

ORDINANCE NO. 3959

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CHAPTER 2.10 OF THE EDMONDS CITY CODE RELATING TO CONFIRMATION OF CERTAIN MAYORAL APPOINTMENTS AND PORTIONS OF CHAPTER 2.01 AND 2.03 OF THE EDMONDS CITY CODE RELATED TO THE EXECUTIVE ASSISTANTS TO THE CITY COUNCIL AND MAYOR.

WHEREAS, RCW 35A.12.090 states that the mayor shall have the power of appointment of all appointive officers and employees; and

WHEREAS, RCW 35A.12.090 further states that confirmation by the city council of appointments of officers and employees shall be required only when the city charter, or the council by ordinance, provides for confirmation of such appointments; and

WHEREAS, the city council has previously provided for the city council's confirmation of director level mayoral appointments in chapter 2.10 of the Edmonds City Code; and

WHEREAS, the City Council has undertaken an effort to update certain portions of the Edmonds City Code that have not been updated for many years; and

WHEREAS, the update is necessary to, among other reasons, conform the code to the city council's actual practice in confirming mayor appointments and to make provisions for certain confirmation scenarios that the previous code did not address; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 2.10 of the Edmonds City Code, formerly entitled "Confirmation and Duties of Officers," is hereby amended to read as set forth in **Attachment A** hereto, which is incorporated herein by this reference as if set forth in full (new text is shown in underline; deleted text is shown in ~~strike-through~~).

Section 2. A new chapter 2.03 entitled, “City Council,” is hereby added to the Edmonds City Code to read as follows (similar language was previously codified in ECC section 2.10.060):

Chapter 2.03

CITY COUNCIL

2.03.010 Executive assistant to council.

Executive assistant to council.

The executive assistant to council shall be a contract employee hired on an annual basis by the city council. The terms and conditions of employment for the executive assistant to council as well as all benefits shall be governed by the provisions of the contract. Depending on the experience level of the particular person serving in this role, the prefix of “senior” may be added to the title. The contract shall provide for the delegation by the mayor of the direction of this individual to the city council president. In the event that the mayor elects in his or her discretion not to delegate that function, the city council reserves the right to immediately eliminate the position.

Section 3. ECC section 2.01.020 formerly entitled “References to mayor’s administrative assistant,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike through~~; similar language was previously codified in ECC section 2.10.070):

2.01.020 Mayor’s executive assistant~~References to mayor’s administrative assistant.~~

The position of mayor’s executive assistant shall be an at-will position with the executive assistant serving at the pleasure of the mayor.~~On and after January 1, 1984, the office of the mayor’s administrative assistant is hereby abolished. All references in ECC 2.01.030 to the mayor’s administrative assistant shall refer to the mayor or designee.~~

Section 4. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:


MAYOR DAVE EARLING

ATTEST/AUTHENTICATED:


CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JEFF TARADAY

FILED WITH THE CITY CLERK:	January 17, 2014
PASSED BY THE CITY COUNCIL:	January 21, 2014
PUBLISHED:	January 26, 2014
EFFECTIVE DATE:	January 31, 2014
ORDINANCE NO.	3959

Chapter 2.10

CONFIRMATION AND DUTIES OF ~~CITY-APPOINTIVE~~ OFFICERS

Sections:

2.10.010 Review of vacancies, appointment authority and confirmation process.

2.10.020 Assignment of duties.

2.10.030 Police chief.

2.10.040 Terms and extension of terms.*Repealed.*

2.10.050 ~~References to director of community development.~~

~~2.10.060 Executive council assistant.~~

~~2.10.070 Mayor's executive assistant.~~

2.10.005 Definitions.

A. **Appointive officer.** For the purposes of this chapter, "appointive officer" means the following city officers that are appointed by the mayor and subject to city council confirmation: all director-level positions in the city's adopted budget, including the police chief.

B. **Specifications.** For the purposes of this chapter, "specifications" means the functions, powers, duties, compensation, and working conditions of the city's appointive officers.

2.10.010 Review of vacancies, appointment authority and ~~Confirmation~~ confirmation process.

A. Periodically, when the city conducts a salary survey regarding its non-represented employees, and ~~Whenever~~ whenever a vacancy occurs in one of the positions listed in this ~~section~~ chapter, the city council ~~will~~ may review the specifications for the ~~appointive officer of that~~ position(s) and revise ~~it~~ them as needed before ~~the vacancy is filled~~ ~~acting to confirm a permanent appointment.~~ Nothing in this subsection shall be construed to prevent the city council from reviewing such specifications at other times. The council's revising of a specification will not have any effect on a previously confirmed permanent appointment. Recruitment to fill a vacant appointive office may be postponed until after the city council acts to revise the specifications or determines them not to be in need of revision.

