appointed to fill a vacancy on the planning commission and the period of appointment was less than one year.

B. A person who has previously served twelve years on the planning commission shall be eligible for appointment to fill a vacancy on the planning commission if the period of appointment is less than one year.

C. The limitations set forth in this section shall not prevent a person from being appointed to serve on the planning commission where two consecutive years have lapsed since the date the person last served on the planning commission.

2.32.030 Vacancies.

Vacancies occurring otherwise than through the expiration of terms shall be filled for the un-expired terms. Members may be removed after public hearing by the mayor, with the approval of the city council, for inefficiency, neglect of duty or malfeasance in office. Notice of the charge and pendency of the hearing with respect to the removal of a member of the planning commission shall be given by mail, addressed to the residence of the accused member, at least five days before the date of said hearing.

2.32.040 Powers and duties.

The planning commission shall have all the powers and perform each and all of the duties specified in this code.

2.32.050 Selection of secretary.

The planning commission may designate one of its members to act as secretary, without salary, or, if requested by the commission, the mayor shall designate a member of the paid staff of the city to serve as such secretary.

2.32.060 Quorum.

A majority of the membership 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.

2.32.070 Matters referred to commission by city council.

The city 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 Chapter 35A.63 RCW, as amended, and the commission shall promptly report to the council thereon, making such recommendations and giving such counsel as it may deem proper.

~~2.32.080 Report of transactions and expenditures.~~

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

Section 4. Repeal of Chapter 2.49 MMC – Lodging Tax Advisory Committee.
Monroe Municipal Code Chapter 2.49, Administration and Personnel – Lodging Tax Advisory Committee, is hereby repealed in its entirety, as follows:

~~((Chapter 2.49
LODGING TAX ADVISORY COMMITTEE~~

~~Sections:~~

~~2.49.010 Lodging tax advisory committee established.~~

~~2.49.020 Appointment.~~

~~2.49.030 Annual review – Vacancies.~~

~~2.49.040 Review of proposals by committee.~~

~~2.49.050 Severability.~~

~~**2.49.010 Lodging tax advisory committee established.**~~

~~Pursuant to Chapter 67.28 RCW and Substitute Senate Bill 5867, Chapter 452, Laws of 1997, there is hereby established a lodging tax advisory committee of the city of Monroe. The lodging tax advisory committee shall consist of five members. The committee membership shall include:~~

~~A. Two members who are representatives of hotel-motel businesses required to collect the lodging tax (business);~~

~~B. Two members who are persons involved in activities authorized to be funded by revenue received from the lodging tax (activities); and~~

~~C. The mayor, or a councilmember designated by the mayor, shall be a member of the committee and shall serve as chair.~~

~~**2.49.020 Appointment.**~~

~~Organizations representing businesses collecting the lodging tax, and organizations involved in activities authorized to be funded by the lodging tax, and local agencies involved in tourism promotion may submit recommendations to the city council for membership on the committee. The committee members representing business and persons involved in activities shall be appointed by the city council.~~

~~**2.49.030 Annual review – Vacancies.**~~

~~The city council shall review the membership of the lodging tax advisory committee annually and make changes as appropriate. Vacancies on the committee shall be filled by the city council by motion. The term of membership shall be through June 30th of the year following appointment; provided, that a member's term shall not expire until the appointment of a new member is effective.~~

~~**2.49.040 Review of proposals by committee.**~~

~~A. A proposal for any of the following shall be submitted to the lodging tax advisory committee for review and comment on:~~

~~1. The imposition of a tax under Chapter 67.28 RCW;~~

~~2. An increase in the rate of tax imposed under Chapter 67.28 RCW;~~

~~3. The repeal of an exemption from a tax imposed under Chapter 67.28 RCW; or~~

4. ~~A change in the use of revenue received under Chapter 67.28 RCW.~~
- B. ~~Such proposal(s) shall be submitted to the committee at least forty five days before final action on or passage of the proposal by the city council.~~
- C. ~~The advisory committee shall submit comments to the city council on the proposal in a timely manner through generally applicable public comment procedures. The comments shall include an analysis of:~~
1. ~~The extent to which the proposal will accommodate activities for tourists or increase tourism; and~~
 2. ~~The extent to which the proposal will affect the long term stability of the fund created by RCW 67.28.1815, the fund used for paying the cost of tourism promotion, acquisition of tourism related facilities, or operation of tourism related facilities.~~
- D. ~~Failure of the advisory committee to submit comments before final action on or passage of the proposal shall not prevent the city council from acting on the proposal. The city is not required to submit an amended proposal to the committee.~~

~~2.49.050 Severability.~~

~~If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.)~~

Section 5. Amendment of Chapter 2.52 MMC – Code of Ethics. Monroe Municipal Code Chapter 2.52, Administration and Personnel – Code of Ethics, is hereby amended, as follows:

**Chapter 2.52
CODE OF ETHICS**

Sections:

- 2.52.010 Purpose – Construction.
~~((2.52.020 Definitions.))~~ **Repealed.**
 2.52.030 Award of contracts prohibited.
~~((2.52.040 Board of ethics – Public officials.))~~ **Repealed.**
~~((2.52.050 Miscellaneous provisions.))~~ **Repealed.**
~~((2.52.060 Appeal – Penalties for violation.))~~ **Repealed.**

2.52.010 Purpose – Construction.

The city of Monroe hereby adopts the code of ethics for municipal officers codified at Chapter 42.23 RCW, inclusive of any future amendments thereof. It is the city's specific intent that the ethical standards set forth at Chapter 42.23 RCW shall govern the conduct of municipal officers within the city of Monroe. Except as expressly provided in this chapter, **and Chapter 4.30, Ethics Board**, the city disclaims any intent to impose substantive standards of conduct that are more stringent than or otherwise different from those set forth in Chapter 42.23 RCW with respect to the subject matter of said chapter.

~~((2.52.020 Definitions.~~

~~The following words and phrases as used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings:~~

A. ~~“Advisory opinion” means an opinion rendered by the board of ethics, based upon hypothetical circumstances, indicating how the board would rule on a matter having the same or sufficiently parallel facts, should an adversary proceeding develop.~~

B. ~~“Hypothetical circumstances” means circumstances of fact framed in such a manner as to call for an opinion from the board based on a series of assumptions and not based on the known or alleged past or current conduct of a specific public official or employee that could be the basis of a complaint under MMC 2.52.040.~~

C. ~~“Prima facie showing” means evidence which, standing alone and unexplained, would maintain the proposition and claimed violation of this chapter set forth in the complaint.))~~

2.52.030 Award of contracts prohibited.

Members of the city of Monroe, Washington, boards, commissions, and city staff are prohibited from being awarded contracts with the city. Exceptions to this rule are those covered by the CBA, RCW and WAC. This section was submitted to the Monroe city council as an initiative with enough required signatures to be submitted to the voters. The city council adopted the initiative as an ordinance as an alternative to placing on the ballot. Consequently, to the extent required by law, this subsection shall be construed as superseding any conflicting city requirements or requirements that otherwise operate to illegally amend the requirements of an initiative.

~~(2.52.040 Board of ethics – Public officials.~~

~~There is hereby created a board of ethics for city of Monroe public officials. The purpose of this board is to issue advisory opinions on the provisions of this code of ethics and to review and report to the city council on any alleged violations of the code of ethics, all as set forth below. The board shall also provide recommendations on amendments to the ethics ordinance, as directed by the city council:~~

A. ~~Composition. The board of ethics shall be composed of five members. None of these may be a public official, city employee or immediate family of either. The mayor shall appoint the board members, with the confirmation of the city council. The board of ethics must be citizens of the United States and residents of the city they serve for at least one year before their appointment to the ethics board.~~

~~The regular term of office for members of the board of ethics shall be three years. Each member shall hold office until a successor is appointed and confirmed. Regular terms shall commence January 1st and end December 31st. Initial terms shall be staggered with two members appointed for terms beginning upon their appointment in 2004 and ending December 31, 2004; two members appointed for terms beginning upon their appointment and ending December 31, 2005; and one member appointed for a term beginning upon his or her appointment and ending December 31, 2006. After expiration of the initial terms, subsequent appointees shall serve a regular three year term.~~

~~The board shall elect from its membership a presiding officer who shall be referred to as a chairman, chairwoman, or chairperson, as may be appropriate, who shall serve for a period of one year, unless reelected.~~

~~A majority of the board of ethics shall constitute a quorum. The board shall meet as frequently as it deems necessary, or at the request of the mayor or a quorum of the city council. The board shall adopt procedures governing the conduct of its meetings, hearings and the issuance of opinions.~~

