

CITY OF LYNNWOOD
ORDINANCE NO. 2423

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING SECTIONS 2.06.010, 2.06.020, 2.12.030, 2.32.040, 2.34.030, 2.36.030, 2.40.020, 2.44.020, 2.45.030 OF THE LYNNWOOD MUNICIPAL CODE AND SECTION 1 OF ORDINANCE 2328; SECTION 3 OF ORDINANCE 586; SECTION 1 OF ORDINANCE 2324; SECTION 2 OF ORDINANCE 2311; SECTIONS 1, 2, 4, AND 5 OF ORDINANCE 2353; SECTION 4 OF ORDINANCE 124; SECTION 3 OF ORDINANCE 353; SECTION 3 OF ORDINANCE 38; SECTION 2.02 OF ORDINANCE 147; SECTION 2 OF ORDINANCE 36; SECTION 1 OF ORDINANCE 2320; ALL IN REGARD TO A CITY COUNCIL CONFIRMATION PROCESS FOR PERSONS NOMINATED TO BE APPOINTED CITY OFFICIALS; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION

WHEREAS, RCW 35A.12.090 authorizes the City Council to establish by ordinance a confirmation process for all appointed officers and employees in positions for which there are no qualifications established by ordinance; and

WHEREAS, several chapters of the Lynnwood Municipal Code authorize the mayor to nominate and appoint people as department heads who are key city management officials of our city; and

WHEREAS, RCW Chapter 35A.11.020 authorizes the City Council to organize and regulate internal city operations and processes, and to define the functions, duties, and authority of all city officers and employees;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amendment. Section 2.06.010 of the Lynnwood Municipal Code, and Ordinance 2328, section 1 (2000), Ordinance 2324, section 1 (2000), Ordinance 2311, section 2 (2000), are each hereby amended to read as follows:

2.06.010 Scope.

This chapter shall apply to the appointment and confirmation process of the following appointive city officials and employees: city attorney under LMC 2.16.020; municipal court judge under LMC 2.19.030; hearing examiner under LMC 2.22.030; finance director under LMC 2.12.030; parks and recreation department director under LMC 2.32.040; fire chief under LMC 2.34.030; police chief under LMC 2.36.030; public works director under LMC 2.44.020; economic

development director under LMC 2.45.030; community development director; and human resources director.

Section 2. Amendment. Section 2.06.020 of the Lynnwood Municipal Code, and Ordinance 2328, section 1 (2000), Ordinance 2324, section 1 (2000), Ordinance 2311, section 2 (2000), are each hereby amended to read as follows:

2.06.020 Confirmation process resolution or motions – Elements.

Any appointive officials or employees named in LMC 2.06.010 shall be subject to a confirmation process established by a city council resolution or motion, which for the referred candidates may include, but is not limited to: interviews; review of document submissions, open questions, and a hearing before the city council; PROVIDED, any interviews, questioning, or hearings before a majority of the members of the City Council shall take place only in executive session to the extent permitted by the executive session provisions of the state's Open Meetings Act.

Section 3. Amendment. Section 2.12.030 of the Lynnwood Municipal Code, and Ordinance 586, section 3 (1971) are each hereby amended to read as follows:

2.12.030 Office – Appointive not elective

The combined office shall be an appointive rather than elective position. The finance director shall be appointed by the mayor, subject to a city council confirmation process in Chapter 2.06 LMC which includes, but is not limited to, a majority vote of the city council. The finance director shall hold the appointment at the pleasure of the mayor.

Section 4. Amendment. Section 2.32.040 of the Lynnwood Municipal Code, and Ordinance 2353, section 1 (2001) and Ordinance 124, section 4 (1962) are each hereby amended to read as follows:

2.32.40 Appointment and duties of parks, recreation and cultural arts director and other employees.

The director of the department for parks, recreation and cultural arts shall be the head of the department. The director of parks, recreation and cultural arts shall be appointed by the mayor, subject to a city council confirmation process in Chapter 2.06 LMC which includes, but is not limited to, a majority vote of the city council. The director of parks, recreation and cultural arts shall hold the appointment at the pleasure of the mayor. The department shall have charge of the management of the park and playground system and of the appointment and supervision of

qualified employees thereof for the effective administration, construction and development of the public park and recreation system. The department director shall have such other powers and duties as may from time-to-time be imposed and conferred upon him by law or by ordinance.

Section 5. Amendment. Section 2.34.030 of the Lynnwood Municipal Code, and Ordinance 2353, section 2 (2001) and Ordinance 353, section 3 (1967) are each hereby amended to read as follows:

2.34.30 Appointment of personnel.

The chief of the fire department shall be appointed by the mayor, subject to a city council confirmation process in Chapter 2.06 LMC which includes, but is not limited to, a majority vote of the city council. The police chief shall hold the appointment at the pleasure of the mayor. The mayor may appoint such other personnel as the city council may from time-to-time authorize. Termination of an appointment shall be subject to any applicable law, ordinances, civil service rule or regulation, or labor contract, now or hereafter in effect. The chief of the fire department shall on appointment take an oath of office.