B. The mayor or his/her designee will review all applications and determine the persons with the highest qualifications. Any city council member, upon request to the mayor, may review the applications received for ~~the a~~ vacant position. Additionally and/or alternatively, the city council may evaluate the qualifications of an applicant for public employment in executive session pursuant to RCW 42.30.110(1)(g).

- C. ~~The mayor shall appoint, subject to city council confirmation, the positions of judge and hearing examiner. The hearing examiner may be removed from his/her position for cause, as determined by the mayor. If, on occasion of a vacant appointive office, the mayor elects to propose a reorganization of the appointive offices which would alter the specifications of the vacant appointive office, he shall have sixty-days from the date of the vacancy to introduce a reorganization proposal to the city council along with any necessary accompanying budget amendment. If reorganization is proposed, recruitment to fill the vacant appointive office may be postponed until after the city council acts upon the reorganization proposal. The judge may be removed from his/her office for cause, as specified in RCW 3.50.095.~~
- D. ~~The mayor shall appoint, subject to council confirmation, the department director positions of police chief, fire chief, community services director, administrative services director, development services director, parks and recreation director, public works director, and human resources director. Appointive Officers. The city council shall interview the top threethree candidates for each position prior to the mayor's final selection appointment, PROVIDED that the city council may waive the three-interview requirement by motion adopted by a majority plus one of the full council and may opt to interview as few as two candidates for any vacant appointive office; AND FURTHER PROVIDED that, when an appointive office becomes vacant, or is about to become vacant, again within nine months of the city council's confirmation of the last mayoral appointment to that office, the city council may waive an additional round of interviews, by motion adopted by a majority plus one of the full council, and proceed immediately to confirming the appointment of a candidate interviewed by the city council during the most recent recruitment for that appointive office. The mayor's appointments to all other employee positions shall not be subject to city council confirmation. [Ord. 3279 § 1, 1999].~~
- E. ~~The mayor shall have the authority to appoint, without city council confirmation, an acting director to perform the functions and duties of a vacant appointive office, subject to the term limitations described in ECC 2.10.040.B, PROVIDED that there is budgetary authority to fill the position. The city council shall be given written notice about any such acting appointments including the effective date of the appointment. Acting directors shall be compensated pursuant to applicable ordinances and personnel policies regarding acting pay.~~
- F. ~~The mayor shall begin recruitment of candidates to fill vacant appointive offices no later than thirty days after the latter of the two city council actions described in subsections A and C, above, PROVIDED THAT such recruitment shall not be necessary where the city council opts to make an immediate confirmation pursuant to a prior round of interviews as set forth in subsection D, above.~~

2.10.020 Assignment of duties.

The city council shall define the functions, powers and duties of the city's appointive officers and employees. The mayor shall direct, supervise, and be in charge of all

appointive officers and employees in the performance of their functions, powers, and duties, except for employees hired pursuant to chapter 2.03 ECC. Appointive officers~~department directors~~ shall be responsible for carrying out all directives as assigned by the mayor, including, but not limited to, planning and directing the activities and staff in their respective assigned departments, supervising and evaluating the work processes and assigned staff, controlling the financial integrity of the assigned departmental budget, and insuring the delivery of quality public services. All department directors shall serve at the pleasure of the mayor. [~~Ord. 3279 § 1, 1999~~].

2.10.030 Police chief.

Pursuant to the authority of RCW 41.12.050(2), the position of police chief has been removed-exempted from civil service. ~~The police chief shall be appointed by the mayor subject to confirmation by majority vote of the city council.~~ [~~Ord. 3279 § 1, 1999~~].

2.10.040 Terms and extensions of terms.Fire chief.

~~Repealed by Ord. 3762.~~ [~~Ord. 3279 § 1, 1999~~].

- A. Permanent appointive officers shall serve without a definite term.
- B. The authority to hold an appointive office on an acting basis (an acting directorship) shall expire and be deemed vacant six months after the date of the acting appointment. If, during that six month period, the administration has not been able to generate sufficient interest from suitable candidates to satisfy the city council interview requirement (see subsection D, above), the mayor may request an extension of acting directorship authority from the city council, in increments of no more than six months at a time, to allow the recruiting process to continue. After the initial six-month term, each extension of the acting directorship shall be subject to city council confirmation.
- C. Both permanent and acting appointive officers shall be at-will positions serving at the pleasure of the mayor.

