

**CITY OF MERCER ISLAND
ORDINANCE NO. 23C-17**

AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON, AMENDING MERCER ISLAND CITY CODE CHAPTERS 3.32 AND 3.30 AND SECTIONS 4.40.100 AND 3.36.030, RELATING TO CITY FIRE DEPARTMENT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on July 20, 2023, the City of Mercer Island (City) and the non-profit corporation Eastside Fire and Rescue (EFR) signed an interlocal agreement (ILA) for the provision of fire and emergency medical services by EFR to the City;

WHEREAS, pursuant to the above referenced ILA, EFR will provide contract fire and emergency medical services to the City for a period of ten years, effective January 1, 2024; and

WHEREAS, the Mercer Island City Code (MICC) currently establishes a City operated fire department and makes other provisions regarding a City operated fire department; and

WHEREAS, the City Council finds that edits to the MICC are necessary to reflect that the provision of fire and emergency medical services will be provided to the City via contract beginning on January 1, 2024;

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

- Section 1. Amendment of MICC Ch. 3.32.** MICC Ch. 3.32, Police Department and Fire Department, is hereby amended in the form attached hereto as Attachment A.
- Section 2. Amendment of MICC Ch. 3.30.** MICC Ch. 3.30, Civil Service Commission, is hereby amended in the form attached hereto as Attachment B.
- Section 3. Amendment of MICC 4.40.100.** MICC Section 4.40.100, Firemen's relief and pension system, is hereby amended in the form attached hereto as Attachment C.
- Section 4. Amendment of MICC 3.36.030.** MICC Section 3.36.030, Membership, is hereby amended in the form attached hereto as Attachment D.
- Section 5. 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, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this Ordinance or its application to any other person, property, or circumstance.
- Section 6. Publication and Effective Date.** A summary of this Ordinance consisting of its title shall be published in the official newspaper. This Ordinance shall take effect and be in full force on January 1, 2024, provided that the required number of days since publication has passed.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS MEETING ON NOVEMBER 21, 2023.

CITY OF MERCER ISLAND

Salim Nice, Mayor

ATTEST:

Andrea Larson, City Clerk

APPROVED AS TO FORM

Bio Park, City Attorney

Date of publication:

Attachment A

Chapter 3.32 - POLICE DEPARTMENT AND FIRE DEPARTMENT

3.32.010 – Police Department Established.

There is created and established ~~two~~ one departments for the city to be known as the "police department" and the ~~"fire department."~~

3.32.020 – Police Department functions and duties.

The functions of the police department ~~and fire department~~ shall be to perform those duties assigned by the city manager. The duties of the police department shall include crime prevention and suppression and traffic control. ~~The duties of the fire department shall include fire prevention, fire suppression, and emergency medical services.~~

3.32.030 - Appointment and duties of Police Chief~~director.~~

A. The police chief ~~and fire chief~~ shall be appointed by the city manager. The police chief ~~and fire chief~~ shall be the director of ~~each respective~~ the department and shall have all of the powers granted, together with all of the duties imposed, by the laws of the state relating to ~~fire chiefs~~ and police chiefs, and in addition shall have the power and duty to enforce the ordinances of the city and to perform such other services as the laws of the state and the ordinances of the city may require, and shall receive for the faithful performance of his/her duties such compensation as shall be fixed by the city council.

B. The police chief ~~and fire chief~~ shall be the final departmental authority on all matters of policy, operations, and discipline of ~~each respective~~ the police department. The police chief ~~and fire chief~~ shall be authorized to appoint and remove employees of the police department, subject to applicable civil service laws, rules and regulations and approval by the city manager. The police chief ~~and fire chief~~ shall be responsible to the city manager for the operation of the police department and shall provide the city manager with such reports as he/she may require.

3.32.035 - Civil service.

The police chief, ~~the fire chief~~, police commander(s), ~~fire deputy chief~~ and administrative assistant(s) to these persons shall not be included in classified civil service.

3.32.040 - Emergency management organization—Established.

Pursuant to RCW Chapter 38.52, there is hereby established in the city of Mercer Island, Washington, an emergency management organization for the purpose of performing local emergency management functions. The organization shall represent only the city of Mercer Island and shall perform functions only within the city.

3.32.050 - Emergency management organization—Administration.

The emergency management organization shall be administered by the police chief, or designee.

3.32.060 - Emergency management organization—Powers.

The emergency management organization shall have all of the powers granted under RCW Chapter 38.52 and the regulations adopted pursuant thereto as now or hereafter amended and as may otherwise be provided by law.

3.32.070 - Fire Department.

