

City of South Bend
Council Meeting
Monday, October 28, 2019 @ 5:30 pm
Council Chambers
1102 W. First Street, South Bend, WA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda and Consent Agenda
Approval of Minutes: *October 28, 2019 Regular Meeting*
4. Correspondence
5. *Public Hearing @ 5:40 pm – 2020 Property Tax Levy*
6. *Ordinance #1543 – Property Tax Levy (First Reading) (Action)*
7. *Ordinance #1546 – Amending, Repealing and Adding to Chapter 2.25 – Civil Service Rules (Second Reading) (Action)*
8. *Ordinance #1547 – 2019 Budget Amendments (First Reading) (Action)*
9. *Acceptance of First and Kendrick Street Reconstruction and Willapa Avenue Sidewalk Project as complete – TIB Funded (Action)*
10. Items from the Public **(3 Minute Limit)**
11. Department Head Reports:
 - i) Police Chief Eastham
 - ii) City Supervisor Houk
 - iii) Clerk/Treasurer Roberts
 - iv) Fire Department
12. Mayor's Report
13. Council Comments
14. Adjournment

The City of South Bend strives to provide access and services to all members of the public. Please notify the City at least 48 hours prior to an event if reasonable accommodations are needed.

NOTICE – All proceedings of this meeting are sound recorded
Except Executive Sessions.

Next Regular Meeting: Wednesday, November 13, 2019 @ 5:30 PM

South Bend Council Meeting

Monday, October 28, 2019, 2019

CONSENT AGENDA

1. Approval of Vendor Checks

Vendors – Check #45389 thru Check #45415 - \$218,997.76 Including EFT Payments

10/28/19

VENDOR	AMOUNT	
45389 Department of Licensing (Hand Pay)	\$ 332.50	Licensing - Two Vehicles from Pacific County Public Works
45390 Ark Plumbing Services, Inc.	\$ 750.67	Professional Services - Water Fund
45391 Bank of the Pacific	\$ 171.34	Monthly Interest on Interim Financing - Water Treatment Plant
45392 Crystal Springs	\$ 116.18	Water Service - Public Works
45393 Dept of Natural Resources	\$ 263.21	Annual Land Assessment
45394 Dilk Tire Factory	\$ 1,601.96	Repair/Maintenance - Fire \$309.87 and Water/Sewer \$1,292.09
45395 Freightliner Northwest	\$ 1,954.07	Repair/Maintenance - Fire Dept
45396 Grays Harbor County Dept of Public Services	\$ 108.00	Water Samples
45397 HB Portables	\$ 270.00	Portable Toilet at Dock
45398 JCI Jones Chemicals, Inc	\$ 1,131.45	Operating Supplies - Water/Sewer Fund
45399 Jonathan Quittner	\$ 775.00	Municipal Court Public Defender - October 2019
45400 Luis Gonzalez	\$ 33.00	Per Diem - Training 10/23/19
45401 Maneman Electric, Inc.	\$ 308.06	Repair/Maintenance - Sewer Fund
45402 MB Industrial Motors, LLC	\$ 4,778.77	Repair/Maintenance - Sewer Fund
45403 Office of Minority & Women's Business	\$ 100.00	Annual Political Subdivision Fee
45404 P & L Johnson Mechanical, Inc.	\$ 1,950.12	Repair/Maintenance - City Hall/Fire/Water/Sewer
45405 Pacific County Dept of Public Works	\$ 2,500.00	Purchase of two trucks - Water/Sewer Fund
45406 Pacific County Sheriff's Office - PACCOM	\$ 9,564.56	4th Quarter Local Support - Police \$9,437.14 and Fire \$127.42
45407 Pitney Bowes	\$ 206.52	Postage Meter Lease - 08/09-11/08/19
45408 Rognlin's, Inc.	\$ 152,319.11	Pay Request #3 - First Street and Kendrick Street Reconstruction & Willapa Ave (TIB Funded)
45409 State Auditor's Office	\$ 29,034.94	Auditor Costs - September 2019
45410 The Shop	\$ 22.21	Repair/Maintenance - Parks Fund
45411 Thomas C Petek, Ph.D.	\$ 300.00	Professional Services - Police Dept
45412 US Fire Equipment, LLC	\$ 9,340.07	Repair/Maintenance - Fire Dept
45413 Walter E Nelson Company of Astoria	\$ 84.92	Operating Supplies - City Hall
45414 Western Steel & Supply, Inc.	\$ 151.10	Operating Supplies - Sewer Fund
45415 William Penoyar	\$ 830.00	Municipal Court Prosecutor - October 2019
TOTAL	\$ 218,997.76	


 _____ Mayor Struck

 _____ City Supervisor Houk

 _____ Police Chief Eastham

**CITY OF SOUTH BEND
COUNCIL MEETING – 10/14/19**

1-2. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The council meeting was called to order by Mayor Struck at 5:30 pm followed by the Pledge of Allegiance. Members present: Councilor Buchanan, Councilor Neve, Councilor Davis, Councilor Little, City Supervisor Houk, Police Chief Eastham and Clerk/Treasurer Roberts. Councilor Williams was absent. (Excused)

3. APPROVAL OF AGENDA, CONSENT AGENDA AND APPROVAL OF MINUTES

A motion was made by Councilor Neve to approve the Agenda, Consent Agenda and the minutes of the September 23, 2019 regular meeting and October 9, 2019 budget workshop. The motion was seconded by Councilor Davis. **Vote: Ayes-4, Noes-0, Absent-1**

