

CITY OF LYNNWOOD

ORDINANCE NO. 3385

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CITY’S POLICE AND FIRE CIVIL SERVICE; AMENDING CHAPTER 2.56 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

WHEREAS, the City of Lynnwood (the “City”) is authorized by Chapters 41.08 and 41.12 RCW to establish a civil service system for the City’s Fire Department and Police Department; and

WHEREAS, in 1959, the Lynnwood City Council enacted Chapter 2.56 of the Lynnwood Municipal Code, establishing a civil service system for the City’s Police Department, and in 1970, the City Council amended Chapter 2.56 to add provisions establishing a civil service system for the City’s Fire Department; and

WHEREAS, in October of 2017, the Lynnwood Fire Department merged into the South Snohomish County Regional Fire Authority; since that time the Fire Department has not been a part of the City or the City’s Civil Service Commission, and the City code provisions relating to civil service for the Fire Department are no longer needed; and

WHEREAS, the Lynnwood City Council has determined that it is appropriate and in the best interests of the City to remove the language related to the Lynnwood Fire Department from Chapter 2.56 of the Lynnwood Municipal Code, which establishes a civil service system for the City of Lynnwood; and

WHEREAS, the Lynnwood City Council recognizes that all remaining sections of Chapter 2.56 relating to Civil Service and the Lynnwood Police Department should remain without change;

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

Section 1. Chapter 2.96 of the Lynnwood Municipal Code is amended to read as follows:

- 2.56.010 Police department – System adopted.
- 2.56.020 Police department – Commission created.
- 2.56.025 Officers and procedures – Police department – Civil service commission.
- ~~2.56.030 Fire department – System adopted.~~
- ~~2.56.040 Fire department – Commission created.~~
- 2.56.045 Meetings.

1 ~~2.56.050 Fire department Provisions adopted Filing required.~~

2
3 2.56.010 Police department – System adopted

4 A. Except as provided in subsection (B) of this section, the system commonly known as
5 “civil service” as set forth in Chapter 41.12 RCW is adopted for the police department, and
6 all full paid employment therein, and all advancements, demotions, suspensions,
7 discharges or control thereof, and of the members thereof, shall be under the control of and
8 governed by civil service rules prescribed in or adopted pursuant to Chapter 41.12 RCW
9 as now enacted or as hereafter amended.

10
11 B. Pursuant to RCW 41.12.050(2), the position of police chief shall be exempt from the
12 police department civil service. In accordance with RCW 41.12.050(3), the police chief
13 shall be entitled to designate a certain number of additional positions, to be known as the
14 unclassified service, as exempt from the police department civil service. In designating
15 positions as exempt, the police chief shall follow the procedures and requirements set forth
16 in RCW 41.12.050.

17
18 2.56.020 Police Department – Commission

19 There is created for the administration of such civil service for the police department, a
20 civil service commission composed of three members, who shall be appointed by the
21 mayor, subject to the approval of a majority of the city council. The term of office of the
22 civil service commission shall be six years, except that the first three members of such
23 commission shall be appointed for different terms, as follows: one to serve for a period of
24 two years, one to serve for a period of four years and one to serve for a period of six years.
25 In the event any civil service commissioner shall resign, become disqualified or be
26 removed for cause, another commissioner shall be appointed to take his place for the
27 unexpired portion of the term.

28
29 2.56.025 Officers and procedures – Police Department – Civil service commission.

30 The civil service commission shall elect from its membership a presiding officer who shall
31 be referred to as a chairman, chairwoman, or chairperson, as may be appropriate, who shall
32 serve for one year. The commission may elect other officers as the commission deems
33 necessary. The commission shall provide a manner for minutes and records of all regular
34 meetings to be kept. The commission shall adopt rules of procedure, provided, a majority
35 of the commission shall constitute a quorum for the transaction of business, and a majority
36 of the quorum at attendance at any meeting shall be necessary to carry any proposition.

37
38 ~~2.56.030 Fire department System adopted~~

39 ~~A. Except as provided in subsection (B) of this section, the system commonly known as~~
40 ~~“civil service” as set forth in Chapter 41.12 RCW is adopted for the fire department, and~~
41 ~~all full paid employment therein, and all advancements, demotions, suspensions,~~
42 ~~discharges or control thereof, and of the members thereof, shall be under the control of and~~
43 ~~governed by civil service rules prescribed in or adopted pursuant to Chapter 41.08 RCW~~
44 ~~as now enacted or as hereafter amended.~~

1 B. Pursuant to RCW 41.08.050, the position of fire chief shall be excluded from the fire
2 department civil service. (Ord. 3250 § 2, 2017; Ord. 548 § 1, 1970)

3
4 ~~2.56.040 Fire department—Commission created~~

5 ~~There is created for the administration of such civil service for the fire department, a civil~~
6 ~~service commission composed of three members, who shall be appointed by the mayor.~~
7 ~~The term of office of such civil service commission shall be six years, except that the first~~
8 ~~three members of such commission shall be appointed for different terms as follows: one~~
9 ~~to serve from the time of appointment until January 14, 1972; one to serve from the time~~
10 ~~of appointment until January 14, 1974; and one to serve from the time of appointment until~~
11 ~~January 14, 1976. In the event any civil service commissioner shall resign, become~~
12 ~~disqualified or be removed for cause, another commissioner shall be appointed to take his~~
13 ~~place for the unexpired portion of the term. (Ord. 548 § 2, 1970)~~

14
15 2.56.045 Meetings

16 A meeting of the board shall be held at least once a month.

17
18 ~~2.56.050 Fire department—Provisions adopted—Filing required~~

19 ~~LMC 2.56.030 through 2.56.050 are adopted pursuant to Chapter 41.12 RCW, three copies~~
20 ~~of which are on file in the office of the city clerk, are by this reference incorporated herein~~
21 ~~and made a part of LMC 2.56.030 through 2.56.050. (Ord. 548 § 3, 1970)~~

22
23
24 Section 2. Severability. If any section, subsection, sentence, clause, phrase or word of this
25 Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,
26 such invalidity or unconstitutionality therefore, shall not affect the validity or constitutionality of
27 any other section, subsection, sentence, clause, phrase or word of this Ordinance.

28
29 Section 3. Effective Date. This Ordinance or a summary thereof consisting of the title shall be
30 published in the official newspaper of the City, and this Ordinance shall take effect and be in full
31 force five (5) days after publication.

32 PASSED BY THE CITY COUNCIL this 14th day of December, 2020.

33 APPROVED:

34
35 DocuSigned by:
36 Nicola Smith 12/15/2020
37 ~~Nicola Smith, Mayor~~

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39 ATTEST/AUTHENTICATED:

40
41 DocuSigned by:
42 Karen Fitzthum
43 ~~Karen Fitzthum, Interim City Clerk~~

1 APPROVED AS TO FORM:

2 DocuSigned by:

3 *Rosemary Larson*

4 Rosemary Larson, City Attorney

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7 PASSED BY THE CITY COUNCIL: 12/14/2020

8 PUBLISHED: 12/17/2020

9 EFFECTIVE DATE: 12/22/2020

10 ORDINANCE NUMBER: 3385

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