

ORDINANCE NO: 1385

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING CHAPTER 2.12 OF THE REDMOND MUNICIPAL CODE RELATING TO EXECUTIVE SESSION MEETING AND HEARINGS CONDUCTED BY THE REDMOND CIVIL SERVICE COMMISSION.

WHEREAS, the City of Redmond Municipal Code currently requires all hearings before the Civil Service Commission on appeals of disciplinary actions be conducted in public, and

WHEREAS, RCW 42.30, the Open Public Meetings Act, expressly authorizes executive sessions of councils, boards, and commissions to evaluate complaints or charges brought against a public officer or employee, and to obtain legal advice, and under other specified circumstances, and

WHEREAS, it is in the best interests of the City and its Civil Service employees to permit Commission hearings and meetings to be held in executive session under certain conditions, and

WHEREAS, the venue of any appeal from a decision of the Civil Service Commission should be to the King County Superior Court, now, therefore

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

Section 1. Section 2.12.070 of the Redmond Municipal Code is hereby amended to read as follows:

2.12.070 Procedure for removal, suspension, demotion or discharge--Investigation--Hearing--Appeal. No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter shall be removed, suspended, demoted or discharged except for cause, and only upon written accusation of the appointing authority or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, demoted or discharged may, within ten days from the time of his removal, suspension, demotion or discharge, file with the commission a written demand for an investigation whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made in good faith for cause. After such investigation, the commission may affirm the removal, or if it shall find

that the removal, suspension or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged; which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge.

All investigations made by the commission pursuant to the provisions of this section shall be by a hearing before the Commission, or before another official appointed by the Commission pursuant to its rules. The hearing may be held in executive session pursuant to RMC 2.12.073. The accused must receive reasonable notice of the time and place of such hearing. At the hearing the accused shall be afforded the opportunity of appearing in person and by counsel, and presenting his/her defense. If such judgment or order of removal, suspension, demotion or discharge be concurred in by the commission or a majority thereof, the accused may appeal therefrom to King County Superior Court. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court. The commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner; provided, however, that such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

Section 2. There is hereby added to the Redmond Municipal Code a new section 2.12.073 to read as follows:

2.12.073 Executive Sessions. (a) Nothing contained in this chapter may be construed to prevent the Commission from holding an executive session during a regular or special meeting:

- (1) To conduct investigations and hearings and to receive and evaluate complaints or charges brought against a City official or an employee. However, upon the request of such official or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge.
- (2) To discuss with legal counsel representing the Commission matters relating to Commission enforcement actions, or to discuss with legal counsel representing the Commission litigation or potential litigation to which the Commission, the City, or a Civil Service Commissioner acting in an official capacity is, or is likely to become, a party, when

public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the City.

(3) As otherwise permitted by the State Open Public Meeting Act, RCW Chapter 42.30.

(b) Before convening in executive session, the Chairperson of the Commission shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the Chairperson.

Section 3. 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 validity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. This ordinance, being an administrative action, is not subject to referendum and shall take effect five (5) days after its publication, or publication of a summary thereof, in the City's official newspaper.

PASSED by the City Council on this 6th day of October, 1987.

CITY OF REDMOND

Doreen Marchione
MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

Doris A. Schauble
CITY CLERK, DORIS A. SCHAUBLE

APPROVED AS TO FORM:
OFFICE OF THE ATTORNEY

BY: *James E. [Signature]*
FILED WITH THE CITY CLERK: 10-1-87
PASSED BY THE CITY COUNCIL: 10-6-87
SIGNED BY THE MAYOR: 10-6-87
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