Vendors – Check #45342 thru Check #45388 - \$159,823.71 Including EFT Payments

Payroll – Check #24687 thru Check #24703 - \$109,493.83 Including Direct Deposit

4. CORRESPONDENCE – NONE

**5. ORDINANCE #1546 – AMENDING, REPEALING AND ADDING TO CHAPTER 2.25
– CIVIL SERVICE RULES (FIRST READING)**

Councilor Neve made a motion to move Ordinance #1546 – Amending, repealing and adding to Chapter 2.25 – Civil Service Rules to a second reading. The motion was seconded by Councilor Little. **Vote: Ayes-4, Noes-0, Absent-1**

6. ITEMS FROM THE PUBLIC

Matthew Wilson explained that he is currently working towards his Eagle Scout badge and would like to put up a small sign with a map showing points of interest to Menlo at the Rails to Trails trailhead at Summit Avenue in South Bend. The council agreed that it would be a great idea.

7. DEPARTMENT HEAD REPORTS

- Clerk/Treasurer Roberts advised the council that they have a copy of the 3rd quarter budget report and if they had any questions to please let her know.

8. MAYOR'S REPORT

- ✚ Mayor Struck explained that she would be out of the office the rest of the week starting Wednesday. She will be attending AWC's Member Expo in Chelan.

9. COUNCIL COMMENTS

- ❖ Councilor Buchanan spoke briefly regarding his perspective on the requirement that future employees live inside the city limits of South Bend.

10. ADJOURNMENT

The meeting was adjourned at 5:38 PM to meet again on Monday, October 28, 2019 for the next regularly scheduled meeting at South Bend City Hall

Julie K. Struck
Mayor

ATTEST: _____
Dee Roberts
Clerk/Treasurer

DRAFT

NOTICE OF PUBLIC HEARING

2020 Property Tax Levy

CITY OF SOUTH BEND

NOTICE IS HEREBY GIVEN that the City of South Bend Council will hold a public hearing on the 28th day of October 2019 at 5:40 PM for the purpose of discussing the property tax levy and City revenues for the fiscal year 2020 (January 1-December 31, 2020).

The Public Hearing will be held during the City Council meeting in the South Bend City Hall Chamber Room.

Any member of the public may attend this hearing to comment on the City's proposed revenues for 2020. Written comments may be submitted to the City Council in care of the:

Clerk/Treasurer's Office,
City of South Bend,
P.O. Drawer 9,
South Bend, Washington 98586.
Phone 360-875-5571.
Email: dee.roberts@southbend-wa.gov

Copies of projected revenue sources for 2020 will be available the week of October 14, 2019. Persons with disabilities are encouraged to contact the Clerk/Treasurer in advance for assistance in submitting comments on the subject matter.

Dee Roberts, Clerk/Treasurer

Publish: October 9 & 16, 2019

ORDINANCE #1543

**AN ORDINANCE FOR THE CITY OF SOUTH BEND, WASHINGTON
LEVYING A TAX ON REAL AND PERSONAL PROPERTY IN THE CITY OF
SOUTH BEND, WASHINGTON, FOR THE FISCAL YEAR 2020**

WHEREAS, The City Council of the City of South Bend, Washington has met and considered its budget for the calendar year 2020; and

WHEREAS, the districts actual levy amount from the previous year was \$245,798 and

WHEREAS, the population of this district is less than 10,000; and now therefore,

BE IT RESOLVED by the City Council of the City of South Bend that an increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2020 tax year.

The dollar amount of the increase over the actual levy amount from the previous year shall be \$3,400 which is a percentage increase of 1.38325% from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, solar, biomass, and geothermal facilities and any increase in the value of state assessed property, any annexations that have occurred and refunds made.

INTRODUCED this 28th day of October, 2019 **AND PASSED** on the 13th of November, 2019 by the following vote:

Ayes –

Noes –

Absent –

Julie K. Struck, Mayor

AUTHENTICATED BY: _____

Dee Roberts, Clerk/Treasurer

Publish 11/20/19

ORDINANCE #1546

**AN ORDINANCE FOR THE CITY OF SOUTH BEND, WASHINGTON
AMENDING, REPEALING AND ADDING TO PORTIONS OF CHAPTER 2.25 –
CIVIL SERVICE-POLICE DEPARTMENT OF THE CITY OF SOUTH BEND'S
MUNICIPAL CODE**

WHEREAS, certain sections of Chapter 2.25 in the South Bend Municipal Code relating to Civil Service-Police Department do not reflect current practices and rules and need to be amended, repealed or added to, now therefore;

**THE CITY COUNCIL OF THE CITY OF SOUTH BEND, WASHINGTON DO
ORDAIN AS FOLLOWS:**

2.25.020 Composition – Shall be amended & added to as follows:

1. Organization. The Civil Service Commission shall elect a chair and a vice-chair annually at its first regular meeting in January and when a chair or vice-chair resigns, or a majority of the commission votes to elect a new chair. The chair shall preside at all meetings of the commission, sign necessary papers as chair, and act as presiding officer. In the chair's absence, the vice-chair will service as a temporary chair. Robert's Rules of Order shall be the final authority on all questions of procedure not otherwise provided by these rules.

2. Meetings. The Commission will hold regular meetings as desired by a majority vote of the commission. The chair or any two commissioners may call a special meeting. All regular and special commission meetings shall be public. No resolution, rule, order or directive may be adopted by the commission except in a regular or special meeting open to the public.