B. ~~Specific Complaint Against a Public Official.~~

- ~~1. Any person may submit a written complaint to the mayor or city administrator alleging one or more violations of this ethics code by a public official. The allegation shall set forth specific facts with precision and detail, sufficient for a determination of sufficiency by the board. The complaint shall also set forth the specific sections and subsections of this code that the facts violate, and the reasons why. Complaints should be signed by the person or persons submitting them and include the submitter's correct name, address at which mail may be personally delivered to the submitter, and the telephone number at which the submitter may be contacted.~~
- ~~2. The mayor or his/her designee shall inform the public official and the council of the complaint and shall submit the complaint to the board for determination of sufficiency of the complaint within twenty-four hours of its receipt. Voice mail, email or similar notification of the defendant is acceptable if actual notice is not immediately practicable. A copy of the complaint shall also be sent to the defendant by registered mail within three days of receipt. A complaint cannot be sufficient unless it precisely alleges and describes unjustified acts which constitute a prima facie showing of a violation of a specified provision or provisions of this code. The purpose of requiring that the complaint be sufficient is to ensure that the complaint is supported by identifiable facts, and to ensure that the complaint is not based on frivolous charges.~~
- ~~3. The complainant shall have the responsibility for proving the allegations in the complaint by a preponderance of the evidence.~~
- ~~4. Complaints shall be subject to a two-year statute of limitation. The limitations period shall commence from the date that information on completion of the alleged misconduct was reasonably available to the public.~~
- ~~5. Complaints may be amended as authorized by the decision maker as justice requires; provided, that the time frames of the review process provide the defendant with a fair opportunity to respond.~~
- ~~6. All public officials and employees, excluding the alleged violator, shall observe strict confidentiality as to the complaint and alleged violator until the review is complete, to the extent that the information is acquired as a result of a person's status as a public official or employee. Confidentiality after completion shall be maintained unless the complaint or finding is released through a public disclosure request filed with the city attorney. City officials and employees may divulge information to the extent necessary to defend against inaccurate or misleading public information about their involvement in the complaint review process. The ethics board and/or city council may divulge information to the extent necessary to correct any inaccurate or misleading public information about the complaint review process. Any person who violates this subsection shall not be subject to criminal penalties; however, a violation of this subsection may result in disciplinary action against such person. The city council may remove a member of the board of ethics from the board if it determines that the member has violated this subsection.~~
- ~~7. The board shall hold a hearing for the purpose of determining sufficiency of written complaints. The board shall begin the hearing no later than twenty days after the complaint is received and shall conclude the hearing(s) no later than twenty-four days after it receives the complaint; provided, however, that~~

~~the running of these time periods shall be tolled and the complaint proceedings shall be stayed in the event the board makes application to the city council for continuance of the proceedings. Such continuances may only be granted by the city council when there is demonstrable and compelling reason(s) to do so, and may not exceed ten days. The board shall render a written report, setting forth its findings of sufficiency as to whether or not the individual against whom the complaint was filed may have violated the code of ethics.~~

~~8. The determination of sufficiency or insufficiency by the board is final and binding, and no administrative or other legal appeal is available. If the finding is one of sufficiency of the complaint, then the complaint shall be heard and reported as set forth below.~~

~~9. No report may be issued by the board, unless a person or entity complained against has had an opportunity to present information on his, her or its behalf at a hearing before the board.~~

~~10. A copy of the written report on sufficiency shall be delivered to the city council, person complained against, and the complaining party within ten days of conclusion of the hearing, unless a longer time period has been requested by the person complained against, and has been approved by the board or unless a longer time period has been requested by the board and has been approved by the city council.~~

~~11. In the event the written report provides that the board has found sufficiency in the allegations against whom the complaint has been filed, the matter shall be referred for hearing to the city's hearings examiner unless the defendant requests the matter be heard by the ethics board. (Hearings examiners will be rotated from a rotational roster maintained by the city and shall be licensed and practicing attorneys who are not residents of the city.)~~

~~a. Hearings by a hearings examiner or the ethics board must be held within twenty days of a finding of sufficiency unless an extension is requested, or granted, by the defendant. The hearing must be concluded within ten days of commencement of the hearing unless extended by the request or agreement of the defendant.~~

~~b. Findings of fact and conclusions and opinion of the hearings examiner or the ethics board must be received by the council no later than seven days after the conclusion of the hearing.~~

~~c. The complainant or defendant may request a subpoena for documentary evidence or the attendance of witnesses by making a written application to the mayor describing in detail the subject matter of the proposed subpoena and an explanation of why such information is reasonably necessary in order to conduct the hearing. The subpoena may be issued in the event the mayor determines the subpoena request is reasonable, relevant to the complaint and within the subpoena power of the city. The request for a subpoena shall be submitted to the mayor within two business days after the determination of sufficiency and the mayor shall have two business days to issue a decision. In the event the mayor denies the request or the complaint alleges a violation of the ethics code by the mayor, the defendant or complainant may request a decision from the city council. City council review shall be scheduled for~~

~~the next regular city council business meeting or study session, unless an earlier special meeting is available. The commencement of the hearing on the merits shall be delayed until five days after the council makes a decision on whether to issue a subpoena.~~

~~12. In the event the final determination by either the hearings examiner or the ethics board provides that the individual against whom the complaint has been filed has violated the code of ethics, the council shall convene and render its decision within seven days of the receipt of said determination unless an extension is requested by the defendant and granted by council. In the event that the city council members agree by majority vote that one or more of the violations occurred, then as to the violations the city council may take any of the following actions by a majority vote of the council; provided, that penalties may only be based upon violations alleged in the complaint or amended complaint and not upon other violations discovered during the complaint process:~~

~~a. Admonition. An admonition shall be a verbal nonpublic statement made by the mayor to the individual.~~

~~b. Reprimand. A reprimand shall be administered to the individual by letter. The letter shall be approved by the city council and shall be signed by the mayor. If the individual objects to the content of such letter, he or she may file a request for review of the letter of reprimand with the city council. The city council shall review the letter of reprimand in light of the report and the request for review, and may take whatever action appears appropriate under the circumstances. The action of the city council shall be final and not subject to further review.~~

~~c. Censure. A censure shall be a written statement administered personally to the individual. The individual shall appear at a time and place directed by the city council to receive the censure. Notice shall be given at least twenty days before the scheduled appearance at which time a copy of the proposed censure shall be provided to the individual. Within five days of receipt of the notice, the individual may file a request for review of the content of the proposed censure with the city council. Such a request will stay the administration of the censure. The city council shall review the proposed censure in light of the report and the request for review, and may take whatever action appears appropriate under the circumstances. The action of the city council shall be final and not subject to further review. If no such request is received, the censure shall be administered at the time and place set. It shall be given publicly, and the individual shall not make any statement in support of or in opposition thereto or in mitigation thereof. A censure shall be deemed administered at the time it is scheduled whether or not the individual appears as required.~~

~~d. Removal. In the event the individual against whom the complaint has been filed is a member of a city board, commission, committee, or other multi-member bodies appointed by the mayor with the approval of the city council, the city council may, by a majority vote, remove the individual from such board, commission or committee; provided,~~

however, that nothing in this section authorizes the city council to remove a council member or the mayor from his or her office.

~~13. Proceedings by the board or the hearings examiner when they relate to action involving a person shall be made in executive session; however, upon request of the person involved, the proceeding shall be open to the public. The complaint, the determination of sufficiency or no sufficiency, and written report of the board or the hearings examiner shall be considered public records.~~

~~14. Action by the city council shall be by majority vote. If the proceeding involves a member of the city council, the member does not vote on any matter involving the member. As provided in RCW 35A.12.100, the mayor shall vote in the case of a tie, except if the action is against the mayor. Deliberation by the council may be in executive session; however, upon request of the person complained against, the meeting shall be open to the public.~~

~~15. A complaint cannot be sufficient unless it precisely alleges and describes unjustified acts, which constitute a prima facie showing of a violation of a specified provision or provisions of this code.~~

~~C. Specific Complaint Against a City Employee Official. In the event the individual against whom the complaint has been filed is a city employee, the city shall follow the appropriate discipline, through the employee's supervisor and/or department head, procedures as outlined in the appropriate bargaining agreement, employee handbook, civil service rules, and/or standard operating procedures. Employees also have the right to appeal through the court system as regulated by state and federal law.~~

~~D. Board Unavailability — Hearing Examiner Authority. In the event the ethics board is unable to perform any function designated under this section due to lack of a quorum or other reason, such function shall instead be performed by the hearing examiner who shall be governed by the board's procedures.~~

2.52.050 — Miscellaneous provisions.

