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Chapter 2.03

MAYOR

Sections:

2.03.010 Compensation.

2.03.010 Compensation.

The annual salary for the mayor shall be set by the city council in the annual budget ordinance. (Ord. 1231 § 2, 1994).

Chapter 2.04

CITY COUNCIL¹

Sections:

2.04.010 Meetings – Time.

2.04.020 Meetings – Location.

2.04.025 Workshop meetings.

2.04.030 Audit and allowance of demands against city.

2.04.040 *Repealed.*

2.04.050 Salaries.

2.04.010 Meetings – Time.

The regular meetings of the city council shall be held on the second and fourth Mondays of each month at 6:30 p.m.; provided, if a regular meeting day falls on a legal holiday, the regular meeting shall be held at 6:30 p.m. on the next business day following the holiday. (Ord. 1417 § 1, 1999; Ord. 1398 § 1, 1998; Ord. 1301 § 1, 1996; Ord. 955 § 1, 1984; Ord. 325 § 1, 1961).

2.04.020 Meetings – Location.

The official location of the city council meetings is 100 Third Avenue Southeast, city of Pacific, King County, Washington, otherwise known as City Hall Complex. (Ord. 540 § 1, 1974).

2.04.025 Workshop meetings.

A. The city council shall hold two workshops each month. Workshops will be held on the first and third Monday of each month. Workshops shall begin at 6:30 p.m. at City Hall, 100 Third Avenue Southeast, Pacific, Washington.

B. The purpose of a workshop is for the city council to discuss and analyze matters which the city council will consider at its regular meetings.

C. Unless otherwise prohibited by law, audience participation at a workshop shall be permitted only with the consent of one or more city council members.

1. For statutory provisions regarding the time and place of city council meetings, see RCW 35.24.180.

2.04.030

D. The city council shall not take final action on any matter at a workshop.

E. The city council may set additional workshops at a regular city council meeting. (Ord. 1447 § 1, 2000; Ord. 1417 § 2, 1999; Ord. 1398 § 2, 1998; Ord. 1314 § 1, 1997; Ord. 1244 § 1, 1995; Ord. 1011 § 1, 1987).

2.04.030 Audit and allowance of demands against city.

All demands against the city shall be presented to and reviewed by the finance committee of the city council, which shall make a recommendation to the city council regarding the payment or nonpayment of each demand. The city council shall audit each demand. Approval of a demand shall be effected by at least two members of the finance committee affixing their signatures to the demand on the space provided for on the same by the city clerk. (Ord. 1138 § 1, 1991; Ord. 683 § 1, 1978).

2.04.040 Department heads – Attendance at council meetings.

Repealed by Ord. 1286. (Ord. 803 § 1, 1980).

2.04.050 Salaries.

Each member of the city council shall be paid a salary of \$50.00 for each week in which the councilmember attends a regularly scheduled city council meeting or workshop. Councilmembers who miss a regularly scheduled meeting or workshop, whether excused or not, shall not receive their salary for the week. (Ord. 1472 § 1, 2000; Ord. 1051 § 1, 1988; Ord. 827, 1981).

Chapter 2.06

HEARING EXAMINER

Sections:

- 2.06.010 Purpose.
- 2.06.020 Hearing examiner authorized.
- 2.06.030 Appointments and terms.
- 2.06.040 Conflict of interest.
- 2.06.050 Powers and duties.
- 2.06.060 Findings.
- 2.06.070 Appeal of hearing examiner decision.
- 2.06.080 Designation of board of appeals.

2.06.010 Purpose.

The purpose of this chapter is to separate land use planning from land use regulation; insure due process and fairness in land use regulation; and efficiently regulate land use by integrating the public hearing and decision-making processes. (Ord. 1505 § 2, 2001).

2.06.020 Hearing examiner authorized.

There is created the office of hearing examiner as an independent office of the city for the conduct of hearings on matters delegated to the hearing examiner by ordinance. (Ord. 1505 § 2, 2001).

2.06.030 Appointments and terms.

A. The mayor shall appoint the hearing examiner. The mayor is also authorized to appoint hearing examiners pro tempore to serve in the absence, unavailability, or disqualification of the hearing examiner.

B. The hearing examiner shall have demonstrated expertise and local and state land use matters, and in the conduct of administrative and quasi judicial hearings. Examiners shall hold no other elective or appointive office or position in the city government. (Ord. 1505 § 2, 2001).

2.06.040 Conflict of interest.

No examiner shall conduct or participate in any hearing, decision, or recommendation in which the examiner has a direct or indirect substantial financial or familial interest, or concerning which the examiner has had sub-

stantial pre-hearing contacts with proponents or opponents. (Ord. 1505 § 2, 2001).

2.06.050 Powers and duties.

The hearing examiner is authorized to:

A. Administer all oaths and affirmations, examine witnesses, rule upon offers of proof, receive evidence and conduct discovery procedures which may include propounding interrogatories and taking oral depositions; provided, that no person shall be compelled to produce information which the person could not be compelled to produce to a court of law;

B. Upon the written request of a city officer or any party, or upon the hearing examiner's own volition, issue and witness subpoenas; provided, that any subpoena shall state the name and address of the witness sought, and if for the production of books, documents, or other things, shall specifically identify the requested item and the item's relevance to the issues involved;

C. Regulate hearings in accordance with applicable ordinances and other laws;

D. Hold conferences for the settlement or simplification of the issues by consent of the party;

E. Dispose of procedural requests or similar matters;

F. Make decisions and recommendations as authorized by ordinances of the city of Pacific;

G. Make rules for the conduct of hearings, notices, and other procedures not inconsistent with ordinances of the city of Pacific. An audio or video record of the hearing proceedings shall be maintained and shall be made available for public review;

H. Make recommendations for revisions of relevant codes and ordinances to clarify or otherwise improve the development review or hearings process;

I. Take any other action authorized by ordinance;

J. Consider requests for reconsideration submitted by the applicant, the appellant, or the city when submitted within 14 working days of the date on which the decision is post-marked when the requesting party sets forth in writing the specific error(s) of law or fact, error in judgment, or new information (which

could not reasonably be available at the previous hearing) which is the basis for the reconsideration. There shall be only one reconsideration per application. (Ord. 1505 § 2, 2001).

2.06.060 Findings.

Each final decision of the hearing examiner shall be in writing and shall be based on findings, based on the record, as to conformance to the applicable criteria. (Ord. 1505 § 2, 2001).

2.06.070 Appeal of hearing examiner decision.

Decisions of the hearing examiner regarding Pacific development regulations, as defined in PMC 16.06.010, shall be a final and conclusive action unless within 21 calendar days from the date of issuance of the examiner's decision an aggrieved person files an appeal in superior court, state of Washington, for the purpose of review of the action taken; provided, no development or related action may occur during the 21-day appeal period; provided further, that the 21-day appeal period from examiner decisions on appeals of threshold determinations or the adequacy of a final EIS shall not commence until final action on the underlying proposal. (Ord. 1512 § 1, 2001; Ord. 1505 § 2, 2001).

2.06.080 Designation of board of appeals.

The hearing examiner is designated to act as the city's board of appeals for purposes of the following codes, as adopted by the city:

A. Uniform Building Code;

B. Uniform Mechanical Code;

C. Uniform Plumbing Code;

D. Uniform Fire Code;

E. Uniform Code for Abatement of Dangerous Buildings; and

F. Uniform Housing Code. (Ord. 1505 § 2, 2001).

2.08.010

Chapter 2.08

CITY CLERK¹

Sections:

- 2.08.010 City clerk and deputy clerk – Appointed.
- 2.08.020 Duties generally.
- 2.08.030 Bond and oath.
- 2.08.040 Compensation.
- 2.08.050 Agent to receive claims for damages.

2.08.010 City clerk and deputy clerk – Appointed.

The city clerk shall be appointed and a deputy city clerk may be appointed by the mayor, subject to confirmation by a majority of all of the members of the city council, and shall serve at the pleasure of the mayor. (Ord. 1451 § 1, 2000; Ord. 1286 § 2(1), 1996; Ord. 1043 § 1, 1988. Formerly 2.08.005).

2.08.020 Duties generally.

The city clerk and deputy city clerk shall have all of the powers granted and duties imposed by state law and city ordinances, now existing or hereinafter adopted, and shall perform such additional duties assigned by the mayor. (Ord. 1286 § 2(2), 1996; Ord. 482 § 1, 1972. Formerly 2.08.010).

2.08.030 Bond and oath.

The person appointed to fill the office of city clerk shall qualify before entering upon the duties of the office by furnishing an official bond in the amount of \$30,000 at the expense of the city, and by filing with the county division of records and elections an oath to support the governments of the United States of America, the state of Washington, and the city of Pacific, and to faithfully perform the duties of city clerk. (Ord. 1286 § 2(4), 1996).

2.08.040 Compensation.

The city clerk and deputy city clerk shall receive compensation in an amount fixed by the city council in the annual budget ordinance. (Ord. 1286 § 2(4), 1996).

2.08.050 Agent to receive claims for damages.

The city clerk is hereby appointed to be the city agent responsible to receive claims for damages made under Chapter 4.96 RCW. The city clerk shall be available to receive claims for damages during normal City Hall business hours at Pacific City Hall, 100 Third Avenue Southeast, Pacific, Washington, 98047. (Ord. 1510 § 1, 2001).

1. For statutory provisions regarding the appointment of the city clerk, see RCW 35.24.020; for powers and duties of the clerk, see RCW 35.24.120; for provisions regarding official bonds, see RCW 35.24.080.

Chapter 2.12

CITY TREASURER¹

Sections:

- 2.12.010 City treasurer appointed.
- 2.12.020 Duties generally.
- 2.12.030 Bond and oath.
- 2.12.040 Compensation.

2.12.010 City treasurer appointed.

The city treasurer shall be appointed by the mayor, subject to confirmation by a majority of the city council, and shall serve at the pleasure of the mayor. (Ord. 1451 § 2, 2000; Ord. 1286 § 3(1), 1996; Ord. 1045 § 1, 1988. Formerly 2.12.005).

2.12.020 Duties generally.

The city treasurer shall have all of the powers granted and duties imposed by state law and city ordinances, now existing or hereinafter adopted, and shall perform such additional duties assigned by the mayor. (Ord. 1286 § 3(2), 1996; Ord. 482 § 2, 1972. Formerly 2.12.010).

2.12.030 Bond and oath.

The person appointed to fill the office of city treasurer shall qualify before entering upon the duties of the office by furnishing an official bond in the amount of \$50,000 at the expense of the city, and by filing with the county division of records and elections an oath to support the governments of the United States of America, the state of Washington, and the city of Pacific, and to faithfully perform the duties of city treasurer. (Ord. 1286 § 3(4), 1996).

2.12.040 Compensation.

The city treasurer shall receive compensation in an amount fixed by the city council in the annual budget ordinance. (Ord. 1286 § 3(4), 1996).

1. For statutory provisions regarding the city treasurer, see RCW 35.24.020; for duties of the treasurer, see RCW 35.24.130; for provisions regarding official bonds, see RCW 35.24.080.

Chapter 2.14

MISCELLANEOUS FEES
AND CHARGES

Sections:

- 2.14.010 Copying public records – Fees.
- 2.14.020 Copying police department records – Fees.
- 2.14.030 Miscellaneous services – Fees.
- 2.14.035 Charges for dishonored checks.
- 2.14.040 Community center/gymnasium – Fees and deposits.
- 2.14.050 Rental of the Eastroom – Fees and deposits.
- 2.14.060 Open gym – Fees.

2.14.010 Copying public records – Fees.

There shall be a fee for the copying of public records as established by city resolution. (Ord. 1375 § 1, 1998; Ord. 1269 § 1, 1995; Ord. 1264 § 1, 1995; Ord. 1204 § 1, 1993; Ord. 1197 § 1, 1993).

2.14.020 Copying police department records – Fees.

There shall be a fee for copying of police department records as established by city resolution. (Ord. 1375 § 2, 1998; Ord. 1353 § 1, 1997; Ord. 1204 § 1, 1993; Ord. 1197 § 1, 1993).

2.14.030 Miscellaneous services – Fees.

There shall be a fee for radon kits, notary services, and faxing as established by city resolution. (Ord. 1375 § 3, 1998; Ord. 1204 § 1, 1993).

