

**TITLE 2**  
**ADMINISTRATION AND**  
**PERSONNEL**

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- 2.95 Code of Ethics for Employees and Appointed Officials
- 2.97 Code of Ethics for Elected Officials
- 2.98 Compliance with Federal Immigration Laws
- 2.105 Indemnification of City Employees, Officials, and Volunteers

**Chapters:**

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- 2.05 Council Compensation
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- 2.12 Director of Public Works
- 2.16 City Attorney
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**CHAPTER 2.04  
CITY COUNCIL**

**Sections:**

- 2.04.010 Composition, Duties
- 2.04.020 Meetings Declared Open and Public
- 2.04.030 Rules of Procedure of the City Council

**2.04.010 Composition, Duties**

A. The City of Tukwila is a non-charter code city under the laws and statutes of the State of Washington, and its City Council shall consist of seven members who shall be elected at large and serve for four-year terms.

B. The duties of Councilmembers shall be those prescribed in RCW 35A.11.020 and as otherwise provided by law.

*(Ord. 2653 §3, 2021)*

**2.04.020 Meetings Declared Open and Public**

A. All meetings of the Tukwila City Council and its committees shall be open and public, and all persons shall be permitted to attend any meeting of these bodies except as otherwise provided in the Washington State Open Public Meetings Act.

B. Notice of meetings shall be provided in accordance with the requirements of Chapter 42.30 RCW, the Washington State Open Public Meetings Act. The City Clerk or designee shall prepare meeting minutes containing an account of all official actions of the City Council.

C. Emergency meetings may be called by the Mayor or Council President when by reason of fire, flood, earthquake, or other emergency there is a need for expedited action by the City Council to meet the emergency, in which case, the meeting site notice requirements otherwise applicable shall not apply.

D. The City Council may hold an Executive Session during a Regular Meeting, Special Meeting or Committee of the Whole meeting to consider certain matters as set forth in RCW 42.30.110.

*(Ord. 2653 §4, 2021)*

**2.04.030 Rules of Procedure of the City Council**

The Rules of Procedure of the City Council of the City of Tukwila, Washington, shall be adopted by resolution as approved by a majority vote of the City Council and periodically reviewed for consistency with applicable statutes and best governmental practices.

*(Ord. 2653 §5, 2021)*

**CHAPTER 2.05  
COUNCIL COMPENSATION**

**Sections:**

- 2.05.010 Council Compensation

**2.05.010 Council Compensation**

A. **Monthly compensation levels.** Pursuant to the provisions of RCW 35A.12.070, members of the Tukwila City Council shall receive the following monthly compensation during the years listed here according to their position and the date their term of office commences:

	<b>POSITIONS 1, 3, 5, 7</b>	<b>POSITIONS 2, 4, 6</b>
<b>YEAR</b>	<b>Term of Office: 1/1/22 – 12/31/25</b>	<b>Term of Office: 1/1/20 – 12/31/23</b>
2023	\$1,250/month	\$1,250/month
2024	\$1,250/month	\$1,450/month
2025	\$1,250/month	\$1,450/month
2026	\$1,450/month	\$1,450/month

B. **Compensation review.** At any time the Tukwila City Council compensation rate of increase falls significantly below the cost of living increase as measured by the Seattle-Tacoma-Bellevue Consumer Price Index (CPI-U), the City Council will review and may increase the compensation accordingly.

*(Ord. 2687 §1, 2022)*

**CHAPTER 2.08**

**MAYOR**

**Sections:**

2.08.010 Compensation  
2.08.020 Salary  
2.08.030 Benefits

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**2.08.010 Compensation**

Pursuant to the provisions of RCW 35A.12.070, the person holding the position of Mayor shall be compensated at a yearly rate set forth by ordinance, payable in equal monthly installments.

*(Ord. 2016 §1, 2003)*

**2.08.020 Salary**

Beginning January 1, 2003, the salary for the Tukwila Mayor shall be set at \$78,000 per year. Beginning January 1, 2004, that salary will be increased to \$80,000 per year. Beginning January 1, 2005, the salary will be adjusted annually at the same rate of inflation as determined by the current method prescribed for the non-represented employees.

*(Ord. 2016 §2, 2003)*

**2.08.030 Benefits**

Subject to any applicable restrictions, the Mayor shall be eligible to receive the same or an equivalent benefit package as is given to department heads in the City of Tukwila and established from time to time by resolution.

*(Ord. 2016 §3, 2003)*

**CHAPTER 2.12**

**DIRECTOR OF PUBLIC WORKS**

**Sections:**

2.12.010 Office Created  
2.12.020 Duties  
2.12.030 Compensation

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**2.12.010 Office Created**

There is created the office of Director of Public Works in and for the City, which office shall be filled by appointment of the Mayor subject to confirmation of the Council.

*(Ord. 707 (part), 1972; Ord. 562 §1, 1969)*

**2.12.020 Duties**

Subject to the direction of the Mayor, the Director of Public Works shall perform the following duties:

1. He shall have charge of construction, maintenance, repair and cleaning of the streets, sidewalks, gutters, sewers and drains, and such other related activities.
2. He shall exercise general supervision over the municipal water and sewer systems.

*(Ord. 1494 §1, 1988; Ord. 707 (part), 1972;*

*Ord. 562 §3, 1969)*

**2.12.030 Compensation**

The Director of Public Works shall receive such salary and in such amounts as the Council may, from time to time, establish by ordinance and as fixed by the City's annual budget.

*(Ord. 707(part), 1972; Ord. 562 §3, 1969)*

**CHAPTER 2.16  
CITY ATTORNEY**

**Sections:**

- 2.16.010 Office Created
- 2.16.020 Duties
- 2.16.030 Compensation

**2.16.010 Office Created**

There is created the office of City Attorney in and for the City, pursuant to the laws of the State of Washington, which office shall be filled by appointment of the Mayor subject to confirmation by a majority vote of the entire City Council.

*(Ord. 1320 §1, 1984)*

**2.16.020 Duties**

The City Attorney, or a designated representative, shall advise the City authorities and officers in all legal matters pertaining to the business of the City, in all actions brought by or against the City or against City officials in their official capacity. He or she shall perform such other duties as the City Council by ordinance may direct. In addition to the duties prescribed by the laws of the State as hereinabove set forth, the City Attorney shall:

1. Attend all regular and special meetings of the Council, Committee of the Whole meetings, or be represented by an attorney of his or her designation, unless otherwise excused by the Council;
2. Prepare, draft or supervise the preparation of all ordinances, resolutions, leases, instruments or conveyances, contracts and agreements, and such other and similar instruments as may be required by the business of the City;
3. Advise the Council and its committees, boards, commissions, department heads and other City officials and officers, including the rendering of formal opinions when so requested, or when it appears to the Attorney advisable to do so;
4. Represent the City in traffic court actions and prosecute all violations of City ordinances;
5. Consult with and participate with other City officials or representatives of the City concerning settlement of claims against the City or its officials, officers and employees while acting in their official governmental capacities;
6. Attend official meetings of any board or commission in connection with the proposed drafting of any ordinances, resolutions or contracts.

*(Ord. 1320 §2, 1984)*

**2.16.030 Compensation**

The compensation of the City Attorney shall be governed by contractual agreement as entered into by the City and the City Attorney, and made with the consent of the majority of the City Council.

*(Ord. 1320 §3, 1984)*

**CHAPTER 2.20  
CITY CLERK**

**Sections:**

- 2.20.010 Office created
- 2.20.020 Duties
- 2.20.025 Agent appointed—Claims for Damages
- 2.20.030 Compensation

**2.20.010 Office Created**

There is created the office of City Clerk in and for the City, pursuant to the laws of the State. This office shall be filled by appointment by the Mayor subject to confirmation by the Council as provided in RCW 35.24.020 and RCW 35.24.050. The Deputy City Clerk, if any, shall be appointed by the Clerk subject to the approval of the Mayor.

*(Ord. 558 §1, 1969)*

**2.20.020 Duties**

A. The City Clerk shall keep a full and true record of every proceeding of the City Council and keep such books, accounts and make such reports as may be required by the Division of Municipal Corporations in the office of the State Auditor. The City Clerk shall record all ordinances, annexing thereto his certificate, giving the number and title of the ordinance, stating that the ordinance was published and posted according to law and that the record is a true and correct copy thereof. The record copy with the Clerk's certificate shall be prima facie evidence of the contents of the ordinance and of its passage and publication, and shall be admissible as such evidence in any court or proceeding.

B. The City Clerk shall be custodian of the seal of the City, and have authority to acknowledge the execution of all instruments by the City which require acknowledgment.

C. The City Clerk may appoint a Deputy for whose acts he and his bondsmen shall be responsible, and he and his Deputy shall have authority to take all necessary affidavits to claims against the City and certify them without charge.

D. The City Clerk shall perform such other duties as may be now or hereinafter required by statute or ordinance.

*(Ord. 558 §2, 1969)*

**2.20.025 Agent Appointed — Claims for Damages**

The City Clerk, and in the absence of the City Clerk the Deputy City Clerk, is hereby appointed to be the City agent responsible to receive claims for damages made under RCW Chapter 4.96. The City Clerk (or Deputy City Clerk) shall be available to receive claims for damages during normal City Hall business hours at Tukwila City Hall, 6200 Southcenter Blvd., Tukwila, Washington 98188.

*(Ord. 1972 §1, 2001)*

**2.20.030 Compensation**

The City Clerk and the Deputy clerk, if any, shall receive such salary and in such amounts as the Council may, from time to time, establish by ordinance and as fixed by the City's annual budget.

*(Ord. 558 §3, 1969)*

**CHAPTER 2.21****PUBLIC RECORDS INDEXES  
AND RECORDS REQUESTS UNDER  
THE PUBLIC DISCLOSURE ACT****Sections:**

- 2.21.010 Findings  
2.21.020 Order Regarding Public Records Index

**2.21.010 Findings**

A. The Revised Code of Washington (RCW) requires all cities and public agencies to maintain and make available a current index of all public records.

B. The RCW also states that if maintaining such an index would be unduly burdensome, or interfere with agency operation, a city must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome.

C. When such an order is made, all indexes maintained by that city must be made available to provide identifying information on those records which are available for inspection and/or copying.

D. The City of Tukwila is comprised of eight departments, their divisions and subdivisions, which maintain separate databases and/or record-keeping systems for the indexing of records and information.

E. Because the City has records which are diverse, complex and stored in multiple locations and in multiple computer systems and databases, it is unduly burdensome, if not physically impossible, to maintain a central index of records.

F. The City will fully comply with the provisions of the RCW as they relate to the Public Disclosure Act, under RCW Chapter 42.17.

*(Ord. 1923 §1 (part), 2000)*

**2.21.020 Order Regarding Public Records Index**

Based upon the findings set forth in TMC 2.21.010, and pursuant to RCW 42.17.260(4)(a), the City Council orders the following:

1. The City of Tukwila is not required to maintain an all-inclusive index of public records, due to findings of the City Council that the requirement is unduly burdensome and such a list is nearly impossible to create and/or maintain.

2. The City of Tukwila shall make available all public records and any indexes created for internal use upon request by any citizen. Said indexes shall be maintained and released in order to obtain those records which are public and not protected by the exemption portion of the statute, namely RCW 42.17.310.

*(Ord. 1923 §1 (part), 2000)*

**CHAPTER 2.22  
ACCOUNT CLERK****Sections:**

- 2.22.010 Position created  
2.22.020 Effective date of position

**2.22.010 Position Created**

There is created the position of Account Clerk within the office of the City Treasurer, the duties of which position shall include the preparation and maintenance of accounting records as more specifically detailed in the job description on file with the City Clerk.

*(Ord. 877 §1, 1974)*

**2.22.020 Effective Date Of Position**

The position of Account Clerk shall be effective as of August 1, 1974.

*(Ord. 877 §2, 1974)*

**CHAPTER 2.24**  
**FIRE PERSONNEL**

**Sections:**

- 2.24.010 Offices Created
- 2.24.020 Puget Sound Regional Fire Authority Designated as Agency

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**2.24.010 Offices Created**

There is created in the City the offices of Fire Chief and Fire Marshal.

*(Ord. 2719 §2, 2023)*

**2.24.020 Puget Sound Regional Fire Authority Designated as Agency**

A. Effective retroactively to January 1, 2023, City fire and emergency medical services shall be provided by the Puget Sound Regional Fire Authority (“PSRFA”) pursuant to terms of an interlocal agreement. Any references in the Tukwila Municipal Code to the Tukwila Fire Department, Fire Chief, or Fire Marshal, shall be interpreted to refer to the PSRFA.

B. The Fire Chief and Fire Marshal for the PSRFA shall serve as the Fire Chief and Fire Marshal for the City of Tukwila.

C. All PSRFA fire personnel serve the City of Tukwila pursuant to the terms of an interlocal agreement that shall remain in effect until the effective date of the annexation as approved by Tukwila voters and certified by King County Elections on August 15, 2023.

*(Ord. 2719 §3, 2023)*

**CHAPTER 2.26**  
**CITY ADMINISTRATOR**

**Sections:**

- 2.26.010 Position Created
- 2.26.020 Appointment - Removal
- 2.26.030 Prerequisites to Employment
- 2.26.040 Budget

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**2.26.010 Position Created**

There is created the position of City Administrator. The City Administrator’s duties shall include assisting the Mayor in all administrative affairs, including the supervision of department heads.

*(Ord. 1295 §1, 1983)*

**2.26.020 Appointment - Removal**

The Mayor shall appoint, with confirmation of the City Council, and the Mayor shall remove the City Administrator.

*(Ord. 1295 §2, 1983)*

**2.26.030 Prerequisites to Employment**

The City Administrator shall be required to sign a contract with the City, which covers detailed terms of employment including, as a prerequisite to employment by the City, to agree to reside in the City during his/her term as City Administrator. This residency requirement may be waived with the recommendation of the Mayor and majority vote of the Council.

*(Ord. 2039 §1, 2004; Ord. 1295 §3, 1983)*

**2.26.040 Budget**

The City Administrator shall receive such salary and in such amount as the Council may, from time to time, establish by resolution and as fixed by the City's annual budget.

*(Ord. 2039 §2, 2004; Ord. 1295 §4, 1983)*

**CHAPTER 2.28**  
**OFFICIAL BONDS**

**Sections:**

2.28.010 Designated

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**2.28.010 Designated**

Pursuant to RCW 35A.12.080, the following City officials are required to be bonded in the amount stated:

Finance Director.....	\$25,000
City Clerk.....	10,000
Chief of Police.....	10,000
Administrative Court Clerk.....	10,000
Evidence Technician.....	10,000
City Attorney.....	5,000
Municipal Court Judge and pro tem judges.....	5,000
Accounting Clerk II (treasury function).....	10,000

*(Ord. 1187, 1980; Ord. 1179 §1, 1980)*

## CHAPTER 2.29

## EQUITY AND SOCIAL JUSTICE COMMISSION

## Sections:

2.29.010	Establishment of Commission – Purpose
2.29.020	Membership
2.29.030	Commission Organization
2.29.040	Meetings
2.29.050	Reporting Requirements and Biennial Review
2.29.060	Sister Cities Committee

**2.29.010 Establishment of Commission – Purpose**

The Equity and Social Justice Commission (“Commission”) is hereby established to serve in an advisory capacity to the Mayor and City Council for the City of Tukwila. The objectives of the Commission shall be:

1. To promote understanding that accepts, celebrates, and appreciates diversity within the community.
2. To serve as a resource for the community by providing information and educational forums that will facilitate a better understanding and awareness of social justice and human rights.
3. To provide recommendations to the Mayor and City Council regarding opportunities to increase equity and social justice awareness and promote social justice programs.

*(Ord. 2530 §4, 2017)*

**2.29.020 Membership**

A. **Qualifications.** Members must meet at least one of the following requirements:

1. Be a resident of the City of Tukwila;
2. Own or work at a business within the city limits of the City of Tukwila; or
3. Work in the education field in the City of Tukwila.

B. **Number of Members.** The Commission shall be comprised of nine members. To the extent possible, membership shall be representative of the diversity of the community and should include:

1. Two City employees and one Tukwila City Councilmember (Positions 1, 4 and 7). If the City is unable to fill one of its two positions, a community member may fill one City position.

2. Three community members that meet the resident or business criteria as stated in TMC Section 2.29.020.A (Positions 3, 6 and 9).

3. Three members representing the education field in Tukwila (Positions 2, 5 and 8). If needed, a community member may fill one education field position.

C. **Appointment Process.** Community members that meet the requirements stated in TMC Section 2.29.020.A shall submit a completed Boards and Commissions Application to the Mayor’s Office. The Mayor’s Office will forward the application to the Commission Staff Liaison for review. The Mayor recommends

appointments of applicants to the City Council and all appointments are confirmed by the City Council.

D. **Term of Appointment.** The term of appointment for the members of the Equity and Social Justice Commission shall be two years provided, however, that in order for the fewest terms to expire in any one year all current terms of existing appointed Commission members shall expire on March 31 of the year set forth below for each respective position number:

Term for Positions 1, 2, 3, 7 and 8 shall expire March 31, 2024  
Term for Positions 4, 5, 6 and 9 shall expire March 31, 2025

After the expiration of the current terms for the existing Commission positions listed above, each term thereafter shall be for a period of two years.

E. **Student Representation.** In addition to the appointed positions, the Commission shall seek to recruit one student representative to participate on the Commission. The student representative shall be a high school student who resides in the City of Tukwila. The term of this position will be a minimum of one year and may not exceed four years or when the student graduates from high school, whichever comes first.

F. **Resignations.** If a Commission member is unable to complete their term of service, a letter of resignation shall be sent to the Mayor indicating the effective date of the resignation.

G. **Vacancies.** Any appointment to a position vacated other than by the expiration of the term of the appointment shall be to fill only the unexpired portion of said term.

H. **Revocation of Appointment.** A Commission member may be removed from the position if absent without being excused for three consecutive meetings or six meetings in a calendar year.

*(Ord. 2711 §1, 2023; Ord. 2530 §5, 2017)*

**2.29.030 Commission Organization**

Members of the Commission shall meet and organize by electing from the members of the Commission a Chair and a Vice-Chair to serve for one year. The Vice-chair shall promote to the Chair the following year and a new Vice-Chair shall be elected by the members. It shall be the duty of the Chair to preside at all meetings. The Vice-chair shall perform this duty in the absence of the Chair. If neither the Chair nor the Vice-Chair is present, a member chosen by agreement of the attending members shall act as Chair.

*(Ord. 2530 §6, 2017)*

**2.29.040 Meetings**

A. **Conduct.** The Commission shall hold at least one regular meeting per quarter. Commission meetings shall be conducted in public session and noticed in accordance with the Open Public Meetings Act (OPMA).

B. **By-Laws.** The Commission shall adopt bylaws to provide guidelines for the conduct of business.

C. **Quorum.** A majority of the seated members shall constitute a quorum for the transaction of business.

D. **Staff Assistance.** The City shall provide assigned staff to support the Commission. The primary role of staff is to represent the City and facilitate communication between the

Commission, City Administration, the City Council and other City departments. Staff responsibilities include:

1. Ensuring that meeting notifications and recordkeeping are consistent with applicable state laws;
2. Ensuring compliance with applicable laws, such as the Open Public Meetings Act (OPMA) and Public Records Act (PRA);
3. Providing professional guidance, issue analysis and recommendations;
4. Assisting with research, report preparation and correspondence; and
5. Compiling agendas, maintaining minutes, forwarding recommendations and/or implementing actions.

*(Ord. 2530 §7, 2017)*

#### **2.29.050 Reporting Requirements and Biennial Review**

A. **Reporting Requirements.** The Commission shall keep the City of Tukwila apprised of its activities and recommendations by submitting an annual written report by January 31 each year summarizing the activities for the previous year.

B. **Biennial Review.** The City Council shall review the ongoing relevance of all Boards and Commissions in conjunction with review of requested funding allocations during the biennial budget process.

*(Ord. 2530 §8, 2017)*

#### **2.29.060 Sister Cities and Civic Awareness Committee**

A. **Establishment.** The Tukwila Sister Cities and Civic Awareness Committee is hereby established as a sub-committee of the Equity and Social Justice Commission. It shall be made up of members of the Equity and Social Justice Commission chosen by the Commission Chair and shall operate under the procedures set forth for the Equity and Social Justice Commission.

B. **Purpose.** The purpose of the Sister Cities and Civic Awareness Committee shall be to advise the Mayor and City Council on how to best promote understanding and goodwill between the Tukwila community and the peoples of other nations through collaboration, communication and programs, and by connecting youth and residents with civic organizations for education and awareness.

C. **Responsibilities.** The Committee shall be responsible for the planning, development and coordination of programs that enhance goodwill and understanding between the residents of the Tukwila community and peoples of other nations and promote civic awareness.

*(Ord. 2530 §9, 2017)*

**CHAPTER 2.30**  
**TUKWILA ARTS COMMISSION**

**Sections:**

- 2.30.010 Establishment of Commission - Purpose
- 2.30.020 Membership
- 2.30.030 Commission Organization
- 2.30.040 Meetings
- 2.30.050 Reporting Requirements and Biennial Review
- 2.30.060 Creation of Municipal Arts Fund for Capital Arts Projects

**2.30.010 Establishment of Commission - Purpose**

The Tukwila Arts Commission (the "Commission") is hereby established to serve in an advisory capacity to the Mayor, City Council or other commission or board of the City on matters including, but not limited to, those set forth hereinafter. The activities of the Commission shall include the following:

1. To represent the City's interest in art matters, to be a spokes-group for art matters in the City, and to keep the Mayor and City Council informed on all such related matters.
2. To be a central body to whom art organizations, artists and anyone interested in cultural advancement of the community may come for information or assistance.
3. To encourage and aid programs for cultural enrichment of Tukwila citizens.
4. To coordinate and strengthen existing organizations in the field of art, and to develop cooperation with schools and regional and national art organizations.
5. To explore ways and methods of obtaining private, local, State, and federal funds to promote art projects within the community.
6. To review and make recommendations on all works of art acquired by the City, inclusive of all art incorporated into capital improvement projects.
7. To render any other advice and assistance in the field of art, aesthetics and beautification as requested.
8. To render any other assistance to the City in any other artistic activities as may be referred to by the City.

*(Ord. 2527 §3, 2017)*

**2.30.020 Membership**

**A. Qualifications.** Members must be residents of the City of Tukwila or own/work at a business within the city limits of the City of Tukwila.

**B. Number of Members.** The Commission shall be comprised of not less than five and not more than seven members. At least three members of said Commission shall be involved in the instruction of or otherwise professionally engaged in the visual and/or performing arts whenever possible.

**C. Appointment Process.** Community members that meet the requirements stated in TMC Section 2.30.020.A shall submit a completed Boards and Commissions Application to the Mayor's Office. The Mayor's Office will forward the application to the Commission Staff Liaison for review. The Mayor recommends appointment of applicants to the City Council and all appointments are confirmed by the City Council.

**D. Term of Appointment.** The term of appointment for the members of the Tukwila Arts Commission shall be four years provided, however, that in order for the fewest terms to expire in any one year all current terms of existing appointed Commission members shall expire on -March 31 of the year set forth below for each respective position number:

- Term for Positions 1 and 2 shall expire March 31, 2027
- Term for Positions 3, 4 and 5 shall expire March 31, 2025
- Term for Positions 6 and 7 shall expire March 31, 2026

After the expiration of the current terms for the existing Commission members listed above, each term thereafter shall be for a period of four years.

**E. Student Representation.** In addition to the appointed positions, the Commission shall seek to recruit one student representative to participate on the Commission. The student representative shall be a high school student who resides in the City of Tukwila. The term of this position will be a minimum of one year and may not exceed four years or when the student graduates from high school, whichever comes first.

