

ARTICLE II

Officers -- Council-Manager Form of Government

SECTION 1. SHARE

A. Beginning with the elections for the Yakima City Council to be held in 2015, and including the August 4, 2015 primary election and the November 3, 2015 general election, all elections for the Yakima City Council will be conducted using a system in which each of the seven members of the City Council is elected from a single-member district. Each Council member must reside in his or her district, and only residents of a given district may vote for the Council member position for that district.

B. In the Final Injunction and Remedial Districting Plan ("Final Injunction") entered by the Court in United States District Court for the Eastern District of Washington Case No. 12-CV-3018-TOR ("Case No. 12-CV-3018-TOR") on February 15, 2015, maps and tables showing the boundaries of the seven single-member districts and their populations were attached as Exhibit A to the Final Injunction.

C. The City shall take all steps necessary to implement the seven single-member district plan attached as Exhibit A to the Final Injunction in Case No. 12-CV-3018-TOR in order to allow single-member district based elections to proceed in 2015 and thereafter, provided that the City of Yakima may revise those districts based on annexations, de-annexations, and population changes reflected in the decennial census and at appropriate times in the future when necessary to conform to state and federal law.

D. In order to preserve the staggered election plan for members of the City Council, in elections held for the City Council in 2015 the odd numbered districts were set for a four-year election cycle and even numbered districts were set initially for a two-year term and are set thereafter for a four-year election cycle.

E. Future redistricting shall be done in a manner that complies with the terms and intent of the Final Injunction and Judgment and the Court's August 22, 2014 Order in Case No. 12-CV-3108-TOR, continues to provide for single-member districts, and complies with Section 2 of the Voting Rights Act.

F. At the primary election, each qualified voter of each district may cast only one vote for a candidate. The names of the two candidates from each district for whom the largest number of votes are cast at the primary election shall appear on the general election ballot for that district.

G. In the event any Council member elected or appointed to a district position moves that member's place of residence outside the district boundary from which that member was nominated or appointed, then that Council member shall forfeit the office of Council member and the position held by the member shall be deemed to be vacant. In the event a vacancy occurs for any reason in the Council, the vacancy in the district shall be filled by the appointment of some qualified person who is a resident of that district by a majority vote of the remaining members of the Council, but such appointee shall hold office only until the next regular municipal election, at which time a qualified

person who is a resident of that district shall be elected to serve for the remainder of the unexpired term for that position.

SECTION 2. SHARE

The Council shall constitute the legislative branch and authority of the City government and shall have power to adopt rules of order and regulations for the conduct of its business.

SECTION 3. SHARE

The Council shall choose its own chairman at its first meeting and at the first meeting after the subsequent biennial elections. The chairman shall have the title of Mayor during the biennium for which chosen. The Mayor shall preside at all meetings of the Council and shall also have the powers and perform the duties conferred and imposed by this charter and the ordinances of the City. The Mayor shall be recognized as the head of the City for all ceremonial purposes and by the Governor for purposes of military law. The Mayor shall have no regular administrative duties but in time of public danger or emergency shall, if so authorized and directed by a majority vote of the Council, take command of the police, maintain order and enforce the law. The Mayor shall also have the rights, privileges and immunities of a member of the Council with the right to vote as another member thereof. If a vacancy occurs in the office of Mayor, or in case of the Mayor's absence or disability, a Mayor pro tem shall be elected by the Council from its members to act as Mayor for the unexpired term or during the continuance of the absence or disability.

SECTION 4. SHARE

Except as otherwise provided in this charter, all powers of the City shall be vested in the Council. The Mayor and each member of the Council shall receive compensation as established by Ordinance. Members of the Council shall be qualified electors of the City and any member ceasing to possess any of the qualifications specified in general law or in this charter or convicted of crime involving moral turpitude while in office shall immediately forfeit his office.

SECTION 5. SHARE

The Council shall meet at the times and places fixed by resolution or ordinance, but must hold at least two regular meetings each month. The Clerk shall call special meetings of the Council upon request of the Mayor or a majority of the Council upon written request. ~~ny two members~~. Requests for special meetings shall state the subjects to be considered; ~~and no final disposition shall be taken by Council on any other subjects than the subjects stated in the notice. other subject shall be considered at a special meeting except by consent of all members of the Council.~~ All meetings of the Council and of committees thereof shall be open to the public, and the rules of the council shall provide that citizens-residents of the City shall have a reasonable opportunity to be heard at any meetings in regard to any matter being considered thereat, except as otherwise provided by state law.