2.14.035 Charges for dishonored checks.

A. The city clerk is authorized to charge and collect a fee as established by city resolution from any person making or presenting a check to the city or any city department which is later dishonored.

B. The city clerk may waive the charge for dishonored checks if:

1. The maker's check is returned due to an action or omission of the city or an insolvency or default of the bank;

2.14.040

2. The death or incompetency of the maker freezes his or her account;

3. A stop payment order was made which is justifiable;

4. Payment of the fee would cause an individual financial hardship; the maker is bankrupt or participating in a reorganization or adjustment of debts under court supervision; or

5. A waiver would assist in settling a bona fide dispute as to the amount due to the city.

C. Charges for dishonored checks shall be deposited to the credit of the account or fund which receives credit for the principal of the check. (Ord. 1375 § 4, 1998; Ord. 1340 § 1, 1997).

2.14.040 Community center/gymnasium – Fees and deposits.

There shall be a fee and deposit required for rental of the community center and gymnasium as established by city resolution. (Ord. 1375 § 5, 1998; Ord. 1204 § 1, 1993).

2.14.050 Rental of the Eastroom – Fees and deposits.

There shall be a fee and deposit required for rental of the Eastroom as established by city resolution. (Ord. 1375 § 6, 1998; Ord. 1204 § 1, 1993).

2.14.060 Open gym – Fees.

There shall be a fee for open gym as established by city resolution. (Ord. 1375 § 7, 1998; Ord. 1234 § 1, 1994).

Chapter 2.16

APPOINTIVE OFFICES

Sections:

2.16.020 Powers of mayor.

2.16.030 Appointment or removal.

2.16.040 *Repealed.*

2.16.020 Powers of mayor.

The mayor shall have the power of appointment and removal of all appointive city officers and employees, subject to confirmation of appointments by a majority of all the members of the city council and subject to any applicable civil service of general statute, rule, or regulation; provided, that the city council's power of confirmation shall not apply to civil service employees or employees subject to the city's collective bargaining agreements. (Ord. 1282 § 1, 1995; Ord. 561 § 2, 1975).

2.16.030 Appointment or removal.

Every appointment or removal must be made in writing, signed by the mayor and filed with the city clerk. (Ord. 561 § 3, 1975).

2.16.040 Authority.

Repealed by Ord. 1286. (Ord. 561 § 4, 1975).

Chapter 2.17

Chapter 2.18

CITY ADMINISTRATOR

COMMUNITY SERVICES DIRECTOR

Sections:

- 2.17.010 Establishment.
- 2.17.020 Appointment.
- 2.17.030 Duties.
- 2.17.040 Compensation.

Sections:

- 2.18.010 Establishment.
- 2.18.020 Appointment.
- 2.18.030 Duties.
- 2.18.040 Compensation.

2.17.010 Establishment.

There is hereby established the office of the city administrator. (Ord. 1435 § 1, 1999).

2.18.010 Establishment.

There is hereby established the office of community services director. (Ord. 1436 § 1, 1999).

2.17.020 Appointment.

The office of city administrator shall be filled by appointment of the mayor and confirmed by a majority of the city council. (Ord. 1451 § 3, 2000; Ord. 1435 § 2, 1999).

2.18.020 Appointment.

The office of community services director shall be filled by appointment of the mayor and confirmed by a majority of the city council. (Ord. 1451 § 4, 2000; Ord. 1436 § 2, 1999).

2.17.030 Duties.

The city administrator shall be responsible for overseeing the daily operations of the city subject to the review and approval of the mayor. The city administrator shall also serve as the chief financial officer of the city. (Ord. 1435 § 3, 1999).

2.18.030 Duties.

The community services director shall be responsible for overseeing the city’s youth and senior programs, fundraising for said programs, and organizing special events. (Ord. 1436 § 3, 1999).

2.17.040 Compensation.

The city administrator shall receive such salary and benefits as the city council may establish in the annual budget or as may be established by contractual agreement. (Ord. 1435 § 4, 1999).

2.18.040 Compensation.

The community services director shall receive such salary and benefits as the city council may establish in the annual budget or as may be established by contractual agreement. (Ord. 1436 § 4, 1999).

2.19.010

Chapter 2.19

**COMMUNITY
DEVELOPMENT DIRECTOR**

Sections:

- 2.19.010 Establishment.
- 2.19.020 Appointment.
- 2.19.030 Duties.
- 2.19.040 Compensation.

2.19.010 Establishment.

There is hereby established the office of the community development director. (Ord. 1437 § 1, 1999).

2.19.020 Appointment.

The office of community development director shall be filled by appointment of the mayor and confirmed by a majority of the city council. (Ord. 1451 § 5, 2000; Ord. 1437 § 2, 1999).

2.19.030 Duties.

The community development director shall be responsible for city planning and for administering city ordinances and regulations related to land use and development activity. (Ord. 1437 § 3, 1999).

2.19.040 Compensation.

The community development director shall receive such salary and benefits as the city council may establish in the annual budget or as may be established by contractual agreement. (Ord. 1437 § 4, 1999).

Chapter 2.20

CITY ATTORNEY¹

Sections:

- 2.20.010 Appointment – Duties and compensation.
- 2.20.020 *Repealed.*

2.20.010 Appointment – Duties and compensation.

The mayor is authorized to appoint a city attorney, a city prosecutor and legal counsel for indigent defense. The compensation for and terms and conditions of such legal professional services shall be established by contracts approved by the city council. (Ord. 1213 § 1, 1993; Ord. 366 § 1, 1963).

2.20.020 Compensation.

Repealed by Ord. 1213. (Ord. 809 § 1, 1980).

1. For statutory provisions regarding the appointment of the city attorney, see RCW 35.24.020; for duties of the city attorney, see RCW 35.24.110; for bonding provisions, see RCW 35.24.080.

Chapter 2.24

MUNICIPAL COURT¹

Sections:

- 2.24.010 Created – Judge – Appointment amendment.
- 2.24.020 Judge’s salary.
- 2.24.030 Deposit of moneys collected.
- 2.24.040 Pleadings, practice and procedure.
- 2.24.050 Judge pro tem – Position established.
- 2.24.060 Judge pro tem – Appointment – Qualifications.
- 2.24.065 Court administrator.
- 2.24.070 Court clerk.
- 2.24.080 Costs.

2.24.010 Created – Judge – Appointment amendment.

Pursuant to Chapter 35.24 RCW, there is created and established an inferior court to be known and designated as a municipal court, entitled “The Municipal Court of the City of Pacific,” which court shall have exclusive original criminal jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such city ordinances or by any state statutes. The municipal court shall have jurisdiction and shall exercise all power granted to it under the Revised Code of Washington, together with such other powers and jurisdictions as are generally conferred in this state by either common law or by express statute upon the municipal court. The municipal court judge shall be appointed by the mayor, and confirmed by a majority vote of the city council. Such appointment shall be for a term of four years. Appointment shall be made in a like manner by the fifteenth day of December preceding the end of every such four-year term. The person appointed as municipal judge shall be a citizen of the United States and the state. The position of such municipal judge shall be on a part-time

1. For statutory provisions regarding the appointment and powers of the police judge, see RCW 35.24.450 through 35.24.470; for bonding provisions, see RCW 35.24.080; for judge pro tempore, see RCW 35.24.480.

basis. (Ord. 774 § 1, 1980; Ord. 762 § 1, 1980; Ord. 334 § 1, 1961).

2.24.020 Judge’s salary.

The salary of the municipal court judge shall be fixed by ordinance of the city council from time to time. (Ord. 334 § 2, 1961).

2.24.030 Deposit of moneys collected.

All fees, costs, fines, forfeitures and other moneys imposed or collected by the municipal court for the violation of any municipal ordinance, together with any other revenues received by the municipal court, shall be deposited with the city treasurer as a part of the general fund of the city. (Ord. 334 § 4, 1961).

2.24.040 Pleadings, practice and procedure.

Pleadings, practice and procedure in cases not governed by statutes or rules specifically applicable to municipal courts shall, insofar as applicable, be governed by the statutes and rules now existing including the applicable provisions of Chapters 3.30, 3.34, 3.38, 3.42, 3.46, 3.50, 3.54, 3.58, 3.62, 3.66 and 3.74 RCW or as may hereafter be adopted governing the pleadings, practice and procedure applicable to justice courts. (Ord. 334 § 5, 1961).

2.24.050 Judge pro tem – Position established.

There is established a position to be known as judge pro tem, which judge pro tem shall act in the absence of the regular municipal judge of the city and shall have all of the powers and duties of the regular municipal judge. (Ord. 516 § 1, 1972).

2.24.060 Judge pro tem – Appointment – Qualifications.

The mayor is hereby directed to appoint necessary judges pro tem to act in the absence or disability of the duly qualified municipal judge. The judges pro tem shall be qualified to hold the position of judge of the municipal court as provided for in PMC 2.24.010. (Ord. 516 § 2, 1972; Ord. 334 § 3, 1961).

2.24.065

2.24.065 Court administrator.

There shall be a court administrator of the municipal court appointed and removed by the municipal judge, and confirmed by a majority of the city council. Before entering upon the duties of office the court administrator shall execute a penal bond in such sum and with such sureties as the city council may direct and approve, conditioned on the faithful performance of duties and payment to the city treasurer of all monies belonging to the city which shall come into the possession of the court administrator. The municipal court judge shall supervise and control the court administrator. The court administrator shall perform such duties as may be prescribed by law for a court administrator or a court clerk and shall perform such other duties as may be assigned by the municipal court judge. The court administrator shall be paid such compensation as the city council may provide from time to time. (Ord. 1219 § 1, 1994).

2.24.070 Court clerk.

There shall be a court clerk of the municipal court appointed and removed by the municipal court judge. The court clerk shall be supervised by the court administrator and shall perform such duties as may be assigned by the municipal court judge or the court administrator. The court clerk shall be paid such compensation as the city council may provide from time to time. (Ord. 1219 § 2, 1994; Ord. 664 § 1, 1977).

2.24.080 Costs.

From and after the effective date of the ordinance codified in this section, the municipal court judge shall exact, in addition to any penalty, fine, or otherwise, the sum of \$300.00 in all cases heard before a jury and the sum of \$25.00 in all other cases, as court costs in each case that a defendant pleads guilty or is found guilty. (Ord. 910 § 1, 1983).

Chapter 2.26

PUBLIC SAFETY DIRECTOR

Sections:

2.26.010 Public safety director established.

2.26.020 Duties.

2.26.010 Public safety director established.

A. The position of public safety director is hereby established as a full-time paid position within the city. The public safety director shall be the executive head of the police department and fire department.

B. The mayor shall appoint the public safety director, subject to confirmation by a majority of all members of the city council. The position shall be an at-will position.

C. The public safety director shall receive compensation in an amount fixed by the city council in the annual budget ordinance. (Ord. 1458 § 1, 2000).

2.26.020 Duties.

The public safety director shall perform such duties and shall have such authority as is designated by this chapter and by a written job description established by the mayor and approved by the city council, which may be amended from time to time as may be necessary. A copy of the job description shall be maintained in the office of the city clerk and shall be available for inspection by the public. (Ord. 1458 § 1, 2000).

Chapter 2.28

POLICE DEPARTMENT¹

Sections:

- 2.28.010 Department established – Purpose.
 2.28.020 *Repealed.*
 2.28.030 *Repealed.*
 2.28.040 Disposition of unclaimed property.

2.28.010 Department established – Purpose.

There is established a police department, which shall be responsible for crime investigation, suppression and prevention, and other related duties. (Ord. 1286 § 6(3), 1996).

2.28.020 Chief of police.

Repealed by Ord. 1458. (Ord. 1328 § 2, 1997; Ord. 1286 § 6(3), 1996; Ord. 1281 § 1, 1995. Formerly 2.28.050).

2.28.030 Police chief – Bond and oath.

Repealed by Ord. 1458. (Ord. 1286 § 6(3), 1996).

2.28.040 Disposition of unclaimed property.

The police department may dispose of personal property pursuant to Chapter 63.32 RCW. (Ord. 1292 § 1, 1996).