**F. Resignations.** If a Commission member is unable to complete their term of service, a letter of resignation shall be sent to the Mayor indicating the effective date of the resignation.

**G. Vacancies.** Any appointment to a position vacated other than by the expiration of the term of the appointment shall be to fill only the unexpired portion of said term.

**H. Revocation of Appointment.** A Commission member may be removed from the position if absent without being excused for three consecutive meetings or six regular meetings in a calendar year.

*(Ord. 2712 §2, 2023; Ord. 2527 §4, 2017)*

**2.30.030 Commission Organization**

Members of the Commission shall meet and organize by electing from the members of the Commission a Chair and a Vice-chair, and such other officers as may be determined by the Commission, to serve for one year. The Vice-chair shall promote to the Chair the following year and a new Vice-Chair shall be elected by the members. It shall be the duty of the Chair to preside at all meetings. The Vice-chair shall perform this duty in the absence of the Chair. If neither the Chair nor the Vice-Chair is present, a member chosen by agreement of the attending members shall act as chairperson.

*(Ord. 2527 §5, 2017)*

**2.30.040 Meetings**

A. **Conduct.** The Commission shall hold at least one regular meeting per quarter. Commission meetings shall be conducted in public session and noticed in accordance with the Open Public Meetings Act (OPMA).

B. **By-Laws.** The Commission shall adopt bylaws to provide guidelines for the conduct of business.

C. **Quorum.** A majority of the seated members shall constitute a quorum for the transaction of business.

D. **Staff Assistance.** The City shall provide assigned staff to support the Commission. The primary role of staff is to represent the City and facilitate communication between the Commission, City Administration, the City Council and other City departments. Staff responsibilities include:

1. Ensuring that meeting notifications and recordkeeping are consistent with applicable state laws;
2. Ensuring compliance with applicable laws, such as the Open Public Meetings Act (OPMA) and Public Records Act (PRA);
3. Providing professional guidance, issue analysis and recommendations;
4. Assisting with research, report preparation and correspondence; and
5. Compiling agendas, maintaining minutes and records, forwarding recommendations and/or implementing actions.

*(Ord. 2527 §6, 2017)*

**2.30.050 Reporting Requirements and Biennial Review**

A. **Reporting Requirements.** The Commission shall keep the City of Tukwila apprised of its activities and recommendations by submitting an annual written report by January 31 each year summarizing the activities for the previous year.

B. **Biennial Review.** The City Council shall review the ongoing relevance of all Boards and Commissions in conjunction with review of requested funding allocations during the biennial budget process.

*(Ord. 2527 §7, 2017)*

**2.30.060 Creation of Municipal Arts Fund for Capital Arts Projects**

A special fund entitled the Municipal Arts Fund has been established, into which 1% of all qualifying Capital Improvement Project funds, as calculated below, shall be transferred. These funds, together with such other funds that the City may from time to time transfer into said fund, shall be used to incorporate public art into qualifying Capital Improvement Projects, or for the purpose of acquisition of or otherwise providing for the advancement of public art within the City of Tukwila. Qualifying Capital Improvement Projects shall include Parks development projects and Public Works projects. 1% of qualifying Capital Improvement Projects shall be calculated based upon construction cost identified at the time the project is funded, and shall exclude any City funded amount for the acquisition of real property, demolition, or equipment. This shall be a fixed amount and shall not fluctuate with future project budget adjustments.

*(Ord. 2527 §8, 2017)*

**CHAPTER 2.31**  
**SISTER CITIES COMMITTEE**

**Sections:**

2.31.010 Created

**2.31.010 Created**

**This Chapter was repealed by Ordinance 2530, April 2017**

**CHAPTER 2.32**  
**PARK COMMISSION**

**Sections:**

2.32.010 Establishment of Commission – Purpose

2.32.020 Membership

2.32.030 Commission Organization

2.32.040 Meetings

2.32.050 Reporting Requirements and Biennial Review

**2.32.010 Establishment of Commission – Purpose**

The City of Tukwila Park Commission (the “Commission”) is hereby established to serve in an advisory capacity to the Mayor and City Council for the City of Tukwila. The objectives of the Commission shall be:

1. To submit recommendations to the City Council on the acquisition, development, expansion and operation of parks and recreation facilities and programs in the City.

2. To explore ways and methods of obtaining private, local, state and federal funds for special projects with the parks, trails and open space system.

3. To advocate for healthy and active lifestyles and promote the quality of life that is provided through the programs and actions of the City’s Parks and Recreation Department.

4. To recommend policy and standards for the construction, development, maintenance and operations of parks, playfields and recreation grounds belonging to or leased by the City. This includes community buildings as designated by the Tukwila City Council and improvements of such buildings.

5. To make recommendations on ornamentation of all parks and designated community buildings, and to control seasonal and other temporary decoration or ornamentation of street lights and standards.

6. To recommend to the City Council for adoption by ordinance rules and regulations for the use and management of any municipally-owned or controlled park or recreation facility. Publication of rules or changes in rules shall be in such manner as the City Council shall direct. Rules and regulations so adopted shall be enforced by the Police Department of the City.

7. To recommend names for parks in the City to the City Council for consideration, as per City of Tukwila resolution.

*(Ord. 2533 §3, 2017)*

**2.32.020 Membership**

A. **Qualifications.** Members must be residents of the City of Tukwila or own/work at a business within the city limits of the City of Tukwila.

B. **Number of Members.** The Commission shall be comprised of not less than five and not more than seven members. At least one of the commissioners shall be a senior citizen.

C. **Appointment Process.** Community members that meet the requirements stated in TMC Section 2.32.020.A shall submit a completed Boards and Commissions Application to the Mayor’s

Office. The Mayor's Office will forward the application to the Commission Staff Liaison to contact the applicant. The Mayor recommends appointment of applicants to the City Council and all appointments are confirmed by the City Council.

D. **Term of Appointment.** The term of appointment for the members of the Tukwila Park Commission shall be three years provided, however, that in order for the fewest terms to expire in any one year all current terms of existing appointed Commission members shall expire on March 31 of the year set forth below for each respective position number:

Term for Positions 1 and 6 shall expire March 31, 2026  
Term for Positions 2, 4 and 7 shall expire March 31, 2025  
Term for Positions 3 and 5 shall expire March 31, 2024

After the expiration of the current terms for the existing Commission members listed above, each term thereafter shall be for a period of three years.

E. **Student Representation.** In addition to the appointed positions, the Commission shall seek to recruit one student representative to participate on the Commission. The student representative shall be a high school student who resides in the City of Tukwila. The term of this position will be a minimum of one year and may not exceed four years or when the student graduates from high school, whichever comes first.

F. **Resignations.** If a Commission member is unable to complete their term of service, a letter of resignation shall be sent to the Mayor indicating the effective date of the resignation.

G. **Vacancies.** Any appointment to a position vacated other than by the expiration of the term of the appointment shall be to fill only the unexpired portion of said term.

H. **Revocation of Appointment.** A Commission member may be removed from the position if absent without being excused for three consecutive meetings or six regular meetings in a calendar year.

*(Ord. 2712 §3, 2023; Ord. 2533 §4, 2017)*

### **2.32.030 Commission Organization**

Members of the Commission shall meet and organize by electing from the members of the Commission a Chair and a Vice-chair, and such other officers as may be determined by the Commission, to serve for one year. It shall be the duty of the Chair to preside at all meetings. The Vice-chair shall perform this duty in the absence of the Chair. If neither the Chair nor the Vice-Chair is present, a member chosen by agreement of the attending members shall act as Chair.

*(Ord. 2533 §5, 2017)*

### **2.32.040 Meetings**

A. **Conduct.** The Commission shall hold at least one regular meeting per quarter. Commission meetings shall be conducted in public session and noticed in accordance with the Open Public Meetings Act (OPMA).

B. **By-Laws.** The Commission shall adopt bylaws to provide guidelines for the conduct of business.

C. **Quorum.** A majority of the seated members shall constitute a quorum for the transaction of business.

D. **Staff Assistance.** The City shall provide assigned staff to support the Commission. The primary role of staff is to represent the City and facilitate communication between the Commission, City Administration, the City Council and other City departments. Staff responsibilities include:

1. Ensuring that meeting notifications and recordkeeping are consistent with applicable state laws;

2. Ensuring compliance with applicable laws, such as the Open Public Meetings Act (OPMA) and Public Records Act (PRA);

3. Providing professional guidance, issue analysis and recommendations;

4. Assisting with research, report preparation and correspondence; and

5. Compiling agendas, maintaining minutes, forwarding recommendations and/or implementing actions.

*(Ord. 2533 §6, 2017)*

### **2.32.050 Reporting Requirements and Biennial Review**

A. **Reporting Requirements.** The Commission shall keep the City of Tukwila apprised of its activities and recommendations by submitting an annual written report by January 31 each year summarizing the activities for the previous year.

B. **Biennial Review.** The City Council shall review the ongoing relevance of all Boards and Commissions in conjunction with review of requested funding allocations during the biennial budget process.

*(Ord. 2533 §7, 2017)*

**CHAPTER 2.33**  
**LIBRARY ADVISORY BOARD**

**Sections:**

- 2.33.010 Establishment of Board – Purpose
- 2.33.020 Membership
- 2.33.030 Board Organization
- 2.33.040 Meetings
- 2.33.050 Reporting Requirements and Biennial Review

**2.33.010 Establishment of Board – Purpose**

The Library Advisory Board (“Board”) is hereby established to serve in an advisory capacity to the Mayor and the City Council and shall submit to the Mayor and City Council any recommendations regarding library services. The Board shall:

1. Conduct an annual review of the library agreement between the City and the King County Library System.
2. Recommend programs for library services to be incorporated into such agreement.
3. Develop recommended programs to promote library services for City citizens, and make the public aware of those facilities that are available for public use.
4. Assist in planning, scheduling and participating in special programs or projects, such as setting up displays, making posters, providing information to the media, etc.
5. Meet with a variety of public groups to promote library services for City citizens, including the King County Library System and library staff.
6. Promote gift giving/donations to the library, including setting standards for such gifts.
7. Render any other advice and assistance on library services.

*(Ord. 2532 §3, 2017)*

**2.33.020 Membership**

A. **Qualifications.** Members must be a resident of the City of Tukwila.

B. **Number of Members.** The Board shall be comprised of not less than five members and not more than seven members.

C. **Appointment Process.** Community members that meet the requirements stated in TMC Section 2.33.020.A shall submit a completed Boards and Commissions Application to the Mayor’s Office. The Mayor’s Office will forward the application to the Board Staff Liaison to contact the applicant. The Mayor recommends appointment of applicants to the City Council and all appointments are confirmed by the City Council.

D. **Term of Appointment.** The term of appointment for the members of the Library Advisory Board shall be two years provided, however, that in order for the fewest terms to expire in any one year all current terms of existing appointed Board members shall expire on March 31 of the year set forth below for each respective position number:

Term for Positions 1, 2, 4 and 6 shall expire March 31, 2025

Term for Positions 3, 5 and 7 shall expire March 31, 2024

After the expiration of the current terms for the existing Board members listed above, each term thereafter shall be for a period of two years.

E. **Student Representation.** In addition to the appointed positions, the Board shall seek to recruit one student representative to participate on the Board. The student representative shall be a high school student who resides in the City of Tukwila. The term of this position will be a minimum of one year and may not exceed four years or when the student graduates from high school, whichever comes first.

F. **Resignations.** If a Board member is unable to complete their term of service, a letter of resignation shall be sent to the Mayor indicating the effective date of the resignation.

G. **Vacancies.** Any appointment to a position vacated other than by the expiration of the term of the appointment shall be to fill only the unexpired portion of said term.

H. **Revocation of Appointment.** A Board member may be removed from the position if absent without being excused for three consecutive meetings or six regular meetings in a calendar year.

*(Ord. 2712 §4, 2023; Ord. 2532 §4, 2017)*

**2.33.030 Board Organization**

Members of the Board shall meet and organize by electing from the members of the Board a Chair and a Vice-chair, and such other officers as may be determined by the Board, to serve for one year. The Vice-chair shall promote to the Chair the following year and a new Vice-Chair shall be elected by the members. It shall be the duty of the Chair to preside at all meetings. The Vice-chair shall perform this duty in the absence of the Chair. If neither the Chair nor the Vice-Chair is present, a member chosen by agreement of the attending members shall act as Chair.

*(Ord. 2532 §5, 2017)*

**2.33.040 Meetings**

A. **Conduct.** The Board shall hold at least one regular meeting per quarter. Board meetings shall be conducted in public session and noticed in accordance with the Open Public Meetings Act (OPMA).

B. **By-Laws.** The Board shall adopt bylaws to provide guidelines for the conduct of business.

C. **Quorum.** A majority of the seated members of the Board shall constitute a quorum for the transaction of business.

D. **Staff Assistance.** The City shall provide assigned staff to support the Board. The primary role of staff is to represent the

City and facilitate communication between the Board, City Administration, the City Council and other City departments. Staff responsibilities include:

1. Ensuring that meeting notifications and recordkeeping are consistent with applicable state laws;
2. Ensuring compliance with applicable laws, such as the Open Public Meetings Act (OPMA) and Public Records Act (PRA);
3. Providing professional guidance, issue analysis and recommendations;
4. Assisting with research, report preparation and correspondence; and
5. Compiling agendas, maintaining minutes, forwarding recommendations and/or implementing actions.

*(Ord. 2532 §6, 2017)*

### **2.33.050 Reporting Requirements and Biennial Review**

A. **Reporting Requirements.** The Board shall keep the City of Tukwila apprised of its activities and recommendations by submitting an annual written report by January 31 each year summarizing the activities for the previous year.

B. **Biennial Review.** The City Council shall review the ongoing relevance of all Boards and Commissions in conjunction with review of requested funding allocations during the biennial budget process.

*(Ord. 2532 §7, 2017)*

**CHAPTER 2.34**

**HUMAN SERVICES ADVISORY BOARD**

**Sections:**

- 2.34.010 Establishment of Board – Purpose
- 2.34.020 Membership
- 2.34.030 Board Organization
- 2.34.040 Meetings
- 2.34.050 Reporting Requirements and Biennial Review

**2.34.010 Establishment of Board – Purpose**

The Tukwila Human Services Advisory Board (“Board”) is hereby established to serve in an advisory capacity to the Mayor and the City Council and shall submit to the Mayor and City Council any recommendations regarding human services needs and programs in the City. The Board shall:

1. Assist in monitoring and assessing the need for human services in Tukwila.
2. Provide recommendations for the prioritizing of human services needs within the City.
3. Recommend human services policies.
4. Recommend human services projects for City funding.
5. Receive and review proposals for human services programs.
6. Render other assistance or advice on the human services issue as needed.

*(Ord. 2531 §3, 2017)*

**2.34.020 Membership**

A. **Qualifications.** Members must meet at least one of the following requirements:

1. Be a resident of the City of Tukwila;
2. Own or work at a business within the City of Tukwila;
3. Be an employee or a board member of a faith-based or non-profit organization operating within the City;
4. Be an employee of one of the school districts operating within the City; or
5. Be an employee within the medical health community operating within the City.

B. **Number of Members.** The Board shall be comprised of seven members that meet the requirements of TMC Section 2.34.020.A and should include, to the extent possible:

1. One representative from Tukwila’s business community.
2. One representative from a Tukwila faith-based or non-profit organization.
3. Three community members.
4. One representative from the local school districts.
5. One representative from Tukwila’s medical health community.

C. **Appointment Process.** Community members that meet the requirements stated in TMC Section 2.34.020.A shall submit a completed Boards and Commissions Application to the Mayor’s Office. The Mayor’s Office will forward the application to the Board Staff Liaison to contact the applicant. The Mayor recommends appointment of applicants to the City Council and all appointments are confirmed by the City Council.

D. **Term of Appointment.** The term of appointment for the members of the Human Services Advisory Board shall be three years provided, however, that in order for the fewest terms to expire in any one year all current terms of existing appointed Board members shall expire on March 31 of the year set forth below for each respective position number:

- Term for Positions 5 and 6 shall expire March 31, 2024
- Term for Positions 3 and 7 shall expire March 31, 2025
- Term for Positions 1, 2 and 4 shall expire March 31, 2026

After the expiration of the current terms for the existing Board members listed above, each term thereafter shall be for a period of three years.

E. **Resignations.** If a Board member is unable to complete their term of service, a letter of resignation shall be sent to the Mayor indicating the effective date of the resignation.

F. **Vacancies.** Any appointment to a position vacated other than by the expiration of the term of the appointment shall be to fill only the unexpired portion of said term.

G. **Revocation of Appointment.** A Board member may be removed from the position if absent without being excused for three consecutive meetings or six regular meetings in a calendar year.

*(Ord. 2712 §5, 2023; Ord. 2531 §4, 2017)*

**2.34.030 Board Organization**

Members of the Board shall meet and organize by electing from the members of the Board a Chair and a Vice-chair, and such other officers as may be determined by the Board, to serve for one year. The Vice-chair shall promote to the Chair the following year and a new Vice-Chair shall be elected by the members. It shall be the duty of the Chair to preside at all meetings. The Vice-chair shall perform this duty in the absence of the Chair. If neither the Chair nor the Vice-Chair is present, a member chosen by agreement of the attending members shall act as Chair.

*(Ord. 2531 §5, 2017)*

**2.34.040 Meetings**

A. **Conduct.** The Board shall hold at least one regular meeting per quarter. Board meetings shall be conducted in public session and noticed in accordance with the Open Public Meetings Act (OPMA).

B. **By-Laws.** The Board shall adopt bylaws to provide guidelines for the conduct of business.

C. **Quorum.** A majority of the seated members of the Board shall constitute a quorum for the transaction of business.

D. **Staff Assistance.** The City shall provide assigned staff to support the Board. The primary role of staff is to represent the City and facilitate communication between the Board, City

Administration, the City Council and other City departments. Staff responsibilities include:

1. Ensuring that meeting notifications and recordkeeping are consistent with applicable state laws;
2. Ensuring compliance with applicable laws, such as the Open Public Meetings Act (OPMA) and Public Records Act (PRA);
3. Providing professional guidance, issue analysis and recommendations;
4. Assisting with research, report preparation and correspondence; and
5. Compiling agendas, maintaining minutes, forwarding recommendations and/or implementing actions.

*(Ord. 2531 §6, 2017)*

#### **2.34.050 Reporting Requirements and Biennial Review**

A. **Reporting Requirements.** The Board shall keep the City of Tukwila apprised of its activities and recommendations by submitting an annual written report by January 31 each year summarizing the activities for the previous year.

B. **Biennial Review.** The City Council shall review the ongoing relevance of all Boards and Commissions in conjunction with review of requested funding allocations during the biennial budget process.

*(Ord. 2531 §7, 2017)*

**CHAPTER 2.35**

**LODGING TAX ADVISORY COMMITTEE**

**Sections:**

- 2.35.010 Establishment of Committee – Purpose
- 2.35.020 Membership
- 2.35.030 Committee Organization
- 2.35.040 Meetings
- 2.35.050 Reporting Requirements and Annual Review

**2.35.010 Establishment of Committee – Purpose**

Pursuant to RCW 67.28, the Tukwila Lodging Tax Advisory Committee is established to serve in an advisory capacity to the Mayor and the City Council, and shall submit to the Mayor and City Council any recommendations regarding:

1. any change or increase to the lodging tax;
2. the repeal or exemption from the tax;
3. the use of the revenue received from that tax; or
4. any change in the use of revenue received from that tax.

*(Ord. 2537 §3, 2017)*

**2.35.020 Membership**

A. **Qualifications.** Members must have a connection to a business or activity in the City of Tukwila that either collects the lodging tax or is authorized to be funded by revenue received from the tax.

B. **Number of Members.** The Committee shall comprise seven members that meet the requirements of TMC Section 2.35.020.A, and shall include:

1. One elected official of the City who shall serve as the Committee Chair;
2. Three representatives of businesses required to collect the lodging tax pursuant to RCW 67.28; and
3. Three representatives involved in activities authorized to be funded by revenue received from the tax pursuant to chapter 67.28 RCW.

C. **Appointment Process.** Interested parties who meet the requirements stated in TMC Section 2.35.020, subparagraphs A and B, shall submit a completed Boards and Commissions Application to the Mayor's Office for processing by the City Council. The Mayor's Office will forward the application to the Committee's staff liaison. The Chair of the Lodging Tax Advisory Committee recommends appointments to the City Council and all appointments are confirmed by the City Council.

D. **Term of Appointment.** The City Council shall review and appoint members on an annual basis.

E. **Resignations.** If a Committee member is unable to complete their term of service, a letter of resignation shall be sent to the Chair of the Committee indicating the effective date of the resignation.

F. **Vacancies.** Any appointment to a position vacated other than by the expiration of the term of the appointment shall be to fill only the unexpired portion of said term.

G. **Revocation of Appointment.** A Committee member may be removed from the position if absent without being excused for three regular meetings in a calendar year or if they no longer meet the membership qualifications as stated in TMC Section 2.35.020, subparagraphs A and B.

*(Ord. 2725 §1, 2023; Ord. 2537 §4, 2017)*

**2.35.030 Committee Organization**

The City Council President or designated Councilmember shall serve as the elected official on the Lodging Tax Advisory Committee and shall be the Committee Chair. It shall be the duty of the Chair to preside at all meetings. In the event the Chair is unavailable, the City Council shall designate an elected official to serve as a Chair Pro Tem.

*(Ord. 2537 §5, 2017)*

**2.35.040 Meetings**

A. **Conduct.** The Committee shall hold at least one regular meeting per quarter. Committee meetings shall be conducted in public session and noticed in accordance with the Open Public Meetings Act (OPMA).

B. **By-Laws.** The Committee shall adopt bylaws to provide guidelines for the conduct of business.

C. **Quorum.** A majority of the seated members of the Committee shall constitute a quorum for the transaction of business.

D. **Staff Assistance.** The City shall provide assigned staff to support the Committee. The primary role of staff is to represent the City and facilitate communication between the Committee, City Administration, the City Council and other City departments. Staff responsibilities include:

1. Ensuring that meeting notifications and recordkeeping are consistent with applicable state laws;
2. Ensuring compliance with applicable laws, such as the Open Public Meetings Act (OPMA) and Public Records Act (PRA);
3. Providing professional guidance, issue analysis and recommendations;
4. Assisting with research, report preparation and correspondence; and
5. Compiling agendas, maintaining minutes, forwarding recommendations and/or implementing actions.

*(Ord. 2537 §6, 1994)*

**2.35.050 Reporting Requirements and Annual Review**

A. **Reporting Requirements.** The Committee shall keep the City of Tukwila apprised of its activities and recommendations by submitting an annual report by June 30 each year summarizing the activities for the prior year.

B. **Annual Review.** Pursuant to RCW 67.28 the City Council shall review the Lodging Tax Advisory Committee on an annual basis.

*(Ord. 2725 §2, 2023; Ord. 2537 §7, 2017)*

**CHAPTER 2.36**  
**PLANNING COMMISSION**

**Sections:**

- 2.36.010 Establishment of Commission – Purpose
- 2.36.020 Membership
- 2.36.030 Commission Organization
- 2.36.040 Meetings
- 2.36.050 Reporting Requirements and Biennial Review

**2.36.010 Establishment of Commission – Purpose**

Pursuant to the authority conferred by RCW 35A.63, the Tukwila Planning Commission (“Commission”) is hereby established to serve in an advisory capacity to the Mayor and City Council on matters relating to land use, comprehensive planning and zoning. They shall have such other powers and duties as enumerated by ordinance and codified in the Tukwila Municipal Code.