SECTION 6. SHARE

The Council shall choose such employees of its own body, as it may deem necessary. Employees of the Council shall not be chosen for a definite term but shall continue to serve during the pleasure of the Council.

SECTION 7. SHARE

The Council shall appoint an officer whose title shall be City Manager and who shall be the chief executive officer and the head of the administrative branch of the City government. The City Manager shall be chosen upon the basis of character and ability with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office as hereinafter outlined. Choice shall not be limited by any residence or political qualification. No person elected to membership on the Council shall, subsequent to such election, be eligible for appointment as City Manager until one year has elapsed following the expiration of the term for which elected. Before entering upon the duties of the office, such City Manager shall take the official oath for the support of the National and State Governments and the faithful performance of duties, and shall execute a bond in favor of the City in such sum as may be fixed by the Council.

SECTION 8. SHARE

The City Manager shall be appointed for an indefinite term and may be removed by a majority vote of the Council. At least thirty days before the effective date of removal, the City Manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the City Council stating the Council's intention to remove the City Manager and the reasons therefor. Upon passage of the resolution stating the Council's intention to remove the City Manager, the Council may by a similar vote suspend the City Manager from duty, but compensation shall continue until the removal becomes effective. The City Manager may, within thirty days from the date of service upon the City Manager of a copy thereof, reply in writing to the resolution of intent for removal. In the event no reply is timely filed, the resolution shall upon the thirty-first day from the date of such service constitute the final resolution removing the City Manager, and the City Manager's services shall terminate upon that day. If a reply shall be timely filed with its Clerk, the Council shall fix a time for a public hearing upon the question of the City Manager's removal and a final resolution removing the City Manager shall not be adopted until a public hearing has been held. The action of the Council in removing the City Manager shall be final. In case of the absence or disability of the City Manager, the Council may designate some qualified person to perform the duties of the office during such absence or disability.

SECTION 9. SHARE

The powers and duties of the City Manager shall be:

- (1) To have general supervision over the administrative affairs of the municipality;
- (2) To appoint and remove at any time all department heads, officers and employees of the City, except members of the Council, but the appointment and removal of those department heads, officers and employees who are subject to Civil Service or merit systems of the City of Yakima shall be pursuant to the Civil Service laws, rules and regulations of such City in existence at the effective date hereof: provided, that the Council may cause an audit to be made of any department or office of the City government and may select the persons to make it, without the advice or consent of the City Manager;
- (3) To attend all meetings of the Council at which his attendance may be required by that body;
- (4) To see that all laws and ordinances are faithfully executed, subject to the authority which the Council may grant the Mayor to maintain law and order in times of emergency;

- (5) To recommend for adoption by the Council such measures as he may deem necessary or expedient;
- (6) To prepare and submit to the Council such reports as may be required by that body or as he may deem it advisable to submit;
- (7) To keep the Council fully advised of the financial condition of the City or town and its future needs;
- (8) To prepare and submit to the Council a tentative budget for the fiscal year;
- (9) To perform such other duties as the Council may determine by ordinance or resolution.

SECTION 10. SHARE

Administrative departments shall be created by the City Council as the public business may demand. Pending further action by the City Council, the administrative departments now in existence shall be continued. The rights, powers and duties of the departments shall be prescribed, distributed, assigned, established or discontinued by ordinance.

SECTION 11. SHARE

The City Manager may authorize the head of the department or office responsible to the City Manager to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the City Manager or by the head of a department or office, except one who holds a position subject to Civil Service, may be removed by the City Manager or other such appointing officer at any time. Subject to the provisions of SECTION 9 herein, the decision of the City Manager or other appointing officer shall be final and there shall be no opportunity for administrative appeal.

SECTION 12. SHARE

Appointments made by or under the authority of the City Manager shall be on the basis of executive and administrative ability and of the training and experience of the appointees in the work, which they are to perform. Residence within the City shall not be a requirement.

