

ORDINANCE 1971-19

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, REPEALING THE PROVISIONS OF CHAPTER 2.20 CTY CLERK/TREASURER; CHAPTER 2.45 PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT; CHAPTER 2.08 CITY ATTORNEY; CHAPTER 2.46 PUBLIC WORKS DEPARTMENT; CHAPTER 2.82 PERSONNEL – APPOINTIVE OFFICES AND EMPLOYEES; CHAPTER 2.84 PERSONNEL – CLASSIFICATION PLAN; CHAPTER 2.86 PERSONNEL – PAY PLAN AND COMPENSATION; AND IN THEIR PLACE ADOPTING A NEW CHAPTER 2.82 APPOINTIVE OFFICES AND EMPLOYEES: CONFIRMATION REQUIRED, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, RCW 35A.12.090 provides that the Mayor has hiring and firing authority over City officers and employees; and

WHEREAS, the City Council may require confirmation of positions where "...qualifications that have not been established by ordinance" as provided in RCW 35A.12.090; and

WHEREAS, the City Council retains ultimate authority for the establishment of each office, position or job classification and the salaries paid through the annual salary ordinance and the City budget as provided in RCW 35A.33.050; and

WHEREAS, the City Council deems it to be appropriate to delete unnecessarily and redundant material from the City Code in order to permit the City to be more nimble and competitive in the hiring process;

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

**Section 1.** Chapter 2.20 City Clerk – Treasurer, Chapter 2.45 Planning and Community Development Department, Chapter 2.08 City Attorney, Chapter 2.46 Public Works Department, Chapter 2.82 Personnel – Appointive Offices and Employees, Chapter 2.84 Personnel – Classification Plan, and Chapter 2.86 Personnel – Pay Plan and Compensation, are hereby repealed.

**Section 2.** A new Chapter 2.82 Appointive Offices and Employees: Confirmation Required is hereby adopted to read as follows:

**2.82 Appointive Offices and Employees: Confirmation Required**

**2.82.010** The Mayor is given statutory authority to hire, discipline and fire city employees subject to the City Council's right to require confirmation of specified appointive offices pursuant to the authorization of RCW 35A.12.090. The City Council designates the appointive offices and employments listed within this chapter as requiring confirmation by the City Council. The qualifications for these offices and employment shall be determined by the Mayor subject to any statutory requirements or qualifications, unless such qualifications would conflict with bargaining unit work established under any applicable Collective Bargaining Agreement. The positions designated by this chapter are at will and the officers who hold them may be removed at the discretion of the Mayor. The salaries for such positions are established and revised by the City's annual salary ordinance adopted as part of its budget unless a specific employment agreement has been approved by the City Council.

**2.82.020 Appointive Offices and Positions.**

The following appointive offices and positions require the confirmation of the City Council. When applicable, the positions shall exercise all powers granted to such positions by state law or these ordinances.

- A. City Clerk.
- B. Treasurer – Finance Director.
- C. Police Chief.
- D. Community Development Director.
- E. Public Works Director.
- F. City Attorney, provided, however, that in accordance with the provisions of RCW 35A.12.020 the City may contract with rather than employ a City Attorney. In that event, the City Council will confirm the appointment by approval of a contract for services.

**2.82.030 Unfilled Positions; Temporary Authorization**

Recognizing that vacancies will occur from time to time and that the City's ultimate goal is an efficient functioning of government and the provision of municipal services, the City Council authorizes the

Mayor to make temporary or interim appointments in the event of vacancy in any of the positions designated in 2.82.020 MMC. The Mayor shall notify the City Council in a timely manner of any vacancies and her/his provision for interim appointments to cover the duties of these positions either by delegation, interim hiring or professional service agreement. In no event shall an interim appointment extend beyond ninety (90) days without the express approval of the City Council.

**2.82.040 Salaries and Benefits.**

The salaries and benefits for all offices and positions in the City including the appointive offices referenced in this chapter shall be established annually in the City's budget process. No salary or other form of compensation shall be paid to an appointive officer or to any employee unless specifically authorized by the annual salary ordinance by a collective bargaining agreement or by an individual employment contract approved by the City Council in the normal course of its business.

**2.82.050 Delegations of Authority**

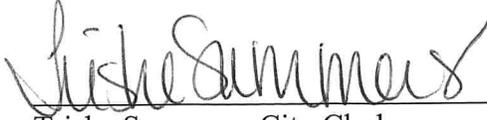
The Mayor is the chief executive administrative officer of the City in charge of all departments, offices and employees and has the authority to designate assistants and department heads. The Mayor is authorized to delegate authority among the department heads and offices in accordance with state statute and the limitations established by the annual budget ordinance. The designation of a specific officer or employee to perform any function within this code may, at the discretion of the Mayor, be delegated to another position or City officer so long as such delegation is permitted by state statute. By way of illustration and not limitation, the Police Chief is the chief law enforcement officer of the City and any function of the chief shall be delegated only to another commissioned police officer in the event of a vacancy in the position of chief.

**Section 3.** EFFECTIVE DATE. This ordinance shall be in full force and effect five (5) days from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED by a vote of 5 for, 0 against, by the City Council of the City of Milton, Washington, at a special scheduled meeting thereof this 5<sup>th</sup> day of August, 2019.

  
Shanna Styron-Sherrell, Mayor

Attest/Authenticated:

  
Trisha Summers, City Clerk

Approved as to form:  
Office of the City Attorney

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W. Scott Snyder

Published: 8-7-19  
Effective Date: 8-12-19

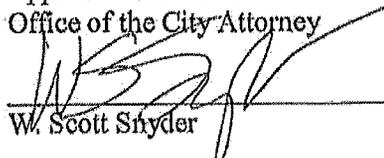
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