3. Secretary and Chief Examiner (a) when a vacancy occurs in the office of Secretary and Chief Examiner, the chair of the commission or upon the chair's request the finance director shall announce the vacancy by posting a notice in the commission office and South Bend City Hall, and by placing an advertisement in the official city newspaper. The commission shall accept application from any person meeting the minimum requirements for the position and who are either a resident of the City of South Bend or a city employee. The commission shall appoint a secretary and chief examiner from the top three applicants. In the absence of a qualified applicant, the commission may appoint a qualified person to serve as secretary and chief examiner. The commission may combine the offices of secretary and chief examiner. Making one person responsible for the duties of both offices.

(b) The secretary is the official custodian of all records and files of the commission. The secretary or the secretary's designee shall:

(i) Attend all meetings;

(ii) Record the action taken, cause the minutes to be typewritten, and presented to the commission for approval at the next regular meeting. Upon approval, the minutes shall become part of the commission's permanent files;

(iii) Receive and preserve all reports, minutes of the meetings, hearings, other activities of the commission, and the commission's correspondence;

- (iv) Keep a record of all examinations held under the direction of the commission;
 - (v) Establish and maintain eligibility lists;
 - (vi) Maintain a record of regular and temporary positions held by all persons under the classified service;
 - (vii) Make investigations and reports to the commission as required; and
 - (viii) Perform such other duties as the commission may prescribe.
- (c) The chief examiner shall, in a fair and impartial manner, based solely on merit and fitness;
- (i) Prepare recruitment announcements;
 - (ii) Schedule, organize, supervise, and score examinations;
 - (iii) In cooperation with the department head, obtain the testing materials; and
 - (iv) Maintain the classification plan.

2.25.030 Duties and powers – Shall be *repealed*.

2.25.110 Definitions – Shall be *amended & added to* as follows:

As used in the following definitions applies throughout the rules unless the context clearly indicates another meaning:

4. “Appointing authority” means a person or persons who are authorized to employ others on behalf of the City of South Bend for the Police Department
5. “Bumping” means the replacement of an employee who has greater seniority.
10. “Demotion” means changing a regular employee from a position in one class to a position in a lower class that has a lesser entrance salary.
19. “Probationary period” means the period of employment beginning with the date of original appointment or reemployment in the classified civil service and continuing for one year, except for entry level police officers whose probationary period will begin upon completion of the training academy.
31. “Time-in-grade” means the time served in a class determined by the date of promotion or first hired to the class, provided the trial service period was completed.
33. “Trial Service period” means a one-year trial period of employment of a regular employee that begins with the effective date of hire, promotion or demotion.
34. “Provisional appointment” means an appointment made without examination when there is no appropriate eligibility list or persons on the list are not available or cannot be contacted. Such provisional appointment must be approved by the Civil Service Commission or their designee and the provisional appointee must meet the requirements and file an application for the class to which they will be assigned. A provisional appointment can be for no more than

one year unless the extended absence of the person they are replacing continues beyond one year. In that case, the Chief must file a written request with the Commission or their designee explaining the continuing need with a new termination date. A provisional appointment differs from a temporary or emergency appointment in that it will be used to fill a long-term absence of a regular employee.

Section 2.25.120 Adoption of provisions – Shall be *repealed*.

Section 2.25.130 Police department requirements – Shall be *amended and repealed* to read as follows:

Section 2.25.130 Classification

1. Classification plan. The commission shall adopt a classification plan for every position or group of positions that have the same or similar duties and responsibilities. Each class should include:

- (a) A specific and appropriate title;
- (b) A description of job duties and responsibilities; and
- (c) Minimum or desirable requirements for education, training, experience, and other qualifications considered necessary to carry out the duties described in the specifications.

2. Specifications. The secretary/chief examiner, appointing authority, or an employee may submit a class specification to the commission for adoption. The commission may modify, reject, or approve the specification.

3. Allocation of Positions. The commission shall allocate each position to the appropriate class. If the employee or appointing authority disagrees with the allocation, he or she may submit a written request for review to the commission who may grant the request. The commission shall inform the employee or appointing authority in writing of its decision.

4. New Positions. Upon notification of the establishment of a new position, the secretary/chief examiner shall submit a new class for approval by the commission.

5. Reallocation. When the duties of a position occupied by a regular employee are substantially changed, the appointing authority or employee shall report the change to the commission. The commission shall determine the appropriate allocation for the position.

Section 2.25.140 Medical and Physical examination shall be *amended and repealed* to read as follows:

Section 2.25.140 Applications

1. All applicants for civil service positions must be a citizen of the United States of America or a lawful permanent resident who can read and write the English Language.

2. All applications shall be on a form prescribed by the commission and shall request information considered necessary or relevant by the commission. The applicant's signature shall certify the truth of stated information. No information may be solicited that reveals

religious, political affiliation, race, sex, age, mental, physical, or sensory handicap, or national origin.

3. Only those applicants filed with the secretary/chief examiner by the date specified in the examination notice may be considered for the examination.