SECTION 13. SHARE

Neither the Council, nor any of its committees or members shall direct or request the appointment of any person to, or removal from, office by the City Manager or any of the City Manager's subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any committee or member thereof shall give orders to any subordinate of the City Manager, either publicly or privately: Provided, however, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of City officers and employees and City affairs.

SECTION 14. SHARE

The City Manager and other officers, assistants and employees, shall receive such salary or compensation as the Council shall fix by ordinance and it shall be payable at such times as the Council shall determine.

SECTION 15. SHARE

Nothing in this Article shall affect the pension or Civil Service or merit system of the City of Yakima in existence at the effective date hereof.

ARTICLE VI

Additional Powers and Limitations on Officers

SECTION 1. SHARE

At all meetings of the City Council every resolution and ordinance shall be in writing and read aloud by title before a vote is taken thereon; provided, at the request of a majority of Council members present, a resolution and ordinance shall be read aloud in its entirety before a vote is taken thereon. Upon every vote the yeas and nays shall be called and recorded. All ordinances, except ordinances making appropriations or codifying or rearranging existing ordinances, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The enacting clause of all ordinances shall be, "Be it ordained by the City of Yakima."

SECTION 2. SHARE

Ordinances making the annual tax levy or relating to local improvements or assessments therefore, or making appropriations, emergency ordinances, or ordinances adopted by vote of the electors shall take effect at the time indicated therein; all other ordinances shall take effect 30 days after the date of the publication thereof as herein provided. An emergency ordinance is one to provide for the immediate preservation of the public peace, property, health or safety. The unanimous vote of the Council members present at a meeting shall be necessary for the passage of an emergency ordinance. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure.

SECTION 3. SHARE

Upon its final passage, each ordinance or resolution shall be authenticated by the signature of the Mayor and attested by the City Clerk and recorded in a book kept for that purpose. The number and title of each ordinance passed by the City Council, with certificate as herein provided, attached thereto shall be published once in the official newspaper of the city. Said certificate shall be signed by the City Clerk and shall be in substantially the following form: "Ordinance No. _____ bearing above title, was duly and regularly passed by the City Council of the City of Yakima, Washington, on the _____ day of _____, 20____, and is now on file with the undersigned at the office of the City Clerk, where the same is open to the public inspection. Dated . City Clerk."

SECTION 4. SHARE

Members of the City Council shall be qualified electors of the City, and shall not hold any other public office except that of Notary Public or member of the military branch of the state or federal government. ~~A member of the City Council~~The office of any council member shall be deemed vacant if the council member:

~~(1) ceasing~~ceases to possess any of the qualifications specified in this SECTION or RCW 42.12.010;

~~(2) failings to attend three consecutive regular meetings of the City Council or six or more regular City Council meetings during any calendar year without being excused by the Council in accordance with the provisions set forth in the Rules of Procedure of the Yakima City Council;~~ or

~~(3) who may be is~~ convicted of a crime involving moral turpitude while in office, ~~shall immediately forfeit the his office.~~ A certified copy of the judgment of conviction filed in the office of the City Clerk shall be prima facie evidence of forfeiture under provision 3, as above provided.

Vacancies shall be filled by the selection of a qualified person who resides in the district in which the vacancy occurs, by majority vote of the remaining members of the council. The appointee so selected holds office until the next general municipal election at which election a person is elected to the office for the unexpired term, or for the next full term, as the case may be, and the person elected shall take office immediately upon certification of the election results.

SECTION 5. SHARE

No elective official, officer or employee of the City shall solicit or receive any pay, commission, money or thing of value, or derive any benefit, profit or advantage, directly or indirectly from or by reason of any improvement, alteration or repair, or purchase of materials required by the City, or any contract to which the City shall be a party, except his lawful compensation or salary as such officer or employee. A violation of any of the provisions of this SECTION shall disqualify the offender to continue in office or employment and he shall be forthwith removed.

