

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MCCLEARY RELATING TO
CITY POLICE DEPARTMENT DUTIES AND OPERATION,
AMENDING ALL SECTIONS WITHIN CHAPTER 2.16 MMC
TITLED “POLICE DEPARTMENT”.**

R E C I T A L S:

WHEREAS, the City of McCleary first adopted a chapter regarding the City Police Department in 1974; and

WHEREAS, the City of McCleary’s Police Department shall be under the direction and control of the Chief of Police subject to the direction of the Mayor as provided in RCW 35.23.161: and

WHEREAS, the appointment and removal of a City Chief of Police is recognized by the State of Washington as an enumerated power of the City officers as provided in RCW 35.23.021; and

WHEREAS, the City Council recognizes the importance of keeping the City’s Police Department municipal code up to date; and

WHEREAS, City of McCleary also recognizes the importance of invoking clarity and simplicity within the municipal code; and

WHEREAS, the City Council held a public hearing on _____ to consider this Ordinance;

NOW, THEREFORE, the City Council of the City of McCleary, Washington do ordain as follows:

SECTION I: MMC Section 2.16.010 titled “Chief of police—Powers and duties.” is hereby amended to read as follows:

2.16.010 Chief of ~~p~~Police—Powers and duties.

The ~~Police~~ ~~d~~Department of ~~p~~olice shall be under the direction and control of the ~~e~~Chief of ~~p~~Police, subject to the direction of the ~~m~~Mayor. The ~~e~~Chief shall be responsible for supervision of the investigation of all violations of ~~e~~City ordinances or state law which come to the ~~e~~Chief's knowledge. So long as the individual is in the custody of the ~~p~~Police ~~d~~Department, the ~~e~~Chief or designee thereof shall have charge of the prisoners. The ~~e~~Chief and other members of the department ~~may pursue and arrest violators of city ordinances and state laws beyond the city limits to the extent allowed by law and shall have and may exercise any and all other authority granted by city ordinance or state law to law enforcement officers~~ with authority to detain or arrest, shall have charge of the individual(s) until released or booked into medical or correctional facility.

SECTION II: MMC Section 2.16.020 titled “Chief of police—Execution of lawful orders.” is hereby amended to read as follows:

2.16.020 Chief of ~~p~~Police—Execution of lawful orders.

The lawful orders of the ~~e~~Chief of ~~p~~Police shall be promptly executed by members of the department. Every citizen shall lend members of the ~~p~~Police ~~d~~Department aid, when required, for the arrest of offenders and maintenance of public peace, safety, and order. Appointment of other members of the department, including officers, shall be carried out in compliance with the applicable provisions of this code, including those relating to civil service, or written resolution of the ~~City~~ ~~e~~Council.

SECTION III: MMC Section 2.16.050 titled “Chief of police—Other services.” is hereby amended to read as follows:

2.16.050 Chief of ~~p~~Police—Other services.

The ~~e~~Chief of ~~p~~Police shall perform such other services and duties as the council by ordinance or resolution may require or authorize.

SECTION IV: MMC Section 2.16.080 titled “Police reserve force—Created—Membership.” is hereby amended to read as follows:

2.16.080 Police ~~r~~Reserve ~~f~~Force—Created—Membership.

There is a ~~p~~Police ~~r~~Reserve ~~f~~Force of such number as may be authorized by written resolution of the ~~C~~City ~~e~~Council. Each member shall be appointed by the ~~m~~Mayor, upon recommendation of the ~~e~~Chief of ~~p~~Police. Appointment to, service upon, and removal from the ~~P~~Police ~~r~~Reserve ~~f~~Force shall be subject to such terms and conditions as may be established by written resolution of the ~~C~~City ~~e~~Council.

SECTION V: MMC Section 2.16.090 titled “Police reserve force—Duties.” is hereby amended to read as follows:

2.16.090 Police ~~r~~Reserve ~~f~~Force—Duties.

The duties of the ~~p~~Police ~~r~~Reserve ~~f~~Force are to supplement the regular police force in event of a major disaster affecting citizens of the ~~e~~City; to aid in the control of traffic and maintenance of order at parades, and generally policing of large assemblies of people, and in case of a declared emergency to assist the regular police in the protection of life, property, and preservation of peace and order, and such other authority, including police duties, as the ~~e~~Chief of ~~p~~Police may authorize, upon approval of the ~~m~~Mayor.

SECTION VI: MMC Section 2.16.200 titled “Chief of police—Authority granted to city.” is hereby amended to read as follows:

2.16.200 Chief of ~~p~~Police—Authority granted to city.

It is the intention of the ~~e~~City by the adoption of this section to exercise to the maximum extent allowed by law the authority granted by state law so as to create an alternative procedure of designating, selecting and dealing in all ways with the position of the ~~e~~Chief of ~~p~~Police, and that such procedure shall not be subject to Chapter 2.56 of this title in any manner whatsoever, including but not limited to methodology of selection, establishment of terms and conditions of employment, methodology and justification for removal, basis for discipline, and methodology for appeal.

SECTION VII: MMC Section 2.16.210 titled “Chief of police—Appointment.” is hereby amended to read as follows:

2.16.210 Chief of ~~p~~Police—Appointment.

Prior to the appointment of a ~~e~~Chief of ~~p~~Police, the ~~m~~Mayor shall:

- A. Establish the qualifications required of any applicant to the ~~e~~Office of ~~e~~Chief and advertise the same within the department and in at least the ~~e~~City's official ~~(or designated)~~ newspaper or an online employment board. ~~and two papers of daily~~

circulation; If a newspaper is used, it should be one of which may be the legal newspaper previously referenced and at least one of which shall be published within this eCounty;

- B. Carry forth such program and type of testing as is determined, in the judgment of the mMayor, to best meet the goal of the selection process, to-wit: the selection of a well-qualified individual to serve in the position of eChief of pPolice;
- C. Select and appoint an applicant and either:
 - 1. Negotiate the terms of an employment contract with such designee as may be acceptable to the mMayor and submit the appointee's name and contract terms to the city council for confirmation pursuant to the provision of Section 2.08.010 of this title, or
 - 2. Select and appoint an applicant pursuant to the provisions of Section 2.08.010 of this title, and, upon confirmation, the new eChief of pPolice shall be compensated as provided in the annual eCity budget and receive the same fringe benefits program provided to other eCity department heads. Other benefits, including holiday, vacation and sick leave benefits shall be those provided by this code, as currently written or hereafter amended.

SECTION VIII: MMC Section 2.16.220 titled “Chief of police—Removal.” is hereby amended to read as follows:

2.16.200 Chief of pPolice—Removal.

In the event the mMayor determines it necessary and appropriate to remove a eChief of pPolice appointed pursuant to the provisions of the ordinance codified in this title, then such removal shall be made in the sole discretion of the mMayor pursuant to Section 2.08.020 of this title.

SECTION IX: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrase had been declared invalid or unconstitutional.

SECTION X: This Ordinance shall take effect upon the fifth day following the date of publication.

SECTION XI: Corrections by the Clerk-Controller or Code Reviser. Upon approval of the Mayor and City Attorney, the Clerk-Controller and the Code Reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations, or ordinance number and section/subsection numbering.

PASSED THIS ____ DAY OF _____, 2023, by the City Council of the City of McCleary, and signed in approval therewith this ____, day of _____, 2023.

CITY OF McCLEARY:

CHRIS SMITH, Mayor

ATTEST:

ANN-MARIE ZUNIGA, Clerk-Treasurer

APPROVED AS TO FORM:

CHRISTOPHER JOHN COKER, City Attorney