4. The secretary/chief examiner may refuse to examine an applicant if the applicant:

- (a) Is found to lack any requirement established for the class;
 - (b) Is so disabled as to be rendered unfit to perform the duties of the class;
 - (c) Is a user of an illegal controlled substance, an abuser of a prescription drug, or is a habitual user of intoxicating liquors in excess;
 - (d) Has been convicted of a felony or misdemeanor involving moral turpitude;
 - (e) Has made a false statement in his or her application;
 - (f) Has used, or attempted to use pressure or bribery to secure an advantage in the examination or appointment;
 - (g) Has directly or indirectly obtained information regarding examinations to which he or she was not entitled;
 - (h) Has otherwise violated these rules; or
 - (i) Has taken part in the compilation, administration, or correction of the examination, or.
- (i) Was at some time a resident or a citizen of a foreign country and the City does not possess the materials, funding, and staff time to conduct an international background check. Under no circumstances shall the City or the Civil Service Commission consider the national origin, race, or religion of the eligible for any reason, including in deciding whether it has the resources to complete a background check. Such determinations will be made on a case-by-case basis after considering factors such as the following:
- A. How long has it been since the eligible applicant lived/worked in the foreign country?
 - B. The time and expense associated with traveling to the foreign country to conduct the background check.
 - C. The time and expense associated with interpreting a foreign language and foreign documents,

5. A disqualified applicant or an applicant who is not admitted to an examination shall be promptly notified by mail at his or her last known address. Within ten days of notice of rejection, the applicant may request in writing, a hearing by the commission appealing the rejection of his or her application. The hearing date must be scheduled within thirty calendar days following receipt of the request. The commission shall notify the applicant of the hearing date and place at least ten calendar days before the hearing date. The applicant shall be notified of the commission's decision within five calendar days following the hearing.

Section 2.25.150 Proof of qualifications shall be amended and repealed to read as follows:

Section 2.25.150 Examinations

1. Examinations Notices. The secretary/chief examiner shall give notice of an examination at least two weeks before the application deadline by posting the notice in the commission office and city hall and may advertising in, at minimum, a newspaper of general circulation in Pacific County to attract a sufficient number of qualified persons to meet the needs of the City. The notice shall specify the title of the class for which applications are being accepted, opening and closing dates for acceptance of applications, minimum or desirable qualifications, and other information necessary to attract applicants.

2. Promotion Examinations. Notices of promotion examinations shall be posted at a conspicuous place in the main administration office and substations of the police departments for two weeks.

- (a) If the Police Chief can demonstrate the necessity for less than two weeks for the posting time for an application period and if all eligible parties can be notified in the shorter time period and be able to complete an application if they wish to apply, the Secretary / Chief Examiner may post the position for a period less than two weeks.

3. Composition. The commission shall determine, by objective standards, the appropriate examinations for a class and the tests, or combination of tests and relative weights to be assigned. A minimum score may be required on each test included in the examination. Physical ability tests will be a pass/fail score. Open examinations shall consist of a combination of at least two of (a) through (c) or be replaced by either (d) or (e) of the following:

- (a) A written examination;
- (b) An oral examination;
- (c) A physical ability test;
- (d) An evaluation of experience and training or
- (e) An assessment center type of testing.

4. Promotional examination composition. Promotional examinations shall consist of at least an oral examination and may consist of any or all the tests listed above for an open examination if it is deemed necessary by the secretary/chief examiner to establish the best qualified for the position.

- (a) Promotional applications may be screened for qualifications and only those persons who do not meet the stated qualifications will be eliminated.
- (b) The next step could be a written test that would be sent to the applicants that met the qualifications. This test would be scored and only the top ten candidates would be interviewed or given an oral test.
- (c) Credit and background checks may be done before the interview or oral testing.

5. Time and place. Examinations shall be held at the times and places necessary to meet the requirements of the civil service, provide economical administration, and be generally convenient for applicants.

6. Minimum Qualifications. Upon the written request of the appointing authority, the commission may waive or modify the minimum qualifications for a class to fill a vacant position on a one-examination basis only when:

- (a) There is an incomplete register following recent recruiting;
- (b) An acting appointment is not feasible because the position is supervisory or managerial in nature or otherwise requires the full and immediate discharge of duties and responsibilities; and
- (c) The commission determines the established minimum or desirable qualifications to be appropriate under normal conditions and should not be permanently changed.

7. Re-Examination. Upon request, the commission may authorize an applicant to retake a test if:

- (a) At least thirty calendar days have elapsed between the dates of the successive test administrations;
- (b) The test is taken not more than once within a twelve month period unless the examination content has been substantially changed;
- (c) The class is open for filing indicating a continuing recruitment the time of request; or
- (d) The Commission finds that the applicant's failure to take or complete an examination was due to an obvious error for which the secretary/chief examiner, the secretary/chief examiner's staff, or the appointing authority is responsible.

8. Examination Ratings. All applicants for the same class shall be accorded uniform and equal treatment in all phases of the examination procedure. All scores shall be based on uniform and objective rating or scoring procedure. When a minimum score is required, the

secretary/chief examiner may take into consideration the number of candidates and anticipated openings within limits established by the relevant job standards. When the examination consists of two or more tests and when minimum scores are set, failure of any one test constitutes failure of the entire examination. Final scores that are tied may be broken by giving a higher rank to the individual with the highest oral test score.

9. Examination Results. The chief examiner shall give prompt notice to the applicant of the applicant's rating when it has been computed. Within thirty calendar days of the test, the applicant may request and receive information regarding his or her score on any part of the examination, or may give written authorization for his or her personnel officer or employee representative to obtain the information for the applicant. Upon request the information may be furnished to the appointing authority concerning a certified eligible applicant.

10. Oral Examining Board. The secretary/chief examiner, with approval of the commission, shall choose members of the oral examining boards primarily for their ability to judge the technical and personal qualifications of people in their general field of work impartially and objectively. At least one member with past experience and training shall be generally familiar with the nature of the work in the class. No examining board should have less than three members unless valid or reasonable circumstances indicate otherwise. An employee of the city may serve on open competitive oral examinations but is disqualified from rating an immediate subordinate in his own department on promotional examinations. Further, promotional boards must have at least one non-city employee. A member of an oral examination board shall disclose each instance in which he or she knows the applicant personally or has formed a personal bias for or against an applicant and shall disqualify himself or herself without rating the applicant or biasing the remaining members.

