

Repealed By 2570 on Date: _____ORDINANCE NO. 2292

AN ORDINANCE RELATING TO THE FIRE AND POLICE CIVIL SERVICE FOR THE CITY OF KIRKLAND AND ADOPTING THE "RULE OF THREE" FOR THE APPOINTMENT OF CHIEF OF POLICE AND FIRE CHIEF AND ADDING A NEW SECTION TO CHAPTER 3.52 AND TO CHAPTER 3.56 OF THE KIRKLAND MUNICIPAL CODE.

WHEREAS, the Civil Service provisions of RCW 41.12 and RCW 41.08 relating respectively to police and fire personnel for cities in the State of Washington, include specifically the department head or chief as to both the Police Department and Fire Department, and

WHEREAS, said provisions further appear to establish a "rule of one" with a six month probationary term as to all classified position appointments, including department head or chief, rather than the more commonly used "rule of three", and

WHEREAS, said statutes further require all Washington cities to adopt police and fire Civil Service provision in accordance with said statutes, or to establish systems which "substantially accomplish" the purposes of said state statutes, and

WHEREAS, the City Manager as "appointing authority" has recommended that the City of Kirkland provisions be modified to provide for "a rule of three" as to the appointment for Police Chief and Fire Chief, and

WHEREAS, the City Council recognizes that the positions of Police Chief and Fire Chief include the exercise of administrative and policy discretion beyond that normally delegated to Civil Service classified personnel, and that a greater element of choice by the appointing authority in making appointments to these two positions is necessary and desirable, and

WHEREAS, such degree of choice is available under the "rule of three", but not under the "rule of one", and

WHEREAS, the adoption of the "rule of three" in regard to the positions of Police Chief and Fire Chief nevertheless maintain local fire and policy Civil Service systems which substantially accomplish the purposes of the state statutes,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. There is hereby added to Chapter 3.52, Civil Service Commission for City Police, Kirkland Municipal Code, a new section to read as follows:

"3.52.060 Special Provisions for Appointment of Chief of Police: Notwithstanding the provisions of RCW 41.12 or any rule or regulation of the Civil Service Commission which might be construed to be applied in some other manner, the following special provisions shall apply to the appointment of the Chief of Police: Whenever the appointing authority reports to the commission a vacancy in the position of Chief of Police, the commission shall certify to the appointing authority the names of the three persons appearing highest on the eligibility list prepared or to be prepared by the commission in accordance with its normal procedures. To enable the appointing authority to exercise a choice in the filling of the position of Chief of Police, he shall make the appointment from among the three persons so certified."

Section 2. There is hereby added to Chapter 35.56, Civil Service Commission for Firemen, Kirkland Municipal Code, a new section to read as follows:

"3.56.060 Special Provisions for Appointment of Fire Chief: Notwithstanding the provisions of RCW 41.08 or any rule or regulation of the Civil Service Commission which might be construed to be applied in some other manner, the following special provisions shall apply to the appointment of the Fire Chief: Whenever the appointing authority reports to the commission a vacancy in the position of Fire Chief, the commission shall certify to the appointing authority the names of the three persons appearing highest on the eligibility list prepared or to be prepared by the commission in accordance with its normal procedures. To enable the appointing authority to exercise a choice in the filling of the position of Fire Chief, he shall make the appointment from among the three persons so certified."

Section 3. This Ordinance shall be in force and effect five days from and after its passage and publication and required by law.

PASSED by the Kirkland City Council in regular meeting on the 5th day of May, 1975.

SIGNED in authentication thereof on the 5th day of May, 1975.

Robert H. Hui
Mayor

ATTEST:

Tom J. Aderson
Director of Administration & Finance
(ex officio City Clerk)

Approved as to form:

Taylor
City Attorney