Chapter 2.29

FIRE DEPARTMENT

Sections:

- 2.29.010 Creation.
 2.29.020 *Repealed.*
 2.29.030 *Repealed.*
 2.29.040 *Repealed.*
 2.29.060 Relief and Pension Act adopted.
 2.29.070 Enrollment of volunteer firefighters.
 2.29.080 *Repealed.*

2.29.010 Creation.

The Pacific fire department is created pursuant to the provisions of Chapter 41.24 RCW as a part-paid and part-volunteer fire department. The fire department shall consist of the fire chief and as many subordinate officers and firefighters as may be authorized from time to time by the city council. The number of volunteer firefighters shall not exceed 25 firefighters for each 1,000 citizens of the city or fraction thereof, and shall not be less than 15 firefighters. (Ord. 1328 § 3, 1997; Ord. 1286 § 7(3), 1996).

2.29.020 Fire chief.

Repealed by Ord. 1458. (Ord. 1328 § 4, 1997; Ord. 1286 § 7(3), 1996).

2.29.030 Fire chief – Duties generally.

Repealed by Ord. 1458. (Ord. 1328 § 5, 1997; Ord. 1286 § 7(3), 1996).

2.29.040 Fire chief – Compensation.

Repealed by Ord. 1458. (Ord. 1286 § 7(3), 1996).

2.29.060 Relief and Pension Act adopted.

The city approves and adopts by reference as if set out fully herein the Volunteer Fireman's Relief and Pension Act, Chapter 41.24 RCW. (Ord. 1286 § 7(1), 1996; Ord. 1194 § 1, 1993; Ord. 525 § 1, 1973. Formerly 2.44.010).

1. For statutory provisions regarding the chief of police and the police department, see RCW 35.24.160.

2.29.070

2.29.070 Enrollment of volunteer firefighters.

A. Every qualified volunteer firefighter shall be enrolled under the relief and compensation provisions of Chapter 41.24 RCW, as amended.

B. Any qualified volunteer member of the fire department may enroll under the pension provisions of Chapter 41.24 RCW, as amended. (Ord. 1286 § 7(1), 1996; Ord. 1194 § 1, 1993. Formerly 2.44.030).

2.29.080 Membership in volunteer fire department.

Repealed by Ord. 1328. (Ord. 1286 § 7(1), 1996; Ord. 1194 § 1, 1993. Formerly 2.44.040).

Chapter 2.30

OFFICERS' BONDS

Sections:

2.30.010 Officers' bonds.

2.30.010 Officers' bonds.

The following city officials shall be bonded under a blanket bond in the amount of \$100,000:

- Municipal judge;
- City attorney;
- City prosecutor;
- Court clerk;
- Police clerk;
- Deputy clerk;
- Fire chief;
- Public works administrator/engineer;
- Utility clerk;
- Human services director;
- Building official;

Other appointive officers. (Ord. 1286 § 8, 1996; Ord. 1271B § 1, 1995; Ord. 1046 § 1, 1988; Ord. 1014 §§ 1, 2, 1987).

Chapter 2.32**POLICE RESERVE¹**

Sections:

- 2.32.010 Establishment and membership.
- 2.32.020 Qualifications.
- 2.32.030 Supervision.
- 2.32.040 Duties and responsibilities.
- 2.32.050 Application and selection procedure.
- 2.32.060 Revocation of commission.

2.32.010 Establishment and membership.

A police reserve program is established within the police department to supplement the compensated police force. Membership in the program shall consist of all persons who meet the qualifications of this chapter and are commissioned as reserve officers by the mayor upon recommendation of the chief of police. Reserve officers shall serve at the pleasure of the city and may be suspended or removed by the chief of police. (Ord. 1258 § 1, 1995).

2.32.020 Qualifications.

Applicants for membership in the police reserve shall:

- A. Be 21 years old on receipt of a commission;
- B. Be a high school graduate or possess a GED;
- C. Be licensed to drive in the state of Washington;
- D. Meet minimum standards of city civil service rules for regular police officers;

1. For provisions governing police department, see Chapter 2.28 PMC.

Code reviser's note: Ord. 1254 repealed a previous Chapter 2.32, but stated that the "claims provision" found in PMC 2.32.060 codified therein should survive the repeal. That provision read as follows:

By accepting service and commission in the reserve, members of the reserve waive all claim against the city and against the chief of police arising out of such service or arising by reason of such service, including, but not limited to, a waiver of all claim for compensation other than that the chief of police may hereinafter in his sole discretion provide.

E. Meet any applicable minimum requirements of the state of Washington;

F. Not have been convicted of a felony or of a misdemeanor involving moral turpitude or of a pattern of convictions indicating questionable moral character;

G. Not have used illegal substances within three years prior to application; and

H. Not have been convicted of any criminal traffic offense or received five traffic infractions within three years of application. (Ord. 1258 § 1, 1995).

2.32.030 Supervision.

Reserve officers shall act under the direction of the chief of police and shall be subordinate to and subject to the orders of regular full- or part-time members of the police department. (Ord. 1258 § 1, 1995).

2.32.040 Duties and responsibilities.

The authority, duties and responsibilities of the reserve officers shall be established by a police reserve manual adopted by resolution or motion of the city council upon recommendation of the mayor and chief of police. As a condition of receiving a police reserve commission, a successful applicant shall acknowledge in writing that the applicant has read and understands the police reserve manual and agrees to be bound by its terms and conditions. (Ord. 1258 § 1, 1995).

2.32.050 Application and selection procedure.

The chief of police shall accept applications for membership in the police reserve program. The applications shall request the same information that is requested on the standard city employment application, together with all information required by this chapter. If an applicant meets the minimum qualifications of PMC 2.32.020, the applicant shall take a physical agility examination; provided, that the chief of police may waive the examination for an applicant who is a member of another law enforcement agency on the date of the application or who was a city reserve officer less than one year before the date of the application. After successfully passing or receiving a waiver of

2.32.060

the physical agility examination, the applicant shall take a written examination; provided, that the chief of police may waive the examination for an applicant who is a member of another law enforcement agency on the date of the application or who was a city reserve officer less than one year before the date of the application. Upon successfully completing or receiving a waiver of the written examination, the applicant shall have an oral examination before a board comprised of three members recommended by the chief of police and approved by the mayor. Two members shall be city police department police officers and one member shall be a police officer of another law enforcement agency. Upon favorable recommendation by the board, the applicant shall take a medical fitness examination; provided, that the chief of police shall accept a medical fitness examination that was performed by a physician less than one year prior to date of the application. Upon successfully passing or receiving a waiver of the medical fitness examination, the applicant shall take a polygraph examination, and upon successfully passing the polygraph examination, shall take a psychological examination. The polygraph examination and psychological examination shall be performed by an entity or person experienced in testing law enforcement candidates. After the applicant has successfully passed or completed the foregoing examinations, the chief of police or designee shall conduct a background investigation of the applicant. If the background investigation is satisfactory, the chief of police shall forward a recommendation to the mayor, who shall determine whether an applicant is given a reserve officer commission. (Ord. 1313 § 1, 1997; Ord. 1258 § 1, 1995).

2.32.060 Revocation of commission.

Upon the occurrence of any of the events in PMC 2.32.020(E) through (G), the commission of a reserve officer shall be terminated. (Ord. 1258 § 1, 1995).

Chapter 2.34

SALE OF UNCLAIMED PROPERTY

Sections:

- 2.34.010 Police chief authority to initiate sale.
- 2.34.020 Notice publication.

2.34.010 Police chief authority to initiate sale.

The chief of police shall, at least once a year and as often as he may deem advisable, cause to be sold at public auction to the highest bidder for cash, all property which comes into the possession of the police department by being taken from persons arrested for crime, or which may be found, and which remains unclaimed by any person or persons entitled thereto for a period of not less than six months after the same has come into the possession of the department, and shall cause the proceeds of such sale to be paid into the city treasury. (Ord. 594 § 1, 1976).

2.34.020 Notice publication.

Before making any sale as provided in PMC 2.34.010, the chief of police shall cause notice thereof to be published in a newspaper of general circulation in King County for three successive weeks preceding the date of such sale, stating that the sale will take place at the police headquarters at a day and hour specified in such notice, and stating the terms of such sale, the kind of property, as near as may be, and that it is unclaimed and taken from persons arrested for violation of the law, or has been found, and that any person or persons owning or entitled to any of such property may recover the same at the date of such sale by proving that they are entitled thereto to the satisfaction of the chief of police. (Ord. 594 § 1, 1976).

Chapter 2.36

PLANNING COMMISSION

Sections:

- 2.36.010 Creation.
- 2.36.020 *Repealed.*
- 2.36.030 Membership – Appointment – Term.
- 2.36.040 Membership – Attendance – Vacancies.
- 2.36.050 Conformance to state statutes.

2.36.010 Creation.

Pursuant to Chapter 35A.63 RCW, there is established a planning commission for the city. The planning commission shall be an advisory body to the city council, and shall have the following duties and responsibilities:

A. Preparation and review of the comprehensive plan of the city;

B. Review of and preparation of recommendations on amendments to the comprehensive plan, official zoning map, and zoning and other development regulations of the city; and

C. Such other advisory duties as may be assigned by the city council. (Ord. 1368 § 1, 1998; Ord. 246 § 1, 1957).

2.36.020 Statutes adopted by reference.

Repealed by Ord. 1368. (Ord. 246 § 2, 1957).

2.36.030 Membership – Appointment – Term.

The planning commission shall consist of five members to be appointed by the mayor and to be confirmed by the city council. The term of office for each member shall be six years. (Ord. 1368 § 2, 1998; Ord. 246 § 3, 1957).

2.36.040 Membership – Attendance – Vacancies.

Vacancies in the planning commission which occur otherwise than through the expiration of terms shall be filled for the unexpired term by appointment through the mayor and confirmation by the city council. Members of the planning commission 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. If a member of the planning commission absents himself for three consecutive regularly scheduled meetings thereof, unless by permission of the commission, such absence shall be deemed prima facie evidence of neglect of duty. Each member shall be selected without respect to political affiliations and shall serve without compensation. (Ord. 941 § 1, 1984; Ord. 246 § 4, 1957).

2.36.050 Conformance to state statutes.

The planning commission shall conduct its meetings, make its expenditures, and carry out its powers as a planning commission pursuant to the provisions of Chapter 35A.63 RCW. The planning commission shall elect from among its members a chairperson, and may create and fill such other offices as it may determine that it requires. (Ord. 1368 § 3, 1998; Ord. 246 § 5, 1957).

Chapter 2.38

BOARD OF PARK COMMISSIONERS

Sections:

- 2.38.010 Definitions.
- 2.38.020 Creation – Membership – Compensation.
- 2.38.030 Terms of commissioners – Attendance – Filling vacancies.
- 2.38.040 Officers – Meetings – Quorum.
- 2.38.050 Powers and duties.
- 2.38.060 Creation of rules and regulations.
- 2.38.070 Citizens’ advisory group.
- 2.38.080 Park and recreation fund.
- 2.38.100 *Repealed.*

2.38.010 Definitions.

Words used in this chapter shall have the following meanings:

A. “Board” means board of park commissioners.

B. “Park” means an area of land, with or without water, developed and used for public recreational purposes, including landscaped tracts, picnic grounds, playgrounds, athletic fields, recreation centers, camps, foot, bicycle and bridle paths, motor vehicle drives, wild life sanctuaries, museums, zoological and botanical gardens, facilities for bathing, boating, hunting and fishing, as well as other recreational facilities owned by the city of Pacific and utilized for the benefit of the public. (Ord. 570 § 1, 1975).

2.38.020 Creation – Membership – Compensation.

There is created a board of park commissioners in and for the city, consisting of five members who shall be appointed by the mayor, with the consent of the city council, from citizens who reside in the city. Park commissioners shall not be compensated for their services. (Ord. 1217, 1994; Ord. 1192, 1993; Ord. 1071 § 1, 1989; Ord. 570 § 2, 1975).

2.38.030 Terms of commissioners – Attendance – Filling vacancies.

A. The first commissioners appointed shall determine by lot whose term shall expire in

two, three, and four years, respectively, and their terms shall begin after their appointment has been approved by the city council. The terms of office, except the first, shall begin on the first Monday in January, and, at expiration of each commissioner’s term, the mayor shall appoint, with the consent of the city council, one member for a three-year term.