11. Physical Examination. Before appointment, applicants shall be required to satisfactorily pass a health and physical examination or provide to the hiring authority a doctor's statement that he or she has had a physical examination within the last sixty days and meets the physical requirements of the job.

12. Records and Retention. The secretary/chief examiner shall keep applications and other necessary records during the life of the register. Applications or copies of appointees' applications may be transmitted to the appointing authority on request. Examination records of applicants may be destroyed three years after an employee's date of hire.

13. Veteran's Preference. Veteran's preference on competitive examinations will be given according to RCW 41.04.005 and 41.04.000.

14. City Preference. City employee or paid volunteers or part-time employees will be eligible for a 5% preference on scores if so requested by the candidate.

15. Open Ended Recruitment. (a) A continuous or periodic examining process may be ordered and administered by the Secretary for any class of positions other than promotional examinations. Filing applications will be accepted on an open-ended basis throughout the year and will be retained for one (1) year from the time of filing. Qualified eligibles will be notified by email, mail and/or canvassing when examination date is established to verify interest. Examination will be administered four (4) to six (6) weeks after publication of test date (s). If eligible applicant is not interested in an examination, his/her application will

be expired at that time. The names of qualified eligibles resulting from examination shall be entered on the eligible register and certification for appointment on the register shall be made in the same manner as from any eligible register. Names of eligibles from successive examinations in the same program shall be entered on the eligible register for the class at the appropriate places as determined by final grades. Names may be withheld from certification or removed from such eligible registers in the same manner and for the same reasons as from any eligible register.

- (b) To expedite certification and appointment and to maintain security of examination material, no keyed copy of the written test will be provided at any time. The eligible register may be promulgated immediately after the results are obtained.
- (c) Except as above provided, the rules applicable to other examinations shall apply to periodic examinations.
- (d) When it is determined by the Commission that the testing for any class is needed, the following will be the process of notification:
 - * Advertisement will be sent to the Official City Paper as well as informational advertisements to surrounding newspapers and online affiliates
 - * Canvassing of all eligible applicants to determine interest for all applications will be conducted by the Secretary
 - * Deadline for acceptance of applications will be fifteen (15) days after publication of advertisement; Testing will begin at least 4-6 weeks thereafter
- (e) Registers will still expire the same as periodic registers; after 1 year or extended up to 2 years. When register expires, applications received through the open-ended recruitment will then be notified for examination as the process explained in (d).

Section 2.25.160 Open competitive exams shall be *amended and repealed* to read as follows:

Section 2.25.160 Registers

The secretary/chief examiner is responsible for the establishment, maintenance, and adequacy of all registers subject to review and audit by the commission at any time.

1. Duration. The duration of all registers shall normally be one year, as long as it does not jeopardize the reduction-in-force register. The commission may reduce, extend, or update the life of a register, but a register may not exceed two years in duration, except for the reduction-in-force register.

2. Removal of Names from a Register. (a) The appointing authority may request that a name be removed from the register if the police background investigation or credit investigation contain negative findings.

- (b) A request for removal must be in writing and submitted to the commission or the secretary/chief examiner for review. If the review is done by the secretary/chief examiner, the removal may be appealed to the commission. If it is determined that such findings would cause an adverse reflection on the department or constitutes grounds for no acceptance of an application, the commission or secretary/chief examiner may order removal of the name, or the name may be passed over for consideration of employment. The secretary/chief examiner should promptly notify the candidate of any such action.
- (c) If there is a challenge to the removal of a name from the register, and it is ordered by the Court to restore the name to the register, this reinstatement does not affect any hires done during this challenge process.

3. Mandatory Sequential Use of Register. (a) The reduction-in-force register shall contain the names of those regular employees of a department separated due to a reduction-in-force. This register shall be ranked according to total service in the department as measured from the first appointment date and adjusted for any break in service. The employee's name shall appear for all classes in which the employee has previously held regular status within the department. If class titles or concepts have changed, the commission shall determine the class now in use most like that was previously held.

- (b) The promotion register shall contain the names of those regular employees of a department who have received a passing final score, if a minimum score is required and shall be ranked on the basis of the total score in the promotional examination.
- (c) The voluntary demotion register shall contain the names of all regular employees who have requested a voluntary demotion, if the employee has regular status in the class for which he or she is asking a demotion. This register shall be ranked by seniority.
- (d) The open competitive register shall contain the names of all persons who have passed the entrance examination and ranked by their final score.
- (e) If there are three or less candidates who test for a position, all those that pass the complete examination, will constitute a legal register for this position. A register with fewer than two names may be abandoned by the Commission prior to the one year as stated in 2.25.160 (1).

Section 2.25.170 Effective date shall be *amended and repealed* to read as follows:

Section 2.25.170 Certification and Probationary Period

1. The appointing authority shall request certification from the secretary/chief examiner for the class of the position to be filled. The secretary/chief examiner shall provide the appointing authority with the names of those highest on the list for the class. The list shall contain a number of names equal to the number of vacancies to be filled plus two. The appointing authority may appoint any candidate from the list and shall notify the secretary/chief examiner of his or her choice. The secretary/chief examiner shall provide the commission with evidence that all standards and procedures have been met. Final certification shall be made and passed in the form of a motion by the commission and recorded in the minutes or made on a form stating that testing had been completed as approved by the commission and that the certification contained the list of the highest candidates ranked by their final score and signed by the secretary/chief examiner. This form would be reviewed by the commission at their next regular meeting and then become part of the commission's permanent records.