SECTION 6. SHARE

Any purchase of supplies, material, equipment or services, except for public work or improvement, where the cost thereof exceeds a specific sum to be set by ordinance within the limits established by State law shall be made upon call for bids in the ~~same~~ method and under the ~~same~~ conditions as established by state law and ordinance~~required herein on a call for bids for public work or improvement.~~ This monetary limit for the purchase of supplies, material, equipment and services may be increased from time to time, but no more often than one time in any twenty-four month period, by ordinance enacted by the vote of no less than a two-thirds majority of the City Council members, up to, but in no case to exceed any amount allowed by State law. In the event of an emergency declared by resolution of the City Council, any purchase of supplies, material, equipment or service may be made without calling for bids.

SECTION 7. SHARE

In addition to the provisions of the general law the City Council may by ordinance create and establish special funds into which all monies received for a special or specific purpose may be placed: Provided, however, that such fund or funds shall be other than those deriving revenue from taxation.

SECTION 8. SHARE

There shall be a dedicated street overlay and reconstruction fund, reserved for the enhancement in quality and value of City street infrastructure, of no less than Two Million Dollars annually in the City's General Fund budget. This dedicated fund base amount of Two Million Dollars shall be adjusted annually in accord with the annual change in the June U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) West Region. The City Council shall make no other use of this fund than as is provided in this Section.

SECTION 9. SHARE

There shall be a dedicated public parks and recreation capital fund, reserved for the construction and rehabilitation of City public parks and recreation facilities, of no less than Seven Hundred Fifty Thousand Dollars annually in the City's General Fund budget. This dedicated fund base amount of Seven Hundred Fifty Thousand Dollars shall be adjusted annually in accord with the annual change in the June U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) West Region. The City Council shall make no other use of this fund than as is provided in this Section.

ARTICLE VII

Limitation of Taxation

SECTION 1. SHARE

The fiscal year of the City shall commence on the first day of January and end on the last day of December each year.

SECTION 2. SHARE

The City Council shall have power and authority to assess, levy and collect taxes upon all the real and personal property (not exempt from taxation) within the City for the corporate uses and purposes thereof and provide for the payment of the debts and expenses of the City; provided that after January 1, 2014, any new councilmanic tax may be assessed, levied or increased only by a minimum affirmative vote of five members of the City Council.

SECTION 3. SHARE

The aggregate of all the property taxes levied or appropriated for City purposes including funds for the parks and playgrounds, police and firemen's relief shall be taken and apportioned by the City Council from the current expense fund which for any one year shall not exceed the statutory limits established by State law on each dollar of assessed valuation of the property within the City except as follows:

- (a) The levies for redemption of and interest on the bonded debt of the City heretofore or hereafter authorized in the manner provided by law;
- (b) The levy for local improvement district assessment guaranty fund as required by law;

(c) Such other levies as may have been heretofore or which may hereafter beis required by general law.

SECTION 4. SHARE

No special levies shall be made for other purposes than those above specified except those, which may be authorized at an election.

SECTION 5. SHARE

All City funds shall be administered by the City Council; and boards or committees selected by the City Council to assist in the management of any municipal activities, if any are selected, shall act in an advisory capacity only.

SECTION 6. SHARE

The City Council shall make no appropriation in aid of any corporation, person or society not expressly authorized by this charter or allowed by law.

ARTICLE XIII Amendments

SECTION 1. SHARE

This charter may be amended in the manner provided by the laws of the State of Washington. ~~Special elections for amending this charter~~Proposed charter amendments may be called by the City Council or shall be called upon petition of qualified voters of the City of a number not less than fifteen percent of the total number of votes cast at the last preceding general state election, and otherwise as set forth in State law. Proposed amendments shall be submitted to the voters at the next general municipal election in accordance with applicable state law.

ARTICLE XV Civil Service

SECTION 1. SHARE

The general purpose of this charter amendment is to establish for the City of Yakima a system of personnel administration based on merit principles and governing the appointment, promotion, transfer, layoff, removal, discipline and welfare of its employees, and other incidents of city employment.

SECTION 2. SHARE

The following terms, whenever used in this Article, shall be construed as follows:

- (a) "Commission" means the civil service commission herein created, and "Commissioner" means any one of the three members of any such commission.
- (b) "Appointing power" -- Appointing power means the officer or person, board or committee who is empowered to make appointments for employment in the city civil service.
- (c) "Appointment" includes all means of selecting, appointing, or employing any person to any office, place, position, or employment in civil service.
- (d) "City" means the City of Yakima, Washington.
- (e) "Employees" mean all persons regularly employed by the City of Yakima, Washington, either on a part-time or full-time basis with the exception of those persons listed in SECTION 6.