B. Members of the board may be removed at any time by the mayor, with council approval, and vacancies for the remainder of unexpired terms shall be filled in the same manner in which original appointments are made.

C. If a member of the board absents himself, unless by permission of the board, from three consecutive regularly scheduled meetings, such absence shall be deemed cause for removal. (Ord. 968 § 1, 1985; Ord. 941 § 2, 1984; Ord. 570 § 3, 1975).

2.38.040 Officers – Meetings – Quorum.

Immediately after their appointment, the park commission shall meet and organize by electing from the members of the board a chairperson, a secretary, and such other officers as may be necessary. It shall be the duty of the secretary to keep minutes of all meetings and of all proceedings of the board. A majority of the board shall constitute a quorum for the transaction of business, and two affirmative votes shall be necessary to carry any proposition. A regularly scheduled meeting of the board shall be held at least once a month. However, a meeting may be canceled if the board has no business to transact. A copy of the minutes of the meeting shall be filed with the city clerk, to be given to the park department and city council at the next scheduled council meeting. Each member of the board shall receive a copy of said minutes. (Ord. 1233 § 1, 1994; Ord. 968 § 2, 1985; Ord. 570 § 4, 1975).

2.38.050 Powers and duties.

A. The board shall have all the powers and perform all the duties provided by the laws of the state of Washington relating to board of park commissioners of code city.

B. The board shall advise the city council regarding planning, promotion, acquisition,

construction and development of public recreational facilities.

C. The board shall make recommendations which it may deem advisable for the acquisition and development of future recreational facilities.

D. The board shall perform such other services and studies as may be requested by the city council.

E. The board shall review any applications that propose any kind of physical changes to the park, or any kind of temporary or permanent structure that may restrict the use of the park.

F. The board shall prepare a three-year park development plan. The board shall report to the city council annually prior to July 31st regarding an updated three-year park development plan with budget recommendations.

G. The board shall prepare a yearly budget for the special projects to be completed in the following year as outlined in their three-year park development plan. The budget to be submitted to the parks and recreation director by August 31st to allow for inclusion in the annual city budget. (Ord. 1233 § 2, 1994; Ord. 968 § 3, 1985; Ord. 570 § 5, 1975).

2.38.060 Creation of rules and regulations.

The board shall recommend rules and regulations for the government and management, including the fees charged for the use thereof, of any municipally owned or controlled park or recreation facility. All rules and regulations and use charges and amendments and changes adopted by the city council shall be promulgated by one posting in three public places in the city, and a copy thereof shall be filed in the office of the city clerk. These rules and regulations shall have full force and effect from and after the date of publication. This chapter and rules and regulations adopted pursuant thereto shall be enforced by the police department. Violations of rules and regulations so adopted shall be a violation of this chapter. (Ord. 1477 § 3, 2000; Ord. 968 § 4, 1985; Ord. 570 § 6, 1975).

2.38.070 Citizens' advisory group.

The mayor may appoint, with the city council approval, a citizens' advisory group, as necessary. This group shall consist of five members representing various community, civic or religious organizations, and the populace at large, and shall include at least two persons under age 21. The duties of this group shall be to advise the mayor, board and city council regarding control and supervision of all parks and playgrounds, planning, promotion, management and acquisition, construction and development, maintenance and operation, including restrictions on and compensation to be paid for concessions or privileges in parks, playgrounds and recreational facilities within the city limits, as required. This group shall not be confused with the parks and recreation committee, which is the committee of council members appointed by the mayor as his advisory committee. (Ord. 570 § 7, 1975).

2.38.080 Park and recreation fund.

There is established a fund, to be known as the "park and recreation fund," and said fund shall receive all revenues created by all fees, fines and deposits established by this chapter. This fund shall be used for maintenance and operation of all city parks and recreational facilities and all related groups and organizations. These funds will be administered by the appropriate city departments, i.e., utilities, parks and recreation, or the city clerk's office depending upon the need. (Ord. 1233 § 3, 1994; Ord. 968 § 5, 1985; Ord. 570 § 8, 1975).

2.38.100 Penalty for violation.

Repealed by Ord. 1477. (Ord. 570 § 10, 1975).

Chapter 2.40

CIVIL DEFENSE

(Repealed by Ord. 1505)

Chapter 2.44

VOLUNTEER FIRE DEPARTMENT

(Renumbered to Chapter 2.29 PMC
by Ord. 1286)

Chapter 2.46

STRUCTURE BURN PERMITS

Sections:

2.46.010 Application – Generally.

2.46.020 Application – Review and approval.

2.46.030 Structure burn permit – Fee.

2.46.010 Application – Generally.

An application for a burn permit may be made by the owner or owner’s agent, of any structure located in the city, requesting that the city fire department burn down the structure. (Ord. 1027 § 1, 1987).

2.46.020 Application – Review and approval.

The application shall be reviewed by the fire chief or his designee, and no permit shall be issued except subject to the approval of the fire chief and subject to the performance of any conditions, expressed in writing, which the fire chief deems to be required for the protection, health and safety of the public. (Ord. 1027 § 2, 1987).

2.46.030 Structure burn permit – Fee.

There shall be a fee for a structure burn permit as established by city resolution. (Ord. 1375 § 8, 1998; Ord. 1027 § 3, 1987).

Chapter 2.48

CITY ENGINEER

Sections:

- 2.48.010 City engineer appointed.
- 2.48.020 Duties generally.
- 2.48.030 Interpretation of city development guidelines.
- 2.48.040 Compensation.

2.48.010 City engineer appointed.

The city engineer shall be appointed by the mayor, subject to confirmation by a majority of the city council, and shall serve at the pleasure of the mayor. (Ord. 1480 § 1, 2000).

2.48.020 Duties generally.

The city engineer shall provide technical assistance to the city council and city staff; manage and maintain records of construction and use of public rights-of-way; supervise and participate in inspection of public works construction; and review development proposals for conformance with standards. (Ord. 1480 § 1, 2000).

2.48.030 Interpretation of city development guidelines.

The city engineer shall have authority to interpret and implement the city of Pacific's development guidelines for public works standards, and shall have authority to amend those standards after consultation with the city council's public works committee. (Ord. 1480 § 1, 2000).

2.48.040 Compensation.

The city engineer shall receive compensation in an amount fixed by the city council. (Ord. 1480 § 1, 2000).

Chapter 2.49

DEPARTMENT OF PUBLIC WORKS
AND COMMUNITY DEVELOPMENT

Sections:

- 2.49.010 Department established – Purpose.
- 2.49.020 Public works administrator/engineer – Appointment.
- 2.49.030 Public works administrator/engineer – Duties.
- 2.49.040 Public works administrator/engineer – Compensation.

2.49.010 Department established – Purpose.

There is established a department of public works and community development, which shall be responsible for the regulation, administration and operation of all city utilities, streets, public works, and land use and development. (Ord. 1286 § 10, 1996).

2.49.020 Public works administrator/engineer – Appointment.

The mayor shall appoint the public works administrator/engineer, subject to the confirmation by a majority of all of the members of the city council. The public works administrator/engineer shall be the general supervisor and executive head of the department of public works and community development. (Ord. 1286 § 10, 1996).

2.49.030 Public works administrator/engineer – Duties.

The public works administrator/engineer shall have all of the powers granted and duties imposed by state law and city ordinances for public works directors and city engineers, now existing or hereinafter adopted, and shall perform such additional duties assigned by the mayor. (Ord. 1286 § 10, 1996).

2.49.040 Public works administrator/engineer – Compensation.

The public works administrator/engineer shall receive compensation in an amount fixed by the city council in the annual budget ordinance. The salary and benefits for the position

2.50.010

shall be paid from the water, sewer, street, garbage, park and engineering funds. (Ord. 1286 § 10, 1996).

Chapter 2.50

HUMAN SERVICES DEPARTMENT

Sections:

2.50.010 Department established – Purpose.

2.50.020 Human services director – Appointment.

2.50.030 Human services director – Duties.

2.50.040 Human services director – Compensation.

2.50.010 Department established – Purpose.

There is established a human services department, which shall be responsible for the provision and operation of community services and programs. (Ord. 1286 § 11, 1996).

2.50.020 Human services director – Appointment.

The human services director shall be appointed by the mayor, subject to the confirmation by a majority of all of the members of the city council. (Ord. 1286 § 11, 1996).

2.50.030 Human services director – Duties.

The human services director shall have the powers granted and duties imposed by city ordinances, and shall perform additional duties assigned by the mayor. (Ord. 1286 § 11, 1996).

2.50.040 Human services director – Compensation.

The human services director shall receive compensation in an amount fixed by the city council in the annual budget ordinance. (Ord. 1286 § 11, 1996).

Chapter 2.52

Chapter 2.56

PUBLIC EMPLOYEES’ RETIREMENT SYSTEM¹

SOCIAL SECURITY²

Sections:

2.52.010 Participation.

Sections:

2.56.010 Participation.

2.56.020 Effective date.

2.56.030 Execution and delivery of plans.

2.56.040 Payments and deductions.

2.56.050 Implementation of system.

2.52.010 Participation.

The city has elected to participate as a member of the Public Employees’ Retirement System for pension, relief, disability, and retirement for the employees of the city as provided by Chapter 41.40 RCW. All eligible employees of the city shall be included in the system except members of the fire department and elected officials. An “eligible employee” is an employee working in an eligible position as defined in Chapter 41.40 RCW. (Ord. 1159 § 1, 1991; Ord. 483 § 1, 1971).

2.56.010 Participation.

This municipality shall become a participant in the social security system and the benefits of old age and survivors’ insurance are extended to its employees and officers. (Ord. 190, 1951).

2.56.020 Effective date.

This municipality shall become a participant in the social security system effective as of January 1, 1951. (Ord. 190, 1951).

2.56.030 Execution and delivery of plans.

The mayor and the city clerk are authorized to execute and deliver to the Washington Department of Employment Security for its approval the plan or plans required under the provisions of Section 5 of said enabling act and of the Social Security Act to extend coverage to the employees and officers of this municipality and do all other things necessary to that end. (Ord. 190, 1951).

2.56.040 Payments and deductions.

The proper fiscal officers are authorized to make all required payments into the contribution fund established by the enabling act and to establish such system of payroll deductions from the salaries of employees and officers as may be necessary to their coverage under the Old Age and Survivors’ Insurance System. (Ord. 190, 1951).

1. For statutory provisions regarding public employees’ retirement, see RCW 41.40.405 – 41.40.407.

2. For statutory provisions regarding social security benefits for public employees, see RCW 41.48.030 – 41.48.050.

2.56.050 Implementation of system.

The proper officials of the municipality shall do all things necessary to the continued implementation of the system. (Ord. 190, 1951).

Chapter 2.60

EMPLOYEES' HEALTH AND ACCIDENT INSURANCE

Sections:

2.60.010 Eligibility.

2.60.020 Cost – Agreement.

2.60.010 Eligibility.

All full-time and permanent part-time (working a minimum of 20 hours per week) employees of the city shall be eligible and entitled to receive health and accident insurance, dental insurance and vision care in accordance with PMC 2.60.020. Permanent part-time employees will be covered in full, and may self-pay for dependent(s) coverage. Eligibility for permanent part-time employees begins March 1, 1999. (Ord. 1406 § 1, 1999; Ord. 1215 § 1, 1993; Ord. 1146 § 1, 1991; Ord. 784 § 1, 1980; Ord. 440 § 1, 1969).

2.60.020 Cost – Agreement.

The city council shall select an insurance firm or firms to underwrite health, accident, dental and vision insurance for full-time employees and their dependents. The mayor, city clerk and treasurer are authorized to sign any necessary vouchers and warrants to pay the premiums for the same and further, the mayor is authorized to sign any insurance agreement with the insurance companies and/or firms accepted; provided, however, that the insurance contract must contain a term that the same be cancelable at any time by the city giving 30 days' written notice of cancellation to the insurance company or firm. (Ord. 1215 § 2, 1993; Ord. 1146 § 1, 1991; Ord. 784 § 2, 1980; Ord. 440 § 2, 1969).

Chapter 2.64**CIVIL SERVICE COMMISSION¹**

Sections:

- 2.64.010 Creation.
- 2.64.015 Terms.
- 2.64.020 Governing provisions.
- 2.64.030 Civil service test – Fee.
- 2.64.040 Attendance at meetings.
- 2.64.050 Filling of vacancies – Provisional and temporary period.