~~The board of ethics shall also render written opinions concerning the applicability of the code of ethics to hypothetical circumstances or situations upon the request of the mayor or any council member. Requests for opinions from the public must be approved by either the mayor or a majority vote of council.~~

~~The city shall release copies of any written report resulting from a review of a complaint and any written censures or reprimands issued by the city council in response to public records requests as consistent with Chapter 42.56 RCW and any other applicable public disclosure laws.~~

~~The mayor shall provide staff, as he or she deems appropriate, to assist the board of ethics.~~

~~Board members shall be reimbursed by the city for reasonable expenses incurred in their exercise of the official business of the board, consistent with the expense reimbursement policies of the city.~~

~~The city clerk shall cause a copy of this code of ethics to be distributed to every public officer of the city within thirty days after enactment of the ordinance codified in this chapter. The ordinance codified in this chapter will also be made available on the city's web page and hard copies will be made available upon request.~~

~~2.52.060 Appeal – Penalties for violation.~~

~~Appeal of a decision of the board of ethics that the code of ethics has been violated, or a decision of the city council as to an admonition, reprimand, censure, or removal, may be filed with the Snohomish County superior court, Washington State. Any person who files with the ethics board a false charge of misconduct on the part of any public official or public employee when the person knows it is false shall be guilty of a misdemeanor. In addition to criminal penalties, violators shall pay a civil penalty of five hundred dollars, or three times the economic value of anything received in violation of this chapter, whichever is greater. Any monetary penalty assessed civilly shall be placed in the city's general fund.))~~

Section 6. Repeal of Chapter 2.70 MMC – Civil Service System and Commission. Monroe Municipal Code Chapter 2.49, Administration and Personnel – Civil Service System and Commission, is hereby repealed in its entirety, as follows:

~~((Chapter 2.70
CIVIL SERVICE SYSTEM AND COMMISSION~~

~~Sections:~~

~~2.70.010 Civil service system created, appointment, terms, removal and quorum.~~

~~2.70.015 Terms limited.~~

~~2.70.020 Organization of system – Powers and duties – Secretary.~~

~~2.70.030 Persons included – Competitive examinations – Transfers, discharges and reinstatements.~~

~~2.70.040 Existing positions blanketed under civil service.~~

~~2.70.050 Qualifications of applicants.~~

~~2.70.060 Tenure of employment – Grounds for discharge – Reduction or deprivation of privileges.~~

~~2.70.070 Procedure for removal – Suspension, demotion or discharge – Investigation – Hearing – Appeal.~~

~~2.70.080 Filling of vacancies – Probationary period.~~

~~2.70.090 Power to create offices, make appointments and fix salaries not infringed.~~

~~2.70.100 Enforcement by civil action – Legal counsel.~~

~~2.70.110 Deceptive practices – False marks, etc., prohibited.~~

~~2.70.120 Penalty.~~

~~2.70.130 Definitions.~~

~~2.70.140 Severability.~~

~~2.70.150 Applicability.~~

~~**2.70.010 Civil service system created, appointment, terms, removal and quorum.**~~

~~There is created in the city a civil service system which shall be composed of three persons. The members of such commission shall be appointed by the mayor; provided, that the members of the civil service commission constituted pursuant to the Monroe City Code sections repealed at the enactment of this chapter shall be the initial commissioners of the newly created civil service system and shall continue in office until the term of their original appointment expires. Existing appointments at the date of adoption of the ordinance codified in this chapter are hereby confirmed and the staggered terms of each position shall be maintained. The members of such 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 such city for at least three years immediately~~

preceding such appointment, and an elector of the county wherein he resides. Except for the initial commission, the term of office of such commissioners shall be for six years. Any member of such commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause; provided, however, that no member of the commission shall be removed until charges have been preferred in writing, due notice and a full hearing had. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this chapter. Two members of such commission shall constitute a quorum and the votes of any two members of such 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. Confirmation of the appointment or appointments of commissioners by the city council shall not be required.

~~2.70.015 Terms limited.~~

~~No civil service commissioner shall serve more than two full consecutive terms. An appointment to fill the unexpired portion of a term less than two years in length shall not constitute a full term.~~

~~2.70.020 Organization of system—Powers and duties—Secretary.~~

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

~~1. To make suitable rules and regulations to implement this chapter which are not inconsistent with the provisions thereof. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made. The rules and regulations and any amendments thereof shall be reproduced for free public distribution;~~

~~2. All tests shall be practical and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill;~~

~~3. The commission is hereby authorized to extend the following credits and preference to applicant:~~

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

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

~~5. Such investigations may be made by the commission, by any commissioner designated by the commission for that purpose or by counsel or investigator referred by the commission. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation, the commission, or designated commissioner or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered by a superior court judge in his judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter and punishable as such;~~

~~6. All hearings and investigations before the commission, or designated commissioner or hearing officer, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission; provided, however, that no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members;~~

~~7. To hear and determine appeals or complaints respecting the administrative work of the personnel department, appeals upon the allocation of positions, the rejection of an examination and such other matters as may be referred to the commission pursuant to the duties outlined in subsection (A)(1) of this section;~~

~~8. Establish and maintain in card or other suitable form a roster of employees covered by civil service;~~

~~9. Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions as established by the city, and to provide that employees laid off because of curtailment of expenditures, reduction in force, and for like cause, head the list in the order of their seniority, to the end that they shall be the first to be reemployed;~~

~~10. When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the five persons highest on the eligible list for the class. If there are no such lists, the commission shall make provision in their rules for provisional or temporary appointments for such positions. A provisional appointment shall not exceed a period of four months in duration but may be extended an additional period or periods if for any~~

~~reason it cannot be determined at the expiration of the initial appointment that the position being filled by temporary or provisional appointment will in fact be vacant, such as in the instance of a position vacant due to an officer on disability leave under the LEOFF Act, or for other good cause which in the discretion of the commission warrants an additional extension of such a provisional or temporary appointment. No person shall serve more than one provisional appointment in any twelve month period. Temporary employment shall also be limited or governed by the collective bargaining agreement covering any position;~~

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

~~B. The commission shall appoint a secretary/chief examiner. It may either designate a staff member from the city's personnel department or may contract with funds provided by the city with an independent contractor to fill the position. Nothing in this section shall require hiring under civil service procedures to fill these positions nor extend civil service protection to those persons designated or contracted to serve. The commission may also contract for the services of legal counsel, a hearing officer or a continuous or subscription testing service.~~

~~**2.70.030 Persons included – Competitive examinations – Transfers, discharges and reinstatements.**~~

~~A. Coverage. The provisions of this chapter shall include all full-time fully commissioned officers and administrative personnel of the city's police department with the following exclusions:~~

- ~~1. The positions of police chief, administrative commander, and operations commander;~~
- ~~2. The chief examiner and secretary; and~~
- ~~3. Such other positions as are designated pursuant to RCW 4.12.050.~~

~~B. Examinations – Appointments, Reinstatement, Transfers, Suspensions, or Discharge. All appointments to and promotions covered by this chapter shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person subject to the coverage of this chapter shall be reinstated in or transferred, suspended, or discharged from any such place, position, or employment contrary to the provisions of this chapter.~~

~~**2.70.040 Existing positions blanketed under civil service.**~~

~~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 having completed probation and in the police department subject to civil service coverage as defined in MMC 2.70.030 are hereby declared permanently appointed under civil service to the offices, places, positions or employments which they shall then hold respectively, and not on probation; and every such person is hereby automatically adopted and inducted permanently into civil service, into such office, place, position or employment which such person then holds; provided, however, that a position and the incumbent in the position may be reviewed as provided in MMC 2.70.020(A)(4).~~

~~**2.70.050 Qualifications of applicants.**~~

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

~~An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate~~

and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

~~2.70.060 Tenure of employment — Grounds for discharge — Reduction or deprivation of privileges.~~

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

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

~~B. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself;~~

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

~~D. Dishonest, disgraceful, immoral or prejudicial conduct;~~

~~E. 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 civil service;~~

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

~~G. Willful or intentional violation of any lawful and reasonable regulation, order or direction made or given by a superior officer;~~

~~H. Willful or intentional violation of any of the provisions of these rules;~~

~~I. Violation of the police department's standard operating procedures ("SOP") regarding rules of conduct;~~

~~J. Any other cause, act or failure to act which, under law or these rules, or the judgment of the commission, is grounds for or warrants dismissal, discharge, removal or separation from the service, demotion, suspension, forfeiture of service credit, deprivation of privileges or other disciplinary action.~~

~~2.70.070 Procedure for removal — Suspension, demotion or discharge — Investigation — Hearing — Appeal.~~

~~No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter shall be removed, suspended, demoted or discharged except for cause, and only upon written accusation of the appointing authority 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 ten days from the time of his removal, suspension, demotion or discharge, file with the commission a written demand for appeal. The appeal shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons, and was or was not made in good faith for cause. After hearing and based solely upon the evidence presented, the commission may affirm the removal, or if it shall find that the removal, suspension or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged; which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation~~

~~from the time of such removal, suspension, demotion or discharge. The commission, in lieu of affirming the removal, suspension, demotion or discharge may direct 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 power and shall be forthwith enforced by such officer.~~

~~The commission pursuant to the provisions of this section shall conduct its hearing after reasonable notice to the accused 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/her defense. If such judgment or order be 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 thirty 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 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 ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited 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 court shall be taken except upon such ground or grounds.~~