SECTION 3. SHARE

There is created a city civil service commission, which shall be composed of three persons. The commission members shall be appointed by the City Council in the following manner:

- (a) One member shall be appointed by the City Council.
- (b) The second member shall be appointed by the City Council from a list of three names submitted to the Council chosen by a referendum of city employees, excluding police and firemen. The City Clerk shall conduct the referendum and shall formulate proper rules and regulations for said referendum.
- (c) The third shall be appointed by the City Council from a list of three names submitted to the council by the other two civil service commissioners.
- (d) The term of office of the commissioners shall be for six years or until a successor is selected and qualified, except that the first three members of the commission shall be appointed for different times, as follows: The appointee from the employee referendum list shall serve for a period of six years, the appointee at large as designated in subsection (a) above to serve for a period of four years, and the third appointee to serve for two years. All commissioners must be registered voters of Yakima County. Any member of the commission may be removed from office for incompetence, incompatibility, or dereliction of duty, or malfeasance of office, or other good cause; provided, that no member of the commission shall be removed until charges have been preferred, in writing, due notice, and a full hearing held before the City Council. Any vacancy in the commission shall be filled in the same manner as provided for selecting the commissioner previously filling the vacancy. Two members of the commission shall constitute a quorum and the votes of any two members concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided by the commission. No member of the civil service commission shall engage in active partisan or non-partisan politics and hold any salaried public office or engage in city employment, other than his commission duties. The members of the commission shall serve without compensation.

SECTION 4. SHARE

Immediately after appointment the commission shall organize by electing one of its members chairman and shall hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of its duties. All meetings of the commission shall be open

to the public. It shall appoint a chief examiner who shall also serve as secretary of the commission and such assistants as may be necessary. The chief examiner shall keep the records for the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction and perform such other duties as the commission may prescribe. The chief examiner shall be appointed as a result of competitive examination, which examination may be either original and open to all properly qualified persons, or promotional and limited to persons already in the service of the City of Yakima, Washington. The chief examiner shall be subject to suspension, reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of members of the classified service. A pay and classification plan with job descriptions providing equal pay for equal work shall be devised by the chief examiner with the cooperation and approval of the civil service commission which shall be submitted in ordinance form to the City Council for passage.

SECTION 5. SHARE

It shall be the duty of the civil service commission:

- (a) To make suitable rules and regulations not inconsistent with the provisions hereof. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions, and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this Article, or which may be found to be in the interest of good personnel administration. The rules and regulations and any amendments thereof shall be printed, mimeographed, or multigraphed for free public distribution. Such rules and regulations may be changed from time to time. Prior to adoption of new rules or changes in existing rules all interested parties shall be given an opportunity to express opinions concerning the proposed rules at the regular public meetings of the commission.
- (b) To give practical tests which shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made. Such tests may include tests of physical fitness or manual skill or both.
- (c) To make investigations and report upon all matters concerning the enforcement and effect of the provisions of this Article, and the rules and regulations prescribed hereunder; to inspect all departments, offices, places, positions, and employment affected by this Article, and ascertain whether this Article and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of any citizen, duly verified, stating that irregularities or abuses exist, and setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission, or the chairman or chief examiner when authorized by a majority vote of the commission, may issue subpoenas to compel the attendance at such place as may be designated in this City of witnesses and the production of books and papers pertinent to any inquiry or investigation authorized by this Article; or may take depositions of witnesses. Subpoenas shall also be used at the request of the parties to the proceedings other than the commission and the chairman. The commission or any member thereof, or the chief examiner, when authorized by the commission, may administer oaths and take testimony. The commission or the chief examiner may examine such public records, as they require in relation to any matter, which they have authority to investigate.

(d) To conduct hearings and investigations in accordance with this Article and by the rules of practice and procedure adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule, or regulation made, or confirmed by the commission; provided, that no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be any force or effect whatsoever unless and until concurred in by at least one of the other two members.

(e) To hear and determine appeals or complaints respecting the allocation of positions, the rejection of an examinee, and such other matters as may be referred to the commission.