Section 6. Amendment. Section 2.36.030 of the Lynnwood Municipal Code, and Ordinance 2353, section 4 (2001) and Ordinance 38, section 3 (1959) are each hereby amended to read as follows:

2.36.030 Police Chief's appointment, powers and duties.

- A. The police department shall have a police chief, who shall be in general charge of the police department. The police chief shall be appointed by the mayor, subject to a city council confirmation process in Chapter 2.06 LMC which includes, but is not limited to, a majority vote of the city council. The police chief shall hold the appointment at the pleasure of the mayor.
- B. The chief of police shall, subject to the approval of the mayor, promulgate such rules and regulations pertaining to the administration of the police department as he/she may deem necessary and proper. The police chief shall employ, subject to the approval of the mayor, such additional personnel, including auxiliary police officers, as shall be necessary to perform the duties referred to in LMC 2.36.020.
- C. The police chief shall, upon appointment, take an oath of office.

Section 7. Amendment. Section 2.40.020 of the Lynnwood Municipal Code, and Ordinance 147, section 2.02 (1963) are each hereby amended to read as follows:

2.40.20 Appointment and salary of personnel.

The superintendent of the sewer department shall be the public works/city engineer. Personnel shall receive such salary as the council may determine.

Section 8. Amendment. Section 2.44.020 of the Lynnwood Municipal Code, and Ordinance 2353, section 5 (2001) and Ordinance 36, section 2 (1959) are each hereby amended to read as follows:

2.44.20 Supervision of department – Appointment of assistants.

The functions of such department shall be executed under the supervision and control of a public works director/city engineer. The public works director/city engineer shall be appointed by the mayor, subject to a city council confirmation process in Chapter 2.06 LMC which includes, but is not limited to, a majority vote of the city council. The public works director/city engineer shall hold the appointment at the pleasure of the mayor. The public works director/city engineer shall employ, subject to the approval of the mayor, such additional personnel as shall be necessary to perform the duties referred to in LMC 2.44.010.

Section 9. Amendment. Section 2.45.030 of the Lynnwood Municipal Code, and Ordinance 2320, section 1 (2001) are each hereby amended to read as follows:

2.45.030 Establishing the position of economic development director. There is hereby established the position of economic development director. The economic development director shall be appointed by the mayor, subject to a city council confirmation process in Chapter 2.06 LMC which includes, but is not limited to, a majority vote of the city council. The economic development director shall hold the appointment at the pleasure of the mayor. It shall be the duty and responsibility of the director to manage and oversee all programs and activities of the office of economic development in an efficient and effective manner.

Section 10. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 11. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage.

Section 12. Summary Publication Authorized. Summary publication of this ordinance is authorized in the form of the title of this ordinance.

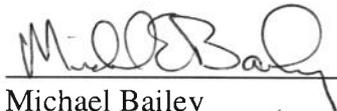
ADOPTED by the City Council of the City of Lynnwood, Washington, at its regular meeting held the 23rd day of September, 2002.

SIGNED by the Mayor of the City of Lynnwood, Washington, this 24th day of September, 2002.



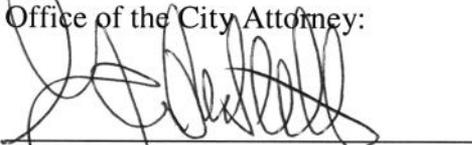
Mike McKinnon, Mayor

Attested/Authenticated by:



Michael Bailey
Finance Director

Approved As To Form
Office of the City Attorney:



Greg A. Rubstello
City Attorney

SUMMARY OF ORDINANCE NO. 2423

of the City of Lynnwood, Washington

On the 23rd day of September, 2002, the City Council of the City of Lynnwood, passed Ordinance No. 2423. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING SECTIONS 2.06.010, 2.06.020, 2.12.030, 2.32.040, 2.34.030, 2.36.030, 2.40.020, 2.44.020, 2.45.030 OF THE LYNNWOOD MUNICIPAL CODE AND SECTION 1 OF ORDINANCE 2328; SECTION 3 OF ORDINANCE 586; SECTION 1 OF ORDINANCE 2324; SECTION 2 OF ORDINANCE 2311; SECTIONS 1, 2, 4, AND 5 OF ORDINANCE 2353; SECTION 4 OF ORDINANCE 124; SECTION 3 OF ORDINANCE 353; SECTION 3 OF ORDINANCE 38; SECTION 2.02 OF ORDINANCE 147; SECTION 2 OF ORDINANCE 36; SECTION 1 OF ORDINANCE 2320; ALL IN REGARD TO A CITY COUNCIL CONFIRMATION PROCESS FOR PERSONS NOMINATED TO BE APPOINTED CITY OFFICIALS; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

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

DATED this 22nd day of October, 2002.