*(Ord. 2534 §3, 2017)*

**2.36.020 Membership**

**A. Qualifications.** Members must meet the following requirements:

1. Be a resident of the City of Tukwila; or be a business owner, operator or management level employee, or qualified representative of a business operating in the City;
2. Be of voting age; and
3. Has lived or worked (if a non-resident) in the City for at least one year.

**B. Number of Members.** The Commission shall be comprised of seven members and shall include:

1. Six community members representing a cross section of the community from different trades, occupations, activities and geographical areas.
2. One member representing a business operating in the City.

**C. Appointment Process.** Community members that meet the requirements stated in TMC Section 2.36.020.A shall submit a completed Boards and Commissions Application to the Mayor’s Office. The Mayor’s Office will forward the application to the Commission Staff Liaison for review. The Mayor recommends appointment of applicants to the City Council and all appointments are confirmed by the City Council.

**D. Term of Appointment.**

1. The term of appointment for the members of the Planning Commission shall be four years provided, however, that in order for the fewest terms to expire in any one year all current terms of existing appointed Commission members shall expire on March 31 of the year set forth below for each respective position number:

- Term for Positions 1, 2, and 5 shall expire March 31, 2027
- Term for Positions 3, 4, 6 and 7 shall expire March 31, 2024

2. After the expiration of the current terms for the existing Commission members listed above, each term thereafter shall be for a period of four years.

3. Members who become non-residents during their term of office shall remain on the Commission no more than 90 days unless granted a special project extension by the Mayor and City Council. If the member who represents the business community is no longer employed within the City, or his or her business relocates out of the City, that member shall remain on the Commission no more than 90 days unless granted a special project extension by the Mayor and City Council.

**E. Resignations.** If a Commission member is unable to complete their term of service, a letter of resignation shall be sent to the Mayor indicating the effective date of the resignation.

**F. Vacancies.** Any appointment to a position vacated other than by the expiration of the term of the appointment shall be to fill only the unexpired portion of said term.

**G. Revocation of Appointment.** A Commission member may be removed from the position if absent without being excused for three consecutive meetings or six regular meetings in a calendar year.

*(Ord. 2713 §1, 2023; Ord. 2534 §4, 2017)*

**2.36.030 Commission Organization**

Members of the Commission shall meet and organize by selecting from the members of the Commission a Chair and a Vice-chair to serve for one year as outlined in the bylaws. It shall be the duty of the Chair to preside at all meetings. The Vice-chair shall perform this duty in the absence of the Chair. If neither the Chair nor the Vice-Chair is present, a member chosen by agreement of the attending members shall act as Chair.

*(Ord. 2534 §5, 2017)*

### 2.36.040 Meetings

A. **Conduct.** The Commission shall hold at least one regular meeting in each month for not less than nine months in each year per RCW 35.63.040. Commission meetings shall be conducted in public session and noticed in accordance with the Open Public Meetings Act (OPMA).

B. **By-Laws.** The Commission shall adopt bylaws to provide guidelines for the conduct of business.

C. **Quorum.** A majority of the seated members shall constitute a quorum for the transaction of business.

D. **Staff Assistance.** The City shall provide assigned staff to support the Commission. The primary role of staff is to represent the City and facilitate communication between the Commission, City Administration, the City Council and other City departments. Staff responsibilities include:

1. Ensuring that meeting notifications and recordkeeping are consistent with applicable state laws;

2. Ensuring compliance with applicable laws, such as the Open Public Meetings Act (OPMA) and Public Records Act (PRA);

3. Providing professional guidance, issue analysis and recommendations;

4. Assisting with research, report preparation and correspondence; and

5. Compiling agendas and agenda packets, maintaining minutes, forwarding recommendations and/or implementing actions.

E. **Minutes.** Minutes of Planning Commission meetings shall be distributed to the City Council not more than ten days after formal approval of such minutes by the Commission. Further, when items are to be discussed by the Council and the Commission minutes are pertinent, those minutes should be supplied to the Council in time to be read before Council consideration.

*(Ord. 2713 §2, 2023; Ord. 2534 §6, 2017)*

### 2.36.050 Reporting Requirements and Biennial Review

A. **Reporting Requirements.** The Commission shall keep the City of Tukwila apprised of its activities and recommendations by submitting an annual written report by January 31 each year summarizing the activities for the previous year.

B. **Biennial Review.** The City Council shall review the Planning Commission and the requested funding allocations during the biennial budget process.

*(Ord. 2534 §7, 2017)*

**CHAPTER 2.37  
TRANSIT ADVISORY COMMISSION**

**Sections:**

- 2.37.010 Commission Established
- 2.37.020 Membership
- 2.37.030 Duration
- 2.37.040 Duties
- 2.37.050 Meetings

**2.37.010 Commission Established**

The Tukwila Transit Advisory Commission (herein "Commission") is hereby established.

*(Ord. 1797 §1, 1997)*

**2.37.020 Membership**

The Mayor shall appoint seven members to the commission, subject to confirmation by a majority of the Council. Commission members shall be representative of the residential and business composition of the City.

*(Ord. 1797 §2, 1997)*

**2.37.030 Duration**

The Commission shall function from date of appointment until December 31, 1999, or until completion of its designated responsibilities, whichever is first, whereupon it shall expire and the functions of the Commission shall cease.

*(Ord. 1797 §3, 1997)*

**2.37.040 Duties**

The Commission shall be tasked with the responsibility of providing review and recommendations to the Mayor and City Council regarding the development of a master transit service plan for the City of Tukwila. Areas of focus shall include: the alignment of rail services within the City; the type and placement of ancillary facilities such as park-and-ride lots and stations; the creation of transit hubs; and other associated activities and facilities related to the development and implementation of the RTA construction and service delivery plan.

*(Ord. 1797 §4, 1997)*

**2.37.050 Meetings**

The Commission shall meet at least monthly, at a time and place deemed to be convenient to a majority of the membership. To assist the Commission, appropriate staff support shall be made available for the conduct of research and analysis, preparation of reports, and coordination of meetings and agendas.

*(Ord. 1797 §5, 1997)*

**CHAPTER 2.38  
POLICE DEPARTMENT**

**Sections:**

- 2.38.010 Department Acknowledged and Ratified
- 2.38.020 Law Enforcement Officer and City Police Officer - Defined - Positions Created
- 2.38.030 Ordinance Copy Mailed to State Employees' Retirement System Director

**2.38.010 Department Acknowledged and Ratified**

The past, present and future existence of the City Police Department is acknowledged and ratified.

*(Ord. 639 §1, 1970)*

**2.38.020 Law Enforcement Officer and City Police Officer - Defined - Positions Created**

The terms "law enforcement officer" and "City police officer" shall cover all such regular, full-time personnel of the City Police Department who have been appointed to offices, positions or ranks of the City Police Department, which are herewith expressly created as follows: Chief of Police, Assistant Chief(s), Commander(s), Sergeant(s), Officers, and full or part-time, limited-commission Transport Services Officers.

*(Ord. 2325 §1, 2011)*

**2.38.030 Ordinance Copy Mailed to State Employees' Retirement System Director**

Upon the passage, approval and publication of Ordinance No. 639, the City Clerk shall cause a certified copy thereof to be mailed to the Director, State of Washington Public Employees' Retirement System, along with a correct list of the names of each City police officer filling one of the City law enforcement positions as created in TMC 2.38.020, to comply with the provisions of RCW 41.26.

*(Ord. 639 §3, 1970)*

**CHAPTER 2.39**

**COMMUNITY-ORIENTED POLICING CITIZENS ADVISORY BOARD (COPCAB)**

**Sections:**

- 2.39.010 Establishment of Board – Purpose
- 2.39.020 Membership
- 2.39.030 Board Organization
- 2.39.040 Meetings
- 2.39.050 Reporting Requirements and Biennial Review

**2.39.010 Establishment of Board – Purpose**

A. The City of Tukwila Community-Oriented Policing Citizens Advisory Board (COPCAB) is hereby established to serve in an advisory capacity to the Police Chief, the Mayor and the City Council.

B. The duties of the Board shall include, but not be limited to, advising and making recommendations on issues concerning public safety and police services within the City, such as:

1. To enhance police-community relations.
2. To review and provide a community perspective and recommendations concerning procedures, programs, and the effectiveness of the police service.
3. To promote public awareness of the City's police services and programs including, but not limited to, business and residential crime prevention programs, safety training, domestic violence intervention, and D.A.R.E.
4. To hold public meetings from time to time to solicit public input regarding police services and programs.
5. To serve as a liaison between the Police Department and the community.
6. To encourage individuals and community groups to assist the Police Department in the implementation of police programs and services.
7. To review and make recommendations concerning such other and further matters as may be referred to the Board from time to time by the Mayor, the City Council, or the Police Chief.

C. Notwithstanding the duties of the Board as described within TMC Section 2.39.010.A, the Board shall have no power or authority to investigate, review, or otherwise participate in matters involving specific police personnel or specific police-related incidents. The Board in no way shall receive or stand in review of complaints initiated against personnel of the Police Department, nor play any role in civil or criminal litigation.

*(Ord. 2529 §3, 2017)*

**2.39.020 Membership**

A. **Qualifications.** Members must meet at least one of the following requirements:

1. Be a resident of the City of Tukwila;
2. Own or work at a business within the city limits of the City of Tukwila;

3. Be an employee or a board member of a faith-based or non-profit organization operating within the City; or
4. Be an employee of one of the school districts operating within the City.

B. **Number of Members.** The Board shall be comprised of eight members who shall meet the following qualifications:

1. Not less than five of the members shall be City residents, representing residential property owners and renters;
2. At least two members shall be owners or managers of businesses located within the City; and
3. One member shall represent one of the school districts within the City.

C. **Appointment Process.** Community members that meet the requirements listed in TMC Section 2.39.020.A shall submit a completed Boards and Commissions Application to the Mayor's Office. The Mayor's Office will forward the application to the Board Staff Liaison to contact the applicant. The Mayor recommends appointment of applicants to the City Council and all appointments are confirmed by the City Council.

D. **Term of Appointment.** The term of appointment for the members of COPCAB shall be four years provided, however, that in order for the fewest terms to expire in any one year all current terms of existing appointed members shall expire on March 31 of the year set forth below for each respective position number:

- Term for Positions 1, 4 and 7 shall expire March 31, 2026
- Term for Positions 2, 5 and 8 shall expire March 31, 2027
- Term for Positions 3 and 6 shall expire March 31, 2024

After the expiration of the current terms for the existing Board members listed above, each term thereafter shall be for a period of four years.

E. **Student Representation.** In addition to the appointed positions, the Board shall seek to recruit one student representative to participate on the Board. The student representative shall be a high school student who resides in the City of Tukwila. The term of this position will be a minimum of one year and may not exceed four years or when the student graduates from high school, whichever comes first.

F. **Resignations.** If a Board member is unable to complete their term of service, a letter of resignation shall be sent to the Mayor indicating the effective date of the resignation.

G. **Vacancies.** Any appointment to a position vacated other than by the expiration of the term of the appointment shall be to fill only the unexpired portion of said term.

H. **Revocation of Appointment.** A Board member may be removed from the position if absent without being excused for three consecutive meetings or six regular meetings in a calendar year.

*(Ord. 2712 §6, 2023; Ord. 2529 §4, 2017)*

**2.39.030 Board Organization**

Members of the Board shall meet and organize by electing from the members of the Board a Chair and a Vice-chair, and such other officers as may be determined by the Board, to serve for one year. It shall be the duty of the Chair to preside at all meetings.

The Vice-chair shall perform this duty in the absence of the Chair. If neither the Chair nor the Vice-Chair is present, a member chosen by agreement of the attending members shall act as chairperson.

(Ord. 2529 §5, 2017)

### 2.39.040 Meetings

A. **Conduct.** The Board shall hold at least one regular meeting per quarter. Board meetings will be conducted in public session and noticed in accordance with the Open Public Meetings Act (OPMA).

B. **By-Laws.** The Board shall adopt bylaws to provide guidelines for the conduct of business.

C. **Quorum.** A majority of the seated members of the Board shall constitute a quorum for the transaction of business.

D. **Staff Assistance.** The City shall provide assigned staff to support the Board. The primary role of staff is to represent the City and facilitate communication between the Board, City Administration, the City Council and other City departments. Staff responsibilities include:

1. Ensuring that meeting notifications and recordkeeping are consistent with applicable state laws;
2. Ensuring compliance with applicable laws, such as the Open Public Meetings Act (OPMA) and Public Records Act (PRA);
3. Providing professional guidance, issue analysis and recommendations;
4. Assisting with research, report preparation and correspondence; and
5. Compiling agendas, maintaining minutes, forwarding recommendations and/or implementing actions.

(Ord. 2529 §6, 2017)

### 2.39.050 Reporting Requirements and Biennial Review

A. **Reporting Requirements.** The Board shall keep the City of Tukwila apprised of its activities and recommendations by submitting an annual written report by January 31 each year summarizing the activities for the previous year.

B. **Biennial Review.** The City Council shall review the ongoing relevance of all Boards and Commissions in conjunction with review of requested funding allocations during the biennial budget process.

(Ord. 2529 §7, 2017)

**CHAPTER 2.40**

**POLICE CHIEF**

**Sections:**

- 2.40.010 Office Created
  - 2.40.020 Duties
  - 2.40.030 Appointment - Removal
  - 2.40.040 Non Civil Service Position - Exception
  - 2.40.050 Salary
  - 2.40.060 Compliance with Applicable Laws
- 

**2.40.010 Office Created**

There is created in the City the office of Police Chief.  
*(Ord. 1318 §1, 1984)*

**2.40.020 Duties**

The duties of the office of Police Chief are as set forth in this chapter. The Police Chief, under the direction of the Mayor and/or City Administrator, is head of the municipal Police Department, and is responsible for planning, organizing and directing the Police Department. This includes the planning, coordinating and supervision of patrol, investigation, crime prevention, training and all other programs and services of the Department.  
*(Ord. 1318 §2, 1984)*

**2.40.030 Appointment - Removal**

The Police Chief shall be appointed by the Mayor, subject to confirmation by a majority vote of the City Council, and shall serve at the pleasure of the Mayor.  
*(Ord. 1318 §3, 1984)*

**2.40.040 Non Civil Service Position - Exception**

The person holding the position of Police Chief on the date of passage of Ordinance No. 1318 (4/16/84) shall continue to serve subject to, and with rights accorded by, the civil service ordinances of the City.  
*(Ord. 1318 §4, 1984)*

**2.40.050 Salary**

The salary for the position of Police Chief shall be set at the rate provided for in the annual budget adopted by the City Council.  
*(Ord. 1318 §5, 1984)*

**2.40.060 Compliance with Applicable Laws**

The Police Chief shall serve pursuant to the ordinances and regulations of the City and any applicable State and federal statutes.  
*(Ord. 1318 §6, 1984)*

**CHAPTER 2.42**  
**CIVIL SERVICE COMMISSION**

**Sections:**

2.42.010	Establishment of Commission – Purpose
2.42.020	Membership
2.42.030	Commission Organization – Duties
2.42.040	Meetings
2.42.050	Persons Included – Competitive Examination – Transfers, Discharges and Reinstatements
2.42.060	Qualifications of Applicants
2.42.070	Power to Create Offices, Make Appointments and Fix Salaries Not Infringed
2.42.080	Enforcement by Civil Action – Legal Counsel
2.42.090	Deceptive Practices, False Marks, Etc., Prohibited
2.42.100	Penalty – Jurisdiction
2.42.110	Applicability

**2.42.010 Establishment of Commission – Purpose**

Pursuant to the authority conferred by RCW 41.12.030, the City of Tukwila Civil Service Commission (“Commission”) is hereby established.

*(Ord. 2691 §3, 2022)*

**2.42.020 Membership**

A. **Qualifications.** Members must meet the following requirements:

1. Be a citizen of the United States;
2. Be a resident of the City of Tukwila for three years preceding the appointment; and
3. Be registered to vote in King County.

B. **Number of Members.** The Commission shall be comprised of three members that meet the requirements listed in TMC Section 2.42.020.A, “Qualifications.”

C. **Appointment Process.** Community members that meet the requirements listed in TMC Section 2.42.020.A shall submit a completed Boards and Commissions Application to the Mayor’s Office. The Mayor’s Office will forward the application to the Commission Staff Liaison to contact the applicant. The Mayor appoints applicants to the Civil Service Commission.

D. **Term of Appointment.** The term of appointment for the members of the Civil Service Commission shall be six years provided, however, that in order for the fewest terms to expire in any one year all current terms of existing appointed Commission members shall expire on March 31 of the year set forth below for each respective position number:

Term for Position 1 shall expire March 31, 2028

Term for Position 2 shall expire March 31, 2024

Term for Position 3 shall expire March 31, 2026

After the expiration of the current terms for the existing Commission members listed above, each term thereafter shall be for a period of six years.

E. **Compensation.** The members of the Commission shall serve without compensation.

F. **Resignations.** If a Commission member is unable to complete their term of service a letter of resignation should be sent to the Mayor indicating the effective date of the resignation.

G. **Vacancies.** Any appointment to a position vacated other than by the expiration of the term of the appointment shall be to fill only the unexpired portion of said term.

H. **Revocation of Appointment.** Any member of the Commission may be removed from office for incompetence, incompatibility or dereliction of duty, or malfeasance in office, or other good cause; provided, however, that no member of the Commission shall be removed until charges have been preferred, in writing, due notice and a full hearing held. [RCW 41.12.030]

*(Ord. 2712 §7, 2023; Ord. 2691 §4, 2022)*

**2.42.030 Commission Organization – Duties**

A. **Election of Chair and Vice Chair.** Members of the Commission shall meet and organize by electing from the members of the Commission a Chair and a Vice-chair to serve for one year. The Vice-chair shall promote to the Chair the following year and a new Vice-Chair shall be elected by the members. It shall be the duty of the Chair to preside at all meetings. The Vice-chair shall perform this duty in the absence of the Chair.

B. **Duties of the Commission.** The duties of the Civil Service Commission shall include:

1. To make suitable rules and regulations that shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made. The rules and regulations shall also provide for the classification of all positions within the Police Department according to the duties, responsibilities and qualifications of each and shall further provide the manner in which such classification shall be accomplished. The rules and regulations and any amendments thereof shall be available to the public.

2. All tests shall be practical and 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, and may include tests of physical fitness and/or manual skill.

3. The rules and regulations adopted by the Commission shall provide for a credit in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the Armed Forces of the United States, have served in and been honorably discharged from the Armed Forces of the United States, including the Army, Navy and Marine Corps and the American Red Cross, in compliance with RCW 41.04.010.

4. The Commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed.

5. 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 a citizen, duly verified stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation, the Commission or designated commissioner, or Chief Examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts pertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter and punishable as such.

6. All hearings and investigations before the Commission, or designated commissioner, or Chief Examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the Commission, and in the conduct thereof neither the Commission, nor designated commissioner, shall be bound by the 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, approved or confirmed by the Commission; provided, however, that no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

7. To hear and determine appeals or complaints respecting the administrative work of the Human Resources Department related to the Commission's duties, the rejection of any examination and such other matters as may be referred to the Commission pursuant to the duties outlined in TMC Section 2.42.030.B.1.

8. To establish and maintain in card or other suitable form a roster of employees covered by civil service.

9. 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 as established by the City; and to provide that employees laid off because of curtailment of expenditures, reduction in force, and for like cause, head the list in the order of their seniority, to the end that they shall be the first to be reemployed.

10. When a vacant position is to be filled, to certify to the appointing authority, on written request, the names of the five persons highest on the eligible list for the class. The Commission shall make provision in its rules for provisional or temporary appointments to be utilized when there is no such eligible list applicable to the vacant position, or which may be utilized at the discretion of the appointing authority when there are less than five names on the eligibility list applicable to the vacant position. Such temporary or provisional appointment shall not exceed a period of six months in duration but may be extended for up to an additional six months if for any reason it cannot be determined at the expiration of the initial appointment that the position being filled by temporary or provisional appointment will in fact continue to be vacant, such as in the instance of a position vacant due to an officer on disability leave under the LEOFF Act, or for other good cause which in the discretion of the Commission warrants an additional extension of such a provisional or temporary appointment.

11. To keep such records as may be necessary for the proper administration of this chapter.

12. Approval of payroll in accordance with RCW 41.12.120.

**C. Appointment of Secretary and Chief Examiner.** The Commission shall appoint a person to hold the position of Secretary and Chief Examiner. The method of appointment and duties of the Secretary and Chief Examiner shall be as prescribed in the rules adopted by the Commission. The duties of the Secretary and Chief Examiner shall be to keep the records of 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.

*(Ord. 2697 §1, 2023; Ord. 2691 §5, 2022)*

#### **2.42.040 Meetings**

**A. Frequency and Conduct.** Commission meetings shall be held at least monthly and shall be conducted in public session and noticed in accordance with the Open Public Meetings Act (OPMA).

**B. By-Laws.** The Commission shall adopt bylaws to provide guidelines for the conduct of business.

**C. Quorum.** Two members of the Commission shall constitute a quorum and the votes of any two members of such Commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the Commission.

**D. Staff Assistance.** The City shall provide assigned staff to support the Commission. The primary role of staff is to represent the City and facilitate communication between the Commission, City Administration, the City Council and other City departments. Staff responsibilities include:

1. Ensuring that meeting notifications and recordkeeping are consistent with applicable state laws;

2. Ensuring compliance with applicable laws, such as the Open Public Meetings Act (OPMA) and Public Records Act (PRA);

3. Providing professional guidance, issue analysis and recommendations;
4. Assisting with research, report preparation and correspondence; and
5. Compiling agendas, maintaining minutes, forwarding recommendations and/or implementing actions.
6. Duties of civil service Secretary and Chief Examiner as appointed per TMC Section 2.42.030.C.

*(Ord. 2691 §6, 2022)*

#### **2.42.050 Persons Included – Competitive Examination – Transfers, Discharges and Reinstatements**

The provisions of this chapter shall include all full-time, fully paid employees of the City's Police Department, with the exception of the chiefs thereof who, because of the nature of their positions and pursuant to RCW 41.12.050, shall serve in the position as other City department heads, and with the further exception of unclassified position appointments as authorized by RCW 41.12.050(2)(b), that may only include selections from the following positions up to the limit of the number of positions authorized: Assistant chief, deputy chief, bureau commander, and administrative assistant or administrative secretary pursuant to RCW 41.12.050(3). The position of civil service Secretary and Chief Examiner shall not be a civil service position.

*(Ord. 2691 §7, 2022)*

#### **2.42.060 Qualifications of Applicants**

An applicant for a position of any kind under civil service must be a citizen of the United States of America who can read and write the English language. An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the Commission may deem advisable.

*(Ord. 2691 §8, 2022)*

#### **2.42.070 Power to Create Offices, Make Appointments and Fix Salaries Not Infringed**

All offices, places, job descriptions, positions and employments and Police Department classifications coming along within the purview of this chapter shall be created by the Mayor and City Council or Mayor alone or whomever otherwise is vested with power and authority to select, appoint, or employ any person coming within the purview of this chapter; and nothing contained in this section shall infringe upon the power and authority of any such person or group of persons, or appointing authority, to fix the salaries and compensation of all employees employed hereunder.

*(Ord. 2691 §9, 2022)*

#### **2.42.080 Enforcement by Civil Action – Legal Counsel**

It shall be the duty of the Commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter and of the rules of the Commission. The Commission shall be represented in such suits by the chief legal officer of the City, or his/her designee, but the Commission may in any case be represented by special counsel appointed by it.

*(Ord. 2691 §10, 2022)*

#### **2.42.090 Deceptive Practices, False Marks, Etc., Prohibited**

No commissioner or any other person shall, by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration of application or request to be examined or registered.