2.64.010 Creation.

A. In accordance with the provisions of Chapters 41.08 and 41.12 RCW, there is created a civil service commission composed of five persons appointed by the mayor and confirmed by the city council to exercise the powers and to perform the duties established by that state law in connection with the selection, appointment and employment of all full-paid firefighters and police officers below the rank of fire chief or chief of police.

B. Three members of the civil service commission shall constitute a quorum and the votes of any three members of the commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission. (Ord. 1316 § 6, 1997; Ord. 1281 § 2, 1995; Ord. 1189 § 1, 1992; Ord. 1175 § 3, 1992; Ord. 507 § 1, 1972; Ord. 477 § 1, 1970).

2.64.015 Terms.

A. The terms for all positions on the commission shall be for six years. Persons appointed to a position during the pendency of the term for that position shall serve until the end of the term. The expiration date of the terms shall be staggered so not more than three positions expire in the same year.

B. No person shall be appointed to a position on the commission unless he or she is a resident of the city and has been a resident of the city for at least three years immediately

preceding the appointment. (Ord. 1316 § 7, 1997).

2.64.020 Governing provisions.

Except as hereinafter specifically provided, the provisions of Chapters 41.08 and 41.12 RCW shall control the selection, appointment and employment of all full-paid employees of the fire and police departments of the city except the fire chief or the chief of police. (Ord. 1316 § 8, 1997; Ord. 1281 § 3, 1995; Ord. 1175 § 4, 1992; Ord. 507 § 1, 1972; Ord. 477 § 2, 1970).

2.64.030 Civil service test – Fee.

There shall be a fee for the taking of the civil service test as established by city resolution. (Ord. 1375 § 9, 1998; Ord. 1091 § 1, 1990; Ord. 912 § 1, 1983).

2.64.040 Attendance at meetings.

If any member of the civil service commission absents himself, unless by permission of the commission, from three consecutive regularly scheduled meetings, such absence shall be deemed prima facie evidence of dereliction of duty. (Ord. 941 § 4, 1984).

2.64.050 Filling of vacancies – Provisional and temporary period.

A. Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall request from the commission the name and address of persons eligible for appointment to the vacant position. The commission shall certify the names of the three persons highest on the appropriate eligible list for the class to which the vacant position has been allocated, who are willing to accept employment. If more than one vacancy is to be filled, three persons shall be certified for each vacancy. The appointing authority, after consideration of the three certified persons, may appoint one of the three certified persons to the vacant position. If there are less than three names on the appropriate eligible list, the appointing authority may:

1. Appoint one of the individuals whose name is certified, or

1. For statutory provisions regarding civil service for police, see Chapter 41.12 RCW and RCW 35.21.350.

2.66.010

2. Call for a new examination which will result in three or more names being certified for the vacant position.

B. Provisional or temporary appointments may continue for, but shall not exceed, six months in any one 12-month period; provided, that upon good cause shown, the commission may in its discretion extend a provisional or temporary appointment for one additional three-month period. (Ord. 1189 § 2, 1992).

Chapter 2.66

LODGING TAX ADVISORY COMMITTEE

Sections:

2.66.010 Committee established.

2.66.020 Duties of committee.

2.66.010 Committee established.

There is established a lodging tax advisory committee, consisting of five members, appointed by the city council. The committee membership shall be as required by RCW 67.28.1817. The city council shall review the membership of the committee annually and make changes as appropriate. (Ord. 1414 § 1, 1999).

2.66.020 Duties of committee.

The city shall submit to the lodging tax advisory committee proposals to impose a tax under Chapter 67.28 RCW, increase the rate of a tax imposed under Chapter 67.28 RCW, repeal an exemption to a tax imposed under Chapter 67.28 RCW, or change the use of revenue received from a tax imposed under Chapter 67.28 RCW, at least 45 days before a final action on the proposal by the city council. The committee shall review such proposals and shall submit comments on the proposals to the city council in a timely manner. The comments shall include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-term stability of the city's lodging tax fund. (Ord. 1414 § 1, 1999).

Chapter 2.68

EMPLOYEE VACATION AND SICK LEAVE POLICY¹

Sections:

- 2.68.010 Definitions.
- 2.68.020 Vacation earnings.
- 2.68.040 Vacation schedules.
- 2.68.050 Advanced vacation leave – Termination.
- 2.68.070 Termination due to death, reduction in force, resignation, dismissal or retirement – Vacation.
- 2.68.080 Termination – Extra days of vacation.
- 2.68.090 Holidays – Opening of City Hall Complex.
- 2.68.100 Holidays – Designated.
- 2.68.110 Holiday – Attendance the day before and after.
- 2.68.120 Sick leave earnings.
- 2.68.130 Shared leave policy.
- 2.68.140 Eligible sick leave.
- 2.68.150 Workmen’s compensation – Sick leave.
- 2.68.160 Sick leave – Reasons for granting.
- 2.68.170 Sick leave – Doctor’s certificate.
- 2.68.180 Military and jury duty.
- 2.68.190 Records to be kept.
- 2.68.200 Pay periods.
- 2.68.205 Overtime.
- 2.68.210 Basis for accumulation and recording.
- 2.68.220 Longevity pay.
- 2.68.230 Payment of accumulated vacation and sick leave upon retirement.
- 2.68.240 Bereavement leave.
- 2.68.250 Exchange time.

2.68.010 Definitions.

In construing the provisions of this chapter, the following definitions shall apply:

A. “Employee” means any person holding any place of employment for the city in any of its departments for which a salary or wage is

paid by the city, including the policemen of the city, and excepting only the mayor, city council, city attorney, municipal court judge, and all other members of boards or commissions of the city not having other employment with the city.

B. “Full-time elected official” means any person elected by the citizens of the city and who otherwise falls within the definition of “full-time employee.”

C. “Full-time employee” means any person who devotes his full time during working hours to the service of the city on a year-round basis.

D. “Part-time employee” means any person employed by the city who devotes only a part of his time during working hours to the service of the city, but is hired on the basis of less than year-round employment. (Ord. 791 § 1, 1980; Ord. 559 § 1, 1975).

2.68.020 Vacation earnings.

A. Full-time nonunion employees shall earn vacation according to the following schedule:

1. One through three years, eight hours per month;
2. Four through nine years, 10 hours per month;
3. Ten through 14 years, 10-1/2 hours per month;
4. Fifteen or more years, 13-1/2 hours per month.

B. An employee who enters service before the sixteenth or leaves after the fifteenth day of the month shall earn a day of vacation for that month.

C. Employees not completing one year of service shall not be entitled to any vacation pay.

D. Vacation pay shall be calculated in the following manner:

$$\frac{\text{Annual wage}}{2080} = \text{hourly wage}$$

$$\text{Hourly rate times hours of vacation requested} = \text{vacation pay for requested period.}$$

1. For statutory provisions declaring the state holidays, see RCW 1.16.050.

2.68.040

E. All full-time nonunion employees shall be granted the same accumulated vacation hour maximums as in the public works labor agreement as now stated or hereinafter as amended.

F. All permanent part-time employees who work a minimum of 20 hours per week shall be granted an amount of vacation leave proportional to the number of hours worked within a month by a full-time employee. (Ord. 1407 § 1, 1999; Ord. 1228 § 1, 1994; Ord. 993 § 1, 1986; Ord. 785 § 1, 1980; Ord. 589 § 1, 1976; Ord. 559 § 2, 1975).

2.68.040 Vacation schedules.

A. The head of each department shall establish a vacation schedule for his department so that the department may operate effectively. The head of the department shall have first choice as to the periods of vacation so established. His assistant has second, and where two or more employees desire the same choice of vacation, the employee having greatest seniority in service to the city shall have the first choice.

B. The heads of various departments shall deposit the tentative schedule of vacations with the mayor for approval before the schedule becomes effective.

C. The vacation periods may be granted at such time or times during each calendar year as the head of each department may determine will cause the least interference with the performance of the regular work of the city. (Ord. 1186 § 1, 1992; Ord. 559 § 3, 1975).

2.68.050 Advanced vacation leave – Termination.

Advanced vacation leave can be approved by the mayor and deducted from the final paycheck if terminated before earned. (Ord. 559 § 3, 1975).

2.68.070 Termination due to death, reduction in force, resignation, dismissal or retirement – Vacation.

Employees of the city whose employment is terminated by death, reduction in force, resignation, dismissal, or by retirement, and who

have accrued vacation leave pursuant to this chapter, shall be paid therefor under the conditions set herein, or to their estate if they are deceased, or if the employee in case of voluntary resignation has provided 30 days' notice of termination of his employment. The 30-day notice of termination may be waived upon approval by council. (Ord. 559 § 4, 1975).

2.68.080 Termination – Extra days of vacation.

Extra days of vacation accrued pursuant to this chapter shall be prorated according to the number of full months worked by an employee in the year his employment terminated. (Ord. 559 § 4, 1975).

2.68.090 Holidays – Opening of City Hall Complex.

The City Hall Complex shall remain open on all working days, which working days shall be Monday, Tuesday, Wednesday, Thursday, and Friday of each week, providing, however, that in the event one of the holidays named in PMC 2.68.100 falls on a working day, then the closure of the City Hall Complex shall be authorized by the city council, only providing, however, in case of emergency, the mayor may authorize additional closures. (Ord. 559 § 5, 1975).

2.68.100 Holidays – Designated.

A. Each full-time employee shall be entitled to one day's salary on each of the following days, which are declared to be official holidays:

- New Year's Day
- Dr. Martin Luther King, Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas

One "floating holiday" to be observed on day of employee's choice.

B. Any day designated by public proclamation of the chief executive of the state as a legal holiday providing, however, that these proclaimed holidays shall be ratified by the mayor and council one week prior to the holiday. If any of the above specified state holidays are also federal legal holidays, but observed on different dates, only the state legal holidays shall be recognized as paid holidays. Whenever any legal holiday, other than Sunday falls upon a Sunday, the following Monday shall be a legal holiday. Whenever any legal holiday, other than Saturday, falls upon a Saturday, Friday shall be a legal holiday. Any day may be designated a holiday by the city council.

C. Each employee shall be entitled to the above designated floating holiday only on the following conditions:

1. The employee has been or is scheduled to be continuously employed by the city for more than four months; and

2. The employee has given not less than 14 calendar days' written notice to the supervisor; provided, however, the employee and the supervisor may agree upon an earlier date; and

3. The number of employees selecting a particular day off does not prevent a department from providing continued public service; and

4. The personal holiday must be taken during the calendar year or entitlement to the same will lapse, except when an employee has requested a personal holiday and the request has been denied.

D. All permanent part-time employees who work a minimum of 20 hours per week shall be granted an amount of an official holiday proportional to the number of hours worked within a month by a full-time employee. (Ord. 1407 § 2, 1999; Ord. 993 § 2, 1986; Ord. 618 § 1, 1976; Ord. 602 § 1, 1976; Ord. 559 § 5, 1975).

2.68.110 Holiday – Attendance the day before and after.

Any employee shall receive the holiday with pay only if at work the full work day before and the full work day after the holiday unless he or she is on authorized vacation or sick leave. (Ord. 559 § 5, 1975).

2.68.120 Sick leave earnings.

A. Sick leave begins to accrue upon employment, but may not be used until the employee has completed six months of continuous service following the date of original employment.

B. Full-time employees shall earn sick leave at the rate of eight hours a month with no ceiling limit. Upon the retirement of an employee, one-third of the accumulated sick leave shall be paid.

C. Sick Leave – Reasons for Granting. Any employee eligible for sick leave with pay shall be granted such leave for the following reasons:

1. Personal illness or physical incapacity resulting from cause beyond employee's control;

2. Forced quarantine of the employee in accordance with community health requirements;

3. Illness of a member of the employee's immediate family.

D. All permanent part-time employees who work a minimum of 20 hours per week shall be granted an amount of sick leave proportional to the number of hours worked within a month by a full-time employee. (Ord. 1407 § 3, 1999; Ord. 993 § 3, 1986; Ord. 787 § 1, 1980; Ord. 559 § 6, 1975).