(f) To provide for, formulate, and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position, and as a result thereof establish eligible lists for the various classes of positions, and provide that persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed.

(g) It shall be the duty of the Civil Service Commission to certify to the appointing authority, when a vacant position is to be filled, on written request, the names of the three persons highest on the eligible list for the class. Any one of the three persons so certified may be appointed. If there is no such list, to authorize a provisional or temporary appointment list for such class. Such temporary provisional appointment(s) shall not continue for longer than five months in any one fiscal year.

(h) To keep such records as may be necessary for the proper administration of this Article.

As amended by vote of the people November 8, 1983.

SECTION 6. SHARE

The classified civil service and provisions of this Article shall be applicable to and shall include all employees of the city except the following:

(a) Officers elected by the people and persons appointed to fill vacancies in elective offices.

(b) Members of boards and commissions and the City Manager;

(c) Employees under civil service coverage within the police and fire departments;

(d) All department heads; one confidential secretary and one administrative assistant for the City Manager;

(e) Judges, City Attorney and all assistant city attorneys;

(f) Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the City Council or a committee thereof, or by authority of the City Manager.

SECTION 7. SHARE

All appointments to and promotions to positions in the classified civil service of the City of Yakima shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person in the classified civil service shall be reinstated in or transferred, suspended, or discharged from any such place, position, or employment, contrary to the provisions of this Article.

SECTION 8. SHARE

For the benefit of the public service and to prevent delay, injury, or interruption therein by reason of the enactment hereof, all persons holding a position which is deemed classified under SECTION 6 for a continuous period of six months prior to the effective dates of this Article, and still currently employed, are eligible for permanent appointment under civil service to the offices, places, positions or employment which they then held without examination or other act on their part, and not on probation; and every such person is automatically adopted and inducted permanently into civil service, into the office, place, position or employment which he then held as completely and effectual to all intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation.

SECTION 9. SHARE

The tenure of every person holding an office, place, position or employment under the provisions of this Article shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted or reduced in rank, for any of the following reasons:

- (a) Incompetency, inefficiency, or inattention to, or dereliction of duty;
- (b) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself; or any willful violation of the provisions of this Article or of the rules and regulations to be adopted hereunder;
- (c) Mental or physical unfitness for the position which the employee holds;
- (d) Dishonest, disgraceful, or prejudicial conduct;
- (e) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid, or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee or which precludes the employee from properly performing the function and duties of any position under civil service;
- (f) Conviction of a felony, or a misdemeanor involving moral turpitude;
- (g) Any other act or failure to act which in the judgment of the civil service commission is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

SECTION 10. SHARE

No person in the classified civil service who has been permanently appointed or inducted into civil service under provisions of this Article, shall be removed, suspended, or demoted except for cause, and only upon written accusation of the appointing power 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, or demoted may within ten days from the time of his removal, suspension, or demotion, 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 the removal, suspension, or demotion was made in good faith for cause. After such investigation the commission may affirm the removal, or if it finds that removal, suspension or demotion was not made in good faith or cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position, or employment from which he was removed, suspended, or demoted, which reinstatement shall, if the commission so provides be retroactive, and entitle such person to pay or compensation from the time of the removal, suspension, or demotion. The commission upon such investigation in lieu of affirming a removal, may modify the order by directing a suspension without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay. The findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer. All investigations made by the commission pursuant to this SECTION shall be by public hearing, after reasonable notice to the accused of the time and place thereof, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. The subpoena provisions of SECTION 5 of this Article shall apply to all such hearings. If the order of removal, suspension, or demotion is concurred in by the commission or a majority thereof, the accused may appeal therefrom to the superior court of the county wherein he resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of its order, a written notice appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to its order, be filed by the commission with the court. The commission shall, within ten days after the filing of the notice, make, certify, and file such transcript with the court. The court shall thereupon proceed to hear and determine the appeal in a summary manner. Such hearing shall be confined to the determination of whether the order of removal, suspension, or demotion made by the commission, was or was not made in good faith for cause, and no appeal shall be taken except upon such ground or grounds. The decision of the superior court may be appealed to the Supreme Court.