*(Ord. 2691 §11, 2022)*

#### **2.42.100 Penalty – Jurisdiction**

Any person who shall willfully violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$100 and by imprisonment in jail for not longer than 30 days, or by both fine and imprisonment.

*(Ord. 2691 §12, 2022)*

#### **2.42.110 Applicability**

The examination and eligibility provisions of this chapter and establishment of positions covered by civil service by the provisions of this chapter shall be effective for all appointments made after the effective date of this ordinance.

*(Ord. 2691 §13, 2022)*

**CHAPTER 2.48**  
**CITY FIRE DEPARTMENT PENSION**  
**PARTICIPANTS**

**Sections:**

- 2.48.010 State Death and Disability Provisions  
2.48.020 Fire and Emergency Medical Services Provided by  
Puget Sound Regional Fire Authority
- 

**2.48.010 State Death and Disability Provisions**

A. On and after March 19, 1945, all firefighters, including volunteer and fully-paid, shall be entitled to the benefits of the death and disability provisions provided under chapter 41.24 RCW.

B. The City Clerk shall be the secretary-treasurer of the board of trustees created by said act and shall enroll each firefighter under the death and disability provisions of said law.

*(Ord. 2692 §3, 2022)*

**2.48.020 Fire and Emergency Medical Services  
Provided by Puget Sound Regional Fire Authority**

Effective January 1, 2023, City fire and emergency medical services shall be provided by the Puget Sound Regional Fire Authority (“PSRFA”) pursuant to terms of an interlocal agreement. Any references in this Tukwila Municipal Code to the Tukwila Fire Department or Fire Marshal shall be interpreted to refer to the PSRFA effective January 1, 2023.

*(Ord. 2692 §4, 2022)*

**CHAPTER 2.52  
EMPLOYEE BENEFITS**

**Sections:**

- 2.52.010 Social Security
- 2.52.020 State-Wide City Employee Retirement System
- 2.52.030 Legal Holidays
- 2.52.040 Sick Leave
- 2.52.050 Domestic Partner Benefits

**2.52.010 Social Security**

A. The City shall become a participant in the Social Security System, and the benefits of old age and survivors' insurance as provided in RCW 41.48 shall be extended to its employees and officers.

B. The Mayor and the City Clerk are authorized to execute and deliver to the Washington Department of Employment Security for its approval the plan or plans required under the provisions of RCW 41.48.050 of said State enabling act and of the Social Security Act, to extend coverage to the employees and officers of this municipality and to do all other things necessary to that end.

C. The proper fiscal officers are authorized to make all required payments into the contribution fund established by the enabling act, and to establish such system of payroll deductions from the salaries of employees and officers as may be necessary to their coverage under said old age and survivors insurance system.

D. The proper officials of the City shall do all things necessary to the continued implementation of said system.

E. This City shall become a participant in the Social Security System effective as of January 1, 1951.

*(Ord. 210 (part), 1951)*

**2.52.020 State-Wide City Employee Retirement System**

A. The City hereby elects to participate as a member of the State-wide City employees' retirement system for pension, relief, disability and retirement for the employees of the City, as provided by RCW 41.44. All employees and officials of the City shall be included in this system, provided that no elective official shall be included unless the official so elects and files a written notice of such election with the board of trustees of the pension system and with the City Clerk.

B. The number of employees and officials, other than elective officials, who shall be included as members of the pension system is approximately 14.

C. A certified copy of Ordinance No. 210 shall be transmitted to the board of trustees of the State-wide system as evidence of an election of the City to join such pension system.

D. The basis for prior service credit shall be 100% of final compensation known as full prior service credit.

E. The basis of social security coverage will be coordination.

F. The basis for contribution shall be maximum contribution basis.

*(Ord. 441 §1-6, 1965)*

**2.52.030 Legal Holidays**

A. Unless otherwise provided in applicable collective bargaining agreements, all employees shall receive the following holidays off with 8 hours' compensation at their regular straight-time hourly rate of pay:

New Year's Day .....	January 1
Martin Luther King, Jr. Day .....	3rd Monday of January
President's Day .....	3rd Monday of February
Memorial Day .....	Last Monday of May
Juneteenth .....	June 19
Independence Day .....	July 4
Labor Day .....	1st Monday of September
Veteran's Day .....	November 11
Thanksgiving Day .....	4th Thursday of November
Day after Thanksgiving Day .....	Friday
Christmas Day .....	December 25
Two (2) Floating Holidays .....	At employee's choice

B. An employee may select two personal holidays each calendar year as floating holidays and the City must grant such days provided:

1. The employee has been or is scheduled to be continuously employed by the City for more than four months during the calendar year in which the floating holidays are to be taken;

2. The employee has given not less than 14 calendar days' notice to the supervisor, provided, however, that the employee and the supervisor may agree upon an earlier date; and

3. The number of employees selecting a particular day off does not prevent the City from providing continued public service.

C. The floating personal holidays must be taken during the calendar year of entitlement or the days shall lapse, except when an employee has requested a personal holiday and the request has been denied.

D. In the event that a holiday falls upon a Sunday, the following Monday shall be deemed to be the legal holiday. In the event the legal holiday falls on a Saturday, the preceding Friday shall be deemed to be the legal holiday.

E. Nothing in this section shall be construed to have the effect of adding or deleting the number of paid holidays provided for in existing agreements between employees and the City.

F. Employees of the City will be granted up to 2 unpaid holidays per year for reasons of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church or religious organization. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety.

(Ord. 2670 §1, 2022; Ord. 2446 §1, 2014; Ord. 1663 §1, 1993; Ord. 1382 §1, 1986)

#### 2.52.040 Sick Leave

Unless otherwise provided by applicable collective bargaining agreements, every regular full-time and regular part-time City employee or officer hereafter employed by the City shall accumulate sick leave with pay at the rate of eight hours for each completed full calendar month of service up to a maximum of 720 hours. All of the foregoing shall be subject to the following conditions:

1. Any full-time employee who is on sick leave as above specified for a period of five days or longer shall, prior to being entitled to any compensation therefor, furnish without delay a report from a qualified doctor which shall contain a diagnosis of the sickness, whenever possible. "Qualified doctor" shall be a duly licensed doctor of medicine.

2. In the event an employee or officer terminates employment, or such employment is terminated for any reason whatsoever with the City, prior to using his or her accumulated sick-leave time, he or she shall be entitled to pay equal to 25% of the amount payable for any unused sick leave; provided that the employee has successfully completed his/her probationary period.

3. In any case in which the employee shall be entitled to benefits or payments under the Worker's Compensation Act or similar legislation of the State of Washington or any other governmental unit, the City of Tukwila shall pay the difference between the benefits and payments received under such act by such employee and the regular rate of compensation he or she would have received from the City of Tukwila if able to work. The foregoing payment or contribution by the City shall be limited to the period of time such employee had accumulated sick leave credits as hereinabove specified. Furthermore, the sick leave benefits herein specified shall not be applicable to any employee who is covered by any relief and pension act or similar legislation providing for sickness and/or disability payments, or the State of Washington, or any union contract granting substantially equal or greater benefits than herein provided.

(Ord. 1415 §1, 1987)

#### 2.52.050 Domestic Partner Benefits

A. *Benefits Extended.* The City of Tukwila self-insured healthcare plan extends dependent eligibility to employees' domestic partners and their children. The City will provide benefit coverage to a domestic partner of the same or opposite sex and dependent children on the same basis as provided to a spouse and dependent children.

B. *Eligibility.* Eligibility for domestic partnership status will be established by presentation of proof of a registered domestic partnership of the State of Washington or the submission of an affidavit and documentation as required by the City's Personnel Policies as currently written or hereinafter amended.

(Ord. 2188 §1 & 2, 2007)

## CHAPTER 2.57

## EMERGENCY MANAGEMENT

## Sections:

2.57.010	Purpose
2.57.020	Definitions
2.57.030	Emergency Powers of the Mayor
2.57.040	City Council - Duties
2.57.050	Emergency Management Council - Membership
2.57.060	Emergency Management Council's Powers and Duties
2.57.070	Director's Powers and Duties
2.57.080	Emergency Manager
2.57.090	Emergency Management Organization
2.57.100	Departments, Divisions, Services and Staff
2.57.110	Mutual Aid Agreements
2.57.120	Punishment of Violations
2.57.130	No Private Liability

**2.57.010 Purpose**

Recognizing the existing and future possibility of emergencies in the City and surrounding regions, the declared purposes of this chapter are:

1. to insure that preparations of the City will be adequate to deal with emergencies;
2. to protect the public peace, health and safety and to preserve the lives and property of the people of the City;
3. to provide for emergency management of the City;
4. to confer upon the Mayor and others emergency powers and authority; and
5. to declare that all emergency management functions of the City be coordinated to the maximum extent with other governmental entities, tribal nations, and private entities to provide the most effective preparation and use of City staff, resources and facilities to deal with any emergency situation that may occur.

(Ord. 2337 §1 (part), 2011)

**2.57.020 Definitions**

As used in this chapter, these terms shall be defined as follows:

1. *“Emergency”* – Any incident, whether natural or man-made, that requires responsive action to protect life and property. An emergency can also mean any occasion or instance for which assistance is needed to supplement our local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the City.
2. *“Emergency Management”* – The preparation for and the carrying out of all emergency functions to mitigate, prepare for, respond to, and recover from emergencies, and to aid victims suffering from injury or damage resulting from emergencies caused by all hazards, whether natural, technological or human caused, and to provide support for search and rescue operations for persons and property in distress.

3. *“Emergency Worker”* – Any person registered with the City’s Emergency Management Organization under the provision of TMC Section 2.57.090, or any member of the military, and who holds an identification issued by said organizations, for the purpose of engaging in authorized emergency management activities, or any employee of the City or any subdivision of the City who is called upon to perform emergency management activities.

4. *“Hazardous Materials”* – Materials which, because of their chemical, physical, or biological nature, pose a potential risk to life, health, environment, or property when released.

5. *“Incident Command System” (ICS)* – A standardized on-scene emergency management construct specifically designed to provide an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, designed to aid in the management of resources during incidents. It is used for all kinds of emergencies and is applicable to small as well as large and complex incidents. ICS is used by various jurisdictions and functional agencies, both public and private, to organize field-level incident management operations.

6. *“Mitigation”* – Activities providing a critical foundation in the effort to reduce the loss of life and property from natural and/or manmade emergencies by avoiding or lessening the impact of an emergency and providing value to the public by creating safer communities. Mitigation seeks to fix the cycle of damage as a result of an emergency, reconstruction, and repeated damage. These activities or actions, in most cases, will have a long-term, sustained effect.

7. *“Preparedness”* – A continuous cycle of planning, organizing, training, equipping, exercising, evaluating, and taking corrective action in an effort to ensure effective coordination during incident response. Within the National Incident Management System, preparedness focuses on the following elements: planning, procedures and protocols, training and exercises, personnel qualification and certification, and equipment certification.

8. *“Recovery”* – The development, coordination, and execution of service- and site-restoration plans; the reconstitution of government operations and services; individual, private-sector, nongovernmental, and public assistance programs to provide housing and to promote restoration; long-term care and treatment of affected persons; additional measures for social, political, environmental, and economic restoration; evaluation of the incident to identify lessons learned; post-incident reporting; and development of initiatives to mitigate the effects of future incidents.

9. *“Response”* – Activities that address the short-term, direct effects of an incident. Response includes immediate actions to save lives, protect property, and meet basic human needs. Response also includes the execution of emergency operations plans and of mitigation activities designed to limit the loss of life, personal injury, property damage, and other unfavorable outcomes. As indicated by the situation, response activities

include applying intelligence and other information to lessen the effects or consequences of an incident; increased security operations; continuing investigations into nature and source of the threat; ongoing public health and agricultural surveillance and testing processes; immunizations, isolation, or quarantine; and specific law enforcement operations aimed at preempting, interdicting, or disrupting illegal activity, and apprehending actual perpetrators and bringing them to justice.

*(Ord. 2337 §1 (part), 2011)*

**2.57.030 Emergency Powers of the Mayor**

In the event of a proclamation of emergency as herein provided, or upon a proclamation of state of emergency by the Governor, the Mayor is hereby empowered to:

1. Proclaim a State of Emergency for the City when necessary.
2. Make, and issue rules and regulations on all matters reasonably related to the protection of life or property as affected by such emergency; provided, however, that such rules and regulations must be confirmed at the earliest practicable time by the City Council.
3. Request that the County Executive or other chief executive or legislative officer of the county request a proclamation of a state of emergency when, in the opinion of the Mayor, the resources of the area or region are inadequate to cope with the emergency.
4. Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property of the people and to bind the City of Tukwila for the fair value thereof, and, if required immediately, to commandeer the same for public use.
5. Waive and dispense with public bidding requirements of RCW 35.23.352 on an emergency basis as necessary.
6. Control and direct the efforts of the emergency management organization of the City of Tukwila for the accomplishment of the purposes of this chapter.
7. Requisition necessary personnel or material of any City department or agency.
8. Execute all the special powers conferred upon the Mayor by this chapter, by any other statute, agreement, or lawful authority, as necessary.
9. Establish continuity of government and ensure proper succession of authority (TMC Section 2.04.070 (B)).

*(Ord. 2337 §1 (part), 2011)*

**2.57.040 City Council – Duties**

It shall be the duty of the City Council, consistent with the provisions set forth in TMC Section 2.57.060, to:

1. Give input and consent to the Mayor regarding appointments made pursuant to TMC Section 2.57.050.
2. Consider adoption of or ratify emergency management mutual aid plans and agreements, and such ordinances, resolutions, rules and regulations as necessary to implement such plans and agreements as are referred to them by

the Emergency Management Council, pursuant to TMC 2.57.060, provided the same or parts thereof are not inconsistent with this chapter.

3. Approve or ratify, at the earliest possible time after their issuance, rules and regulations related to the protection of life, environment and property that are affected by an emergency, such rules and regulations having been made and issued by the Emergency Management Director pursuant to TMC Section 2.57.070, provided the same or parts thereof are not inconsistent with this chapter.

4. Distribute, pursuant to resolution, the functions and duties of the City’s Emergency Management Organization among the departments, divisions, services and special staff referred to in TMC Section 2.57.100.

*(Ord. 2337 §1 (part), 2011)*

**2.57.050 Emergency Management Council– Membership**

The Emergency Management Council shall consist of the following:

1. The Mayor, who shall be chairperson.
2. The Director of Emergency Management, who shall be vice-chairperson.
3. City Administrator, all City department heads and the Emergency Manager.
4. Such City employees and other citizens with technical expertise in related areas as may be appointed by the Mayor, with the input and consent of the City Council.

*(Ord. 2337 §1 (part), 2011)*

**2.57.060 Emergency Management Council’s Powers and Duties**

The Emergency Management Council shall have the following powers and duties consistent with the purposes of this chapter:

1. Advise the Mayor and the Director of Emergency Management in all matters pertaining to City emergency management, and appoint such ad hoc committees, subcommittees and working groups as are required to develop specific recommendations for the improvement of emergency management practices, standards, policies or procedures.
2. Ensure the Mayor and City Council receive an annual assessment of Citywide emergency preparedness, including but not limited to, specific progress on hazard mitigation and reduction efforts, implementation of seismic safety improvements, reduction of flood hazards and coordination of hazardous materials planning and response activities.
3. Review administrative rules governing City emergency management practices and recommend necessary revisions to the Director of Emergency Management.
4. Meet regularly, as called by the chairperson or, in his/her absence from the City or inability to call such meeting, the vice chairperson.

*(Ord. 2337 §1 (part), 2011)*

**2.57.070 Director’s Powers and Duties**

A. The Mayor, pursuant to RCW 38.52.070 (1), appoints the Director of Emergency Management (“Director”). In the absence of the Director, the Mayor shall appoint a temporary Director until the Director returns or a replacement is found.

B. The Director shall have the following powers and duties consistent with the purposes of this chapter:

1. Responsible for the organization, administration, and operation of emergency management in the City, subject to the direction and control of the Mayor.

2. Oversee implementation of, and annual updates to, the City’s Comprehensive Emergency Management Plan (“the Plan”), consistent with the requirements specified in Chapter 38.52 RCW, and coordinated with other state and county plans and programs; ensure compliance with the National Incident Management System and ensure operation and maintenance of the City’s Incident Command System; coordinate with the Emergency Management Council to conduct at least one tabletop exercise annually and one full-scale exercise every 3 to 5 years to maintain proficiency in the use of the Plan.

3. Coordinate efforts of the Emergency Management Organization of the City for the accomplishment of the purposes of this chapter.

4. Coordinate efforts between departments, divisions, services, and staff of the Emergency Management Organization of the City, and resolve questions of authority and responsibility that may arise between them.

5. Represent the Emergency Management Organization of the City in dealings with public or private agencies pertaining to emergency management and response to emergencies.

6. Coordinate the ongoing development and evaluation of emergency plans concerning the application of mitigation strategies and preparation, response, and recovery mechanisms, and include such in the City’s emergency management activities with various federal, state, tribal, and local governments, non-governmental organizations (NGOs), and the private sector; conduct and evaluate testing of emergency plans; and preside over and guide interdepartmental emergency management planning committees that may be created by the Emergency Management Council.

7. Coordinate development and presentation of rules and regulations to the Emergency Management Council that will assist in efforts to reasonably protect life, environment, and property during an emergency.

8. Prepare for the Mayor’s signature any proclamation of local emergency and, upon approval, submit it to federal, state, regional, and local agencies, as required. This proclamation authorizes the City to take necessary measures to combat an emergency; protect persons, environment and property; provide emergency assistance to victims of the emergency; and exercise powers authorized in RCW 38.52.070. These include, but are not limited to, rationing; curfew; and waiver of requirements pertaining to budget law limitations, competitive bidding processes,

publication of notices, provisions to the performance of public work, entering into contracts, incurring obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditure of public funds. Such proclamation must be confirmed and ratified by the City Council, as soon as is reasonably practical, and provided the purposes of any such proclamation are consistent with the purposes of this chapter.

9. As required by state law and upon approval by the Mayor and the City Council, submit all plans and programs for State review and certification.

10. Coordinate the services and resources of volunteers, provided that volunteers so directed shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by state law and federal and state emergency management regulations for registered emergency workers.

11. Execute all the special powers conferred by this chapter or by resolution adopted pursuant thereto, and all powers conferred by statute, by agreement approved by the Emergency Management Council, or by any other lawful authority.

*(Ord. 2337 §1 (part), 2011)*

**2.57.080 Emergency Manager**

The Emergency Manager (EM) is a full-time position that reports to the Director of Emergency Management. As part of the position’s responsibilities, the EM will ensure the Comprehensive Emergency Management Plan and its supporting procedures are reviewed and updated annually; an education and training program is developed and implemented in emergency management tasks for City employees, residents and businesses; and periodic training and exercises are conducted pursuant to TMC Section 2.57.070.

*(Ord. 2337 §1 (part), 2011)*

**2.57.090 Emergency Management Organization**

All officers and employees of the City, together with those citizens enrolled to aid them during an emergency, and all groups, organizations and persons who may, by agreement or operation of law, including persons pressed into service under the provisions of TMC Section 2.57.070 who shall be charged with duties incident to the protection of life, environment and property in the City during such emergency, shall constitute the Emergency Management Organization of the City.

*(Ord. 2337 §1 (part), 2011)*

**2.57.100 Departments, Divisions, Services, and Staff**

The functions and duties of the City’s Emergency Management Organization shall be distributed among such departments, divisions, services and special staff as the Director of Emergency Management shall direct.

*(Ord. 2337 §1 (part), 2011)*

**2.57.110 Mutual Aid Agreements**

The Mayor shall have the power to sign, on behalf of the City and the Emergency Management Council, mutual aid agreements with other governmental entities, tribal nations and non-governmental entities that have been approved by the City Council. All previous mutual aid agreements that have been signed by the Mayor are hereby confirmed and ratified, provided the same or parts thereof are not inconsistent with this chapter.

*(Ord. 2337 §1 (part), 2011)*

**2.57.120 Punishment of Violations**

It is a misdemeanor punishable as provided in TMC Section 1.08.010 for any person, during an emergency, to:

1. Willfully obstruct, hinder, or delay any member of the Emergency Management Organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter or in the performance of any duty imposed by virtue of this chapter.
2. Do any act forbidden by any lawful rules or regulations issued pursuant to this chapter.
3. Wear, carry or display, without authority, any means of identification specified by the State Department of Emergency Management.
4. In any manner loot or carry off any items of value not belonging to the person charged during an emergency or its aftermath.

*(Ord. 2337 §1 (part), 2011)*

**2.57.130 No Private Liability.**

No individual, firm, association, corporation or other party, or their successors in interest, or the agents or employees of any of them, owning, maintaining or controlling any building or premises, who voluntarily and without compensation grants to the City a license or privilege or otherwise permits the City to inspect, designate and use the whole or any part or parts of the building or premises for the purpose of sheltering persons, property and/or animals during an actual or impending emergency, or during full-scale exercise or any other training event, shall be subject to legal liability for damage to property or injury or death to any persons or animals while in or upon the building or premises for the purposes expressed above. All legal liability for damage to property or injury or death to persons or animals caused by acts done, or attempted, under color of this chapter and a bona fide attempt to comply therewith, other than acts done in bad faith, gross negligence, or willful misconduct, shall be the obligation of the State of Washington. The City is immune from liability under this chapter to the fullest extent allowed by law.

*(Ord. 2337 §1 (part), 2011)*

**CHAPTER 2.60**  
**ELECTRIC UTILITY FRANCHISE**

**Sections:**

- 2.60.040 Area Determination
- 2.60.050 Exclusive Service Area to Prior Franchise
- 2.60.060 Filing Map Required
- 2.60.070 Establishing Facility In Service Area Of Another Utility
- 2.60.080 Common Service Area
- 2.60.090 Boundaries
- 2.60.100 Common Service Area – Excluded Utility

**2.60.040 Area Determination**

It is the policy of the City that all electric public utilities heretofore or hereafter franchised shall exclusively serve such area within the City as shall be determined by the City Council, to be consistent with the health, safety and welfare of the public in the elimination of duplicate electrical installations, attendant hazards and burden upon the City's various real property.

*(Ord. 353 §1, 1962)*

**2.60.050 Exclusive Service Area to Prior Franchise**

Those electric public utilities now franchised shall be, and by Ordinance No. 353 are, granted exclusive service areas consisting of such areas within the City limits as they exclusively served on January 1, 1962.

*(Ord. 353 §2, 1962)*

**2.60.060 Filing Map Required**

Every electric public utility shall, within 60 days of the first publication of Ordinance No. 353, file with the City Clerk a map showing the boundary of all areas within the City in which such utility actually exclusively served consumers on January 1, 1962. Unless controverted by an interested citizen or another such utility within 30 days of filing, such map shall conclusively determine the established service area of the filing utility.

*(Ord. 353 §3, 1962)*

**2.60.070 Establishing Facility in Service Area of Another Utility**

No electric public utility shall hereafter be permitted to establish any facility pursuant to its franchise for the purpose of serving any area now or hereafter established as the exclusive service area of another electric public utility.

*(Ord. 353 §4, 1962)*

**2.60.080 Common Service Area**

Any area actually served by any two or more franchised electric public utilities on January 1, 1962, shall be and remain the common service area of both unless or until such service shall be discontinued by any such utility for 30 days or more, in which case such discontinuing utility shall thereafter be deemed to be excluded from servicing such area.

*(Ord. 353 §5, 1962)*

**2.60.090 Boundaries**

The boundaries of service areas shall in every instance follow the exterior property line of the consumer actually served. In the event of any dispute among utilities, the location and boundary of service areas shall be investigated by the City supervisor and reported to the City Council. The Council shall hear the supervisor's report together with any evidence submitted to the supervisor by any interested person and shall, by ordinance, determine and locate such boundary.