2.10.050 References to director of community development.

Wherever references are made in the Edmonds City Code, the Edmonds Community Development Code or any ordinance of the city to the director of community development director, said reference shall hereafter be construed to mean the development services department ~~director or designee~~. [~~Ord. 3279 § 1, 1999~~]. Wherever references are made in the Edmonds City Code, the Edmonds Community Development Code, or any ordinance of the city to the administrative services director, said reference shall hereafter be construed to mean the finance director. With the exception of Title 3 of the Edmonds City Code, wherever references are made in the Edmonds City Code or Edmonds Community Development Code to the community services director, said references shall hereafter be construed to mean development services director, PROVIDED THAT references to the

community services director in Titles 7, 9 and 18 and chapters 4.68 and 17.95 shall hereafter be construed to mean public works director.

2.10.060

~~Executive council assistant.~~

~~The executive council assistant shall be a contract employee hired on an annual basis by the city council. The terms and conditions of employment for the executive council assistant as well as all benefits shall be governed by the provisions of the contract. The contract shall provide for the delegation by the mayor of the direction of this individual to the city council president. In the event that the mayor elects in his or her discretion not to delegate that function, the council reserves the right to immediately eliminate the position. [Ord. 3279 § 1, 1999].~~

2.10.070

~~Mayor's executive assistant.~~

~~The position of mayor's executive assistant shall be an at-will position with the executive assistant serving at the pleasure of the mayor. The salary for the position is established by the annual salary ordinance. The terms and conditions of employment as well as job duties being set forth in a job description developed by the mayor with the concurrence of the city council. [Ord. 3279 § 1, 1999].~~

SUMMARY OF ORDINANCE NO. 3959

of the City of Edmonds, Washington

On the 21st day of January, 2014, the City Council of the City of Edmonds, passed Ordinance No. 3959. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CHAPTER 2.10 OF THE EDMONDS CITY CODE RELATING TO CONFIRMATION OF CERTAIN MAYORAL APPOINTMENTS AND PORTIONS OF CHAPTER 2.01 AND 2.03 OF THE EDMONDS CITY CODE RELATED TO THE EXECUTIVE ASSISTANTS TO THE CITY COUNCIL AND MAYOR..

The full text of this Ordinance will be mailed upon request.

DATED this 22nd day of January, 2014.



CITY CLERK, SCOTT PASSEY

Everett Daily Herald

Affidavit of Publication

STATE OF WASHINGTON }
COUNTY OF SNOHOMISH } ss

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice is a true copy of City Ordinances - Ordinance Summaries 3955-3959 540131

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

1 issue(s), such publication commencing on 01/26/2014 and ending on 01/26/2014 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$ 79.12

Karen E. Zoman

Subscribed and sworn before me on this 26TH day of JANUARY, 2014.

Jaurag Damron

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

City of Edmonds EDH101416 - PO: ORD 3955-3959

ORDERED BY: LINDA HYND

ORDINANCE SUMMARIES
of the City of Edmonds, Washington

On the 21st Day of January, 2014, the City Council of the City of Edmonds, Washington, passed the following Ordinances. The summaries consisting of titles are provided as follows:

ORDINANCE NO. 3955
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS COMMUNITY DEVELOPMENT CODE SECTION 16.43.020 RELATING TO LIMITING CERTAIN OFFICE USES FROM LOCATING IN BUSINESS SPACES ALONG DESIGNATED GROUND FLOOR STREET FRONTAGES WITHIN THE DOWNTOWN BUSINESS 1 (BD1 - DOWNTOWN RETAIL CORE) ZONE.

ORDINANCE NO. 3956
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, RELATING TO CONTRACTING INDEBTEDNESS; PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF AN UNLIMITED TAX GENERAL OBLIGATION BOND TO CARRY OUT A CURRENT REFUNDING OF THE CITY'S OUTSTANDING UNLIMITED TAX GENERAL OBLIGATION REFUNDING BONDS, 2003, AND TO PAY THE COSTS OF ISSUANCE AND SALE OF THE BOND; FIXING CERTAIN TERMS AND COVENANTS OF THE BOND; AND PROVIDING FOR OTHER RELATED MATTERS.

ORDINANCE NO. 3957
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CERTAIN DOG LICENSING FEE PROVISIONS OF ECC 5.05; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

ORDINANCE NO. 3958
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ECC 8.52 TO REVISE CERTAIN PROVISIONS OF THAT CODE SECTION RELATING TO PARKING PERMIT FEES; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

ORDINANCE NO. 3959
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CHAPTER 2.10 OF THE EDMONDS CITY CODE RELATING TO CONFIRMATION OF CERTAIN MAYORAL APPOINTMENTS AND PORTIONS OF CHAPTER 2.01 AND 2.03 OF THE EDMONDS CITY CODE RELATED TO THE EXECUTIVE ASSISTANTS TO THE CITY COUNCIL AND MAYOR

The full text of any Ordinance will be mailed upon request. Dated this 22ND Day of January, 2014.

CITY CLERK, SCOTT PASSEY
Published: January 26, 2014.