~~2.70.080 Filling of vacancies – Probationary period.~~

~~A. Original Appointment to Department. Whenever a vacancy exists, or upon the request of the appointing authority, the commission shall certify the names of the five persons highest on the applicable eligibility list for the class for which the vacant position has been allocated but willing to accept employment.~~

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

~~1. For each and every police officer position above the rank of second class police officer, the commission shall certify the three highest names on such list, from which the appointing authority may appoint any one.~~

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

~~C. Procedure to Fill Vacancies. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy. The appointing authority shall, after review of the person so certified, appoint one person to each such vacant position. If any person certified by the commission is removed from the list or otherwise requests not to be considered for appointment, the commission shall forthwith certify the next highest person on the list to replace those removed. The commission in their rules shall establish a procedure for removal of names from the eligibility list either prior to or subsequent to certification to the appointment authority. 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 persons eligible for appointment to the appointing power and the appointing power shall appoint one person so certified; provided, they are found to be in fact qualified, to the position.~~

~~D. Probation – Extensions. To enable the appointing authority to exercise a choice in the filling of promotions, no appointment, employment, reemployment, or promotion in~~

~~any position in the classified service shall be deemed complete until after the completion of a satisfactorily served probationary period. The probationary period for new employees shall be twelve months following successful completion of the training academy. The probationary period for persons promoted or transferred to positions with different job descriptions shall be six months. During such probationary periods the appointing power may terminate the employment of the person certified, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing authority shall designate one of the persons certified as standing within the next three persons highest on the list. Such person shall likewise enter upon the duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided therefore, whereupon the appointment, employment or promotion shall be deemed to be complete. The commission shall provide a procedure in their rules for extending probationary period of any employee for additional periods if requested by the appointing authority.~~

~~2.70.090 Power to create offices, make appointments and fix salaries not infringed.~~

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

~~2.70.100 Enforcement by civil action — Legal counsel.~~

~~It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter and of the rules of the commission. The commission shall be represented in such suits by the chief legal officer of the city, or his/her designee, but the commission may in any case be represented by special counsel appointed by it.~~

~~2.70.110 Deceptive practices — False marks, etc., prohibited.~~

~~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 of 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 impersonate him in connection with any examination or registration of application or request to be examined or registered.~~

~~2.70.120 Penalty.~~

~~Any person who shall willfully violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars and by imprisonment in the county jail for not longer than thirty days, or by both such fine and imprisonment.~~

~~2.70.130 Definitions.~~

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

A. ~~“Appointing authority or power” includes every person or group of persons who, acting singly or in conjunction, as a mayor, mayor’s designee, council or otherwise, is or are invested with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service. Typically, the city shall apply to the police chief.~~

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

C. ~~“Commission” means the civil service commission herein created, and “commissioner” means any one of the three commissioners of that commission.~~

D. ~~“Full paid police department,” “full paid police officer” or “full paid administrative personnel” means that the individuals employed are paid by the city at the regular rate of pay established by the city’s salary ordinance or the collective bargaining agreement for a full time position and devote their whole time to police duty.~~

2.70.140 Severability.

~~If any section, subsection, subdivision, sentence, clause or phrase of this chapter shall for any reason be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.~~

2.70.150 Applicability.

~~The examination and eligibility provisions of this chapter and establishment of positions covered by civil service by the provisions of this chapter shall be effective for all appointments made after the effective date of the ordinance codified in this chapter; provided, however, that all existing actions, appointments and tests established by the existing commission are hereby ratified and approved.))~~

Section 7. Adoption of MMC Title 4, Boards, Commissions, and Committees.
Monroe Municipal Code Title 4, Boards, Commissions, and Committees, is hereby adopted in its entirety, as follows.

Title 4
BOARDS, COMMISSIONS, AND COMMITTEES

Chapters:

- 4.10 General provisions.**
- 4.20 Civil service commission.**
- 4.30 Ethics board.**
- 4.40 Lodging tax advisory committee.**
- 4.50 Park board.**
- 4.60 Planning commission.**
- 4.70 Salary commission.**

Chapter 4.10
GENERAL PROVISIONS

Sections:

- 4.10.010 Applicability of chapter.**
- 4.10.020 Qualification of applicant.**
- 4.10.030 Appointment, removal, and vacancy.**
- 4.10.040 Compensation and reimbursement.**

- 4.10.050 Quorum.
- 4.10.060 Terms of service.
- 4.10.070 Meetings.
- 4.10.080 Officers.

4.10.010 Applicability of chapter.

A. Each board, commission, or committee created by the Monroe city council shall be governed by this chapter unless and to the extent otherwise provided by ordinance, statute, or rules of procedure, as allowed by the ordinance of the body. For purposes of this chapter, the terms "board," "commission," and "committee" have identical meanings. Without limitation of the foregoing, this title shall be construed and applied in a manner consistent with applicable state laws.

B. Temporary boards, commissions, and committees and those formed for a special purpose of limited duration by ordinance or otherwise shall not be subject to the term of service provisions of this chapter. Such temporary boards shall not terminate until the duty assigned to them is accomplished and the council receives its final report, or upon dissolution by the council.

C. All boards, commissions, and committees, whether temporary or not, shall comply with the relevant provisions of the code and each board's respective rules of procedure, if allowed by ordinance, and shall abide by the rules of procedure as outlined in the most current edition of Robert's Rules of Order, Newly Revised.

4.10.020 Qualification of applicant.

Every person who sits on a city board, commission, or committee must reside within Monroe city limits, unless otherwise provided by ordinance. Members shall be selected without respect to political affiliations.

4.10.030 Appointment, removal, and vacancy.

A. Board, commission, and committee members shall be appointed by the mayor and confirmed by the city council, except as otherwise provided by city ordinance or state statute. City council confirmation on an appointment made by the mayor shall occur only at a regular meeting of the Monroe city council.

B. Board, commission, and committee members shall only be removed from office for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, for a disqualifying change of residence; or as otherwise provided by ordinance, or rules of procedure.

C. In the event of a vacancy, all open positions shall be advertised, and the mayor shall appoint, subject to approval of the city council, a person to serve in the open position. Vacancies occurring otherwise than through the expiration of terms shall be filled for the un-expired terms

4.10.040 Compensation and reimbursement.

A. All city boards, commissions, and committee members shall serve without compensation unless otherwise established by ordinance.

B. All city boards, commissions, and committee member shall be eligible for compensation and reimbursement, provided that the board is established by codified ordinance which sets forth the amount of compensation and reimbursement a member is entitled to receive.

C. Compensation for a city board, commission, or committee member shall be paid as follows:

- 1. A member shall be compensated as prescribed by ordinance.**
- 2. A member may request a waiver of compensation for any reason or no reason by submitting the request in writing to the clerk.**
- 3. For the purposes of compensation, meetings shall be narrowly construed as official and advertised board, commission, or committee meetings, and shall include regularly scheduled and special or emergency meetings and study sessions.**
- 4. Compensation may not be paid for a member's attendance at meetings, trainings, or informal activities which are not official and advertised sessions of the board, commission, or committee, though attendance fees may be eligible for reimbursement.**

D. Members shall be reimbursed as follows:

- 1. A member shall be reimbursed for actual, necessary, and pre-approved expenses incurred on authorized business of the board, commission, or committee.**
- 2. Members whose city business takes them outside the city for any reason shall receive approval from the mayor, or designee, in advance to be eligible for reimbursement.**

E. This section shall apply only to boards, commission, or committee established by ordinance pursuant to MMC Title 4, provided said ordinance provides for compensation and reimbursement.

4.10.050 Quorum.

A. A majority of the membership of a board, commission, or committee shall constitute a quorum for the transaction of business.

B. Any action taken by a majority of those present, when those present constitute a quorum, at any regular or special meeting of the board, commission, or committee shall be deemed and taken as the action of the board, commission, or committee. Only those members physically present at an official meeting shall vote on an issue. Written or verbal votes or opinions of members not physically present at a meeting shall not be counted in any official action.

C. A vote of the majority of the members of a quorum may constitute a decision or recommendation of the board, commission, or committee.

4.10.060 Terms of service.

A. The term of any city board, commission, or committee member shall be established by ordinance. Terms shall be staggered by the appointment of initial members for lesser terms so that as nearly as possible a pro rata number of members are appointed each year.

B Except as provided in MMC 4.10.030, the board member serves during the term for which they are appointed or until a successor has been elected or appointed and has taken the seat to which they were elected or appointed, unless official resignation has been filed with the Mayor.

C. Terms shall be calculated on a twelve-month cycle, with a term-end considered to be December 31 of each year, unless otherwise provided by ordinance.

4.10.070 Meetings.

City board, commission, and committee meetings shall be held regularly at a designated time and place, or as otherwise provided by ordinance or rules of procedure. The chair or majority of the board, commission, or committee may call a special meeting. All meetings shall be open to the public, unless otherwise provided by ordinance.