*(Ord. 353 §6, 1962)*

**2.60.100 Common Service Area – Excluded Utility**

Should any common service area of two or more electric public utilities exist wherein any such utility shall be excluded as provided in TMC 2.60.080, then such excluded utility shall, within 30 days of such exclusion, abate and remove any electrical equipment or facilities which serve only the area from which it was thereby excluded, it being the purpose of this provision that hazards arising from the continuation of such facilities be abated as soon as is reasonable.

*(Ord. 353 §7, 1962)*

**CHAPTER 2.64**  
**SALE OF CITY PROPERTY**

**Sections:**

2.64.010	Authorization – Effecting Transfer of Property Conveyance
2.64.020	Minimum Price Set
2.64.030	Call for Bids – Exceptions
2.64.040	Notice of Intent to Sell
2.64.050	Opening Bids – Rejection
2.64.060	Receipt of Acceptable Offers or Bids – Preparation of Instruments

**2.64.010 Authorization – Effecting Transfer of Property Conveyance**

Whenever it shall appear to the Mayor and the City Council that it is for the best interests of the City and the people thereof that any lot, parcel, or portion of such lot or parcels is no longer needed and the property, whether real, personal, or mixed, belonging to the City, should be sold, it shall be the duty of the Council to authorize a sale of such property acting by and through the Mayor of the City, to cause to be effected the conveyance as necessary to transfer the property under the limitations and restrictions provided in this chapter and in State law.

*(Ord. 2582 §2, 2018)*

**2.64.020 Minimum Price Set**

Subsequent to receipt of an assessment of the value of the property, the Council shall fix a minimum price at which such may be sold. No offer or bid shall be deemed acceptable that does not meet the minimum price fixed by the Council.

*(Ord. 2582 §3, 2018)*

**2.64.030 Call for Bids – Exceptions**

The City Clerk shall cause a call for bids to be published relating to such property, and the City shall abide by the provisions of Tukwila Municipal Code Sections 2.64.040, 2.64.050, and 2.64.060, except when:

1. Selling to a governmental agency in the manner provided in the laws of the State of Washington;
2. The value of the property to be sold is less than \$10,000.00;
3. The Council setting forth the facts by resolution has declared an emergency to exist;
4. The Council has approved an alternative process for receiving offers, selecting the buyer and negotiating the price; or
5. The Council desires to dispose of the property pursuant to a settlement agreement.

*(Ord. 2582 §4, 2018)*

**2.64.040 Notice of Intent to Sell**

The City Clerk shall give notice of the City's intention to make such sale by one publication in the official newspaper of the City; the City Clerk shall also cause notice of the City's intention to make such sales to be posted in the City's on-line Digital Records Center. Both posting and the date of publication must be at least five calendar days before the final date for submission of offers or bids.

*(Ord. 2582 §5, 2018)*

**2.64.050 Opening Bids – Rejection**

Bids shall be opened in public at the time and place stated in such publication. The City Council may reject any and all bids, or the bid for any one or more of the parcels, real or personal, included in the aforesaid call for bids.

*(Ord. 2582 §6, 2018)*

**2.64.060 Receipt of Acceptable Offers or Bids – Preparation of Instruments**

Upon receipt of an acceptable offer or bid relating to the property, the Council shall authorize the Mayor to cause necessary instruments to be prepared, and further authorizes the Mayor to execute such instruments.

*(Ord. 2582 §7, 2018)*

**CHAPTER 2.68  
MUNICIPAL COURT****Sections:**

- 2.68.005 Court Established
- 2.68.006 Court Seal
- 2.68.010 Jurisdiction
- 2.68.020 Judges – Appointment – Qualifications
- 2.68.025 Salaries – Costs
- 2.68.026 Municipal Judge Salary
- 2.68.027 Removal of Judge
- 2.68.030 Municipal Court Employees
- 2.68.040 Judges Pro Tem – Court Commissioners
- 2.68.045 Judicial Vacancy
- 2.68.050 Municipal Court Hours
- 2.68.060 Revenue Deposit
- 2.68.070 Sentences
- 2.68.075 Deferral and Suspension of Sentences
- 2.68.080 Rules of Pleading Practice and Procedure
- 2.68.085 Pleadings, Practice and Procedure
- 2.68.090 Complaint – Swearing – Examination – Filing
- 2.68.095 Complaints
- 2.68.100 Complaint – Oath Requirement – Penalty
- 2.68.110 Complaint – Amendments
- 2.68.115 Criminal Process
- 2.68.120 Warrant – Issuance
- 2.68.130 Warrant – Form and Contents
- 2.68.140 Warrant – Execution – Procedure
- 2.68.150 Warrant – Return – Unexecuted
- 2.68.160 Warrant – Arrest Procedure
- 2.68.170 Bail
- 2.68.180 Bail Bonds
- 2.68.190 Justification of Sureties – Bond Approval
- 2.68.200 Arraignment – Defendant's Rights
- 2.68.210 Pleas
- 2.68.220 Continuances
- 2.68.230 Sentence – Decision
- 2.68.240 Civil Jury Trials
- 2.68.250 Sentence – Delay Prohibited – New Bail
- 2.68.270 Conviction of Corporation
- 2.68.310 Clerical Mistakes, Errors – Correction
- 2.68.320 Trial – Presence of Defendant and Counsel
- 2.68.360 Appeal Bond – Disposition of Bail
- 2.68.370 Appeal to Superior Court – Record on Review-  
Appeal to Supreme Court
- 2.68.380 Superior Court Judgment Notice
- 2.68.390 Traffic Cases – Complaint and Citation
- 2.68.400 Case Transfers
- 2.68.420 Judges – Bonds
- 2.68.470 Savings

**2.68.005 Court Established**

There is established a municipal court entitled “the Municipal Court of the City of Tukwila,” hereinafter referred to as “Municipal Court,” which court shall have jurisdiction and shall exercise all powers enumerated herein and in RCW 3.50 as amended by Chapter 258, Laws of 1984, together with such other powers and jurisdiction as are generally conferred upon such court in this state either by common law or by express statute.

*(Ord. 1324 §2, 1984)*

**2.68.006 Court Seal**

The Municipal Court shall have a seal which shall be the vignette of George Washington, with the words “Seal of the Municipal Court of Tukwila, State of Washington,” surrounding the vignette.

*(Ord. 1324 §15, 1984)*

**2.68.010 Jurisdiction**

The Municipal Court shall have exclusive original jurisdiction over traffic infractions arising under City ordinances, and exclusive original criminal jurisdiction of all violations of City ordinances duly adopted by the City. The Municipal Court shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by State statutes. The Municipal Court is empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith.

*(Ord. 1324 §3, 1984)*

**2.68.020 Judges – Appointment – Qualifications**

A. The municipal judge holding office on July 1, 1984, the effective date of Ordinance No. 1324, shall continue to hold office until expiration of his or her term or January 1, 1986, whichever occurs first. The term of a successor shall commence on January 1, 1986, and/or January 1 of each fourth year thereafter, pursuant to appointment as provided below.

B. The municipal judge shall be appointed by the Mayor, subject to confirmation by the City Council, for a term of four years. Appointments shall be made on or before December 1 of the year next preceding the year in which the term commences.

C. A person appointed as municipal judge shall be a citizen of the United States of America and of the State of Washington; and an attorney admitted to practice law before the courts of record of the State.

*(Ord. 1324 §4, 1984)*

**2.68.025 Salaries - Costs**

All costs of operating the Municipal Court, including but not limited to, salaries of judges and court employees, dockets, books of records, forms, furnishings and supplies, shall be paid wholly out of the funds of the City. The City shall provide a suitable place for holding court and pay all expenses of maintaining it.

*(Ord. 2261 §1, 2009; Ord. 1324 §5, 1984)*

**2.68.026 Municipal Judge Salary**

The salary of the Municipal Court Judge shall be set at the rate of 90% of the District Court Judges Salary as set by the Salary Schedule adopted by the Washington Citizens' Commission on Salaries for Elected Officials on an annual basis.

*(Ord. 2659 §2, 2021; Ord. 2261 §2, 2009)*

**2.68.027 Removal of Judge**

A. A municipal judge shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering the judge incapable of performing the duties of the office, or by operation of law. For the purposes hereof, conviction of misconduct or malfeasance in office shall include:

1. Conviction of any criminal offense by the Municipal Judge during the term of office of the Municipal Judge;

2. A determination by the Washington State Judicial Conduct Commission that a code or standard of judicial conduct has been violated; or

3. A finding by the City Council, after notice and a hearing and reasonable opportunity to be heard, that conduct has occurred, not limited to criminal convictions, which interferes with or prevents the Municipal Judge from being able to adequately administer or handle judicial functions of the Municipal Court, or which indicates that the judge cannot act in a fair and/or impartial manner.

B. It is provided, however, that if the Washington State Judicial Conduct Commission, or the Washington State Supreme Court or other court with the jurisdiction to make such decisions, decides that the Municipal Judge is to be removed from office or that the Municipal Judge is not qualified or able to serve as a Municipal Judge, then no further or separate action by the City Council is required to effect such removal.

C. Any vacancy in the Municipal Court due to death, disability or resignation of the Municipal Court judge shall be filled by the Mayor for the remainder of the unexpired term. The appointment shall be subject to confirmation by the City Council. The appointed judge shall be qualified to hold the position of judge of the Municipal Court, as provided in TMC Chapter 2.68 and RCW 3.50 as amended by Chapter 258, Laws of 1984.

*(Ord. 2013 §1, 2003)*

**2.68.030 Municipal Court Employees**

All employees of the Municipal Court shall, for all purposes, be deemed employees of the City. They shall be appointed by and serve at the pleasure of the Court; provided, that all applicable personnel practices and procedures with respect to hiring and termination are followed. Supervision of the Court employees shall be by the Mayor or designee.

*(Ord. 1324 §6, 1984)*

**2.68.040 Judges Pro Tem – Court Commissioners**

A. The Mayor shall, in writing, appoint judges pro tem who shall act in the absence or disability of the regular judge of the Municipal Court or subsequent to the filing of an affidavit of prejudice. The judge pro tem shall be qualified to hold the position of judge of the Municipal Court as provided herein. The judge pro tem shall receive such compensation as shall be fixed by ordinance. The term of the appointment shall be specified in writing but in any event shall not extend beyond the term of the appointing Mayor.

B. The Municipal Court judge may appoint one or more Municipal Court commissioners, who shall hold office at the pleasure of the Municipal Court judge. Each Municipal Court commissioner shall have such power, authority and jurisdiction in civil and criminal matters as the municipal court judge shall prescribe by court order.

*(Ord. 1324 §7, 1984)*

**2.68.045 Judicial Vacancy**

Any vacancy in the municipal court due to a death, disability, or resignation of a Municipal Court judge shall be filled by the Mayor for the remainder of the unexpired term. The appointment shall be subject to confirmation of the City Council. The appointed judge shall be qualified to hold the position of judge of the Municipal Court as provided in this chapter.

*(Ord. 1324 §8, 1984)*

**2.68.050 Municipal Court Hours**

The Municipal Court shall be open and shall hold such regular and special sessions as may be prescribed by the Municipal Court judge; provided, that the Municipal Court shall not be open on nonjudicial days.

*[Ord. 1324 §9, 1984]*

**2.68.060 Revenue Deposit**

All fees, costs, fines, forfeitures and other moneys imposed or collected by the Municipal Court for the violation of any municipal ordinance, together with any other revenue received by the Municipal Court, shall be deposited with the City Treasurer as a part of the general fund of the City.

*(Ord. 726 §6, 1972)*

**2.68.070 Sentences**

A. In all cases of conviction, unless otherwise provided in RCW Chapters 3.30 through 3.74 as now or hereafter amended, where a jail sentence is given to the defendant, execution shall issue accordingly; and where the judgment of the court is that the defendant pay a fine and costs, the defendant may be committed to jail until the judgment is paid in full.

B. A defendant who has been committed shall be discharged upon the payment for such part of the fine and costs as remains unpaid after deducting from the whole amount any previous payment, and after deducting the amount allowed for each day of imprisonment, which amount shall be the same and computed in the same manner as provided for superior court cases in RCW 10.82.030 and 10.82.040, as now or hereafter amended. In addition, all other proceedings in respect of such fine and costs shall be the same as in like cases in the superior court.

C. Every person convicted by the Municipal Court of a violation of the criminal provisions of an ordinance for which no punishment is specifically prescribed in the ordinance shall be punished by a fine of not more than \$5,000.00, or imprisonment in the City jail for a period not to exceed one year, or both such fine and imprisonment.

(Ord. 1324 §10, 1984)

**2.68.075 Deferral and Suspension of Sentences**

A. After a conviction, the Court may defer sentencing and place the defendant on probation and prescribe the conditions thereof, but in no case shall it extend for more than two years from the date of conviction. During the time of the deferral, the Court may, for good cause shown, permit a defendant to withdraw the plea of guilty, permit the defendant to enter a plea of not guilty, and dismiss the charges.

B. For a period not to exceed two years after imposition of sentence, the Court shall have continuing jurisdiction and authority to suspend the execution of all or any part of the sentence upon stated terms, including installment payment of fines.

C. Deferral of sentence and suspension of execution of sentence may be revoked if the defendant violates or fails to carry out any of the conditions of the deferral or suspension. Upon the revocation of the deferral or suspension, the Court shall impose the sentence previously suspended or any unexecuted portion thereof. In no case shall the Court impose a sentence greater than the original sentence, with credit given for time served and money paid on fine and costs.

D. Any time before entering an order terminating probation, the Court may revoke or modify its order suspending the imposition or execution of the sentence. If the ends of justice will be served, and when warranted by the reformation of the probationer, the court may terminate the period of probation and discharge the person so held.

(Ord. 1324 §11, 1984)

**2.68.080 Rules of Pleading, Practice and Procedure**

The following rules of pleading, practice and procedure shall govern criminal proceedings in the Tukwila Municipal Court:

**A. COMPLAINT:**

1. *Initiation.* Except as otherwise provided in this rule, all criminal proceedings shall be initiated by a complaint;

2. *Contents.* The complaint shall be in writing and shall set forth:

- a. The name of the court,
- b. the title of the action and the name of the offense charged,
- c. the name of the person charged, and
- d. the offense charged, in the language of the ordinance, together with a statement as to the time, place, person and property involved, to enable the defendant to understand the character of the offense charged;

3. *Verification.* The complaint shall be signed under oath by the City attorney or other authorized officer.

**B. CITATION AND NOTICE TO APPEAR:**

1. *Issuance.* Whenever a person is arrested for a violation of law which is punishable as a misdemeanor or gross misdemeanor, the arresting officer or any other authorized peace officer, may serve upon the arrested person a citation and notice to appear in court, in lieu of continued custody. In determining whether to issue a citation and notice to appear, a peace officer may consider the following factors:

- a. whether the person has identified himself satisfactorily,
- b. whether detention appears reasonably necessary to prevent imminent bodily harm to himself or to another, injury to property, or breach of the peace,
- c. whether the person has ties to the community reasonably sufficient to assure his appearance, or whether there is substantial likelihood that he will refuse to respond to the citation, and
- d. whether the person previously has failed to appear in response to a citation issued pursuant to this section or to other lawful process;

2. *Contents.* The citation and notice shall contain substantially the same information as the "Uniform Traffic Ticket and Complaint" sponsored by the American Bar Association Traffic Court Program, adopted in JTTR 2.01, and shall include:

- a. the name of the court and a space for the court's docket, case or file number,
- b. the name of the person, his address, date of birth, and sex,
- c. the date, time, place and description of the offense charged, the date on which the citation was issued, and the name of the citing officer,
- d. the time and place at which the person is to appear in court which need not be a time certain, but may be within 72 hours or within a greater period of time not to exceed 15 days after the date of the citation,

e. a space for the person to sign a promise to appear;

3. *Release*. To secure his release, the person must give his written promise to appear in court as required by the citation and notice served;

4. *Certificate*. The citation and notice to appear shall contain a form of certificate by the citing official that he certifies, under penalties of perjury as provided by RCW 3.50.140 and any law amendatory thereof, that he has reasonable grounds to believe, and does believe, the person committed the offense contrary to law. The certificate need not be made before a magistrate or any other person. Such citation and notice when signed by the citing officer and filed with a court of competent jurisdiction shall be deemed a lawful complaint for the purpose of initiating prosecution of the offense charged therein;

5. *Additional information*. The citation and notice may also contain such identifying and additional information as may be necessary and appropriate for law enforcement agencies in the State. The rules of pleading, practice and procedure which shall govern civil proceeding in the Tukwila Municipal Court shall be as provided in the case of like actions in district courts or before justices of the peace in the county.

(Ord. 1085 §3, 1978; Ord. 735 §1, 1972;  
Ord. 726 §8 (1), 1972)

### **2.68.085 Pleadings, Practice and Procedure**

Pleadings, practice and procedure in cases not governed by statutes or rules specifically applicable to municipal courts shall, insofar as applicable, be governed by the statutes and rules now existing or hereafter adopted governing pleadings, practice and procedure applicable to district courts.

(Ord. 1324 §13, 1984)

### **2.68.090 Complaint – Swearing – Examination – Filing**

The complaint shall be sworn to before the Municipal Court judge and shall be filed by him when, from his examination of the complainant and other witnesses, if any, he has reasonable grounds to believe that an offense of which he has jurisdiction has been committed and that the defendant committed it. No objection to a complaint on grounds that it was not signed or sworn to as herein required may be made after a plea to the merits has been entered.

(Ord. 726 §8 (2), 1972)

### **2.68.095 Complaints**

All criminal prosecutions for the violation of a City ordinance shall be conducted in the name of the City and may be upon the complaint of any person.

(Ord. 1324 §12, 1984)

### **2.68.100 Complaint – Oath Requirement – Penalty**

A. No oath shall be required when the complaint is made by a county or municipal prosecutor or City Attorney, and if it contains or be verified by a written declaration that it is made under the penalties of perjury.

B. Any other person who willfully certifies falsely to any matter set forth in any such complaint shall be guilty of a gross misdemeanor.

(Ord. 726 §8 (3), 1972)

### **2.68.110 Complaint – Amendments**

The Court may permit a complaint to be amended at any time before judgment if no additional or different offense is charged, and if substantial rights of the defendant are not thereby prejudiced.

(Ord. 726 §8 (4), 1972)

### **2.68.115 Criminal Process**

All criminal process issued by the Municipal Court shall be in the name of the State and run throughout the State, and be directed to and served by the Chief of Police, marshal, or other police officer of any city or to a sheriff in the State.

(Ord. 1324 §15, 1984)

### **2.68.120 Warrant – Issuance**

If, from the examination of the complainant and other witnesses, if any, the Court has reasonable grounds to believe that an offense has been committed and that the defendant has committed it, a warrant shall issue for the arrest of the defendant.

(Ord. 726 §8 (5), 1972)

### **2.68.130 Warrant – Form and Contents**

The warrant shall be in writing and in the name of the State, shall be signed by the Municipal Court judge with the title of his office, and shall state the date when issued and the municipality where issued. It shall specify the name of the defendant or, if his name is unknown, any name or description by which he can be identified with reasonable certainty. It shall describe the offense charged against the defendant. It shall command the defendant be arrested and brought before the Court at a stated place, without unnecessary delay, unless he deposits bail as stated in the warrant and is released for appearance in court on a date certain stated therein.

(Ord. 726 §8 (6), 1972)

**2.68.140 Warrant – Execution – Procedure**

The warrant shall be directed to all peace officers in the State and shall be executed only by a peace officer. It shall be executed by the arrest of the defendant and may be executed in any county or municipality of the State by any peace officer in the State. The officer need not have the warrant in his possession at the time of arrest, but in that case he shall then inform the defendant of the offense charged and of the fact that a warrant has been issued; and, upon request, shall show the warrant to the defendant as soon as possible.

*(Ord. 726 §8 (7), 1972)*

**2.68.150 Warrant – Return – Unexecuted**

The officer executing a warrant shall forthwith make return thereof to the court issuing it. Any unexecuted warrants shall be returned to the Municipal Court and may be cancelled by him. While a complaint is pending, a warrant returned and unexecuted and not cancelled, or a duplicate thereof, may be delivered by the Municipal Court to a peace officer for execution or service.

*(Ord. 726 §8 (8), 1972)*

**2.68.160 Warrant – Arrest Procedure**

An officer making an arrest under a warrant shall take the arrested person without unnecessary delay and, in any event, within 24 hours, exclusive of nonjudicial days, before the Municipal Court or admit him to bail as commanded in the warrant. Any person making an arrest without a warrant shall take the arrested person without unnecessary delay and, in any event, within 48 hours, exclusive of nonjudicial days, before the Municipal Court. When a person is arrested without a warrant and brought before the Municipal Court, a complaint shall be filed forthwith.

*(Ord. 726 §8 (9), 1972)*

**2.68.170 Bail**

The judge of the Municipal Court may accept money as bail for the appearance of persons charged with bailable offenses. The amount of bail or recognizance in each case shall be determined by the Court in its discretion and may, from time to time, be increased or decreased as circumstances may justify.

*(Ord. 726 §8 (10), 1972)*

**2.68.180 Bail Bonds**

A person required or permitted to give bail may execute a bond conditioned upon his appearance at all stages of the proceedings until final determination of the cause, unless otherwise ordered by the Court. One or more sureties may be required; cash may be accepted; and, in proper cases, no security need be required. Bail given on appeal shall be deposited with the clerk of the Court.

*(Ord. 726 §8 (11), 1972)*

**2.68.190 Justification of Sureties – Bond Approval**

Every surety, except an approved corporate surety, shall justify by affidavit and shall describe in the affidavit the property which he proposes to justify and the encumbrances thereon; the numbered amount of bonds and undertakings for bail entered into by him and remaining undischarged and all of his other liabilities; provided, that persons engaged in the bail bond business shall justify annually. No bond shall be approved unless the surety thereon shall be financially responsible. The Municipal Court judge shall approve all bonds.

*(Ord. 726 §8 (12), 1972)*

**2.68.200 Arraignment – Defendant's Rights**

When a person arrested either under a warrant or without a warrant is brought before the Court, he shall then be informed of the charge against him, advised of his constitutional rights, and he shall be arraigned then or within a reasonable time set by the Court. The arraignment shall be conducted in open court and shall consist of stating to him the substance of the charge and calling on him to plead thereto. The defendant shall be given a copy of the complaint if he requests the same. Defendants who are jointly charged may be arraigned separately or together in the discretion of the Court.

*(Ord. 726 §8 (13), 1972)*

**2.68.210 Pleas**

The defendant may plead guilty; not guilty; and a former conviction or acquittal of the offense charged, which may be pleaded with or without a plea of not guilty. The Court may refuse to accept a plea of guilty and shall not accept a plea without first determining that the plea is made voluntarily with understanding of the nature of the charge. If a defendant refuses to plead, or if the Court refuses to accept a plea of guilty, the Court shall enter a plea of not guilty. The Court may strike out a plea of guilty and enter a plea of not guilty, if it deems such action necessary in the interest of justice.

*(Ord. 726 §8 (14), 1972)*

**2.68.220 Continuances**

The Municipal Court may, in its discretion, grant continuances for good cause shown. If a continuance is granted, the cost thereof shall abide the event of the prosecution in all cases. If a continuance is granted, the Court may recognize the defendant and the witnesses to appear from time to time, in the same manner as is provided in other criminal examinations.

*(Ord. 726 §8 (15), 1972)*

**2.68.230 Sentence – Decision**

A. If the complaint is for a crime within the jurisdiction of the Court, and the defendant pleads guilty, the Court shall sentence him upon a proper showing of a prima facie case against him.

B. If the defendant pleads not guilty or pleads a former conviction or acquittal of the offense charged, the Court shall hear and determine the cause, and either acquit or convict and punish.