Fire and emergency medical services for the City shall be provided by a qualified contractor pursuant to a contract between the City and the contractor. All references in the Mercer Island City Code to "fire department" shall mean the City's contracted provider of fire and emergency medical services.

3.32.080- Fire Chief and Fire Marshal.

The Fire Chief of the City's contracted provider of fire and emergency medical services shall serve as the City's Fire Chief. The City's contracted provider of fire and emergency medical services contractor shall provide Fire Marshal services for the City.

Attachment B

Chapter 3.30 - CIVIL SERVICE COMMISSION

3.30.010 - Established.

There is established a civil service commission for the police department ~~and fire department.~~

3.30.020 - Purpose—Function and jurisdiction.

Pursuant to RCW Chapters ~~41.08 and~~ 41.12, the civil service commission shall exercise the powers and perform the duties established by state law in connection with the selection, appointment and employment of ~~firefighters and~~ police officers of the city.

3.30.030 - Membership—Term.

A. The civil service commission shall consist of three voting members who shall be appointed by the city manager. In addition to the voting members, the city manager may serve, or she/he may appoint an employee or employees of the city to serve as an ex officio member without authority to vote. Vacancies occurring in any position on the board shall be filled by appointment made by the city manager for the unexpired term.

B. The term of each voting member, unless terminated earlier by the appointing authority, shall be six years and shall expire on May 31 of the last year of the term, or until the member's successor is appointed and qualifies. The city clerk shall stagger the expiration of the terms of the positions. The ex officio member shall serve at the will of the city manager.

3.30.040 - Meetings—Organization.

The civil service commission shall determine the time and place of its meetings and shall adopt rules and regulations which shall substantially accomplish the purposes of RCW Chapters ~~41.08 and~~ 41.12. The rules shall be reduced to writing and a copy filed with the city clerk. The rules may be amended from time to time by the commission.

Attachment C

Chapter 4.40 - FUNDS

...

4.40.100 - Firemen's relief and pension system.

A. The municipal firemen's relief and pension system, created, established, and set forth in RCW Chapters 41.16 and 41.18, is established in the city. All of the provisions, regulations and details of said chapters are by this reference incorporated in this chapter. Any and all amendments of said chapters or of any section thereof hereafter made shall likewise by this reference be constituted amendments of this chapter without the necessity of further adoption by the legislative authority of the city.

~~B. There is established a municipal firemen's pension board, to consist of the officials and persons designated by statute, being initially the mayor, who shall be the chairman of the board, the city manager, the finance director, and, in addition, two regularly employed firemen elected by secret ballot of the firemen. Reserved.~~

C. There is established in the treasury of the city a fund to be known and designated as the "firemen's pension fund," into which shall be deposited moneys, bequests, fees, gifts, emoluments, donations, taxes, interest, contributions by firemen, including deductions from their pay, and moneys deriving through the state from taxes on fire insurance premiums. Administration of and disbursements from the fund shall be conducted and made as provided by statute.

Attachment D

Chapter 3.36 - DISABILITY BOARD

...

3.36.030 - Membership.

Disability board members are to be appointed or elected as provided by RCW 41.26.110 and as provided by this chapter with two-year terms which shall expire on May 31 of the last year of the term. The board shall consist of five voting members as follows:

A. Two members from the city council to be appointed by the mayor, subject to approval by the city council;

B. One active or retired firefighter employed by or retired from the city who is a member of LEOFF-I, to be elected by the LEOFF I firefighters employed by or retired from the city who are subject to the jurisdiction of the board;

C. One active or retired law enforcement officer employed by or retired from the city, who is a member of LEOFF-I, to be elected by the LEOFF I law enforcement officers employed by or retired from the city who are subject to the jurisdiction of the board;

D. One member from the public at large who resides within the city to be appointed by the other four members heretofore designated in this section;

E. If there are either no firefighters or law enforcement officers under the jurisdiction of the board eligible to vote, a second eligible employee representative shall be elected by the law enforcement officers or firefighters eligible to vote.

F. If no eligible active or retired firefighter or law enforcement officer is willing or able to be elected to the board pursuant to the provisions above, then the following individuals may be elected to the board:

1. Any active or retired firefighter under this chapter or chapters 41.16, 41.18, and 52.26 RCW or law enforcement officers under this chapter or chapter 41.20 RCW who resides within the jurisdiction served by the board;

2. The surviving spouse or domestic partner of a firefighter or law enforcement officer subject to the jurisdiction of the board.

G. In addition to the voting members, the city manager may serve, or she/he may appoint an employee or employees of the city to serve, as an ex officio member or members without authority to vote. The ex officio member shall serve at the will of the city manager.