4.10.080 Officers.

A. Each city board, commission, or committee shall have a chairperson. Officers shall be elected by a majority of the members for a term of one year. Election of officers shall be the first order of business at any time that an officer's seat is not filled, and shall occur nonetheless on or about January 1 of each calendar year.

B. The duties of the chairperson are:

- 1. To open the meeting at the appointed time and determine that a quorum is present;**
- 2. To enforce the rules relating to debate, order, and decorum;**
- 3. To state and put to a vote all questions that legitimately come before the board as motions or that otherwise arise in the course of the meeting;**
- 4. If a motion is not in order, to rule it out of order; and**
- 5. To assign a member, or staff designee, to note those members present and absent and ensure minutes are taken on all actions by the board, commission, or committee at each meeting.**

C. A chairperson pro-tem may be selected in the chair person's absence. The duties of the chairperson shall be to perform duties of the chairperson in the chairperson's absence.

Chapter 4.20
CIVIL SERVICE COMMISSION

Sections:

- 4.20.010 Composition – Terms – Compensation - Removal.**
- 4.20.020 Organization – Powers and duties – Secretary.**
- 4.20.030 Persons included – Competitive examinations – Transfers, discharges and reinstatements.**
- 4.20.040 Existing positions blanketed under civil service.**
- 4.20.050 Qualifications of applicants.**
- 4.20.060 Tenure of employment – Grounds for discharge – Reduction or deprivation of privileges.**
- 4.20.070 Procedure for removal – Suspension, demotion or discharge – Investigation – Hearing – Appeal.**
- 4.20.080 Filling of vacancies – Probationary period.**
- 4.20.090 Power to create offices, make appointments and fix salaries not infringed.**
- 4.20.100 Enforcement by civil action – Legal counsel.**
- 4.20.110 Deceptive practices – False marks, etc., prohibited.**
- 4.20.120 Penalty.**
- 4.20.130 Definitions.**
- 4.20.140 Severability.**
- 4.20.150 Applicability.**

4.20.010 Composition – Terms – Compensation - Removal.

A. There is created in the city a civil service commission which shall be composed of three persons. The members of such commission shall be appointed by the mayor; provided, that the members of the civil service commission constituted pursuant to the Monroe city code sections repealed at the enactment of this chapter, through city of Monroe ordinance No. 025/2005, shall be the initial commissioners of the newly created civil service commission and shall continue in office until the term of their original appointment expires. Existing appointments at the date of adoption of the ordinance codified in this chapter are hereby confirmed and the staggered terms of each position shall be maintained. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of such city for at least three years immediately preceding such appointment, and an elector of the county wherein he resides. Confirmation of the appointment or appointments of commissioners by the city council shall not be required.

B. Except for the initial commission, the term of office of such commissioners shall be for six years. No civil service commissioner shall serve more than two full consecutive terms. An appointment to fill the unexpired portion of a term less than two years in length shall not constitute a full term.

C. The members of such commission shall serve without compensation.

D. Any member of such commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause. No member of the commission shall be removed until charges have been preferred in writing, due notice and a full hearing had. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this chapter.

4.20.020 Organization – Powers and duties – Secretary.

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

1. To make suitable rules and regulations to implement this chapter which are not inconsistent with the provisions thereof. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made. The rules and regulations and any amendments thereof shall be reproduced for free public distribution;

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

to which appointment is to be made, and may include tests of physical fitness and/or of manual skill;

3. The commission is hereby authorized to extend the following credits and preference to applicant: The rules and regulations adopted by the commission shall provide for a credit in favor of all applicants for appointment under civil service, who in time of war or any expedition of the Armed Forces of the United States, have served in and have been honorably discharged from the Armed Services of the United States, including the Army, Navy and Marine Corps and the American Red Cross. These credits shall apply to entrance examinations only and shall conform to the provisions of state and federal law;

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

5. Such investigations may be made by the commission, by any commissioner designated by the commission for that purpose or by counsel or investigator referred by the commission. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation, the commission, or designated commissioner or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered by a superior court judge in his judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter and punishable as such;

6. All hearings and investigations before the commission, or designated commissioner or hearing officer, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission; provided, however, that no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members;

7. To hear and determine appeals or complaints respecting the administrative work of the personnel department, appeals upon the allocation of positions, the rejection of an examination and such other matters as may be referred to the commission pursuant to the duties outlined in subsection (A)(1) of this section;

8. Establish and maintain in card or other suitable form a roster of employees covered by civil service;

9. Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions as established by the city, and to provide that employees laid off because of curtailment of expenditures, reduction in force, and for like cause, head the list in the order of their seniority, to the end that they shall be the first to be reemployed;

10. When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the five persons highest on the eligible list for the class. If there are no such lists, the commission shall make provision in their rules for provisional or temporary appointments for such positions. A provisional appointment shall not exceed a period of four months in duration but may be extended an additional period or periods if for any reason it cannot be determined at the expiration of the initial appointment that the position being filled by temporary or provisional appointment will in fact be vacant, such as in the instance of a position vacant due to an officer on disability leave under the LEOFF Act, or for other good cause which in the discretion of the commission warrants an additional extension of such a provisional or temporary appointment. No person shall serve more than one provisional appointment in any twelve-month period. Temporary employment shall also be limited or governed by the collective bargaining agreement covering any position;

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

B. The commission shall appoint a secretary/chief examiner. It may either designate a staff member from the city's personnel department or may contract with funds provided by the city with an independent contractor to fill the position. Nothing in this section shall require hiring under civil service procedures to fill these positions nor extend civil service protection to those persons designated or contracted to serve. The commission may also contract for the services of legal counsel, a hearing officer or a continuous or subscription testing service.

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

A. Coverage. The provisions of this chapter shall include all full-time fully commissioned officers and administrative personnel of the city's police department with the following exclusions:

1. The positions of police chief, administrative commander, and operations commander;
2. The chief examiner and secretary; and
3. Such other positions as are designated pursuant to RCW 4.12.050.

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

4.20.040 Existing positions blanketed under civil service.

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 having completed probation and in the police department subject to civil service coverage as defined in MMC 4.20.030 are hereby declared permanently appointed under civil service to the offices, places, positions or employments which they shall then hold respectively, and not on probation; and every such person is hereby automatically adopted and inducted permanently into civil service, into such office, place, position or employment which such person then holds; provided, however, that a position and the incumbent in the position may be reviewed as provided in MMC 4.20.020(A)(4).

4.20.050 Qualifications of applicants.

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

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

4.20.060 Tenure of employment – Grounds for discharge – Reduction or deprivation of privileges.

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

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

B. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself;

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

D. Dishonest, disgraceful, immoral or prejudicial conduct;

E. 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 civil service;

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

G. Willful or intentional violation of any lawful and reasonable regulation, order or direction made or given by a superior officer;

H. Willful or intentional violation of any of the provisions of these rules;

I. Violation of the police department's standard operating procedures ("SOP") regarding rules of conduct;

J. Any other cause, act or failure to act which, under law or these rules, or the judgment of the commission, is grounds for or warrants dismissal, discharge, removal or separation from the service, demotion, suspension, forfeiture of service credit, deprivation of privileges or other disciplinary action.

4.20.070 Procedure for removal – Suspension, demotion or discharge – Investigation – Hearing – Appeal.

No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter shall be removed, suspended, demoted or discharged except for cause, and only upon written accusation of the appointing authority 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 ten days from the time of his removal, suspension, demotion or discharge, file with the commission a written demand for appeal. The appeal shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons, and was or was not made in good faith for cause. After hearing and based solely upon the evidence presented, the commission may affirm the removal, or if it shall find that the removal, suspension or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the

office, place, position or employment from which such person was removed, suspended, demoted or discharged; which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The commission, in lieu of affirming the removal, suspension, demotion or discharge may direct 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 power and shall be forthwith enforced by such officer.

The commission pursuant to the provisions of this section shall conduct its hearing after reasonable notice to the accused 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/her defense. If such judgment or order be 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 thirty 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 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 ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited 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 court shall be taken except upon such ground or grounds.

4.20.080 Filling of vacancies – Probationary period.

A. Original Appointment to Department. Whenever a vacancy exists, or upon the request of the appointing authority, the commission shall certify the names of the five persons highest on the applicable eligibility list for the class for which the vacant position has been allocated but willing to accept employment.

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

1. For each and every police officer position above the rank of second-class police officer, the commission shall certify the three highest names on such list, from which the appointing authority may appoint any one.

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

C. Procedure to Fill Vacancies. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy. The appointing authority shall, after review of the person so certified, appoint one person to each such vacant position. If any person certified by the commission is removed from the list or otherwise requests not to be considered for appointment, the commission shall forthwith certify the next highest person on the list to replace those removed. The commission in their rules shall establish a procedure for removal of names from the eligibility list either prior to or subsequent to certification to the appointing authority. Whenever requisition is 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 persons eligible for appointment to the appointing power and the appointing power shall appoint one person so certified; provided, they are found to be in fact qualified, to the position.