2. All new employees (entry or lateral level) must serve a one-year probationary period. For entry level police officers, this one-year period begins upon the successful completion of the police academy. Employees who are discharged during the probationary period do not have the right to appeal.

Section 2.25.180 Applications for examination shall be *amended and repealed* to read as follows:

Section 2.25.180 Trial Service Period

All employees who are promoted to a class with a higher pay or salary level must serve a one-year trial service period. Employees who do not successfully complete the trial service period and are reverted to a lower class do not have the right to appeal.

Section 2.25.190 False Statements shall be *amended and repealed* to read as follows:

Section 2.25.190 Reduction-in-force

1. All employees may be separated from employment because of lack of funds or curtailment of work after a fifteen-calendar day written notice has been given. Upon receipt of the notice, the employee will have his or her name placed on the reduction-in-force register.

2. No regular employee may be reduced-in-force until all probationary and temporary employees are dismissed.

3. The appointing authority determines by class which positions are to be abolished. The Civil Service must be notified in writing of any changes.

4. The employee having the least time in grade in the class subject to reduction shall be the employee to be reduced and shall have bumping rights over any employee in a lower class if the employee has more total seniority than the employee being bumped and has held regular status in that class. Bumping by employees is limited to positions within the employee's department.

5. An employee being reduced-in-force may take voluntary demotion to a vacant position for which he or she qualifies.
6. No new employee may be hired until all reduced-in-force employees have been reemployed or have declined reemployment in a regular position, unless the position being filled is of such a nature that the reduced-in-force employee did not hold regular status in the class or cannot qualify.
7. A reduced-in-force employee's name shall be removed from the reduced-in-force register if the employee declines to accept a firm reemployment offer in a class for which he or she qualifies, or refuses to return to work after fifteen days written notice.
8. An employee who is on authorized leave of absence or military duty will be considered as a working employee during the reduction-in-force procedures.
9. A reduction-in-force employee cannot compete for promotional examinations unless the employee has received notice to return to work and otherwise meets minimum qualifications for the promotional class.

Section 2.25.200 Defective Application-Disqualification shall be *amended and repealed* to read as follows:

Section 2.25.200 Leave

1. A person who voluntarily or upon demand vacates a position to enter active military service shall be placed on leave without pay and will be returned to his or her former position or a similar position upon return from military service unless there has been a reduction-in-force. Notice of intent to return must be given the appointing authority within ninety days of discharge.

- (a) Employees taking a non-military leave may return to the same position or a position in a class where the employee has service credit if there is a vacancy.
- (b) If there is not a vacancy the return comes under the layoff rights section of these rules.
- (c) An employee may take a transfer to a different class if they have service credit in that class.
- (d) The request for reinstatement must be made within two years of the date the leave began. After that date no return rights will be recognized.

Section 2.25.210 Applications on file shall be *amended and repealed* to read as follows:

Section 2.25.210 Disciplinary Actions

1. The appointing authority may demote, suspend, reduce in salary, dismiss, or otherwise discipline an employee for violating a departmental rule, regulation, or any of the following:

- (a) Incompetence, inefficiency, or inattention to or dereliction of duty;
- (b) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, an act of omission or commission tending to injure the public service; or other willful failure of the employee to properly conduct himself or herself;
- (c) Mental or physical unfitness for the position the employee holds;
- (d) Dishonest, disgraceful, or prejudicial conduct;
- (e) Drunkenness or use of intoxicating liquors, narcotics, or other habit-forming drug, liquid, or preparation to such extent that the use interferes with the efficiency or mental or physical fitness of the employee, or that precludes the employee from properly performing the function and duties of a civil service position;
- (f) Conviction of a felony or a misdemeanor involving moral turpitude;
- (g) False or fraudulent statements or fraudulent conduct by an applicant, examinee, eligible, or employee, or these actions by others with his or her collusion;
- (h) Willful or intentional violation of a lawful and reasonable regulation, order, or direction made or given by a superior officer; or
- (i) Willful or intentional violation of these rules.

2. Pre-disciplinary Hearings. Before demoting, suspending, or dismissing a regular employee, the department head shall provide and arrange for a pre-disciplinary hearing as follows:

- (a) The department head shall provide a written notice of the charge and an explanation of the department's evidence;
- (b) The employee shall be given an opportunity to respond to the charges, orally or in writing, as to why the department's action should not be taken;
- (c) The employee may have legal counsel or union representation present at the pre-disciplinary hearing;

- (d) The department's explanation of the department's evidence at this hearing shall be sufficient to inform the employee of the basis of the proposed action. However, this rule shall not be construed to limit the employer's right to present a complete, fully detailed case, including presenting witnesses and documents, at any subsequent hearing;
- (e) If the appointing authority decides that the employee should be disciplined, the employee shall receive written notice of discipline that includes a statement of the charges and a general statement of the evidence supporting the charges.

3. Appeals. A regular employee who is demoted, suspended, reduced, or dismissed, or disciplined may appeal the action to the commission.