2.68.130 Shared leave policy.

A. An employee who has an accrued sick leave balance of at least 88 hours may request to transfer a specified amount of sick leave to another employee. All sick leave transferred shall be in eight-hour increments, and in no event shall the transfer result in the transferring employee's accrued sick leave balance falling below 80 hours.

B. Authority To Review Requests.

1. The head of each city department shall review requests for transfers of sick leave for employees within that department.

2. In the case of transfers of sick leave between city departments, the department head of the employee making the donation shall review the request. If the request is granted, the department head shall inform the head of the department of the employee receiving the sick leave.

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ing the transferred sick leave and the city clerk of the number of days transferred.

3. If a department head is unable to review a request for a transfer of sick leave because of absence or illness, the mayor shall review such request.

C. An employee shall be allowed to receive leave under this section if:

1. The employee has depleted or will shortly deplete his or her sick leave reserves; and

2. The employee suffers from an illness, injury, impairment, or physical or mental condition which is of a severe nature and which has caused, or is likely to cause, the employee to go on leave without pay or terminate city employment; or

3. The employee is needed to care for the employee's spouse, child, stepchild, parent, or in-law who has a serious health condition.

D. The department head shall determine the amount of sick leave, if any, which an employee may receive under this section. The amount of sick leave which an employee may receive as a donation shall be based on the expected duration of the absence from work.

E. Donated leave shall be utilized in the order that the requests were authorized (first in, first out).

F. While an employee is on leave transferred under this section, he or she shall continue to be classified as a city employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued sick leave. All such current accruals shall also be depleted prior to any continuing use of donated hours.

G. Any unused leave transferred under this section may be returned to the employee(s) who transferred the leave if the head of the department of the employee receiving the transferred leave finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred. (Ord. 1495 § 1, 2001; Ord. 1471 § 1, 2000).

2.68.140 Eligible sick leave.

An employee may not utilize his accumulative sick leave for absences resulting from injury arising out of and in the course of employment other than the city employment, for which monetary or other valuable consideration is received or expected. (Ord. 559 § 9, 1975).

2.68.150 Workmen's compensation – Sick leave.

An employee receiving sick leave with pay who simultaneously receives compensation under the Workmen's Compensation Law or other insurance plan paid for by the city shall receive for the duration of such compensation only that portion of his regular salary which, together with the compensation, will equal his regular salary. (Ord. 559 § 9, 1975).

2.68.160 Sick leave – Reasons for granting.

An employee eligible for sick leave with pay shall be granted such leave for the following reasons:

A. Personal illness or physical incapacity resulting from cause beyond employee's control;

B. Forced quarantine of the employee in accordance with community health requirements;

C. The death of a member of the employee's immediate family (immediate family to be determined by department head and approved by the mayor);

D. Illness of a member of the employee's immediate family.

The length of time of leave shall be determined by the department head and approved by the mayor. It is at the discretion of the department head if time off is counted as vacation or sick leave. (Ord. 559 § 9, 1975).

2.68.170 Sick leave – Doctor's certificate.

A doctor's certificate will be furnished at the discretion of the department head or mayor whenever an employee claims sick leave for one day or longer. Any employee found to have abused the sick leave privilege by falsification or misrepresentation may be subject to corrective action, suspension, or dismissal at

the discretion of the city council. (Ord. 559 § 9, 1975).

2.68.180 Military and jury duty.

Employees in permanent positions who are ordered by competent military authority to short tours of duty, not to exceed 15 days annually, shall be paid their regular pay while on such leave. Employees who are required by the due process of law to render jury service shall receive their regular pay during such period. If any payment is received for jury duty, such pay will be reimbursed to the city or deducted from the employee's paycheck. (Ord. 559 § 10, 1975).

2.68.190 Records to be kept.

Each department head having jurisdiction over a particular department shall keep an adequate register showing records of vacation and sick leave, both accrued and granted in such form as may be approved by the council. These records will be reported monthly to the city clerk, who will in turn keep a complete register of all employees, which records shall be available at all times to all members of the council, the auditor, and the employees. (Ord. 559 § 10, 1975).

2.68.200 Pay periods.

Payrolls are made up from five to six days preceding the issuance of checks. Absences occurring during that period will be deducted from the payroll issued the following pay period. (Ord. 559 § 10, 1975).

2.68.205 Overtime.

All nonexempt Fair Labor Standards Act employees of the city shall be compensated in addition to their regular wages equal to one and one-half times their regular pay for every hour worked in addition to 40 hours in a seven-day work period. For the purpose of this section, hourly rates of pay shall be computed for those individuals being paid on a monthly basis by dividing the monthly wages by 173 hours. (Ord. 1403 § 1, 1999).

2.68.210 Basis for accumulation and recording.

Both sick leave and vacation leave shall be accumulated and recorded from the date of employment and be credited from said date. (Ord. 660 § 1, 1977; Ord. 599 § 10, 1975).

2.68.220 Longevity pay.

In addition to base monthly wage, a full-time employee shall receive the following compensation for longevity:

A. Twenty-five dollars per month for three years and up to five years of continuous full-time city employment;

B. Thirty-five dollars per month for five years and up to 10 years of continuous full-time city employment;

C. One hundred dollars per month for 10 years and up to 15 years of continuous full-time city employment;

D. One hundred eighty dollars per month for over 15 years of continuous full-time city employment. (Ord. 1198A § 1, 1993; Ord. 1132 § 1, 1991; Ord. 860 § 1, 1982; Ord. 788 § 1, 1980).

2.68.230 Payment of accumulated vacation and sick leave upon retirement.

A. Every full-time nonunion employee, upon his or her retirement, shall be entitled to be paid for all of his or her accrued vacation time.

B. Upon retirement all full-time nonunion employees shall be entitled to be paid 50 percent of all accumulated sick leave time accrued and/or accumulated prior to December 31, 1982. (Ord. 1228 § 2, 1994; Ord. 889 § 1, 1982; Ord. 804 § 1, 1980).

2.68.240 Bereavement leave.

All full-time nonunion employees shall be granted the same bereavement leave as in the public works labor agreement as now stated or hereinafter as amended. (Ord. 1228 § 3, 1994).

2.68.250 Exchange time.

All exempt Fair Labor Standards Act employees of the city shall be allowed to accrue hour for hour exchange time for hours worked in excess of 45 hours in a seven-day

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period (Monday through Sunday). Exchange time is limited to 300 hours and will have no cash value upon termination of employment with or by the city. (Ord. 1404 § 1, 1999).

Chapter 2.72

OFFICE HOURS¹

Sections:

2.72.010 Designated.

2.72.010 Designated.

The City Hall shall be open for business between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, with the following exceptions:

A. When a legal holiday falls on a working day;

B. When a closure is authorized by the city council; or

C. In the case of an emergency, the mayor may authorize a closure. (Ord. 1035 § 1, 1988; Ord. 934 § 1, 1984; Ord. 579 § 2, 1975).

1. For statutory provisions declaring the state holidays, see RCW 1.16.050.

Chapter 2.76

Chapter 2.80

EMERGENCY OPERATIONS**CITY MOTOR VEHICLES**

Sections:

- 2.76.010 Emergency operations plan.
- 2.76.020 Emergency management organization established.

Sections:

- 2.80.010 Reporting damage.

2.76.010 Emergency operations plan.

An emergency operations plan is established for the city in the form and style contained in Exhibit "A" attached to the ordinance codified in this section, which is hereby incorporated by reference, all pursuant to Chapter 38.52 RCW, the Washington Emergency Services Act. Three copies of Exhibit "A" shall be placed on file with the city clerk for public examination and copies shall be made available to the public at a charge not to exceed the cost of printing the same. (Ord. 943 § 1, 1984).

2.80.010 Reporting damage.

All city officers and employees shall report any damage to city vehicles estimated at \$500.00 or more to their respective supervisor or department head within 48 hours of the accident. All supervisors and department heads with whom a report has been filed shall submit a copy of the report to the city council within 13 days after the accident. (Ord. 1135 § 1, 1991).

2.76.020 Emergency management organization established.

An emergency management organization, as set forth in Chapter 38.52 RCW, is hereby established for the city of Pacific. The mayor is authorized to designate a director of emergency management who shall be directly responsible for the organization, administration, and operation of the emergency management organization.

The director is hereby instructed to develop and maintain an emergency management plan for the city of Pacific meeting the requirements of Chapter 38.52 RCW. The director may call upon city officials and staff as well as a member of the community to assist in the development process. The director shall present the completed emergency management plan to the city council for adoption. Upon council adoption of the plan, the director shall submit the plan to the director of the Washington State Department of Community Development for approval. (Ord. 1498 § 1, 2001).

Chapter 2.84

CODE OF ETHICS

Sections:

- 2.84.010 Policy.
- 2.84.020 Definitions.
- 2.84.030 Prohibited conduct during city employment.
- 2.84.040 Prohibited conduct after leaving city employment.
- 2.84.050 Penalties.

2.84.010 Policy.

It is the policy of the city that the private conduct and financial dealings of city officers and employees and candidates for city office shall present no actual or apparent conflict of interest between the public trust and the private interest. (Ord. 1151 § 1, 1991).

2.84.020 Definitions.

A. "City officer or employee" means every individual elected or appointed to an office or a position of employment in any city agency, department, board or commission, whether such individual is paid or unpaid.

B. "Compensation" means anything of economic value, however designated, which is paid, granted or transferred, or is to be paid, granted or transferred for, or in consideration of, personal services to any person.

C. "Interest" means direct or indirect pecuniary or material benefit accruing to a city officer or employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the city, except for such contracts or transactions which confer similar benefits to all other persons or properties similarly situated. For the purpose of this chapter, an officer or employee is deemed to have an interest in the affairs of:

1. Any person of the officer's or employee's immediate family, which is defined as husband, father, mother, brother, sister, son, daughter, wife, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law and daughter-in-law;

2. Any business entity in which the officer or employee is an officer, director or employee;

3. Any business entity in which more than five percent of the total stock or total legal and beneficial ownership is controlled or owned directly or indirectly by the officer or employee; or

4. Any person or business entity with whom a contractual relationship exists with the officer or employee; provided, that a contractual obligation of less than \$500.00, a commercially reasonable loan made in the ordinary course of business, or a contract for a commercial or retail sale, shall not be deemed to create an interest in violation of this chapter.

D. "Person" means any individual, association, corporation or other legal entity. (Ord. 1151 § 1, 1991).

2.84.030 Prohibited conduct during city employment.

No current city officer or employee shall:

A. Engage in any transaction or activity, which is, or to a reasonable person would appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or to a reasonable person would appear to impair, the officer's or employee's independence of judgment or action in the performance of official duties, and fail to disqualify the officer or employee from official action where the conflict occurs;

B. Have a financial or other private interest, direct or indirect, personally or through a member of the officer's or employee's immediate family, in any matter upon which the officer or employee is required to act in the discharge of official duties, and fail to disqualify the officer or employee from acting or participating;

C. Fail to disqualify the officer or employee from acting on any transaction which involves the city and any person who is, or at any time within the preceding 12-month period has been, a private client of the officer or employee, or of the officer's or employee's firm or partnership;

D. Have a financial or other private interest, direct or indirect, personally or through a

member of the officer's or employee's immediate family, in any contract or transaction to which the city or any city agency may be a party, and fails to disclose such interest to the appropriate city authority prior to the formation of the contract or the time the city or city agency enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law;

E. Use the officer's or employee's official position for a purpose that is, or would to a reasonable person appear to be, primarily for the private benefit of the officer or employee, rather than primarily for the benefit of the city; or to achieve a private gain or exemption from duty or responsibility for the officer or employee or any other person;

F. Use or permit the use of any person, funds, or property under the officer's or employee's official control, direction or custody, or of any city funds or city property, for a purpose which is, or to a reasonable person would appear to be, for other than a city purpose; provided, that nothing shall prevent the private use of city property which is available on equal terms to the public generally (such as the use of library books or tennis courts); the use of city property in accordance with municipal policy for the conduct of official city business (such as the use of a city automobile, if in fact the property is used appropriately); or the use of city property for participation of the city or its officials in activities of associations of governments or governmental officials;

G. Except in the course of official duties, assist any person in any city transaction where the officer's or employee's assistance is, or to a reasonable person would appear to be, enhanced by that officer's or employee's position with the city; provided, that this paragraph shall not apply to the officer's or employee's appearance or representation on any matter in which the officer or employee has a proprietary interest, if not otherwise prohibited by ordinance;

H. Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of the officer's or employee's immediate family, in a business

entity doing or seeking to do business with the city, and influence or attempt to influence the selection of, or the conduct of business with, such business entity by the city;

I. Solicit or receive any retainer, gift, loan, entertainment, favor or other thing of monetary value from any person or entity where the retainer, gift, loan, entertainment, favor or other thing of monetary value has been solicited, received or given, or to a reasonable person would appear to have been solicited, received or given, with intent to give or obtain special consideration or influence as to any action by the officer or employee in an official capacity; provided, that nothing shall prohibit contributions which are solicited or received and reported in accordance with applicable law;

J. Disclose or use any privileged or proprietary information gained by reason of the officer's or employee's official position for the immediate or anticipated personal gain or benefit of the officer or employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request;

K. Regardless of prior disclosure thereof, hold or acquire a beneficial interest, direct or indirect, personally or through a member of the officer's or employee's immediate family, in any contract which, in whole or in part, is or may be made by, through or under the supervision of the officer or employee, or which may be made for the benefit of the officer's or employee's office; or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person or entity beneficially interested therein, in violation of Chapter 42.23 RCW; or

L. Regardless of prior disclosure thereof, be beneficially interested, directly or indirectly, in any contract or transaction which may be made by, through or under the supervision of the officer or employee, in whole or in part, or which may be made for the benefit of the officer's or employee's office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract or transaction from any other person

2.84.040

beneficially interested therein. This paragraph shall not apply to the furnishing of utility or other services by the city at the same rates and on the same terms as are available to the public generally. (Ord. 1151 § 1, 1991).