D. Probation – Extensions. To enable the appointing authority to exercise a choice in the filling of promotions, no appointment, employment, reemployment, or promotion in any position in the classified service shall be deemed complete until after the completion of a satisfactorily served probationary period. The probationary period for new employees shall be twelve months following successful completion of the training academy. The probationary period for persons promoted or transferred to positions with different job descriptions shall be six months. During such probationary periods the appointing power may terminate the employment of the person certified, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing authority shall designate one of the persons certified as standing within the next three persons highest on the list. Such person shall likewise enter upon the duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided therefore, whereupon the appointment, employment or promotion shall be deemed to be complete. The commission shall provide a procedure in their rules for extending probationary period of any employee for additional periods if requested by the appointing authority.

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

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

4.20.100 Enforcement by civil action – Legal counsel.

It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter and of the rules of the

commission. The commission shall be represented in such suits by the chief legal officer of the city, or his/her designee, but the commission may in any case be represented by special counsel appointed by it.

4.20.110 Deceptive practices – False marks, etc., prohibited.

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 of 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 impersonate him in connection with any examination or registration of application or request to be examined or registered.

4.20.120 Penalty.

Any person who shall willfully violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars and by imprisonment in the county jail for not longer than thirty days, or by both such fine and imprisonment.

4.20.130 Definitions.

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

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

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

C. “Commission” means the civil service commission herein created, and “commissioner” means any one of the three commissioners of that commission.

4.20.140 Severability.

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

4.20.150 Applicability.

The examination and eligibility provisions of this chapter and establishment of positions covered by civil service by the provisions of this chapter shall be effective for all appointments made after the effective date of the ordinance codified in this chapter; provided, however, that all existing actions, appointments and tests established by the existing commission are hereby ratified and approved.

Chapter 4.30 ETHICS BOARD

Sections:

- 4.30.010 Created – Membership - Compensation.
- 4.30.020 Terms of office.
- 4.30.030 Powers and duties
- 4.30.040 Miscellaneous provisions.
- 4.30.050 Appeal – Penalties for violation.
- 4.30.060 Definitions.

4.30.010 Created – Membership - Compensation.

A. There is hereby created an ethics board for city of Monroe public officials. The purpose of this board is to issue advisory opinions on the provisions of the code of ethics provided for in MMC 2.52 and RCW 42.23; and to review and report to the city council on any alleged violations of the code of ethics, all as set forth below. The board shall also provide recommendations on amendments to the ethics ordinance, as directed by the city council.

B. The ethics board shall be composed of five members. None of these may be a public official, city employee or immediate family of either. The mayor shall appoint the board members, with the confirmation of the city council. The members of the ethics board must be citizens of the United States and residents of the city they serve for at least one year before their appointment to the ethics board.

C. The board shall elect from its membership a presiding officer who shall be referred to as a chairperson who shall serve for a period of one year.

D. A majority of the ethics board shall constitute a quorum. The board shall meet as frequently as it deems necessary, or at the request of the mayor or a quorum of city council. The board shall adopt procedures governing the conduct of its meetings, hearings, and the issuance of opinions.

E. Board members shall serve without compensation and may be reimbursed by the city for reasonable expenses incurred in their exercise of the official business of the board, consistent with the expense reimbursement policies of the city and as provided for in the general provisions of this title, MMC 4.10.

4.30.020 Terms of office.

The regular term of office for members of the ethics board shall be three years. Regular terms shall commence January 1st and end December 31st. Initial terms shall be staggered. After expiration of the initial terms, subsequent appointees shall serve a regular three-year term.

4.30.030 Powers and Duties.

A. Specific complaint against a public official.

1. Any person may submit a written complaint to the mayor or city administrator alleging one or more violations of this ethics code by a public official. The allegation shall set forth specific facts with precision and detail, sufficient for a determination of sufficiency by the board. The complaint shall also set forth the specific sections and subsections of this code that the facts violate, and the reasons why. Complaints should be signed by the person or persons submitting them and include the submitter's correct name, address at which mail may be personally delivered to the submitter, and the telephone number at which the submitter may be contacted.

2. The mayor or his/her designee shall inform the public official and the council of the complaint and shall submit the complaint to the board for determination of sufficiency of the complaint within twenty-four hours of its receipt. Voice mail, email or similar notification of the defendant is acceptable if actual notice is not immediately practicable. A copy of the complaint shall also be sent to the defendant by registered mail within three days of receipt. A complaint cannot be sufficient unless it precisely alleges and describes unjustified acts which constitute a prima facie showing of a violation of a specified provision or provisions of this code. The purpose of requiring that the complaint be sufficient is to ensure that the complaint is supported by identifiable facts, and to ensure that the complaint is not based on frivolous charges.

3. The complainant shall have the responsibility for proving the allegations in the complaint by a preponderance of the evidence.

4. Complaints shall be subject to a two-year statute of limitation. The limitations period shall commence from the date that information on completion of the alleged misconduct was reasonably available to the public.

5. Complaints may be amended as authorized by the decision-maker as justice requires; provided, that the time frames of the review process provide the defendant with a fair opportunity to respond.

6. All public officials and employees, excluding the alleged violator, shall observe strict confidentiality as to the complaint and alleged violator until the review is complete, to the extent that the information is acquired as a

result of a person's status as a public official or employee. Confidentiality after completion shall be maintained unless the complaint or finding is released through a public disclosure request filed with the city attorney. City officials and employees may divulge information to the extent necessary to defend against inaccurate or misleading public information about their involvement in the complaint review process. The ethics board and/or city council may divulge information to the extent necessary to correct any inaccurate or misleading public information about the complaint review process. Any person who violates this subsection shall not be subject to criminal penalties; however, a violation of this subsection may result in disciplinary action against such person. The city council may remove a member from the ethics board if it determines that the member has violated this subsection.

7. The board shall hold a hearing for the purpose of determining sufficiency of written complaints. The board shall begin the hearing no later than twenty days after the complaint is received and shall conclude the hearing(s) no later than twenty-four days after it receives the complaint; provided, however, that the running of these time periods shall be tolled and the complaint proceedings shall be stayed in the event the board makes application to the city council for continuance of the proceedings. Such continuances may only be granted by the city council when there is demonstrable and compelling reason(s) to do so, and may not exceed ten days. The board shall render a written report, setting forth its findings of sufficiency as to whether or not the individual against whom the complaint was filed may have violated the code of ethics.

8. The determination of sufficiency or insufficiency by the board is final and binding, and no administrative or other legal appeal is available. If the finding is one of sufficiency of the complaint, then the complaint shall be heard and reported as set forth below.

9. No report may be issued by the board, unless a person or entity complained against has had an opportunity to present information on his, her or its behalf at a hearing before the board.

10. A copy of the written report on sufficiency shall be delivered to the city council, person complained against, and the complaining party within ten days of conclusion of the hearing, unless a longer time period has been requested by the person complained against, and has been approved by the board or unless a longer time period has been requested by the board and has been approved by the city council.

11. In the event the written report provides that the board has found sufficiency in the allegations against whom the complaint has been filed, the matter shall be referred for hearing to the city's hearings examiner unless the defendant requests the matter be heard by the ethics board. (Hearings

examiners will be rotated from a rotational roster maintained by the city and shall be licensed and practicing attorneys who are not residents of the city.)

a. Hearings by a hearings examiner or the ethics board must be held within twenty days of a finding of sufficiency unless an extension is requested, or granted, by the defendant. The hearing must be concluded within ten days of commencement of the hearing unless extended by the request or agreement of the defendant.

b. Findings of fact and conclusions and opinion of the hearings examiner or the ethics board must be received by the council no later than seven days after the conclusion of the hearing.

c. The complainant or defendant may request a subpoena for documentary evidence or the attendance of witnesses by making a written application to the mayor describing in detail the subject matter of the proposed subpoena and an explanation of why such information is reasonably necessary in order to conduct the hearing. The subpoena may be issued in the event the mayor determines the subpoena request is reasonable, relevant to the complaint and within the subpoena power of the city. The request for a subpoena shall be submitted to the mayor within two business days after the determination of sufficiency and the mayor shall have two business days to issue a decision. In the event the mayor denies the request or the complaint alleges a violation of the ethics code by the mayor, the defendant or complainant may request a decision from the city council. City council review shall be scheduled for the next regular city council business meeting or study session, unless an earlier special meeting is available. The commencement of the hearing on the merits shall be delayed until five days after the council makes a decision on whether to issue a subpoena.

