

ORDINANCE NO. 2171

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING SUBSECTIONS 2.12.080(1)(a) AND (c) OF THE REDMOND MUNICIPAL CODE IN ORDER TO PROVIDE THAT THE CIVIL SERVICE COMMISSION SHALL CERTIFY THE TOP THREE NAMES ON THE ELIGIBILITY LIST FOR ANY ENTRY LEVEL POLICE DEPARTMENT VACANCY RATHER THAN THE TOP TWENTY-FIVE PERCENT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Subsections 2.12.080(1)(a) and (c) of the Redmond Municipal code, as last amended in 1997, provide for the Civil Service Commission to certify the names of those persons within the top twenty-five percent on the current eligibility list or the three persons highest on such list, whichever produces the most eligibles, whenever an entry level vacancy within the police department exists, and

WHEREAS, in *Seattle Police Officers Guild v. City of Seattle*, 113 Wn. App. 431, 53 P.2d 1036 (2002), the Washington State Court of Appeals held that a rule authorizing certification of the top twenty-five percent vested too much discretion in the appointing authority and was not valid under the state civil service laws relating to city police departments, and

WHEREAS, the City Council desires to comply with the Court's ruling and to modify the City Code accordingly, now, therefore,

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

Section 1. Filling Entry Level Vacancies in the Police Department.

Subsections 2.12.080(1)(a) and (c) of the Redmond Municipal Code are hereby amended to read as follows:

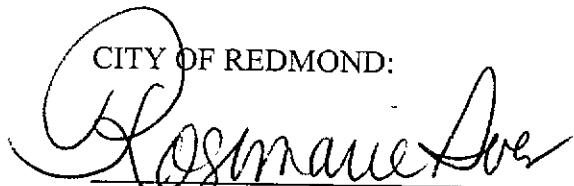
a. Whenever an entry level position in the police department shall be or become vacant, the appointing authority, if it desires to fill the vacancy, shall make a request to the Commission for the names and addresses of the persons eligible for appointment as provided on the current eligibility list. The Commission or its Chief Examiner shall certify the names of the three persons highest on such list.

c. If more than one vacant position is to be filled, the appointing authority may request a new certification for each appointment to be made. The Commission or Chief Examiner shall, for each successive request, certify the three highest eligibles.

Section 2. 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 3. Effective Date. This ordinance, being an administrative action, is not subject to referendum and shall take effect five (5) days after publication of a summary consisting of the title.

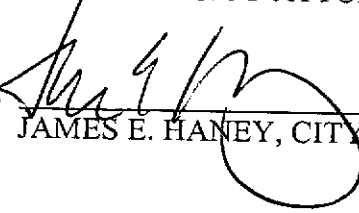
CITY OF REDMOND:


ROSEMARIE IVES, MAYOR

ATTEST/AUTHENTICATED:


BONNIE MATTSON, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY: 
JAMES E. HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK: July 10, 2003
PASSED BY THE CITY COUNCIL: July 15, 2003
SIGNED BY THE MAYOR: July 15, 2003
PUBLISHED: July 19, 2003
EFFECTIVE DATE: July 24, 2003
ORDINANCE NO: 2171