



Ordinance No. 4062

An Ordinance Adopting New AMC Chapter 2.08 Regarding Appointive Officers of the City

Whereas RCW 35A.12.090 provides that “the mayor shall have the power of appointment and removal of all appointive officers and employees subject to any applicable law, rule, or regulation relating to civil service;”

Whereas RCW 35A.12.090 also provides that “Confirmation by the city council of appointments of officers and employees shall be required only when the city charter, or the council by ordinance, provides for confirmation of such appointments;”

Whereas RCW 35A.12.090 also provides that “Appointive offices shall be without definite term unless a term is established for such office by law, charter or ordinance.”

Whereas RCW 35A.12.020 sets the minimum appointive officers of a city, including the city attorney, clerk, treasurer, and chief law enforcement officer, and authorizes expansion of that list by ordinance;

Whereas mayors of Anacortes have historically submitted permanent appointments of department heads for confirmation by the City Council but no standards for interim appointments have been established;

Whereas City Council desires to formalize that procedure and ensure transparency in appointments of important city officials;

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

- Section 1. New Chapter 2.08 is added to the Anacortes Municipal Code as shown in Exhibit A.
- Section 2. Consistent with RCW 35A.12.130, this ordinance takes effect five days after passage, approval, and publication.

PASSED and APPROVED this 20th day of November 2023.

CITY OF ANACORTES:

Matt Miller, Mayor

Attest:

Philip Steffen for Steve Hoglund
Steven D. Hoglund, City Clerk-Treasurer

Approved as to Form:

D. Swetnam
Darcy Swetnam, City Attorney

Exhibit A

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Chapter 2.08 Appointive Officers

2.08.010 Purpose

The purpose of this chapter is to establish the list of City officers, the appointment of whom requires confirmation by the City Council, and to provide procedures for review and approval of such appointments.

2.08.020 Appointive Officers

- A. The following are hereby known as “appointive officers” of the City of Anacortes:
- 1. Administrative Services Director
 - 2. City Attorney
 - 3. City Clerk/Treasurer and Finance Director
 - 4. City Engineer
 - 5. Fire Chief
 - 6. Police Chief, who is the chief law enforcement officer of the City per RCW 35A.12.020
 - 7. Human Resources and Labor Relations Director
 - 8. Library Director, subject to the recruitment process established in AMC 2.58.030
 - 9. Municipal Judge
 - 10. Museum Director
 - 11. Director of the Parks and Recreation Department
 - 12. Director of the Planning, Community, & Economic Development Department
 - 13. Director of the Public Works Department

- B. Except as provided in subsection C, the mayor's appointment of appointive officers is subject to confirmation by the City Council per AMC 2.08.040.
- C. Per agreement with Skagit County, judges and court commissioners of Skagit County District Court rotate as municipal judge for the City of Anacortes. If that relationship is ended, appointment of the City's municipal judge will also require City Council confirmation.
- D. No appointment requiring City Council confirmation may begin prior to receiving City Council confirmation.
- E. No person may serve simultaneously as more than one appointive officer.
- F. Per RCW 35A.12.090, all appointments of appointive officers must be made on the basis of ability and training or experience of the appointee in the duties they are to perform.
- G. No position of, or any position substantially similar to, "City Administrator" may be created without amendment of this chapter.

2.08.030 Interim Appointments—Vacancies

- A. In the event of a vacancy in the position of an appointive officer, no person may perform the functions and duties of the appointive officer without an appointment confirmed by City Council or an interim appointment consistent with this section.
- B. The mayor is authorized to make an interim appointment of an appointive officer for a period up to three months without submitting the appointment for City Council confirmation.
- C. The mayor is authorized to make an interim appointment of an appointive officer for any other limited time period, subject to City Council confirmation.

2.08.040 Council Notification and Review of Appointments

- A. The City Council must be timely notified upon the appointment, interim appointment, separation, or notice of separation of any appointive officer.
- B. A vote for City Council confirmation on the appointment may not be scheduled less than ten days after notification of such appointment is made.
- C. City Councilmembers must be afforded the opportunity to review the appointive officer's employment application prior to any scheduled vote on confirmation.

2.08.050 Employment and Contracts

- A. The mayor is authorized to enter into employment contracts or personal services contracts for any appointive officer. Consistent with AMC Chapter 1.30, all employment contracts are in all

respects subject to prior review and approval by the City Council, and no such contract is valid prior to approval by the City Council.

- B. The compensation for each employee appointive officer is that established each year in the annual budget or salary ordinance of the city.
- C. All employee appointive officers are subject to the personnel policies adopted by the City Council.

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City Attorney

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