12. In the event the final determination by either the hearings examiner or the ethics board provides that the individual against whom the complaint has been filed has violated the code of ethics, the council shall convene and render its decision within seven days of the receipt of said determination unless an extension is requested by the defendant and granted by council. In the event that the city council members agree by majority vote that one or more of the violations occurred, then as to the violations the city council may take any of the following actions by a majority vote of the council; provided, that penalties may only be based upon violations alleged in the complaint or amended complaint and not upon other violations discovered during the complaint process:

a. Admonition. An admonition shall be a verbal nonpublic statement made by the mayor to the individual.

b. Reprimand. A reprimand shall be administered to the individual by letter. The letter shall be approved by the city council and shall be signed by the mayor. If the individual objects to the content of such letter, he or she may file a request for review of the letter of reprimand with the city council. The city council shall review the letter of reprimand in light of the report and the request for review, and may take whatever action appears appropriate under the circumstances. The action of the city council shall be final and not subject to further review.

c. Censure. A censure shall be a written statement administered personally to the individual. The individual shall appear at a time and place directed by the city council to receive the censure. Notice shall be given at least twenty days before the scheduled appearance at which time a copy of the proposed censure shall be provided to the individual. Within five days of receipt of the notice, the individual may file a request for review of the content of the proposed censure with the city council. Such a request will stay the administration of the censure. The city council shall review the proposed censure in light of the report and the request for review, and may take whatever action appears appropriate under the circumstances. The action of the city council shall be final and not subject to further review. If no such request is received, the censure shall be administered at the time and place set. It shall be given publicly, and the individual shall not make any statement in support of or in opposition thereto or in mitigation thereof. A censure shall be deemed administered at the time it is scheduled whether or not the individual appears as required.

d. Removal. In the event the individual against whom the complaint has been filed is a member of a city board, commission, committee, or other multi-member bodies appointed by the mayor with the approval of the city council, the city council may, by a majority vote, remove the individual from such board, commission or committee; provided, however, that nothing in this section authorizes the city council to remove a council member or the mayor from his or her office.

13. Proceedings by the board or the hearings examiner when they relate to action involving a person shall be made in executive session; however, upon request of the person involved, the proceeding shall be open to the public. The complaint, the determination of sufficiency or no sufficiency, and written report of the board or the hearings examiner shall be considered public records.

14. Action by the city council shall be by majority vote. If the proceeding involves a member of the city council, the member does not vote on any matter involving the member. As provided in RCW 35A.12.100, the mayor shall vote in the case of a tie, except if the action is against the mayor. Deliberation by the council may be in executive session; however, upon

request of the person complained against, the meeting shall be open to the public.

15. A complaint cannot be sufficient unless it precisely alleges and describes unjustified acts, which constitute a prima facie showing of a violation of a specified provision or provisions of this code.

B. Specific complaint against a city employee official.

In the event the individual against whom the complaint has been filed is a city employee, the city shall follow the appropriate discipline, through the employee's supervisor and/or department head, procedures as outlined in the appropriate bargaining agreement, employee handbook, civil service rules, and/or standard operating procedures. Employees also have the right to appeal through the court system as regulated by state and federal law.

C. Board unavailability – Hearing examiner authority.

In the event the ethics board is unable to perform any function designated under this section due to lack of a quorum or other reason, such function shall instead be performed by the hearing examiner who shall be governed by the board's procedures.

4.30.040 Miscellaneous provisions.

A. The ethics board shall also render written opinions concerning the applicability of the code of ethics to hypothetical circumstances or situations upon the request of the mayor or any council member. Requests for opinions from the public must be approved by either the mayor or a majority vote of council.

B. The city shall release copies of any written report resulting from a review of a complaint and any written censures or reprimands issued by the city council in response to public records requests as consistent with Chapter 42.56 RCW and any other applicable public disclosure laws.

C. The mayor shall provide staff, as he or she deems appropriate, to assist the ethics board.

D. The city clerk shall cause a copy of the code of ethics to be distributed to every public officer of the city within thirty days after enactment of the ordinance codified in this chapter. The ordinance codified in this chapter will also be made available on the city's web page and hard copies will be made available upon request.

4.30.050 Appeal – Penalties for violation.

A. Appeal of a decision of the ethics board that the code of ethics has been violated, or a decision of the city council as to an admonition, reprimand, censure,

or removal, may be filed with the Snohomish County superior court, Washington State.

B. Any person who files with the ethics board a false charge of misconduct on the part of any public official or public employee when the person knows it is false shall be guilty of a misdemeanor.

C. In addition to criminal penalties, violators shall pay a civil penalty of five hundred dollars, or three times the economic value of anything received in violation of this chapter, whichever is greater. Any monetary penalty assessed civilly shall be placed in the city's general fund.

4.30.060 Definitions.

The following words and phrases as used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings:

A. "Advisory opinion" means an opinion rendered by the ethics board, based upon hypothetical circumstances, indicating how the board would rule on a matter having the same or sufficiently parallel facts, should an adversary proceeding develop.

B. "Hypothetical circumstances" means circumstances of fact framed in such a manner as to call for an opinion from the board based on a series of assumptions and not based on the known or alleged past or current conduct of a specific public official or employee that could be the basis of a complaint under MMC 4.30.040

C. "Prima facie showing" means evidence which, standing alone and unexplained, would maintain the proposition and claimed violation of this chapter set forth in the complaint.

Chapter 4.40 LODGING TAX ADVISORY COMMITTEE

Sections:

4.40.010 Lodging tax advisory committee established.

4.40.020 Appointment.

4.40.030 Annual review – Vacancies.

4.40.040 Review of proposals by committee.

4.40.050 Severability.

4.40.010 Lodging tax advisory committee established.

Pursuant to Chapter 67.28 RCW and Substitute Senate Bill 5867, Chapter 452, Laws of 1997, there is hereby established a lodging tax advisory committee of the city of Monroe. The lodging tax advisory committee shall consist of five members. The committee membership shall include:

A. Two members who are representatives of hotel-motel businesses required to collect the lodging tax (business);

B. Two members who are persons involved in activities authorized to be funded by revenue received from the lodging tax (activities); and

C. The mayor, or a councilmember designated by the mayor, shall be a member of the committee and shall serve as chair.

4.40.020 Appointment.

Organizations representing businesses collecting the lodging tax, and organizations involved in activities authorized to be funded by the lodging tax, and local agencies involved in tourism promotion may submit recommendations to the city council for membership on the committee. The committee members representing business and persons involved in activities shall be appointed by the city council.

4.40.030 Annual review – Vacancies.

The city council shall review the membership of the lodging tax advisory committee annually and make changes as appropriate. Vacancies on the committee shall be filled by the city council by motion. The term of membership shall be through June 30th of the year following appointment; provided, that a member's term shall not expire until the appointment of a new member is effective.

4.40.040 Review of proposals by committee.

A. A proposal for any of the following shall be submitted to the lodging tax advisory committee for review and comment on:

1. The imposition of a tax under Chapter 67.28 RCW;
2. An increase in the rate of tax imposed under Chapter 67.28 RCW;
3. The repeal of an exemption from a tax imposed under Chapter 67.28 RCW; or
4. A change in the use of revenue received under Chapter 67.28 RCW.

B. Such proposal(s) shall be submitted to the committee at least forty-five days before final action on or passage of the proposal by the city council.

C. The advisory committee shall submit comments to the city council on the proposal in a timely manner through generally applicable public comment procedures. The comments shall include an analysis of:

1. The extent to which the proposal will accommodate activities for tourists or increase tourism; and

2. The extent to which the proposal will affect the long-term stability of the fund created by RCW 67.28.1815, the fund used for paying the cost of tourism promotion, acquisition of tourism-related facilities, or operation of tourism-related facilities.

D. Failure of the advisory committee to submit comments before final action on or passage of the proposal shall not prevent the city council from acting on the proposal. The city is not required to submit an amended proposal to the committee.

4.40.050 Severability.

If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.

Chapter 4.50
PARK BOARD

Sections:

- 4.50.010 Created – Membership – Compensation.
- 4.50.020 Terms of Office.
- 4.50.030 Powers and duties.
- 4.50.040 Matters referred to the board by city council.
- 4.50.050 Reports.
- 4.50.060 Selection of officers.
- 4.50.070 Meetings and voting.
- 4.50.080 Definitions.

4.50.010 Created – Membership – Compensation.

A. There is hereby created a seven-member board of park commissioners. The park board shall consist of five members at large, with one member from the city planning commission and one member from the Monroe school district.

B. The mayor with the consent of the city council shall appoint the members at large. The members at large shall be of recognized fitness for such position, and shall reside within the limits of the city of Monroe, except the mayor may appoint, with consent of the city council, one board member from the city of Monroe's urban growth area to fill a vacant position. The mayor shall confer with the planning commission and Monroe school district to select a representative from each organization. The mayor shall appoint one member from each organization, with the consent of the city council.

C. Board members shall serve without compensation and may be reimbursed by the city for reasonable expenses incurred in their exercise of the official business of the board, consistent with the expense reimbursement policies of the city and as provided for in the general provisions of this title, MMC 4.10.

D. The city council may select a member from its body as a liaison to the board of park commissioners.

4.50.020 Terms of Office.

The term of office for each appointed board member shall be four years except that the term of members from the planning commission and Monroe school district shall be for two years.