SECTION 11. SHARE

Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall requisition the commission for the names and addresses of persons eligible for appointment thereto. The commission shall certify the names of three persons highest on the eligible list for the class to which the vacant position has been allocated, who are willing to accept employment. In case of more than one vacancy in a particular class one additional name shall be certified for each additional vacancy. If there is no appropriate eligible list for the class, the commission shall certify the name of three persons standing highest on the list held appropriate for such class. The appointing power shall forthwith make is appointment to the vacant position from the list of person so certified. To enable the appointing power to exercise a choice in the filling of positions, no appointment, employment, or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of six months' probationary service, as may be provided in the rules of the civil service commission, during which the appointing power may terminate the employment of the person certified to him, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems him unfit or unsatisfactory for employment by the City of Yakima. Thereupon the appointing power shall select from the three persons certified as standing next highest on any such list and such person shall likewise enter upon said duties for the probationary period, until some person is found who is

deemed fit for appointment, employment, or promotion whereupon the appointment, employment, or promotion shall be deemed complete.

SECTION 12. SHARE

All offices, places, positions, and employment coming within the purview of this Article shall be filled by the appointing power; nothing herein contained shall infringe upon the authority that the City Council may have to fix the salaries and compensation of all employees employed hereunder.

SECTION 13. SHARE

No treasurer, clerk or other officer, or employee of the City subject to this Article shall approve the payment of or be in any manner concerned in paying, auditing, or approving any salary, wage, or other compensation for services, to any person subject to the jurisdiction and scope of this Article, unless a payroll, estimate, or account for such salary, wage, or other compensation, containing the names of the persons to be paid, the amount to be paid, and any other information which, in the judgment of the civil service commission, should be furnished on such payroll, bears the certificate of the civil service commission, or of its chief examiner or other duly authorized agent, that the persons named therein have been appointed or employed in compliance with the terms of this Article and the rules of the commission, and that the payroll, estimate, or account is, insofar as known to the commission, a true and accurate statement. The commission shall refuse to certify the pay of any public officer or employee whom it finds to be illegally or improperly appointed, and may further refuse to certify the pay of any public officer or employee who willfully or through culpable negligence, violates or fails to comply with this Article or with the rules of the commission.

SECTION 14. SHARE

The commission shall begin and conduct all civil suits, which may be necessary for the proper enforcement of this Article and rules of the commission. The commission shall be represented in such suits by the city attorney.

SECTION 15. SHARE

The right of any person to an appointment or promotion or to any position in classified service of the City shall not be withheld from a qualified candidate because of his-their race, color, sex, age, sexual orientation, gender identify or expression, mental or physical disability, religion, national origin, political affiliation or belief, or military status, nor shall any person be dismissed, demoted, transferred or reduced in grade for such reason.

SECTION 16. SHARE

No public officer, whether elected or appointed, shall discharge, promote, demote, or in any manner change the official rank, employment, or compensation of any person under civil service or promise or threaten so to do for giving or withholding, or neglecting to make any contribution of money, or services, or any other valuable thing, for any political purpose.

SECTION 17. SHARE

All officers and employees of the City shall aid in all proper ways in carrying out the provisions of this Article, and such rules and regulations as may, from time to time, be prescribed by the commission and afford the commission, its members, and employees, all reasonable facilities and assistance in the inspection of books, papers, documents, and accounts applying or in any way appertaining to any and all offices, places, positions, and employment, subject to civil service, and also shall produce such books, papers, documents, and accounts, and attend and testify, whenever required so to do by the commission or any commissioner.

SECTION 18. SHARE

The City Council shall provide in the city budget for each fiscal year a sum equal to one half of one per cent of the preceding year's total payroll of those included under the scope of this Article. The funds so provided shall be used for the support of the commission. The City Council may provide additional funds for such purpose; any part of the funds so provided and not expended shall be placed in the current expense fund on the first day of January following the close of such fiscal year.

SECTION 19. SHARE

This Article shall be full force and effect on and after the first Monday in June, 1959.

SECTION 20. SHARE

If any SECTION, sentence, clause, or phrase of this Article should be held to be invalid or unconstitutional, the validity or constitutionality thereof shall not affect the validity or constitutionality of any other SECTION, sentence, clause, or phrase of this Article.