*(Ord. 726 §8 (16), 1972)*

**2.68.240 Civil Jury Trials**

In all civil cases, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the State who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the Municipal Court; provided, that no jury trial may be held on a proceeding involving a traffic infraction. A party requesting a jury shall pay to the Court a fee which shall be the same as that for a jury in district court. If more than one party requests a jury, only one jury fee shall be collected by the Court. The fee shall be apportioned among the requesting parties. Each juror shall receive \$10.00 for each day in attendance upon the Municipal Court, and in addition thereto shall receive mileage at the rate determined under RCW 43.03.060.

*(Ord. 1324 §17, 1984)*

**2.68.250 Sentence – Delay Prohibited – New Bail**

Sentence shall be imposed by the Court without unreasonable delay. Pending sentence, the Court may commit the defendant or may allow the defendant to post bail anew.

*(Ord. 726 §8 (18), 1972)*

**2.68.270 Conviction of Corporation**

If a corporation is convicted of any offense, the Court may give judgment thereon and may cause the judgment to be enforced in the same manner as a judgment in a civil action.

*(Ord. 726 §8 (20), 1972)*

**2.68.310 Clerical Mistakes, Errors – Correction**

A. Clerical mistakes in judgments, orders or other parts of the record, and errors in the record arising from oversight or omission may be corrected by the Court at any time and after such notice, if any, as the Court may order.

B. If an appeal has been taken, such mistakes may be so corrected until the record has been filed in the appellate court and thereafter, while the appeal is pending, may be so corrected with leave of the appellate court.

*(Ord. 726 §8 (24), 1972)*

**2.68.320 Trial – Presence of Defendant and Counsel**

The defendant shall be present in person or by counsel at the arraignment and shall be present at every later stage of the trial. A corporation may appear by counsel for all purposes.

*(Ord. 726 §8 (25), 1972)*

**2.68.360 Appeal Bond – Disposition of Bail**

A. The appellant shall be committed to the City jail until he shall recognize or give bond to the City in such reasonable sum with such sureties as the Municipal Court may require that he will diligently prosecute the appeal and that, within ten days after he has received notice from the Municipal Court judge or his clerk that the judgment in the lower court has been filed with the clerk of the superior court, together with the transcript duly certified by the lower court judge containing a copy of all records and proceedings in the lower court, he will cause the case to be set for trial at the earliest open date; that he will appear at the court appealed to and comply with any sentence of the superior court; and will, if the appeal is dismissed for any reason, comply with the sentence of the lower court.

B. Whenever the transcript is filed in the superior court and any cash bail or bail bond has been filed with the lower court, the judge thereof shall transfer the same to the superior court, there to be held pending disposition of the appeal; and shall also deliver to the court any exhibits introduced into evidence in the trial before the lower court, which exhibits, subject to the proper rulings of the appellant court, may be offered in evidence if the trial is had in the superior court; otherwise, to be returned to the custody of the lower court.

*(Ord. 726 §8 (29), 1972)*

**2.68.370 Appeal to Superior Court – Record on Review – Appeal to Supreme Court**

In the superior court, the contents of the record on appeal and the procedures governing the transmittal and copying of this record shall be in accordance with Title 6 of the Washington State Supreme Court Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ), and with any amendments or additions to said Rules. Appeals shall lie to the Supreme Court or the Court of Appeals of the State of Washington as in other criminal cases in the superior court.

*(Ord. 1288, 1983; Ord. 726 §8 (30), 1972)*

**2.68.380 Superior Court Judgment Notice**

Upon conclusion of the case in the superior court, the clerk thereof shall forthwith mail a true and correct copy of the judgment to the Municipal Court appealed from.

*(Ord. 726 §8 (31), 1972)*

**2.68.390 Traffic Cases – Complaint and Citation**

A. In traffic cases the complaint and citation shall be substantially in the form known as the “Uniform Traffic Ticket and Complaint” sponsored by the American Bar Association Traffic Court Program. The uniform traffic ticket and complaint shall consist of at least four parts. Additional parts may be inserted by law enforcement agencies for administrative use. Except when electronic data processing equipment is being used, the required parts, which must be the original, the first, the second, and the last carbon respectively, are:

1. The complaint, printed on white paper;
2. The abstract of court record for the State licensing authority, which shall be a copy of the complaint, printed on yellow paper;
3. The traffic citation, printed on green paper; and
4. The police record, which shall be a copy of the complaint, printed on pink paper.

B. In the case of law enforcement agencies utilizing electronic data processing equipment, or desiring to use such format, the required parts, which must be the original, the first, the second, and the last carbon respectively, are:

1. The abstract of court record for the State licensing authority, which shall be identical to the complaint and printed on yellow paper;
2. The traffic citation, printed on green paper;
3. The police record, which shall be identical to the complaint and printed on pink paper; and
4. The complaint, printed on a white card.

C. Each of the parts shall contain the following information or blanks in which such information shall be entered:

1. The name of the court and space for the court’s docket, case or file number;
2. The name of the person cited, his address, date of birth, sex, operator’s license number, his vehicle’s make, year, type, license number and state in which licensed;
3. The offense of which he is charged, the date, the time and place at which the offense occurred, the date on which the citation was issued, and the name of the citing officer. Several offenses may be cited on one ticket;
4. In all cases where the person is not arrested, the time and place at which the person cited is to appear in court or the traffic violations bureau need not be to a time certain but may be within 72 hours or within a greater period of time not to exceed 15 days after the date of the citation;
5. A space for the person cited to sign a promise to appear; and
6. A space for the entry of bail in accordance with the established bail schedule.

D. Each of the parts may also contain such identifying and additional information as may be necessary or appropriate for law enforcement agencies in the State.

E. Complaint:

1. Complaint – Officers. The complaint shall contain a form of certificate by the citing official to the effect that he certifies, under penalties of perjury, as provided by RCW 3.50.140, and any law amendatory thereof, he has reasonable grounds to believe, and does believe, the person cited committed the offense(s) contrary to law. The certificate need not be made before a magistrate or any other person. Such complaint when signed by the citing officer and filed with a court, or traffic violations bureau of competent jurisdiction, shall be deemed a lawful complaint for the purpose of prosecuting the traffic offenses charged therein.

2. Complaint by others. When a person other than a police officer wishes to make a traffic violation charge, he shall do so by filling out and signing a complaint as set forth in TMC 2.68.080 and 2.68.090.

*(Ord. 726 §8 (32), 1972)*

**2.68.400 Case Transfers**

A transfer of a case from the Municipal Court to either another municipal judge of the same City or to a judge pro tempore appointed in the manner prescribed by this chapter shall be allowed in accordance with RCW 3.66.090 in all civil and criminal proceedings.

*(Ord. 1324 §14, 1984)*

**2.68.420 Judges – Bonds**

Pursuant to RCW 35.24.450, the amount of the bonds for the municipal judge and judges pro tem is set in the amount of \$1,000.00.

*(Ord. 726 §11, 1972)*

**2.68.470 Savings**

The enactments of this chapter shall not affect any case, proceeding, appeal or other matter pending in the Tukwila Municipal Court, or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of Ordinance No. 1324 and RCW 3.50 as amended by Chapter 258, Laws of 1984.

*(Ord. 1324 §19, 1984)*

## CHAPTER 2.70 PUBLIC DEFENSE

### Sections:

2.70.010	Purpose and Intent
2.70.020	Definitions
2.70.030	Public Defender Appointment
2.70.040	Public Defender – Statement for Services
2.70.050	Public Defense Standards

### 2.70.010 Purpose and Intent

The purpose of this chapter is to ensure that indigent criminal defendants receive high-quality legal representation through a public defense system that efficiently and effectively protects the constitutional requirement of effective assistance of counsel.

*(Ord. 2410 §2, 2013)*

### 2.70.020 Definitions

As used in this chapter, the following terms shall have the meanings set forth in this section:

1. **“Attorney.”** The term “attorney” shall mean an attorney under contract with the City of Tukwila for the provision of indigent defense services, and shall also mean the law firm for which the attorney works. Therefore, these standards shall also apply to law firms who are under contract with the City for the provision of indigent defense services.

2. **“Defendant.”** The term “defendant” shall mean a person who has been charged with a misdemeanor offense in the Tukwila Municipal Court, and who is represented by an attorney as the term “attorney” is defined in TMC Section 2.70.020.

*(Ord. 2410 §3, 2013)*

### 2.70.030 Public Defender Appointment

The judge of the Municipal Court of the City is authorized to appoint, on a case-to-case basis as may be required, an attorney licensed to practice before the courts of the State of Washington to act as public defender in representing indigent persons charged with offenses tryable in the Municipal Court and cases appealed therefrom.

*(Ord. 2410 §4, 2013)*

### 2.70.040 Public Defender – Statement for Services

The attorney appointed to act as public defender shall present his statement for services to the City, and the same shall be paid in the same manner as the other obligations of the City.

*(Ord. 2410 §5, 2013)*

### 2.70.050 Public Defense Standards

The following Public Defense Standards are hereby adopted:

**Standard 1: Compensation.** The charges submitted by the public defender and approved by the City Council shall be paid from the current fund. The City’s contracts for public defense services should provide for compensation at a rate commensurate with the attorney’s training and experience. To attract and retain qualified personnel, compensation and benefit levels should be comparable to those of attorneys and staff in prosecutorial offices in the South King County region. Assigned counsel should be compensated for out-of-pocket expenses. Contracts shall provide for additional compensation for jury trials and appeals. Attorneys who have a conflict of interest shall not have to compensate the new, substituted attorney out of their own funds.

**Standard 2: Duties and Responsibilities of Counsel.** Attorneys shall provide services in a professional and skilled manner consistent with the minimum standards of the Washington State Bar Association, Washington’s Rules of Professional Conduct, applicable case law, the Constitutions of the United States and the State of Washington, and the court rules that define the duties of counsel and the rights of defendants. At all times during the representation of a defendant, the attorney’s primary responsibility shall be to protect the interests of the defendant.

**Standard 3: Caseload Limits, Types of Cases, and Limitations on Private Practice.** Attorneys shall maintain a caseload such that he or she can provide each and every defendant effective assistance of counsel as guaranteed by these standards. The attorney shall be mindful of the number of open cases for which he or she is counsel of record, the type or complexity of those cases and any prospective cases, his or her experience, the manner in which the jurisdiction processes cases, and any private practice in which he or she is engaged. When contracting with an attorney, the City may, if appropriate, limit the number of cases an attorney may handle. Such limitation may be based upon the experience of the attorney, the training the attorney has received, the complexity of the cases being assigned the attorney, defense services the attorney may provide to other municipalities, the scope and extent of the attorney’s private practice, justified complaints that may have been made against the attorney, and any other relevant factors.

**Standard 4: Responsibility for Expert Witness Services.** The City’s contracts for public defense services should provide reasonable compensation for expert witnesses when necessary. Expert witness fees should be maintained and allocated from funds separate from those provided for defender services. Requests for expert witness fees should be made through an ex parte motion. The defense should be free to retain the expert of its choosing and in no cases should be forced to select experts from a list pre-approved by either the court or the prosecution.

**Standard 5: Administrative Expenses and Support Services.** The City's contracts for public defense services should provide for or include administrative costs associated with providing legal representation. These costs should include but are not limited to travel, telephones, law library including electronic legal research, financial accounting, case management systems, computers and software, office space and supplies, training, meeting the reporting requirements imposed by these standards, and other costs necessarily incurred in the day-to-day management of the contract. Public defense attorneys shall have an office that accommodates confidential meetings with clients and receipt of mail, and adequate telephone services to ensure prompt response to client contact.

**Standard 6: Investigators.** Public defense attorneys shall use investigation services as appropriate and shall employ investigators with investigation training and experience. A minimum of one investigator should be employed for every four attorneys. The City's contracts for public defense services shall provide reasonable compensation for investigation services when necessary.

**Standard 7: Support Services.** Public defense attorneys shall have adequate access to support staff and services. At least one full-time legal assistant should be employed for every four attorneys. Fewer legal assistants may be necessary, however, if the agency or attorney has access to word processing staff or other additional staff performing clerical work. Public defenders should have a combination of technology and personnel that will meet their needs. Social work staff should be available to assist in developing release, treatment, and dispositional alternatives. Each agency or attorney should have access to mental health professionals to perform mental health evaluations. Investigation staff should be available as provided in Standard 6 at a ratio of one investigator for every four attorneys. Each agency or attorney providing public defense services should have access to adequate and competent interpreters to facilitate communication with non-English speaking and hearing-impaired clients for attorneys, investigators, social workers, and administrative staff.

**Standard 8: Reports of Attorney Activity.** Attorneys shall maintain a case reporting and case management information system, which includes number and type of cases, attorney hours and disposition. This information shall be provided to the City upon request and shall also be made available to the Office of the Administrator of the Courts. Any such system shall be maintained independently from client files so as to disclose no privileged information. A standardized voucher form should be used by those attorneys seeking payment upon completion of a case. For attorneys under contract, payment should be made monthly, or at times agreed to by the parties, without regard to the number of cases closed in the period.

**Standard 9: Training.** The City's contracts for public defense services shall require that attorneys participate in regular training programs on criminal defense law, including a minimum of seven hours of continuing legal education annually in areas relating to their public defense practice. In offices of more than

seven attorneys, an orientation and training program for new attorneys and legal interns should be held to inform them of office procedure and policy. All attorneys should be required to attend regular training programs on developments in criminal law, criminal procedure and the forensic sciences. Attorneys in civil commitment and dependency practices should attend training programs in these areas. Offices should also develop manuals to inform new attorneys of the rules and procedures of the courts within their jurisdiction. Every attorney providing counsel to indigent accused should have the opportunity to attend courses that foster trial advocacy skills and to review professional publications and other media.

**Standard 10: Supervision.** Each firm providing public defense services to the City should provide one full-time supervisor for every ten staff lawyers or one half-time supervisor for every five lawyers. Supervisors should be chosen from among those lawyers in the office qualified under these guidelines to try Class A felonies. Supervisors should serve on a rotating basis, and except when supervising fewer than ten lawyers, should not carry caseloads.

**Standard 11: Monitoring and Evaluation of Attorneys.** Attorneys will establish a procedure for systematic monitoring and evaluation of attorney performance based upon publicized criteria. Supervision and evaluation efforts should include review of time and caseload records, review and inspection of transcripts, in-court observations, and periodic conferences. Performance evaluations made by a supervising attorney should be supplemented by comments from judges, prosecutors, other defense lawyers and clients. Attorneys should be evaluated on their skill and effectiveness as criminal lawyers or as dependency or civil commitment advocates.

**Standard 12: Substitution of Counsel and Assignment of Contracts.** Attorneys should remain directly involved in the provision of representation and shall not sub-contract with another firm or attorney to provide representation without first obtaining the express written permission of the City. If the contract is with a firm or office, the City should request the names and experience levels of those attorneys who will actually be providing the services to ensure they meet minimum qualifications. The employment agreement shall address the procedures for continuing representation of clients upon the conclusion of the agreement. Alternate or conflict counsel shall be available for substitution in conflict situations at no cost to the counsel declaring the conflict.

**Standard 13: Limitation on Private Practice.** Private attorneys who provide public defense representation shall set limits on the amount of privately retained work which can be accepted. These limits shall be based on the percentage of a full-time caseload which the public defense cases represent.

**Standard 14: Qualifications of Attorneys.** Attorneys providing defense services shall meet the following minimum professional qualifications:

A. Satisfy the minimum requirements for practicing law in Washington as determined by the Washington Supreme Court; and

B. Be familiar with the statutes, court rules, constitutional provisions, and case law relevant to their practice area; and

C. Be familiar with the Washington Rules of Professional Conduct; and

D. Be familiar with the Performance Guidelines for Criminal Defense Representation approved by the Washington State Bar Association; and

E. Be familiar with the consequences of a conviction or adjudication, including possible immigration consequences and the possibility of civil commitment proceedings based on a criminal conviction; and

F. Be familiar with mental health issues and be able to identify the need to obtain expert services; and

G. Complete seven hours of continuing legal education within each calendar year in courses relating to their public defense practice.

H. Each attorney who is counsel alone for a case on appeal to the Superior Court from the Tukwila Municipal Court should have had significant training or experience in either criminal appeals, criminal motions practice, extensive trial level briefing, clerking for an appellate judge, or assisting a more experienced attorney in preparing and arguing an RALJ (Rules for Appeal of Decisions of Courts of Limited Jurisdiction) appeal.

I. Each attorney who is counsel for a case on appeal to the Washington Supreme Court or to the Washington Court of Appeals shall:

1. Have filed a brief with the Washington Supreme Court or any Washington Court of Appeals in at least one criminal case within the past two years; or

2. Have equivalent appellate experience, including filing appellate briefs in other jurisdictions, at least one year as an appellate court or federal court clerk, extensive trial level briefing or other comparable work.

**Standard 15: Disposition of Client Complaints.** Attorneys shall have a method to respond promptly to client complaints. Complaints should first be directed to the attorney, firm or agency that provided representation. If the client feels that he or she has not received an adequate response, they can contact the City Administrator and/or his/her designee to evaluate the legitimacy of complaints and to follow up on meritorious ones. The complaining client should be informed as to the disposition of his or her complaint in writing.

**Standard 16: Cause for Termination of Defender Services and Removal of Attorney.** The City's contracts for indigent defense services shall include the grounds for termination of the contract by the parties. Termination of a contract should only be for good cause. Termination for good cause shall include the failure of the attorney to render adequate representation to clients; the willful disregard of the rights and best interests of the client; and the willful disregard of the standards herein addressed. Removal by the court of counsel from representation normally should not occur over the objection of the attorney and the client.

**Standard 17: Non-Discrimination.** Neither the City, in its selection of an attorney, firm or agency to provide public defense representation, nor the attorneys selected, in their hiring practices or in their representation of clients, shall discriminate on the grounds of race, color, religion, national origin, age, marital status, gender, sexual orientation or disability. Both the City and the contractor shall comply with all federal, state, and local non-discrimination requirements.

**Standard 18: Guidelines for Awarding Public Defender Contracts.** The City shall award contracts for public defense services only after determining that the attorney or firm chosen can meet accepted professional standards. Under no circumstances should a contract be awarded on the basis of cost alone. Attorneys or firms bidding for contracts must demonstrate their ability to meet these standards. Contracts should only be awarded to:

1. Attorneys who have at least one year's criminal trial experience in the jurisdiction covered by the contract (i.e., City and District Courts, Superior Court or Juvenile Court), or

2. A firm where at least one attorney has one year's trial experience.

City attorneys, county prosecutors, and law enforcement officers should not select the attorneys who will provide indigent defense services.

*(Ord. 2450 §1, 2014; Ord. 2410 §6, 2013)*

**CHAPTER 2.76**  
**HEARING EXAMINER**

**Sections:**

- 2.76.010 Office of the Hearing Examiner Established
- 2.76.020 Powers and Duties – Designated
- 2.76.030 Action Final

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**2.76.010 Office of the Hearing Examiner Established**

The Office of the Hearing Examiner is hereby created, and “Hearing Examiner” shall mean any person appointed by the Mayor, and approved by the City Council, for the purpose of presiding over appeals and other matters as enumerated below.

*(Ord. 1796 §2 (part), 1997)*

**2.76.020 Powers and Duties – Designated**

The Hearing Examiner shall have the powers and duties assigned to that office by ordinance. In deciding any of the matters assigned to the Hearing Examiner, the Hearing Examiner shall issue a written report citing the facts and reasons that support the decision.

*(Ord. 1796 §2 (part), 1997)*

**2.76.030 Action Final**

The action of the Hearing Examiner shall be final and conclusive unless, within ten days from the date of action, the original applicant or an adverse party files a petition to the superior court.

*(Ord. 1796 §2 (part), 1997)*

**CHAPTER 2.80**  
**PLANNING DEPARTMENT**

**Sections:**

- 2.80.010 Office Created
- 2.80.020 Positions and Compensation

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**2.80.010 Office Created**

The Planning Department is created and shall be under the supervision of the Planning Director who shall report directly to the Mayor. The Director shall be appointed by the Mayor, subject to confirmation by a majority of the members of the City Council. The Planning Department shall be responsible for:

1. Administrative enforcement and public information involving land use and related matters;
2. Development and recommendations for ensuring compliance with State, federal laws relating to the environment, shoreline management and EIS requirements;
3. Serve in an advisory capacity to boards and commissions of the City;
4. The Building Division is transferred to the Planning Department and shall be under the supervision of the Planning Director. The building official shall be responsible for:
  - a. Field enforcement and public information involving building and related codes,
  - b. Services to various boards and commissions in an advisory capacity.

*(Ord. 1209 §1, 1981; Ord. 1198 §2, 1980)*

**2.80.020 Positions and Compensation**

The City Council will authorize the necessary positions and appropriate compensation within the Department through establishment of annual budgetary ordinances.

*(Ord. 1198 §4 (part), 1980)*

**CHAPTER 2.84**  
**DEPARTMENT OF FINANCE**

**Sections:**

2.84.010	Department Created
2.84.020	Duties
2.84.025	Designation of Official to Declare Official Intent
2.84.030	Oath and Bond
2.84.040	Compensation

**2.84.010 Department Created**

There is created the Department of Finance of the City of Tukwila, which shall be responsible for general supervision over the financial affairs of the City.

*(Ord. 1009 §5, 1977)*

**2.84.020 Duties**

A. The functions of the Department shall be executed under the supervision and control of a Director of Finance. The Director shall be appointed for an indefinite term by the Mayor, subject to confirmation by a majority of the members of the City Council. The Director shall serve at the pleasure of the Mayor.

B. The Director of Finance shall be the chief financial officer of the City. He shall perform all of the duties of the City Treasurer as set forth in RCW 35A.42.010 beginning at such time as the term of office of the current elected treasurer ends. The Director of Finance shall also perform such duties of the City Clerk which, in the opinion of the Mayor, are solely and directly related to the City's financial affairs.

C. The Director of Finance shall be designated City Treasurer to perform in such capacity whenever the laws of the State or the ordinances of the City make reference to such position. The Director may appoint a subordinate employee from the Department of Finance to assist in the performance of the duties of City Treasurer.

D. If the Director is appointed and confirmed prior to the time that the term of office of the current elected treasurer ends in January, 1978, the Director of Finance shall perform such duties related to the financial affairs of the City which are not specifically delegated by law to the City Treasurer and to the City Clerk.

E. In all cases where the fiscal affairs of the City are not expressly or otherwise charged by the laws of the State to another department or office, the Director of Finance shall have control and supervision over such fiscal affairs and shall act to promote, secure and preserve the financial interests of the City.

F. The Finance Director shall serve as the chief financial and accounting advisor to the Mayor and City Council, and shall advise the Mayor and City Council of the plans, functions and needs of the Department of Finance.

G. The Finance Director shall be responsible for all financial and accounting matters in divisions of the Department of Finance of the City and for the administration of all Department of Finance matters.

*(Ord. 1009 §6, 1977)*

**2.84.025 Designation of Official to Declare Official Intent**

The Finance Director of the City is designated to make declarations of official intent, substantially in the form attached to Ordinance 1818 as Exhibit A or in such other form as shall be prescribed by Treasury Regulation Section 1.103-18, on behalf of the City as may be necessary or appropriate from time to time for any purpose under, and in compliance with, the requirements of the federal reimbursement regulations.

*(Ord. 1818 §1, 1997)*

**2.84.030 Oath and Bond**

Before entering upon the performance of his duties, the Director of Finance shall take an oath or affirmation for the faithful performance of his duties, and shall furnish an official bond in the amount of \$5,000.00.