2.84.040 Prohibited conduct after leaving city employment.

A. No former city officer or employee shall, during the period of one year after leaving city office or employment:

1. Disclose or use any privileged or proprietary information gained by reason of city employment for personal gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;

2. Assist any person in proceedings involving the agency of the city with which the officer or employee was previously employed, or on a matter in which the officer or employee was officially involved or participated or acted in during the course of duty;

3. Represent any person as an advocate in any matter in which the officer or employee was officially involved while an officer or employee; or

4. Participate as a competitor in any competitive selection process for a city contract in which the officer or employee assisted the city in determining the project or work to be done or the process to be used.

B. A city officer who contracts with a former officer or employee for expert or consultant services within one year of the latter's leaving city office or employment, shall promptly inform the mayor about the agreement.

C. The prohibitions of subsections (A)(2) and (A)(3) above shall not apply to former officers or employees acting on behalf of a governmental agency unless such assistance or representation is adverse to the interest of the city. (Ord. 1151 § 1, 1991).

2.84.050 Penalties.

A. Any person violating or failing to comply with any of the provisions of this chapter

shall be subject to the penalty set forth in PMC 1.16.010.

B. The city, through its authorized agents, may initiate appropriate civil actions against any person who violates or fails to comply with any provision of this chapter.

C. Any employee whose conduct is determined by the mayor to be in violation of this chapter may be terminated from employment and/or temporarily suspended with loss of pay up to and including 30 days.

D. Any contract or transaction that is the subject of an official act or action of the city in which there is an interest prohibited by this chapter, or that involves the violation of a provision of this chapter, shall be voidable at the option of the city. (Ord. 1151 § 1, 1991).

Chapter 2.88

EQUAL EMPLOYMENT
OPPORTUNITY

Sections:

- 2.88.010 Policy.
- 2.88.020 Mayor to oversee policy.
- 2.88.030 Penalty for violations.
- 2.88.040 Cooperation with human rights organizations.
- 2.88.050 Posting of policy.

2.88.010 Policy.

It is the policy of the city to treat all applicants and employees equally and without regard to race, creed, religion, color, national origin, sex, age, the presence of a physical, mental or sensory handicap, marital or veteran status, or any other basis that is required by local, state or federal law. It is also the policy of the city to foster and maintain a harmonious nondiscriminatory working environment for all officers and employees. Toward this end, the city will not tolerate racial, ethnic, religious or sexual slurs or comments demeaning national origin or the handicapped, or any form of sexual harassment, by or about any officer, employee, applicant or the public. (Ord. 1153 § 1, 1991).

2.88.020 Mayor to oversee policy.

The mayor shall oversee the city's equal employment opportunity and nondiscrimination policy. Any officer, employee or applicant who is subjected to discriminatory treatment in violation of this policy should bring the matter to the attention of the appropriate department head, who shall report the matter directly to the mayor. (Ord. 1153 § 1, 1991).

2.88.030 Penalty for violations.

Any officer or employee violating or failing to comply with the policies set forth in this chapter may be subject to disciplinary action including, but not limited to, termination from employment and/or temporary suspension with loss of pay up to and including 30 days. (Ord. 1153 § 1, 1991).

2.88.040 Cooperation with human rights organizations.

The city shall cooperate to the fullest extent possible with governmental organizations and commissions concerned with nondiscrimination and equal employment opportunity. (Ord. 1153 § 1, 1991).

2.88.050 Posting of policy.

Copies of the policies set forth in this chapter shall be distributed to all city officers and employees, shall appear in all operational documents of the city, including bid calls, and shall be permanently displayed in all city facilities. (Ord. 1153 § 1, 1991).

Chapter 2.92

**RECRUITMENT AND SELECTION
OF CITY EMPLOYEES**

Sections:

- 2.92.010 Policy.
- 2.92.020 Authority and responsibility of mayor.
- 2.92.030 Recruitment announcements.
- 2.92.040 Application for employment.
- 2.92.050 Selection process.
- 2.92.060 Examination results and scores.
- 2.92.070 Trial period.
- 2.92.080 Promotional appointments.
- 2.92.090 Expenditures allowed.
- 2.92.100 Veteran's preference.
- 2.92.110 Employment of immediate family members.
- 2.92.120 Prohibition.

2.92.010 Policy.

Recruitment and selection of city employees shall be based on the relative ability, knowledge and skills required to perform a given position, and shall be free of personal and political considerations. (Ord. 1155 § 1, 1991).

2.92.020 Authority and responsibility of mayor.

The mayor shall have the power of appointment and removal of all appointive city officers and employees subject to confirmation of appointments by a majority of all the members of the city council and subject to any applicable civil service or general statute, rule, or regulation; provided, that the city council's power of confirmation shall not apply to civil service employees or employees subject to the city's collective bargaining agreements. The mayor may delegate the mayor's power of appointment and removal to the head of a department or office of the city government to appoint and remove subordinates in such department or office, subject to any applicable civil service provisions and other laws, and may delegate specific responsibilities to city staff. (Ord. 1282 § 3, 1995; Ord. 1155 § 1, 1991).

2.92.030 Recruitment announcements.

Recruitment announcements for available positions in the city service shall at a minimum be posted within the city hall for at least five consecutive working days prior the last date for filing applications for the position, and be published at least once in the city's official newspaper five or more working days prior to the last date for filing applications for the position, and by such other means as the mayor may deem necessary. The announcement shall contain the position title, a brief description of the position's duties, the specific minimum qualifications or requirements necessary for the position, the place and manner in which to apply, the closing date for applications, and a statement that the city is an equal opportunity employer. All announcements must be submitted to the mayor or the mayor's designee for review and approval prior to any posting or advertising of the position. (Ord. 1198 § 1, 1993; Ord. 1155 § 1, 1991).

2.92.040 Application for employment.

A. Applications for employment shall not be accepted unless a vacancy exists or the city is aware that a vacancy will exist, and notice of the vacant position has been advertised. All applications must be fully completed, signed and dated by the applicant to be valid. Resumes may be accepted in lieu of the city application form. However, a completed application must be on file prior to final selection of an applicant.

B. All statements submitted on employment applications or attached resumes shall be subject to investigation and verification prior to appointment. Falsification of material information may be grounds for rejection of an applicant or dismissal of an employee. (Ord. 1155 § 1, 1991).

2.92.050 Selection process.

A. Selection criteria for appointments, promotions and other personnel actions shall be based on systematic evaluations, including analysis of qualifications, performance, experience and training. Selection criteria will be designed to measure each applicant's qualifi-

cation, experience and ability to perform the duties and responsibilities of the position.

B. Selection procedures may include written, oral and/or performance examinations which measure the applicant's job-related ability, knowledge and skills. The format and content of these examinations, and the minimum qualifying score standards, shall be determined by the mayor after consultation with appropriate department heads and experienced individuals in an associated field. Evaluation of the results of the examinations shall be based on the actual requirements of the work to be performed.

C. The city may establish minimum medical and physical standards for a position which reasonably relate to the duties and responsibilities of that position. The standards may differ based on the duties and responsibilities of each position. Any physical examination utilized as a selection procedure shall be limited to considerations relevant to the applicant's fitness for the particular position. The examining physician shall be provided with a complete job description, including a statement of bona fide physical requirements. The city will bear the cost of the physical examination and designate the physician, after consultation with the applicant. The physician's report shall be limited to an opinion regarding the applicant's ability to perform the requirements of the job in a proficient manner and with due regard to the safety of the applicant, coworkers and general public. If a physical examination is utilized as part of the selection procedure, the examination must be completed before an applicant is appointed.

D. An applicant may be rejected for one or more of the following reasons:

1. The applicant lacks any of the minimum qualifications necessary for the position;
2. Applicant does not meet physical requirements of the position, or has previously been removed from the city service for delinquency or misconduct;
3. The applicant has falsified all or any part of the application;
4. The applicant fails to keep the city informed of the applicant's correct address;
5. The applicant, after notification, does not promptly appear at the time and place des-

ignated for an interview or examination. (Ord. 1155 § 1, 1991).

2.92.060 Examination results and scores.

The city shall document examination results and scores using appropriate statistical and testing techniques and shall determine the relative rating of the applicants. Each applicant in any examination shall be given written notice of the results of the examination. (Ord. 1155 § 1, 1991).

2.92.070 Trial period.

A. All original and promotional appointments shall be tentative and require a trial period of at least six months. During the trial period the employee's performance shall be closely observed in order to determine the employee's ability to fulfill the duties and responsibilities of the position. The trial period is an extension of the testing and selection process.

B. Each employee will be evaluated by the employee's supervisor during the trial period. An appointment shall be made permanent at the end of six months unless the employee's performance evaluation is unsatisfactory or further observance of the employee is required. In such cases, the appointment shall either be rescinded or the probationary period may be extended another six months; provided, that in special circumstances the trial period may be extended for more than six months. There shall be no right to an appeal based upon failure to pass the trial period.

C. During the trial period, the employee may be removed at any time with or without cause. Employees who have been transferred or promoted from another position in the city service shall be reinstated in their former position if that position is vacant; trial employees shall be removed from the city service if not a transferred or promoted employee. (Ord. 1155 § 1, 1991).

2.92.080 Promotional appointments.

In order to promote a desirable level of city employee morale and career development, vacancies shall be filled, to the extent consistent with the best interest of the city, from

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qualified employees holding regular positions within the city. Promotions shall be based on competitive selection processes, except in those cases where the mayor determines that a particular employee, who by virtue of length and quality of work experienced for the city, is exceptionally qualified for the promotion. Employees who are promoted shall hold trial status as provided in PMC 2.92.070. Those who fail the trial period may resume any regular employment held prior to the promotion if the position is vacant. (Ord. 1155 § 1, 1991).

2.92.090 Expenditures allowed.

When expenditures requiring the professional expertise of a person outside the city service are necessary, the mayor is authorized to pay necessary travel and subsistence expenses to bring a limited number of such persons to the city for participation in such examinations, providing funds for payment of the expenses are available. (Ord. 1155 § 1, 1991).

2.92.100 Veteran's preference.

Applicants for employment with the city who are veterans as defined in RCW 41.04.005 shall be given a preference in accordance with RCW 41.04.010 and 73.16.010. (Ord. 1155 § 1, 1991).

2.92.110 Employment of immediate family members.

A. Hiring or maintaining employment status of immediate family members of present city employees is prohibited if:

1. One member would have the authority or practical power to supervise, hire, remove or discipline the other;
2. One member would be responsible for financially auditing the work of the other;
3. One member would handle confidential material which may create the appearance of improper or inappropriate access to that material by the other; or
4. Other circumstances would place one member in a situation of actual or reasonably foreseeable conflict between the employees and the city's interests.