MICHAEL E. BAILEY, FINANCE DIRECTOR

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH }

S.S.

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

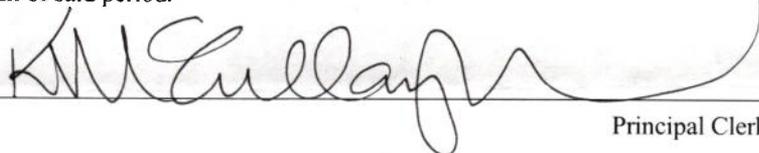
City of Lynnwood

Summary of Ordinance No. 2423

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

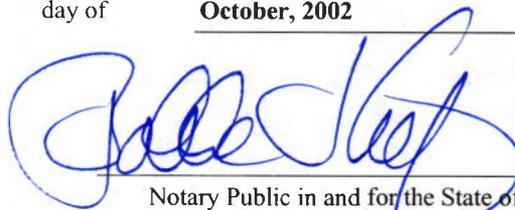
October 24, 2002

and that said newspaper was regularly distributed to its subscribers during all of said period.

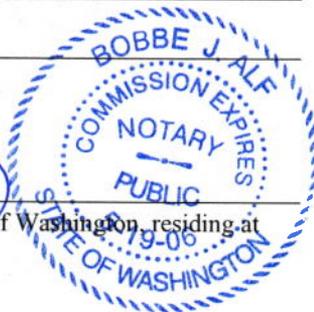

Principal Clerk

Subscribed and sworn to before me this 24th

day of October, 2002



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



RECEIVED
OCT 28 2002
CITY OF LYNNWOOD
FINANCE DIRECTOR

SUMMARY ORDINANCE NO. 2423
of the City of Lynnwood, Washington
On the 23rd day of September, 2002, the City Council of the City of Lynnwood, passed Ordinance No. 2423. A summary of the content of said ordinance, consisting of the title, provides as follows:
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING SECTIONS 2.06.010, 2.06.020, 2.12.030, 2.32.040, 2.34.030, 2.36.030, 2.40.020, 2.44.020, 2.45.030 OF THE LYNNWOOD MUNICIPAL CODE AND SECTION 1 OF ORDINANCE 2328; SECTION 3 OF ORDINANCE 586; SECTION 1 OF ORDINANCE 2324; SECTION 2 OF ORDINANCE 2311; SECTIONS 1, 2, 4, AND 5 OF ORDINANCE 2353; SECTION 4 OF ORDINANCE 124; SECTION 3 OF ORDINANCE 353; SECTION 3 OF ORDINANCE 38; SECTION 2.02 OF ORDINANCE 147; SECTION 2 OF ORDINANCE 36; SECTION 1 OF ORDINANCE 2320; ALL IN REGARD TO A CITY COUNCIL CONFIRMATION PROCESS FOR PERSONS NOMINATED TO BE APPOINTED CITY OFFICIALS; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.
The full text of this Ordinance will be mailed upon request.
DATED this 22nd day of October, 2002.
MICHAEL E. BAILEY, FINANCE DIRECTOR
Published: October 24, 2002.

CERTIFICATE

I, the undersigned, MICHAEL E. BAILEY, the duly appointed Finance Director of the City of Lynnwood, Washington, hereby certify that the Ordinance here to attached is a full, true and correct copy of Ordinance No. 2423 of the City of Lynnwood, Washington, entitled as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD,
WASHINGTON, AMENDING SECTIONS 2.06.010,
2.06.020, 2.12.030, 2.32.040, 2.34.030, 2.36.030, 2.40.020,
2.44.020, 2.45.030 OF THE LYNNWOOD MUNICIPAL
CODE AND SECTION 1 OF ORDINANCE 2328; SECTION
3 OF ORDINANCE 586; SECTION 1 OF ORDINANCE
2324; SECTION 2 OF ORDINANCE 2311; SECTIONS A, 2,
4, AND 5 OF ORDINANCE 2353; SECTION 4 OF
ORDINANCE 124; SECTION 3 OF ORDINANCE 353;
SECTION 3 OF ORDINANCE 38; SECTION 2.02 OF
ORDINANCE 147; SECTION 2 OF ORDINANCE 36;
SECTION 1 OF ORDINANCE 2320; ALL IN REGARD TO A
CITY COUNCIL CONFIRMATION PROCESS FOR
PERSONS NOMINATED TO BE APPOINTED CITY
OFFICIALS; PROVIDING FOR SEVERABILITY, AN
AFFECTIVE DATE, AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on 10/14/02.

DATE: 11/15/02

M. E. Bailey
Finance Director of the
City of Lynnwood, Washington