*(Ord. 1009 §7, 1977)*

**2.84.040 Compensation**

The Director of Finance shall receive such salary and in such amounts as the City Council may from time to time establish by ordinance and as fixed by the City's annual budget.

*(Ord. 1009 §8, 1977)*

**CHAPTER 2.88**

**PARKS AND RECREATION DEPARTMENT**

**Sections:**

- 2.88.010 Office Created
  - 2.88.020 Positions and Compensation
- 

**2.88.010 Office Created**

The Parks and Recreation Department is created and shall be under the supervision of the Parks and Recreation Director who shall report directly to the Mayor. The Director shall be appointed by the Mayor, subject to confirmation by a majority of the members of the City Council. The Recreation Department shall be responsible for:

1. Development and implementation of a comprehensive parks and recreation program to meet community needs;
2. Drafting of long range parks acquisitions and development programs;
3. Serve as an advisory to the Park Commission and various ad hoc advisory committees;
4. Exercising general supervision over the maintenance of the municipal parks and golf course(s).

*(Ord. 1494 §2, 1988; Ord. 1209 §2, 1981;  
Ord. 1198 §3, 1980)*

**2.88.020 Positions and Compensation**

The City Council will authorize the necessary positions and appropriate compensation within the Department through establishment of annual budgetary ordinances.

*(Ord. 1198 §4 (part), 1980)*

**CHAPTER 2.92**

**HAZARDOUS MATERIALS INCIDENT  
COMMAND AGENCY**

**Sections:**

- 2.92.010 Puget Sound Regional Fire Authority Designated as Agency
  - 2.92.020 Puget Sound Regional Fire Authority Authorized to Seek Assistance
- 

**2.92.010 Puget Sound Regional Fire Authority  
Designated as Agency**

The governing body of the City designates the Puget Sound Regional Fire Authority as the hazardous materials incident command agency for all hazardous materials incidents within the corporate limits of the City.

*(Ord. 2693 §3, 2022)*

**2.92.020 Puget Sound Regional Fire Authority  
Authorized to Seek Assistance**

Puget Sound Regional Fire Authority is authorized to enter into written agreements with persons, agencies, and/or corporations who may provide assistance with respect to a hazardous materials incident. In accordance with the provisions of RCW 70.136.050, 70.136.060, and 70.136.070, any person or public agency whose assistance has been requested by an incident command agency, who has entered into a written hazardous materials assistance agreement before or at the scene of the incident, and who, in good faith, renders emergency care, assistance, or advice with respect to a hazardous materials incident, is not liable for civil damages resulting from any act or omission in rendering of such care, assistance, or advice, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

*(Ord. 2693 §4, 2022)*

**CHAPTER 2.94**  
**POLITICAL ACTIVITIES OF**  
**CITY EMPLOYEES**

**Sections:**

- 2.94.010 Prohibited Activities  
2.94.020 Permitted Political Activities  
2.94.030 Penalty
- 

**2.94.010 Prohibited Activities**

A. No City officer or employee shall use City time, City property or his/her position or title as a City employee to promote any political issue or candidate, to solicit funds for any political purpose or to influence the outcome of any election during working hours.

B. City officers or employees shall not campaign for candidates or issues while in any City vehicles, or when in a uniform which identifies them as a City employee, or using City facilities including but not limited to such things as copy machines, paper supplies, typewriters, computers and other office equipment.

C. No City officer or employee shall coerce or intimidate any City employee to contribute to or not to contribute to, or to promote or oppose any political cause or candidate.

D. No City officer or employee shall perform or refrain from performing their normal job duties in order to obtain a benefit for political purposes.

*(Ord. 1440 §1, 1987).*

**2.94.020 Permitted Political Activities**

Employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office which would not be incompatible with or interfere with the discharge of their official duties. Employees may also participate in the management of a partisan, political campaign as long as it does not interfere with their job or use City property or facilities except as they are available to any member of the general public.

*(Ord. 1440 §2, 1987).*

**2.94.030 Penalty**

Violation of TMC Chapter 2.94 shall not be a criminal offense. Any officer or employee who violates this ordinance shall, however, be subject to discipline, including possible termination.

*(Ord. 1440 §3, 1987)*

**CHAPTER 2.95**

**CODE OF ETHICS FOR EMPLOYEES AND APPOINTED OFFICIALS**

**Sections:**

2.95.010	Purpose
2.95.020	Definitions
2.95.030	Prohibited Conduct
2.95.040	Complaint Process
2.95.050	Penalties for Noncompliance
2.95.060	Where to Seek Review

**2.95.010 Purpose**

A. It is the policy of the City of Tukwila to uphold, promote and demand the highest standard of ethics from all of its employees and appointed officials. City officers and employees shall maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties; they shall avoid any improprieties in their roles as public servants and they shall never use their City positions or powers for improper personal gain.

B. It is the intention of the City Council that TMC Chapter 2.95 be liberally interpreted to accomplish its purpose of protecting the public against decisions that are affected by undue influence, conflicts of interest, or any other violation of this Code of Ethics. In interpreting TMC Chapter 2.95, City officers and employees should be guided by common sense and practicality. This Code of Ethics is supplemental to Washington State law, RCW 42.23.

*(Ord. 2448 §2, 2014; Ord. 2127 §1, 2006; Ord. 2068 §1 (part), 2004).*

**2.95.020 Definitions**

As used in TMC Chapter 2.95, these words shall have the following meanings, unless the context clearly indicates otherwise:

1. *“Business”* means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, consultant, holding company, joint stock company, receivership, trust, or any legal entity organized for profit.

2. *“City officer or employee”* means every individual appointed, hired, or otherwise selected to an office or position with the City, or any subdivision thereof, whether such individual is paid or unpaid.

3. *“Compensation”* means payment in any form, for real or personal property or services of any kind.

4. *“Gift”* means a voluntary transfer of real or personal property of any kind, or the voluntary rendition of services of any kind, without consideration of equal or greater value, but not including any reasonable hosting, including travel, entertainment, meal, or refreshment expenses incurred in connection with appearances, ceremonies, and occasions reasonably related to official City business, where otherwise permitted by law.

5. *“Hearing Examiner”* shall mean the duly appointed and qualified Hearing Examiner for the City of Tukwila, or his/her designee.

6. *“Immediate family”* shall mean spouses, dependents, anyone residing in the person’s household, and anyone within three generations by blood or marriage of the person or the person’s spouse (e.g., within three degrees of relationship by blood or marriage).

7. *“Person”* means any individual, corporation, business or other entity, however constituted, organized or designated.

*(Ord. 2448 §3, 2014; Ord. 2068 §1 (part), 2004).*

**2.95.030 Prohibited Conduct**

The following shall constitute violations of this Code of Ethics:

**1. General Prohibition Against Conflicts of Interest.**

In order to avoid becoming involved or implicated in a conflict of interest or impropriety, no current City officer or employee should be involved in any activity that might be seen as conflicting with the conduct of official City business.

**2. Beneficial Interests in Contracts Prohibited.**

No City officer or employee shall participate in his/her capacity as a City officer or employee in the making of a contract in which she/he has a financial interest, direct or indirect. This shall include any contract for sale, lease or purchase, with or for the use of the City, or the acceptance directly or indirectly of any compensation, gratuity or reward from any other person beneficially interested therein. Except, that this prohibition shall not apply where the City officer or employee has only a remote interest in the contract, and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract, and thereafter the governing body authorizes, approves or ratifies the contract in good faith, by a vote of its membership sufficient for the purpose without counting the vote(s) of the officer(s) having the remote interest. For purposes of TMC Chapter 2.95, a “remote interest” means:

a. That of a non-salaried officer of a nonprofit corporation;

b. That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;

c. That of a landlord or tenant of a contracting party;

or

d. That of a holder of less than one percent of the shares of a corporation, a limited liability company, or other entity, which is a contracting party.

**3. Beneficial Influence in Contract Selection Prohibited.**

No City officer or employee shall influence the City’s selection of, or its conduct of business with, a corporation, person or firm having or proposing to do business with the City, if the City officer or employee has a financial interest in or with the corporation, person or firm, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract.

**4. Representation of Private Person at City Proceeding Prohibited.** No City officer or employee shall appear on behalf of a private person, other than him/herself or an immediate family member, or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the City or a City officer in an official capacity is a party, or accept a retainer or compensation that is contingent upon a specific action by the City. This provision shall not preclude an employee from exercising rights protected by the Public Employees Collective Bargaining Act, including the right to appear and/or testify in a legal proceeding on behalf of a labor organization representing employees or seeking to represent employees of the City.

**5. Certain Private Employment Prohibited.** No City officer or employee shall engage in or accept private employment from—or render services for—any private interest, when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties. This provision shall not interfere with an employee's right to engage in off duty employment that is authorized pursuant to a collective bargaining agreement and/or Tukwila Police Department General Orders.

**6. Beneficial Interest in Legislation Prohibited.** No City officer or employee, in appearing before the City Council or when giving an official opinion before the City Council, shall have a financial interest in any legislation coming before the City Council or participate in discussion with or give an official opinion to the City Council, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted on the record of the Council or similar records of the City, prior to consideration of the legislation by the City Council.

**7. Disclosure of Confidential Information Prohibited.** No City officer or employee shall disclose or use any confidential, privileged or proprietary information, gained by reason of his/her official position, for a purpose which is other than a City purpose; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public upon request. This provision shall not preclude an employee from exercising rights protected by the Public Employees Collective Bargaining Act, including the right of a labor organization to utilize and disclose properly obtained information that the City deems confidential, privileged, or proprietary.

**8. Improper Use of Position Prohibited.** No City officer or employee shall knowingly use his/her office or position to secure personal benefit, gain or profit, or use his/her position to secure special privileges or exceptions for him/herself, or for the benefit, gain or profit of any other persons. This provision shall not preclude an employee from exercising rights protected by the Public Employees Collective Bargaining Act, including the right to negotiate agreements that address the wages, hours, and working conditions of employees of the City.

**9. Improper Use of City Personnel Prohibited.** No City officer or employee shall employ or use any person under the

officer's or employee's official control or direction for the personal benefit, gain or profit of the officer or employee, or another. This section does not apply to off-duty employment relationships, which are mutually negotiated.

**10. Improper Use of City Property Prohibited.** No City officer or employee shall use City owned vehicles, equipment, materials, money or property for personal or private convenience or profit. Use is restricted to such services as are available to the public generally, for the authorized conduct of official City business, and for such purposes and under such conditions as are approved by administrative order of the Mayor; provided, the use of a City vehicle by a City officer or employee participating in a carpooling program established by the City, and for a purpose authorized under such program, shall not be considered a violation of TMC Chapter 2.95 or of any other provision of the Tukwila Municipal Code.

**11. Acceptance of Compensation, Gifts, Favors, Rewards or Gratuity Prohibited.** No City officer or employee may, directly or indirectly, give or receive, or agree to give or receive, any compensation, gift, favor, reward or gratuity, for a matter connected with or related to the officer's or employee's services with the City of Tukwila; except this prohibition shall not apply to:

a. Attendance of a City officer or employee at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of City business, or where official attendance by the officer or employee as a City representative is appropriate;

b. An award publicly presented in recognition of public service;

c. Any gift valued at \$100.00 or less, which cannot reasonably be presumed to influence the vote, action or judgment of the officer or employee, or be considered as part of a reward for action or inaction; or

d. An employee serving as a representative of a labor organization and/or an employee receiving compensation, gifts, or rewards from a labor organization of which he/she is a member.

**12. Impermissible Conduct After Leaving City Service.**

a. *Disclosure of Privileged, Confidential, or Proprietary Information Prohibited.* No former officer or employee shall disclose or use any privileged, confidential or proprietary information gained because of his/her City employment.

b. *Participation in City Matters Prohibited.* No former officer or employee shall, during the period of one year after leaving City office or employment:

(1) Assist any person in matters involving the City if, while in the course of duty with the City, the former officer or employee was officially involved in the matter, or personally and substantially participated in the matter, or acted on the matter;

(2) Represent any person as an advocate in any matter in which the former officer or employee was involved while a City officer or employee; or

(3) Participate as or with a bidder, vendor or consultant in any competitive selection process for a City contract in which s/he assisted the City in determining the project or work to be done, or the process to be used.

c. *Duty to Inform.* Whenever a City officer or employee wishes to contract with a former City officer or employee for expert or consultant services within one year of the latter's leaving City service, advance notice shall be given to the Mayor about the proposed agreement.

d. *Exceptions.* The prohibitions of TMC Section 2.95.030, paragraphs 12.b(1) and (2), shall not apply to a former officer or employee acting on behalf of a governmental agency, unless such assistance or representation is adverse to the interest of the City.

*(Ord. 2448 §4, 2014; Ord. 2127 §2, 2006; Ord. 2068 §1 (part), 2004).*

### **2.95.040 Complaint Process**

A. A complaint that this Code of Ethics has been violated may be filed with any one of the following officers, or his/her designee(s):

1. Mayor; or
2. City Attorney.

B. No person shall knowingly file a false complaint or report of violation of this Code of Ethics.

C. Any individual receiving a complaint that this Code of Ethics has been violated has an obligation to promptly forward the complaint, in writing, to the Mayor. The Mayor shall promptly designate an individual to conduct an investigation of the complaint.

D. The individual designated to conduct the investigation shall notify the subject of the complaint that a complaint has been made. The designated investigator shall then complete the investigation and prepare written findings and conclusions within 60 days of the date the complaint is received by the Mayor or City Attorney, unless an extension is granted in writing by the Mayor. A copy of the written investigation findings and conclusions shall be provided to the Mayor.

E. Within 5 business days of receipt of the investigator's written findings and conclusions, the Mayor shall prepare a written recommended disposition of the complaint. Copies of the recommended disposition and the investigation findings and conclusions shall be forwarded by certified mail to the complaining party and the party complained against at their last known addresses. Additional copies of the recommended disposition shall be forwarded to the investigator, the City Attorney or the City Attorney's designee, and the person(s) responsible for acting on the recommended disposition. The recommended disposition shall not be implemented until the time for requesting a formal hearing, pursuant to TMC Section 2.95.040(G), has lapsed and no such hearing has been requested.

F. When the complaint is against an appointed board or commission member, the investigative findings and conclusions as discussed in TMC Section 2.95.040(E), as well as the recommended disposition, shall be placed on the next regularly scheduled Council meeting agenda, for informational purposes only.

G. The party complained against may, within 10 business days following the date of a recommended disposition that finds a violation of this Code of Ethics, request a formal hearing before the Hearing Examiner. A request for a formal hearing shall be in writing. Except for good cause shown, the hearing shall be scheduled to take place not sooner than 20 days nor later than 60 days from the date the appeal is filed.

H. Within 30 days after the conclusion of a formal hearing, the Hearing Examiner shall, based upon a preponderance of the evidence, prepare findings of fact, conclusions of law, and his/her order. Copies of the Hearing Examiner's findings, conclusions and order shall be forwarded by certified mail to the complaining party and the party complained against at their last known addresses. Additional copies of the findings, conclusions and order shall be forwarded to the investigator, the City Attorney or the City Attorney's designee, and the person(s) responsible for acting on the Hearing Examiner's order. In the case of a complaint against an appointed board or commission member, the Hearing Examiner's findings shall be forwarded to the City Council and placed on the next regularly scheduled Council meeting agenda, for informational purposes only.

*(Ord. 2448 §5, 2014; Ord. 2127 §3, 2006; Ord. 2068 §1 (part), 2004).*

### **2.95.050 Penalties for Noncompliance**

A. Any person, other than an employee covered by a collective bargaining agreement, found by a preponderance of the evidence to have violated any provision of this Code of Ethics may be subject to one or more of the following penalties:

1. A cease and desist order as to violations of this Code of Ethics;
2. An order to disclose any reports or other documents or information requested by the Mayor;
3. An order to pay to the City a civil penalty of up to \$1,000.00, where it is determined disciplinary measures are not appropriate under the circumstances;
4. Discipline, up to and including termination or removal from any position whether paid or unpaid, only after notice and hearing as provided by law. The pre-disciplinary procedures set forth in the provisions of the Tukwila Municipal Code and applicable personnel policies shall be followed for regular employees in the Classified City Service;
5. Exclusion from bidding on City contracts for a period of up to 5 years; and/or
6. Termination or invalidation of contract(s) entered into in violation of the Code of Ethics, only if such contract(s) provide for termination in the event of a Code of Ethics violation.

B. Any allegation that an employee who is covered by a collective bargaining agreement has violated any provision of this Code of Ethics shall be investigated in accordance with the applicable collective bargaining agreement and Department Policies, Procedures, or General Orders. For any proven violation of this Code of Ethics, an employee may be disciplined up to and including termination in accordance with the applicable collective bargaining agreement. Any such discipline may be appealed in accordance with the applicable collective bargaining agreement or Civil Service Rules.

*(Ord. 2448 §6, 2014; Ord. 2127 §4, 2006;  
Ord. 2068 §1 (part), 2004).*

### **2.95.060 Where to Seek Review**

A. **Cease and Desist Order.** If ordered to cease and desist violating this Code of Ethics, an affected party may seek review by writ of review from the King County Superior Court pursuant to RCW 7.16, or other appropriate legal action.

B. **Public Disclosure.** If ordered to disclose any documents or papers pursuant to this Code of Ethics, an affected party may seek review by writ of review from the King County Superior Court pursuant to RCW 7.16, or other appropriate legal action.

C. **Civil Penalty.** If ordered to pay a civil penalty, an appeal may be taken in the form of a trial de novo in the Tukwila Municipal Court, which shall hear the case according to the Civil Rules for Courts of Limited Jurisdiction and applicable local rules of the Tukwila Municipal Court. This appeal shall be taken by filing in the Tukwila Municipal Court a notice of appeal within 14 days of the date of the final written order. The person filing the appeal shall also, within the same 14 days, serve a copy of the notice of appeal on the person who issued the final written order and the City Attorney, or his/her designee, and file an acknowledgment or affidavit of service in the Tukwila Municipal Court.

D. **Discipline or Removal.** If an employee or officer is disciplined or removed from office, then the person disciplined or removed from office may seek whatever remedies may be available at law or in equity.

E. **Exclusion from Public Bidding.** If ordered to be excluded from bidding on public contracts and the exclusion actually occurs, the person excluded may seek whatever remedies exist at law or in equity.

F. **Termination of Contract(s).** If termination of contract(s) is ordered, the person whose contract(s) was/were terminated may seek whatever remedies exist at law or in equity.

*(Ord. 2448 §7, 2014; Ord. 2068 §1 (part), 2004).*

**CHAPTER 2.97**

**CODE OF ETHICS FOR ELECTED OFFICIALS**

**Sections:**

- 2.97.010 Purpose
- 2.97.020 Definitions
- 2.97.030 Prohibited Conduct
- 2.97.040 Ethics Officer and Board of Ethics
- 2.97.050 Complaint Process
- 2.97.060 Penalties for Noncompliance
- 2.97.070 Where to Seek Review

**2.97.010 Purpose**

A. It is the policy of the City of Tukwila to uphold, promote and demand the highest standard of ethics from all of its Elected Officials. Elected Officials shall maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties; avoid any improprieties or material misrepresentations regarding their roles or authority as public servants, as defined herein; and never use their City positions or powers for improper personal gain.

B. It is the intention of the City Council that TMC Chapter 2.97 be liberally interpreted to accomplish its purpose of protecting the public against decisions that are affected by undue influence, conflicts of interest, or any other violation of this Code of Ethics. In interpreting TMC Chapter 2.97, Elected Officials should be guided by common sense and practicality. This Code of Ethics is supplemental to Washington state law, RCW Chapter 42.23.

*(Ord. 2447 §2, 2014).*

**2.97.020 Definitions**

As used in TMC Chapter 2.97, these words shall have the following meanings, unless the context clearly indicates otherwise:

1. *“Business”* means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, consultant, holding company, joint stock company, receivership, trust, or any legal entity organized for profit.
2. *“Elected Official”* means every individual elected to an office or position with the City.
3. *“Compensation”* means payment in any form for real or personal property or services of any kind.
4. *“Gift”* means a voluntary transfer of real or personal property of any kind or the voluntary rendition of services of any kind without consideration of equal or greater value, but not including any reasonable hosting expenses, including travel, entertainment, meal, and refreshment expenses incurred in connection with appearances, ceremonies, and occasions reasonably related to official City business, or where otherwise permitted by law.
5. *“Hearing Examiner”* shall mean the duly appointed and qualified Hearing Examiner for the City of Tukwila, or his/her designee.

6. *“Immediate family”* shall mean spouses, dependents, anyone residing in the person’s household, and anyone within three generations by blood or marriage of the person or the person’s spouse (e.g., within three degrees of relationship by blood or marriage).

7. *“Person”* means any individual, corporation, business or other entity, however constituted, organized or designated.

*(Ord. 2447 §3, 2014).*

**2.97.030 Prohibited Conduct**

The following shall constitute violations of this Code of Ethics:

**1. General Prohibition Against Conflicts of Interest.**

In order to avoid becoming involved or implicated in a conflict of interest or impropriety, no current Elected Official should be involved in any activity that might be seen as conflicting with the conduct of official City business.

**2. Beneficial Interests in Contracts Prohibited.**

No Elected Official shall participate in his/her capacity as an Elected Official in the making of a contract in which she/he has a financial interest, direct or indirect. This shall include any contract for sale, lease or purchase, with or for the use of the City, or the acceptance directly or indirectly of any compensation, gratuity or reward from any other person beneficially interested therein. Provided, however, that this prohibition shall not apply where the Elected Official has only a remote interest in the contract, and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract, and thereafter the governing body authorizes, approves or ratifies the contract in good faith, by a vote of its membership sufficient for the purpose without counting the vote(s) of the official(s) having the remote interest. For purposes of this TMC Chapter 2.97, a “remote interest” means:

- a. That of a non-salaried officer of a nonprofit corporation;
  - b. That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
  - c. That of a landlord or tenant of a contracting party;
- or
- d. That of a holder of less than one percent of the shares of a corporation, a limited liability company, or other entity, which is a contracting party.

**3. Beneficial Influence in Contract Selection Prohibited.**

No Elected Official shall influence the City’s selection of, or its conduct of business with, a corporation, person or firm having or proposing to do business with the City if the Elected Official has a financial interest in or with the corporation, person or firm, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract.

**4. Representation of Private Person at City Proceeding Prohibited.**

No Elected Official shall appear on behalf of a private person, other than him/herself or an immediate

family member, or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the City or an Elected Official in an official capacity is a party, or accept a retainer or compensation that is contingent upon a specific action by the City.

5. **Certain Private Employment Prohibited.** No Elected Official shall engage in or accept private employment from—or render services for—any private interest, when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties.

6. **Beneficial Interest in Legislation Prohibited.** No Elected Official, in appearing before the City Council or when giving an official opinion before the City Council, shall have a financial interest in any legislation coming before the City Council or participate in any discussion with or give an official opinion to the City Council, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted on the record of the Council or similar records of the City, prior to consideration of the legislation by the City Council.

7. **Disclosure of Confidential Information Prohibited.** No Elected Official shall disclose or use any confidential, privileged or proprietary information, gained by reason of his/her official position, for a purpose which is other than a City purpose; provided, however, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public upon request.

8. **Improper Use of Position Prohibited.** No Elected Official shall knowingly use his/her office or position to secure personal benefit, gain or profit, or use his/her position to secure special privileges or exceptions for him/herself, or for the benefit, gain or profits of any other persons.

9. **Improper Use of City Personnel Prohibited.** No Elected Official shall employ or use any person under the Elected Official's official control or direction for the personal benefit, gain or profit of the Elected Official or another. This section does not apply to off-duty employment relationships, which are mutually negotiated.