B. If two employees in such positions become so related to one another, one must be transferred to another position for which the employee is qualified. If a transfer cannot be accomplished due to the unavailability of an open position, one of the employees must resign. The decision as to which employee will resign or transfer will be made in the first instance by the employees involved. If the employees do not decide which employee will transfer or resign within 30 days after becoming related to one another, the mayor shall determine which employee will transfer or resign based on the best interests of the city. (Ord. 1155 § 1, 1991).

2.92.120 Prohibition.

No person shall wilfully or knowingly make any false statement, certificate, mark, rating, or report in regard to any test, examination or appointment held or made under the city's personnel system, or in any manner commit or attempt to commit any fraud preventing the impartial execution of the personnel rules. (Ord. 1155 § 1, 1991).

Chapter 2.96

DISCLOSURE OF PUBLIC RECORDS

Sections:

- 2.96.010 Relationship to Public Records Disclosure Act.
- 2.96.020 Disclosure of public records.
- 2.96.030 Definitions.
- 2.96.040 Copyright enforcement.
- 2.96.050 Maintenance of records.
- 2.96.060 Exemptions.
- 2.96.070 Procedure for inspecting or copying.
- 2.96.080 Reimbursement for copying costs.
- 2.96.090 Decision on public records requests – Procedure for review of decision.
- 2.96.100 Disclosure prohibited by other statutes.

2.96.010 Relationship to Public Records Disclosure Act.

This chapter constitutes the city's rules and regulations to carry out and implement the Public Records Disclosure Act, Chapter 42.17 RCW. Except as provided in this chapter, Chapter 42.17 RCW shall apply to all city public records. (Ord. 1270 § 1, 1995).

2.96.020 Disclosure of public records.

Unless exempt from disclosure under this chapter, public records shall be available for inspection and copying in accordance with this chapter. (Ord. 1270 § 2, 1995).

2.96.030 Definitions.

A. "Public record" means (1) any writing, (2) any computer data and databases and computer-generated documents, maps and drawings and (3) any software and special applications for software developed by city employees in the scope of their employment, and by consultants pursuant to a contract for development or provision of software or software applications, containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the city regardless of physical form or characteristics. For purposes of this subsection, the "city"

includes only city employees and elected officials.

B. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recording, discs, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated. (Ord. 1270 § 3, 1995).

2.96.040 Copyright enforcement.

The city recognizes that any software and special applications for software developed by city employees in the scope of their employment, and by consultants pursuant to a contract for development or provision of software or software applications, are owned by the city pursuant to the copyright laws, 17 U.S.C., Sections 101 and 201. The city will make available to all requesters a license to use such software so as to make use of all public data. (Ord. 1270 § 4, 1995).

2.96.050 Maintenance of records.

A. All substantive and procedural rules of general applicability, including, but not limited to, ordinances and resolutions of the city council, minutes of the regular meetings of the city council, and statements of general policy, and all public contracts, deeds, easements and leases shall be indexed and maintained in the office of the city clerk for the use of the city and of the general public.

B. All records of the city relating to the specific function or responsibility of a particular city department shall be maintained for the use of the department and the general public in the office of the department. The department shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records:

1. Final opinions and orders made in the adjudication of cases;

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2. Statements of policy and interpretations of policy which have been adopted by the city;

3. Administrative staff manuals and instructions to staff that affect a member of the public;

4. Planning policies and goals, and interim and final planning decisions;

5. Factual staff reports and studies, factual consultant reports and studies, scientific reports and studies and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public officers and employees or others; and

6. Correspondence, and materials referred to therein, by and with the city relating to any regulatory, supervisory, or enforcement responsibilities of the city, whereby the city determines, opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or any private party. (Ord. 1270 § 5, 1995).

2.96.060 Exemptions.

A. The following shall be exempt from public inspection and copying:

1. Personal information in files maintained for employees, appointees, or elected officials, to the extent that disclosure would violate their right to privacy, as defined in RCW 42.17.255.

2. Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would be prohibited to such persons by RCW 82.32.330, would violate the taxpayer's right to privacy, as defined in RCW 42.17.255, or would result in unfair competitive disadvantage to the taxpayer.

3. Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy, as defined in RCW 42.17.255.

4. Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agency

commissions, if disclosure would endanger any person's life, physical safety, or property; provided, that if at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern.

5. Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

6. Except as provided by Chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency including the city, relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

7. Valuable formulae, designs, drawings, and research data obtained by the city within five years of the request for disclosure when disclosure would produce private gain and public loss. The exemption of this subsection shall not include software and special applications for software developed by city employees in scope of their employment and by consultants pursuant to a contract for development or provision of software or software applications.

8. Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by the city in connection with any city action.

9. Records which are relevant to a controversy to which the city is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

10. Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

11. Financial and commercial information and records supplied by business during application for loans or program services pro-

vided by Chapters 43.160, 43.163, 43.168, and 43.330 RCW.

12. All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

13. The residential addresses and residential telephones of employees or volunteers of the city which are held by the city in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

14. The residential addresses and residential telephone numbers of the customers of a city utility contained in the records or lists held by the city utility of which they are customers.

15. Client records maintained by the city under any domestic violence program as defined in RCW 70.123.020 or rape crisis center as defined in RCW 70.125.030.

16. Information that identifies a person who, while a city employee: (i) seeks advice, under an informal process established by the city, in order to ascertain his or her rights in connection with a possible unfair practice under Chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

17. License applications under RCW 9.41.070.

18. Information revealing the identity of child victims of sexual assault who are under age 18. "Identifying information" means the child's name, address, location, and photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

19. Any other record which is exempt from disclosure under any state law.

B. The exemptions from public disclosure set forth in this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

C. Inspection or copying of any specific records exempt under this section may be permitted if a superior court finds, after a hearing with notice thereof to every person interested and to the city, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

D. Nothing in this section shall affect a positive duty of the city to disclose or a positive duty to withhold information, which duty to disclose or withhold is contained in any other law. (Ord. 1270 § 6, 1995).

2.96.070 Procedure for inspecting or copying.

Persons wishing to inspect or obtain copies of city records shall first make such request in writing using the city's public disclosure request form to the city clerk or the department head of the city department which maintains the requested records. If the requester does not know which department maintains the records, the request shall be made to the city clerk. The city clerk shall direct the requester to the appropriate department. All assistance necessary to help the requester locate the particular record shall be provided promptly either by the city clerk or by the particular department maintaining the records. The provision of such assistance shall not unreasonably disrupt the normal operation of the city clerk, the department, or the assisting employee. (Ord. 1270 § 7, 1995).

2.96.080 Reimbursement for copying costs.

A. Copies of written records, maps, photographs, and audio tape recordings shall be made and provided by the city upon request and payment of cost as are established by ordinance.

B. The city clerk or a department manager may provide copies of city records at no charge to individuals or government agencies doing business with the city, if the city clerk or department manager determines such action is in the best interest of the city. (Ord. 1270 § 8, 1995).

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2.96.090 Decision on public records requests – Procedure for review of decision.

A. Upon receiving a written request to inspect or copy a public record, the city clerk or the department manager shall grant the request unless the city clerk or department manager determines that the record requested is or may be exempt from disclosure in whole or in part, in which case the city clerk or department manager shall require that the requester complete the city's public disclosure request form.

B. A department manager shall immediately deliver a completed request form to the city clerk.

C. Upon receiving a completed request form, the city clerk shall determine whether the requested record is exempt by law from inspection and copying in whole or in part. Within five business days of the date of receipt of the completed request form by the city clerk, the city clerk shall:

1. Provide the record; or
2. Acknowledge that the city has received the request and provide a reasonable estimate of the time the city will require to respond to the request; or
3. Deny the public record request.

Additional time to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt. If a public records request is unclear, the city clerk may ask the requester to clarify what information the requester is seeking. If the requester fails to clarify the request, the city need not respond to the request.

D. If the city clerk determines that the document is exempt in part but can be made available after deletion of exempt portions, or after deletion of portions which would violate personal privacy or vital governmental interests, the request shall be granted; provided, that such exempt portions shall first be deleted. If the city clerk determines to deny the request, in whole or in part, a written statement of the spe-

cific reasons for the denial shall be provided to the requester.

E. A decision by the city clerk denying inspection shall be reviewed by the city attorney. Such review shall be deemed complete at the end of the second business day following the denial of inspection and shall constitute final city action for the purposes of judicial review. The requester shall be notified by mail of the decision to grant or deny the request. (Ord. 1270 § 9, 1995).

2.96.100 Disclosure prohibited by other statutes.

The city shall not be required by this chapter to permit public inspection and copying of any record to the extent public disclosure of the record is prohibited, restricted or limited by any state or federal statute or regulation including, but not limited to, Chapter 10.97 RCW, the Washington State Criminal Records Privacy Act, Chapter 13.50 RCW, relating to release of records by juvenile justice or care agencies, or Chapter 46.52 RCW, relating to accident reports and abandoned vehicles. (Ord. 1270 § 10, 1995).

Chapter 2.98

**RECYCLED PRODUCT
PROCUREMENT POLICY**

Sections:

- 2.98.010 Definitions.
- 2.98.020 Exceptions.
- 2.98.030 Lead agency.
- 2.98.040 Recycled products.
- 2.98.050 Purchasing guidelines for departments.

2.98.010 Definitions.

The following terms shall have the assigned definitions for all purposes under this policy:

A. "Agency" means departments of the city of Pacific.

B. "Compost products" means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of cellulose-containing waste materials.

C. "Post-consumer recycled material" means only those products generated by a business or consumer which has served their intended end uses, and which have been separated or diverted from the solid waste stream for the purposes of collection, recycling and disposition.

D. "Practicable" means sufficient in performance and availability at a reasonable price.

E. "Price preference" means a percentage by which offered prices for recycled products are reduced for purposes of bid evaluation.

F. "Recyclable product" means a product which, after its intended end use, can demonstrably be diverted from Pacific's solid waste stream for use as a raw material in the manufacture of another product.

G. "Recycled material" means material and byproducts that have been recovered or diverted from solid waste and that can be utilized in place of raw or virgin material in manufacturing waste, industrial scrap, agricultural waste, and other waste material, but does not include material or byproducts generated from, and commonly reused within, an original manufacturing process.

H. "Recycled product" means a product containing recycled material. (Ord. 1342 § 1, 1997).

2.98.020 Exceptions.

A. Nothing in this guideline shall be construed as a requirement that the staff must procure recycled products that will not conform to necessary timetables or perform adequately for their intended use.

B. In order to purchase as many recycled products as possible a price preference will be made when recycled goods are a factor; however, excessive cost differences will be reviewed on an individual case basis. (Ord. 1342 § 2, 1997).

2.98.030 Lead agency.

The lead agency for carrying out this guideline is the public works department. The public works department will be responsible for:

A. Purchasing recycled products, maintaining information on recycled products and new procurement opportunities, and informing city departments about this policy and providing assistance.

B. Preparing an annual report for the city reflecting the implementation status of the procurement program. The report will include city procurement data, the percentage of recycled products purchased, examples of recycled products purchased, any special recycled product purchased, and recommendations for changes in the procurement policy if needed. (Ord. 1342 § 3, 1997).

2.98.040 Recycled products.

Recycled products the city intends to purchase include, but are not limited to:

A. Paper and office products including:

1. Adding machine rolls;
2. Bid specifications;
3. Budget reports;
4. Business cards;
5. Copy paper;
6. Envelopes;
7. File folders;
8. Memo pads;
9. Stationery;
10. Toner cartridges;

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11. Toilet tissue;
12. Towels.
- B. Compost and landscape products:
 1. Bark;
 2. Fertilizer;
 3. Mulch;
 4. Topsoil.
- C. Lubricating oil products and antifreeze.
- D. Building and construction products.
- E. Rubber products.
- F. Tires. (Ord. 1342 § 4, 1997).

2.98.050 Purchasing guidelines for departments.

A. Issue invitations to bid with language in the invitation that will encourage vendors to use recycled products whenever possible.

B. Encourage vendors who have contracts with the city to use recycled paper and print on both sides. (Ord. 1342 § 5, 1997).