4.50.030 Powers and duties.

The board shall be an advisory board to the city council and shall have and exercise those powers and that authority prescribed below:

A. Review on an annual basis the comprehensive park and recreation plan and suggest amendments, if appropriate, to the city council.

B. Work with the planning commission in reviewing the needs and locations of park sites.

C. Continually assess the city park and recreation facilities, programs, needs and costs and make recommendations to the city council for the care, management, supervision, improvement and budgeting for parks, recreational facilities and programs.

D. Advise the city council on annual budget needs for the parks department.

E. Advise the council on the personnel needs of the maintenance and operation of the park system.

F. Advise the city council on capital expenditures program for the park department, including planning acquisition, construction, development, maintenance and operation; including restrictions on concessions or privileges in parks and play and recreation grounds and other municipally owned recreation facilities.

G. The park and recreation board, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any special matter of question concerning trees in the city coming within the scope of its work.

H. The park and recreation board may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

4.50.040 Matters referred to the board by city council.

The city council may refer to the board for its recommendation and report on any ordinance, resolution or other proposals on matters and subjects relating to city parks, parks operations, and recreation programs and other similar matters generally considered under the influence of park and recreation operations.

4.50.050 Reports.

The board present an annual report to the city council. Such annual report shall be in writing.

4.50.060 Selection of officers.

A chairperson and vice chairperson shall be elected each year. Officers shall be elected by a majority of all commissioners present at the first meeting of the new year.

4.50.070 Meetings and attendance.

A. The board of commissioners shall determine a monthly meeting time and date. The board may have special meetings at other times; provided, such meetings are announced to the general public at least twenty-four hours prior to said meetings, in accordance with Chapter 42.30 RCW; and further provided, that such special meeting is used to consider a separate concern or agenda item. Special meetings should not be used to conduct general business.

B. Park board members shall be subject to removal if absent from more than three consecutive meetings.

4.50.080 Definitions.

Words used in this chapter shall have the following meanings:

A. "Park" means an area of land, with or without water, developed or undeveloped and used for public recreational purposes by the city of Monroe, including landscaped tracts, picnic grounds, playgrounds, athletic fields, recreation centers, foot and bicycle paths, and facilities for boating and fishing.

B. "Park board" means board of park commissioners.

C. "Parks department" means a branch of city government.

D. "Recreation" means any recreational facility, program, activity or function sponsored by or through or as a part of the services offered to residents of the city of Monroe through the parks department.

E. "Trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets and avenues or shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city or to which the public has free access as a park. "Urban forest" is herein defined as trees, shrubs, bushes, and all other woody vegetation within the city limits of the city of Monroe including both street trees and park trees.

**Chapter 4.60
PLANNING COMMISSION**

Sections:

4.60.010 Created – Membership – Compensation.

4.60.020 Terms of office.

4.60.030 Powers and duties.

4.60.040 Matters referred to commission by city council.

4.60.050 Report of transactions and expenditures.

4.60.060 Selection of secretary.

4.60.010 Created – Membership – Compensation.

A. Pursuant to the authority conferred by Chapter 35A.63 RCW, as amended, there is created a city planning commission consisting of seven members who shall be appointed by the mayor and confirmed by the city council. All members of the planning commission shall reside within the city limits of the city of Monroe, except the mayor may appoint and the city council confirm one commissioner from the city of Monroe's urban growth area to fill a vacant position.

B. The members shall be selected without respect to political affiliations.

C. Each city planning commissioner may be paid for attending commission meetings and workshops an amount not exceeding seventy-five dollars per meeting for not more than one meeting each week. Members may be reimbursed for expenses necessarily incurred in performing their official duties, as provided for in the general provisions of this title, MMC 4.10.

4.60.020 Terms of office.

The term of office for each appointed commission member shall be four years, and expiration of terms of office shall be set forth so that each position shall expire in rotation on December 31st in each succeeding year, so that the fewest possible terms will expire in any one year.

4.60.030 Powers and duties.

The planning commission shall have all the powers and perform each and all of the duties specified in this code.

4.60.040 Matters referred to commission by city council.

The city 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 Chapter 35A.63 RCW, as amended, and the commission shall promptly report to the council thereon, making such recommendations and giving such counsel as it may deem proper.

4.60.050 Report of transactions and expenditures.

The planning commission, at or before its first regular meeting in September of each year, shall make a full report in writing to the city council of its transactions and expenditures, if any, for the calendar year preceding, with such general recommendations as to matters covered by its prescribed duties and authority as may seem proper to it.

4.60.060 Selection of secretary.

The planning commission may designate one of its members to act as secretary, without salary, or, if requested by the commission, the mayor shall designate a member of the paid staff of the city to serve as such secretary.

Chapter 4.70
SALARY COMMISSION

Sections:

4.70.010 Created – Membership – Compensation

4.70.020 Terms of Office

4.70.030 Powers and Duties

4.70.040 Referendum Measures

4.70.10 Created – Membership – Compensation.

A. There is created and established an independent salary commission. The salary commission shall review and establish the salaries of the mayor and the councilpersons and shall exercise the powers and perform the duties set forth by RCW 35.21.015, as now existing or hereafter amended.

B. The commission shall consist of five members, to be appointed by the mayor with the approval of the city council. A member of the commission shall not be an officer, official, or employee of the city or an immediate family member of an officer, official, or employee of the city. For purposes of this section, "immediate family member" means the parents, spouse, siblings, children, or dependent relatives of an officer, official, or employee of the city, whether or not living in the household of the officer, official, or employee.

C. In the event of a vacancy in the office of commissioner, the mayor shall appoint, subject to approval of the city council, a person to serve the unexpired portion of the term of the expired position.

D. A member of the commission shall only be removed from office for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of residence.

C. Commissioners shall serve without compensation and may be reimbursed by the city for reasonable expenses incurred in their exercise of the official business of the board, consistent with the expense reimbursement policies of the city and as provided for in the general provisions of this title, MMC 4.10.

4.70.20 Terms of Office.

A. A member of the commission shall serve for a three-year term. Initial terms shall be staggered with two members appointed for terms beginning upon their appointment in 2015 and ending December 31, 2017, two members appointed for terms beginning upon their appointment and ending December 31, 2016, and one member appointed for a term beginning upon his or her appointment and ending December 31, 2015.

B. No member of the commission shall be appointed to more than two terms, whether consecutive or otherwise.

4.70.030 Powers and Duties.

A. The commission shall have the duty to review the salaries paid by the city to the mayor and city council. If after such review the commission determines that the salary paid to the mayor or city council should be increased or decreased, the commission shall file a written salary schedule with the city clerk indicating the increase or decrease in salary.

B. The commission shall convene and complete its first review of the salaries paid to the mayor and city council within ninety days of the appointment of the commission. Should the commission determine that the salary paid to the mayor or city council should be increased or decreased, the commission shall file its initial schedule of salaries for the mayor and city council with the city clerk no later than the ninety-first day following the appointment of the commission.

C. For subsequent years, the commission shall meet no less than one time per year, during the month of August.

D. All meetings of the commission shall be governed by the Open Public Meetings Act and shall be open to the public except as otherwise allowed under that Act. Members of the public shall have an opportunity to comment or submit comments in writing prior to a commission vote to increase or decrease salaries.

E. Any increase or decrease in salary shall become effective and incorporated into the city budget without further action of the city council or the commission.

F. Salary increases established by the commission shall be effective as to the mayor and all councilpersons, regardless of their terms of office.

G. Salary decreases established by the commission shall not be effective as to an incumbent mayor and councilpersons until the commencement of their next term of office.

H. Any adjustment of salary by the commission shall supersede any city ordinance related to the budget or fixing of salaries, but only to the extent there is a conflict.

I. The commission shall adopt rules of procedure to govern its meetings. Such rules shall make provision for the taking of minutes and keeping of commission records, and shall provide for the election of such officers as are deemed necessary by the commission for the conduct of its business.

4.70.040 Referendum measures.

A. Salary increases and decreases shall be subject to referendum petition by the people of the city in the same manner as a city ordinance upon filing of such petition with the city clerk within thirty days after filing of the salary schedule. In the event of the filing of a valid referendum petition, the salary increase or decrease shall not go into effect until approved by vote of the people.

B. Referendum measures under this section shall be submitted to the voters of the city at the next following general or municipal election occurring thirty days or more after the petition is filed, and shall be otherwise governed by the provisions of the state Constitution, or city charter, or laws generally applicable to referendum measures.


Section 8. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 9. Effective Date. This ordinance shall be published as required by law and shall be in full force and effect thirty (30) days from and after its final passage.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe,
at a regular meeting held this 7th day of August, 2019.

First Reading: August 13, 2019
Final Reading: August 27, 2019
Published: August 30, 2019
Effective: September 26, 2019

CITY OF MONROE, WASHINGTON:




Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:



Elizabeth M. Adkisson, MMC, City Clerk



J. Zachary Lell, City Attorney