10. **Improper Use of City Property Prohibited.** No Elected Official shall use City owned vehicles, equipment, materials, money or property for personal or private convenience or profit. Such use is restricted to those services which are available to the public generally, for the authorized conduct of official City business, and for such purposes and under such conditions as are approved by administrative order of the Mayor or Council; provided, however, that the use of a City vehicle by an Elected Official participating in a carpooling program established by the City, and for a purpose authorized under such program, shall not be considered a violation of TMC Chapter 2.97 or any other provision of the Tukwila Municipal Code.

11. **Acceptance of Compensation, Gifts, Favors, Rewards or Gratuity Prohibited.** No Elected Official may, directly or indirectly, give or receive, or agree to give or receive, any compensation, gift, favor, reward or gratuity, for a matter connected with or related to the Elected Official's services with the City of Tukwila; provided, however, that this prohibition shall not apply to:

a. Attendance by an Elected Official at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of City business, or where official attendance by the Elected Official as a City representative is appropriate;

b. An award publicly presented in recognition of public service; or

c. Any gift valued at \$100.00 or less, which gift cannot reasonably be presumed to influence the vote, action or judgment of the Elected Official, or be considered as part of a reward for action or inaction.

12. **Impermissible Conduct After Leaving City Service.**

a. *Disclosure of Privileged, Confidential, or Proprietary Information Prohibited.* No former Elected Official shall disclose or use any privileged, confidential or proprietary information gained because of his/her City position.

b. *Participation in City Matters Prohibited.* No former Elected Official shall, during the period of one year after leaving City office:

(1) Assist any person in matters involving the City if, while in the course of duty with the City, the former Elected Official was officially involved in the matter, or personally and substantially participated in the matter, or acted on the matter; or

(2) Participate as or with a bidder, vendor or consultant in any competitive selection process for a City contract in which he/she assisted the City in determining the project or work to be done, or the process to be used.

*(Ord. 2447 §4, 2014).*

#### **2.97.040 Ethics Officer and Board of Ethics**

A. There is created a position of Ethics Officer. The purpose of the Ethics Officer is to review ethics complaints for an initial determination of sufficiency as described in TMC Section 2.97.050, before an investigation is initiated, and to provide advisory opinions for elected officials when requested. The City will contract with one or more qualified individuals or agencies to fill this position. To be qualified, the Ethics Officer must have prior experience working as a hearing examiner for Washington State municipalities or as a licensed attorney in good standing with the Washington State Bar Association. The Ethics Officer shall not conduct or participate in any hearing or decision in which the Ethics Officer has a direct or substantial financial interest or that otherwise constitutes a conflict of interest for the Ethics Officer.

B. There is created a Board of Ethics for the City of Tukwila. The purpose of this Board of Ethics is to adjudicate ethics complaints against elected officials, once an initial determination of sufficiency has been made by the Ethics Officer.

C. The Board of Ethics shall be composed of five members and shall be comprised of one member from each of the City's five standing Commissions: Planning Commission, Arts Commission, Park Commission, Equity and Social Justice Commission and Civil Service Commission. Should the chair of any Commission be unable or unwilling to serve on the Board of Ethics, the Commission shall select a member to serve on the Board.

D. The Chair of the Board shall be elected by the Board members and shall serve as Chair for one year, at which time a new election shall occur.

E. A majority of the Board of Ethics shall constitute a quorum. The Board shall meet as frequently as it deems necessary and in accordance with the provisions of the Tukwila Municipal Code. The Board shall adopt procedures consistent with the provisions of the Tukwila Municipal Code governing the conduct of its meetings. The Board shall be supported by the City Attorney or assigned independent legal counsel.

*(Ord. 2601 §1, 2018; Ord. 2447 §5 (part), 2014).*

**2.97.050 Complaint Process**

A. A complaint that this Code of Ethics has been violated may be filed with any one of the following officers, or his/her designee(s):

1. Mayor;
2. City Attorney
3. Council President, or
4. City Clerk.

B. No person shall knowingly file a frivolous or false complaint or report of violation of this Code of Ethics.

C. No complaints shall be accepted or considered which relate to actions that took place more than five years prior to the date such complaint was filed.

D. Any individual receiving a complaint that this Code of Ethics has been violated has an obligation to promptly forward the complaint, in writing, to the Ethics Officer for a sufficiency determination. After reviewing the complaint, the Ethics Officer may take any of the following actions:

1. Determine that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Ethics.
2. Determine that the facts stated in the complaint, even if true, would not constitute a material violation of the Code of Ethics because any potential violation was inadvertent or minor or has been adequately cured, such that further proceedings on the complaint would not serve the purposes of the Code of Ethics.
3. Make a preliminary determination that the facts stated in the complaint, if true, could potentially constitute a violation of the Code of Ethics such that further proceedings are warranted.

E. The Ethics Officer shall submit a written report of its determination of sufficiency to the complainant, the respondent, and the City Attorney within 20 days of its receipt of the written

complaint. If the Ethics Officer determines that the complaint is insufficient, the complaint is dismissed and the matter is thereby closed. If the Ethics Officer determines the complaint sufficient, then the complaint shall be investigated as set forth in this section. The Ethics Officer's determination of sufficiency is final and binding and no appeal is available.

F. For all complaints determined to be sufficient by the Ethics Officer, the City Attorney shall promptly designate an individual to conduct an investigation of the complaint and shall forward a confidential memorandum to all Elected Officials informing them that a complaint has been made.

G. The individual designated to conduct the investigation shall notify the subject of the complaint that a complaint has been made. The designated investigator shall then complete the investigation and prepare written findings and conclusions within 60 days of the date the complaint is deemed sufficient, unless an extension is granted in writing by the City Attorney. A copy of the written investigation findings and conclusions shall be provided to the City Attorney.

H. Within 5 business days of receipt of the investigator's written findings and conclusions, the City Attorney shall forward a copy of the investigation to the Chair of the Ethics Board. Copies of the recommended disposition and investigation findings and conclusions shall be forwarded by certified mail to the complaining party and the party complained against at their last known addresses.

I. Within 10 business days of receipt of the investigator's report, the Board of Ethics shall convene and review the complaint, findings, conclusions and recommended disposition. As soon as practicable after giving due consideration to the complaint, the Board shall take any action or combination of actions that it deems appropriate and for which it is lawfully empowered to take including, but not limited to, the following:

1. Determine that no violation of the Code of Ethics has occurred.
2. Determine that a violation of the Code of Ethics has occurred.
3. If the Board determines that it needs more information to make a determination as to whether the Code of Ethics has been violated, it may convene a hearing to take such additional evidence as required by the Board. The scope of evidence requested by the Board should be strictly construed. At such hearing, the Board may call additional witnesses or consider additional documentary evidence. After final deliberations on the investigator's findings, as well as any additional testimony, statements, or documents presented at the hearing, the Board shall determine whether or not a violation of the Code of Ethics has occurred. Throughout the process, the Board may seek legal advice from the City Attorney or independent legal counsel as assigned by the City Attorney. Assigned independent legal counsel shall have a minimum of five years municipal law experience.
4. After the Board has made its final determination under TMC Section 2.97.050, subsection I, (1), (2) or (3), the

Board shall issue its written findings of fact and conclusions of law, along with its recommended disposition, if applicable. The Board's conclusions shall be based on the preponderance of evidence standard. The Board may recommend and the City Council may impose upon any Elected Official the penalties set forth in TMC Section 2.97.060.

5. Copies of the written findings of fact, conclusions and recommended disposition of the Board shall be forwarded by certified mail to the complaining party and the party complained against at their last known addresses. Additional copies shall be forwarded to the investigator, the City Attorney (or independent legal counsel), and the City Council.

J. The written findings of fact, conclusions and recommended disposition shall be placed on the next regularly scheduled Council meeting agenda for discussion and disposition pursuant to TMC Section 2.97.060, by majority vote of the Council.

K. **Ex Parte Communications.** After a complaint has been filed and during the pendency of a complaint before the Board, no member of the Board may communicate directly or indirectly with any party or other person about any issue or fact or law regarding the complaint, except that members of the Board may obtain legal advice with the City Attorney or assigned independent legal counsel.

L. The party complained against may, within 10 business days following the date of a recommended disposition that finds a violation of this Code of Ethics, request a formal hearing before the Hearing Examiner. A request for a formal hearing shall be in writing. Except for good cause shown, the hearing shall be scheduled to take place not sooner than 20 days nor later than 60 days from the date the appeal is filed.

M. Within 30 days after the conclusion of a formal hearing, the Hearing Examiner shall, based upon a preponderance of the evidence, prepare findings of fact, conclusions of law, and his/her order. Copies of the Hearing Examiner's findings, conclusions and order shall be forwarded by certified mail to the complaining party and the party complained against at their last known addresses. A copy of the Hearing Examiner's findings, conclusions and order shall also be provided to the City Council and placed on the next regularly scheduled Council meeting agenda, for informational purposes only. Additional copies of the findings, conclusions and order shall be forwarded to the investigator, the City Attorney or the City Attorney's designee, and the person(s) responsible for acting on the Hearing Examiner's order.

*(Ord. 2601 §2, 2018; Ord. 2447 §5 (part), 2014).*

### 2.97.060 Penalties for Noncompliance

Any Elected Official found, by a preponderance of the evidence, to have violated any provision of this Code of Ethics may be subject to one or more of the following penalties by majority vote of the Council:

1. A cease and desist order as to violations of this Code of Ethics.

2. An order to disclose any reports or other documents or information requested.

3. An order to pay to the City civil penalty of up to \$1,000.00, where it is determined disciplinary measures are not appropriate under the circumstances.

4. Exclusion from bidding on City contracts for a period of up to 5 years.

5. Termination or invalidation of contract(s) entered into in violation of the Code of Ethics, but only if such contract(s) provide for termination in the event of a Code of Ethics violation.

6. **Admonition.** An admonition shall be a verbal statement approved by the City Council and made to the Elected Official by the Council President, or if the complaint is against the Council President, then by the next most senior Councilmember. An admonition under this section is not subject to further review or appeal except as may be otherwise provided by law.

7. **Reprimand.** A reprimand shall be administered to the Elected Official by a resolution of reprimand by the City Council. A reprimand under this section is not subject to further review or appeal, except as may be otherwise provided by law.

8. **Censure.** A censure shall be a written statement administered personally to the individual. The individual shall appear at a time and place directed by the Council to receive such censure. Notice shall be given at least 20 days before the scheduled appearance at which time a copy of the proposed censure shall be provided to the individual. Within 5 days of receipt of the notice, the individual may file a request for review of the content of the proposed censure with the City Council. Such a request will stay the administration of the censure. The City Council shall review the proposed censure in light of the investigator's findings of fact and the request for review, and may take whatever action appears appropriate under the circumstances. The action of the Council shall be final and not subject to further review. If no such request is received, the censure shall be administered at the time and place set. It shall be given publicly, and the individual shall not make any statement in support of or in opposition to or in mitigation thereof. A censure shall be deemed administered at the time it is scheduled whether or not the individual appears as required.

*(Ord. 2447 §6, 2014).*

**2.97.070 Where to Seek Review**

A. **Cease and Desist Order.** If ordered to cease and desist violating this chapter, the affected Elected Official may seek review by writ of review from the King County Superior Court pursuant to RCW 7.16, or other appropriate legal action.

B. **Public Disclosure.** If ordered to disclose any documents or papers pursuant to this chapter, the affected Elected Official may seek review by writ of review from the King County Superior Court pursuant to RCW 7.16, or other appropriate legal action.

C. **Civil Penalty.** If ordered to pay a civil penalty, an appeal may be taken in the form of a trial de novo in the Tukwila Municipal Court, which shall hear the case according to the Civil Rules for Courts of Limited Jurisdiction and applicable local rules of the Tukwila Municipal Court. This appeal shall be taken by filing in the Tukwila Municipal Court a notice of appeal within 14 days of the date of the final written order. The person filing the appeal shall also, within the same 14 days, serve a copy of the notice of appeal on the person who issued the final written order and the City Attorney, or his/her designee, and file an acknowledgment or affidavit of service in the Tukwila Municipal Court.

D. **Exclusion from Public Bidding.** If ordered to be excluded from bidding on public contracts and the exclusion actually occurs, the Elected Official excluded may seek whatever remedies exist at law or in equity.

E. **Termination of Contract(s).** If termination of contract(s) is ordered, the person whose contract(s) was/were terminated may seek whatever remedies exist at law or in equity.

*(Ord. 2447 §7, 2014).*

**CHAPTER 2.98**

**COMPLIANCE WITH FEDERAL IMMIGRATION LAWS**

**Sections:**

- 2.98.010 Immigration Inquiries Prohibited
  - 2.98.020 Enforcement of Federal Immigration Law
  - 2.98.030 Applicability
- 

**2.98.010 Immigration Inquiries Prohibited**

Unless otherwise required by law or court order, or during the course of a criminal investigation where identity is in question and cannot otherwise be determined, no officer, agent, or employee of the City of Tukwila shall inquire into the immigration or citizenship status of any person or engage in activities designed to ascertain the immigration status of any person.

*(Ord. 2587 §2, 2018)*

**2.98.020 Enforcement of Federal Immigration Law**

A. Unless otherwise required by law or court order, no officer of the City of Tukwila shall stop, search, arrest, detain, or continue to detain a person based on any administrative or civil immigration detainer request unless accompanied by a valid criminal warrant issued by a judge or magistrate.

B. The Tukwila Police Department shall not stop, search, investigate, arrest, or detain an individual based solely on immigration or citizenship status.

C. Unless Immigration and Customs Enforcement (ICE) agents have a criminal warrant or City officials have a legitimate law enforcement purpose that is not solely related to the enforcement of civil immigration laws, the City shall not give ICE agents access to individuals in the City's custody.

D. The Tukwila Police Department shall maintain policies and training procedures consistent with this chapter.

*(Ord. 2587 §3, 2018)*

**2.98.030 Applicability**

A. This chapter is intended to be consistent with federal laws regarding communications between local jurisdictions and federal immigration authorities, including but not limited to United States Code Title 8, Section 1373.

B. Nothing in this chapter shall be construed to prohibit any Tukwila City officer or employee from cooperating with federal immigration authorities as required by law.

C. Nothing in this chapter is intended to create or form the basis for liability on the part of the City, or its officers, employees or agents.

*(Ord. 2587 §4, 2018)*

**CHAPTER 2.105**

**INDEMNIFICATION OF CITY EMPLOYEES,  
OFFICIALS AND VOLUNTEERS**

**Sections:**

- 2.105.010 Purpose
- 2.105.020 Definitions
- 2.105.030 Legal Representation
- 2.105.040 Exclusions
- 2.105.050 Determination of Exclusion
- 2.105.060 Representation and Payment of Claims–Conditions
- 2.105.070 Effect of Compliance with Conditions
- 2.105.080 Failure to Comply with Conditions
- 2.105.090 Reimbursement of Incurred Expenses
- 2.105.100 Conflict with Provisions of Insurance Policies or Self-Insurance Plan
- 2.105.110 Pending Claims

**2.105.010 Purpose**

The purpose of this chapter is to protect past and current City employees, officials and volunteers acting in good faith purporting to perform his or her official duties and to authorize the defense of any action or proceeding against such employee, official or volunteer and to create a procedure to determine whether or not the acts or omissions of the employee, official or volunteer were, or in good faith purported to be, within the scope of their official duties.

*(Ord. 2667 §2, 2021)*

**2.105.020 Definitions**

Unless the context indicates otherwise, the words and phrases used in this chapter shall have the following meanings:

1. “Employee” means any person who is or has been employed by the City. “Employee” does not include independent contractors.
2. “Official” means any person who is serving or has served as an elected City official, and any person who is serving or has served as an appointed member of any City Board, Commission, Committee, or other appointed position with the City. “Official” does not include independent contractors performing the duties of appointed positions.
3. “Volunteer” means any person who performs or has performed his or her services gratuitously for the benefit of the City and has no employer-employee relationship with the City.

*(Ord. 2667 §3, 2021)*

**2.105.030 Legal Representation**

A. As a condition of service or employment with the City of Tukwila, the City shall provide to a City employee, official, or volunteer, and any spouse or registered domestic partner of a City employee, official, or volunteer to the extent the community, as community is defined in Chapter 26.16 RCW is implicated, subject to the conditions and requirements of this chapter, and notwithstanding the fact that such employee, official, or volunteer may have concluded service or employment with the City, such legal representation as may be reasonably necessary to defend a claim or lawsuit filed against such employee, official, or volunteer resulting from any conduct, act or omission of such employee, official, or volunteer performed or omitted on behalf of the City in his or her capacity as a City employee, official, or volunteer, which act or omission is within the scope of their service or employment with the City.

B. The legal services shall be provided by the Office of the City Attorney unless:

1. Any provision of an applicable policy of insurance or self-insurance plan provides otherwise; or
2. A conflict of interest or ethical bar exists with respect to said representation; or
3. The Mayor determines that the assignment of counsel other than the City Attorney is necessary or prudent under the circumstances.

C. In the event that outside counsel is retained under subsection (B) of this section, the City shall indemnify the City employee, official, or volunteer from the reasonable costs of defense; provided, that in circumstances where outside counsel is retained under subsection (B) of this section, the City controls the defense of the matter consistent with the contract with the outside counsel selected by the City.

*(Ord. 2667 §4, 2021)*

**2.105.040 Exclusions**

In no event shall protection be offered under this chapter by the City to:

1. Any dishonest, fraudulent, criminal, intentionally wrongful or malicious act or course of conduct of a City employee, official, or volunteer;
2. Any act or course of conduct of a City employee, official, or volunteer that is not performed on behalf of the City;
3. Any act or course of conduct that is outside the scope of a City employee’s, official’s, or volunteer’s service or employment with the City; and/or
4. Any lawsuit brought against a City employee, official, or volunteer by or on behalf of the City.

B. Nothing herein shall be construed to waive or impair the right of the City Council to institute suit or counterclaim against any City employee, official, or volunteer, nor to limit its ability to discipline or terminate an employee. The protections of this chapter shall not apply with respect to any accident, occurrence, or circumstance for which the City or the City employee, official, or volunteer is insured against loss or damages under the terms of any valid insurance policy or self-insurance program; provided, that this chapter shall provide protection, subject to its terms and limitations, above any loss limit of such policy. The provisions of this chapter are intended to be secondary to any contract or policy of insurance owned or applicable to any employee, official, or volunteer. The City shall have the right to require any employee, official, or volunteer to utilize any such policy protection prior to requesting the protection afforded by this chapter.

*(Ord. 2667 §5, 2021)*

**2.105.050 Determination of Exclusion**

The determination of whether a City employee, official, or volunteer shall be afforded a defense by the City under the terms of this chapter shall be finally determined by the City Council on the recommendation of the Mayor. The City Council may request the City Attorney to provide an opinion or recommendation concerning the determination. The decision of the City Council shall be final as a legislative determination of the Council. Nothing herein shall preclude the City from undertaking a City employee's, official's, or volunteer's defense under a reservation of rights.

*(Ord. 2667 §6, 2021)*

**2.105.060 Representation and Payment of Claims – Conditions**

The protections of this chapter shall apply only when the following conditions are met:

1. In the event of any incident or course of conduct potentially giving rise to a claim for damage, or the commencement of a suit, the City employee, official, or volunteer involved shall, as soon as practicable, give the City Administrator written notice thereof, identifying the City employee, official, or volunteer involved; all information known to the employee, official, or volunteer involved; all information known to the employee, official, or volunteer with respect to the date, time, place and circumstances surrounding the incident or conduct giving rise to the claim or lawsuit; as well as the names and addresses of all persons allegedly injured or otherwise damaged thereby, and the names and addresses of all witnesses.

2. Upon receipt thereof, the City employee, official, or volunteer shall forthwith deliver any claim, demand, notice or summons or other process relating to any such incident or conduct to the City Attorney, and shall cooperate with the City Attorney, or an attorney designated by the City, and, upon request, assist in making settlement of any suit and enforcing any claim for any right of subrogation against any persons or organizations that may be liable to the City because of any damage or claim of loss arising from the incident or course of conduct, including but not limited to rights of recovery for costs and attorneys' fees arising out of state or federal statute upon a determination that the suit brought is frivolous in nature.

3. Such City employee, official, or volunteer shall attend interviews, depositions, hearings, and trials and shall assist in securing and giving evidence and obtaining attendance of witnesses all without any additional compensation to the employee, official, or volunteer and, in the event that an employee has left the employ of the City, no fee or compensation shall be provided. The City shall pay reasonable out-of-pocket expenses and costs (e.g., travel expenses, parking expenses, etc.) incurred by City employees, officials, and volunteers (including former employees, former officials, and former volunteers) in connection with such attendance. All such expenses shall be approved by the City Administrator, or designee, and the City Administrator's determination shall be final.

4. Such City employee, official, or volunteer shall not accept nor voluntarily make any payment, assume any obligations, or incur any expense relating to the claim or suit, other than for first aid to others at the time of any incident or course of conduct giving rise to any such claim, loss, or damage.

*(Ord. 2667 §7, 2021)*

**2.105.070 Effect of Compliance with Conditions**

If legal representation of a City employee, official, or volunteer is undertaken consistent with this chapter, all of the conditions of representation are met, and a judgment is entered against the employee, official, or volunteer, or a settlement made, the City shall pay such judgment or settlement; provided, that the City may, at its discretion, appeal as necessary such judgment.

*(Ord. 2667 §8, 2021)*

**2.105.080 Failure to Comply with Conditions**

In the event that any City employee, official, or volunteer fails or refuses to comply with any of the conditions of TMC Section 2.105.060 or elects to provide his/her own representation with respect to any such claim or litigation, then all of the protections of this chapter shall be inapplicable and shall have no force or effect with respect to any such claim or litigation.

*(Ord. 2667 §9, 2021)*

**2.105.090 Reimbursement of Incurred Expenses**

A. If the City determines that a City employee, official, or volunteer does not come within the provisions of this chapter, and a court of competent jurisdiction later determines that such claim does come within the provisions of this chapter, then the City shall pay any judgment for nonpunitive damages rendered against the employee, official, or volunteer and reasonable attorneys' fees incurred in defending against the claim. Consistent with RCW 4.96.041(4), the City Council may by motion agree to pay an award for punitive damages based on the specific facts and circumstances of the case, which shall be determined on a case-by-case basis. The City shall pay any attorneys' fees incurred in obtaining the determination that such claim is covered by the provisions of this chapter.

B. If the City determines that a claim against a City employee, official, or volunteer does not come within the provisions of this chapter, and a court of competent jurisdiction later finds that such claim does not come within the provisions of this chapter, then the City shall be reimbursed by the employee, official, or volunteer for costs or expenses incurred in obtaining the determination that such claim is not covered by the provisions of this chapter.

*(Ord. 2667 §10, 2021)*

**2.105.100 Conflict with Provisions of Insurance Policies or Self-insurance Plan**

Nothing contained in this chapter shall be construed to modify or amend any provision of any policy of insurance or self-insurance plan where any City employee, official, or volunteer thereof is the named insured. In the event of any conflict between this chapter and the provisions of any such policy of insurance or self-insurance plan, the policy or plan provisions shall be controlling; provided, however, that nothing contained in this section shall be deemed to limit or restrict any City employee's, official's, or volunteer's right to full protection pursuant to this chapter, it being the intent of this chapter and section to provide the protection detailed in this chapter outside and beyond insurance policies that may be in effect, while not compromising the terms and conditions of such policies by any conflicting provision contained in this chapter.

*(Ord. 2667 §11, 2021)*

**2.105.110 Pending Claims**

The provisions of this chapter shall apply to any pending claim or lawsuit against a City employee, official, or volunteer, or any such claim or lawsuit hereafter filed, irrespective of the date of the events or circumstances which are the basis of such claim or lawsuit.

*(Ord. 2667 §12, 2021)*