- (a) The appeal must be in writing and submitted to the secretary/chief examiner within ten days after the effective date of the action being appealed. The commission may not consider any basis for disciplinary action that was not previously presented to the employee.
- (b) The commission shall arrange an appeal hearing as soon as possible, and conduct the hearing within sixty days after receipt of the appeal. The appellant shall be notified of the time and place of the hearing at least ten days in advance and may be represented by counsel. After hearing the appeal, the commission shall notify the appellant and appointing authority in writing of its decision.
- (c) The hearing shall be informal and open to the public. Technical rules of evidence do not apply to the proceedings. The appellant and appellee have the right to be represented by counsel, present evidence, and call and cross-examine witnesses. All testimony shall be given under oath.
- (d) An official record shall be made of the hearing. However, the commission may not furnish a complete transcript of the record unless requested by the appellant or appointing authority who shall pay a reasonable charge to cover the cost of the transcript.

4. Burden of Proof. At a hearing on appeal from a demotion, suspension, or termination, the disciplinary authority has the burden of showing that its action was in good faith for cause. At any other hearing, the petitioner or appellant shall have the burden of proof by a preponderance of the evidence.

5. Deliberations. When taking a disciplinary case under advisement, the commission may deliberate in executive session.

6. Decision. The commission shall issue a decision, including findings of fact, conclusions of law, and an order to each party or counsel.

7. Reconsideration. A party may move for reconsideration by the commission only on the basis of fraud, mistake, or misconception of the facts. The motion to reconsider must be filed with the commission within ten days of the decision of the commission.

Section 2.25.220 Examinations shall be *amended and repealed* to read as follows:

Section 2.25.220 Hiring and Appointments

1. Regular Positions. All regular city positions covered by the civil service must be filled by persons on the appropriate certified register. If a vacancy occurs, the department head or the hiring authority must request a test to fill the position(s). This request must be in writing and submitted to the civil service secretary/chief examiner. The request for the test will be voted on by the civil service commission at their next regular or special meeting. The secretary/chief examiner will then notify the department head or appointing authority of the commission's decision.

2. Temporary/Emergency Hires. A request to fill a temporary or emergency vacancy must be submitted to the civil service secretary/chief examiner in writing before the position is filled. This request must contain the name of the person to be appointed, the position to which they will be appointed and their qualifications to fill this position. It must also contain the beginning and ending date for this appointment.

3. Temporary Appointments. Temporary appointments are for a maximum of one hundred eighty days, however if the project that the temporary employee was hired to do is not completed or if the regular employee they replaced is still not available or able to return to work or if a vacant position cannot be filled within the original period, the hiring authority of department head may submit a written request to the civil service secretary/chief examiner to extend the period. The request must contain the reasons this extension is needed and how long it will be needed. The secretary/chief examiner may extend the period for not more than sixty days. If the request is denied, it may be appealed to the civil service commission.

4. Emergency Appointments. Emergency appointments are for a maximum of one hundred twenty days, however if the emergency that made the appointment necessary is still present beyond this period it may be extended up to sixty additional days. This process for extension is the same as contained in item 3, temporary appointments.

5. Provisional Appointments. Provisional appointments may be made for a period of one year. These appointments are to be used to keep a department at full staff when a regular employee must be gone or on leave for an extended period of time. An extension of the one year could be granted upon demonstration of need by the department. Request to use this section must be in writing before the person is hired and must state the reason a provisional employee is needed and the beginning date of appointment and the name of the person to be hired. The process for extending this time period is the same as in item 3, temporary appointments.

Section 2.25.230 Weight of subjects – Credit shall be *repealed*

Section 2.25.240 Passing grade 70 percent shall be *repealed*

Section 2.25.250 Eligibility – Appointment – Register shall be *repealed*

Section 2.25.260 Civil service list shall be *repealed*

Section 2.25.270 Eligibility list – term shall be *repealed*

Section 2.25.280 Reinstatement register shall be *repealed*

Section 2.25.290 Reinstatement shall be *repealed*

Section 2.25.300 Filling vacancies – Form shall be *repealed*

Section 2.25.310 Filing vacancies – procedure shall be *repealed*

Section 2.25.320 Special subject proficiency shall be *repealed*

Section 2.25.330 Declining of appointment shall be *repealed*

Section 2.25.340 Appointment – Written and verbal inquiry shall be *repealed*

Section 2.25.350 Probationary service shall be *repealed*

Section 2.25.360 Promotion shall be *repealed*

Section 2.25.370 Removal and suspension shall be *repealed*

Section 2.25.380 Removal and suspension – Investigation shall be *repealed*

Section 2.25.390 Leave of absence shall be *repealed*

Section 2.25.400 Reduction of force shall be *repealed*

Section 2.25.410 Record of changes shall be *repealed*

Section 2.25.420 Compensation shall be *repealed*

Section 2.25.430 Meetings shall be *repealed*

Section 2.25.440 Quorum shall be *repealed*

Section 2.25.450 Secretary and chief examiner shall be *repealed*

Section 2.25.460 Secretary – Duties shall be *repealed*

Section 2.25.470 Chief examiner – Duties shall be *repealed*

Section 2.25.480 Examiner – Conflict of interest shall be *repealed*

Section 2.25.490 Secretary, chief examiner offices not exclusive shall be *repealed*

Section 2.25.500 Examination – Questions shall be *repealed*

Section 2.25.510 Examinations – Results shall be *repealed*

Section 2.25.520 Examinations – Procedures shall be *repealed*

Section 2.25.530 Complaint of injustice or unfairness shall be *repealed*

Section 2.25.540 Extraneous activity shall be *repealed*

INTRODUCED this 14th day of October, 2019 **AND PASSED** on the 28th of October, 2019 by the following vote:

Ayes –

Noes –

Absent –

Julie K. Struck, Mayor

AUTHENTICATED BY: _____
Dee Roberts, Clerk/Treasurer

Publish: 11/6/19

ORDINANCE #1547

**AN ORDINANCE OF THE CITY OF SOUTH BEND, WASHINGTON
ADOPTING REVISED APPROPRIATIONS AND EXPENDITURES TO BE
MADE IN CALENDAR YEAR 2019**

WHEREAS, the City Council of the City of South Bend previously approved 2019 appropriations and expenditures per Ordinance 1539, and

WHEREAS, actual expenditures and revenues for 2019 in conjunction with the revisions were not available at the time of the changeover to a new fiscal year, and,

WHEREAS, the laws of the State of Washington require the budgeting of such expenditures by Ordinance, now therefore,

THE CITY COUNCIL OF THE CITY OF SOUTH BEND, WASHINGTON DO ORDAIN:

That the 2019 budgeted amounts for the funds listed below will be as follows:

<u>FUND NUMBER</u>	<u>FUND NAME</u>	<u>REVENUES</u>	<u>EXPENDITURES</u>
001	Current Expense	\$1,590,168	\$1,264,010
106	Capital Fund-Docks	97,200	24,118
110	Hotel/Motel Tax Fund	74,200	39,200
405	Mosquito Fund	155,000	85,291

The budgeted amounts for all funds not listed above will remain as set forth in Ordinance Number 1539.

INTRODUCED this 28th day of October, 2019 **AND PASSED** on the 13th day of November, 2019 by the following vote:

Ayes –

Noes –

Absent –

Julie K. Struck, Mayor

AUTHENTICATED BY: _____
Dee Roberts, Clerk/Treasurer

Publish: 11/20/19

2019 Budget Amendment Worksheet

	Budgeted Revenues	Actual Revenues	Difference	Amendment Amount
001	\$1,340,168.00	\$1,136,251.91	\$203,916.09	\$250,000.00
101	\$1,636,343.00	\$841,983.87	\$794,359.13	
103	\$6,000.00	\$1,499.00	\$4,501.00	
106	\$87,200.00	\$81,687.30	\$5,512.70	\$10,000.00
110	\$39,200.00	\$58,596.05	(\$19,396.05)	\$35,000.00
401	\$5,288,000.00	\$2,169,634.22	\$3,118,365.78	
404	\$1,900,196.00	\$1,490,741.91	\$409,454.09	
405	\$150,000.00	\$132,733.24	\$17,266.76	\$5,000.00
411	\$450,000.00	\$429,457.36	\$20,542.64	
601	\$52,000.00	\$39,847.13	\$12,152.87	
610	\$8,243.00	\$7,119.39	\$1,123.61	
620	\$175,000.00	\$175,000.00	\$0.00	
630	\$175,000.00	\$84,906.46	\$90,093.54	
701	\$260,000.00	\$259,109.75	\$890.25	

	Budgeted Expenditures	Actual Expenditures	Difference	Amendment Amount
001	\$1,264,010.00	\$954,800.60	\$309,209.40	
101	\$1,636,343.00	\$846,540.57	\$789,802.43	
103	\$6,000.00	\$1,907.60	\$4,092.40	
106	\$24,118.00	\$8,458.69	\$15,659.31	
110	\$39,200.00	\$24,005.48	\$15,194.52	
401	\$4,733,065.00	\$830,803.82	\$3,902,261.18	
404	\$1,742,876.00	\$1,205,960.31	\$536,915.69	
405	\$85,291.00	\$78,858.32	\$6,432.68	
411	\$300,000.00	\$286,391.82	\$13,608.18	
601	\$20,000.00	\$5,703.83	\$14,296.17	
610	\$5,500.00	\$0.00	\$5,500.00	
620	\$175,000.00	\$5,102.32	\$169,897.68	
630	\$175,000.00	\$80,292.04	\$94,707.96	
701	\$1,000.00	\$0.00	\$1,000.00	

Confirming 2019 Budget Amendment Worksheet

	Budgeted Revenues	Actual Revenues	Difference
001	\$1,590,168.00	\$1,136,251.91	\$453,916.09
101	\$1,636,343.00	\$841,983.87	\$794,359.13
103	\$6,000.00	\$1,499.00	\$4,501.00
106	\$97,200.00	\$81,687.30	\$15,512.70
110	\$74,200.00	\$58,596.05	\$15,603.95
401	\$5,288,000.00	\$2,169,634.22	\$3,118,365.78
404	\$1,900,196.00	\$1,490,741.91	\$409,454.09
405	\$155,000.00	\$132,733.24	\$22,266.76
411	\$450,000.00	\$429,457.36	\$20,542.64
601	\$52,000.00	\$39,847.13	\$12,152.87
610	\$8,243.00	\$7,119.39	\$1,123.61
620	\$175,000.00	\$175,000.00	\$0.00
630	\$175,000.00	\$84,906.46	\$90,093.54
701	\$260,000.00	\$259,109.75	\$890.25

	Budgeted Expenditures	Actual Expenditures	Difference
001	\$1,264,010.00	\$954,800.60	\$309,209.40
101	\$1,636,343.00	\$846,540.57	\$789,802.43
103	\$6,000.00	\$1,907.60	\$4,092.40
106	\$24,118.00	\$8,458.69	\$15,659.31
110	\$39,200.00	\$24,005.48	\$15,194.52
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601	\$20,000.00	\$5,703.83	\$14,296.17
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701	\$1,000.00	\$0.00	\$1,000.00