

ORDINANCE NO. 2013-09-072

AN ORDINANCE AMENDING TERMS TO MAKE THEM GENDER NEUTRAL, CORRECTING INTERNAL INCONSISTENCIES WITHIN THE CODE, AND REPEALING OBSOLETE PROVISIONS, AMENDING AND REPEALING NUMEROUS SECTIONS WITHIN TITLE 3 - PERSONNEL

WHEREAS, the recent recodification of the municipal code included a comprehensive legal review of the entire municipal code; and

WHEREAS, the City Attorney's Office has been working collaboratively with multiple administrative departments to update the code based on the recommended changes; and

WHEREAS, the legal review identified several sections of Title 3 - Personnel that require updates; and

WHEREAS, the recommended updates include amending terms to make them gender neutral, correcting internal inconsistencies within the code, and repealing obsolete provisions; and

WHEREAS, the code sections related to workweeks and work schedules are superseded by the requirements of applicable state and federal wage laws; and

WHEREAS, these changes are non-substantive and not intended to modify the intent of the City Council,

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. BMC 3.04.010 is hereby amended to read as follows:

"Employee" means any person holding any place of employment for the city in any of its departments, for which a salary or wage is paid by the city, including the ~~firemen~~ firefighters and ~~police~~ police officers of the city, and excepting only the elected officers of the city ~~and the following appointed officers of the city: city engineer, street superintendent, water superintendent, fire chief, harbor master, chief of police, health officer, meat and milk inspector, park and cemetery superintendent, librarian, police judge, and sanitary inspector.~~

Section 2. BMC 3.04.060 is hereby amended to read as follows:

A. Any elected officer or employee of the city required on a periodic basis to use a private vehicle for travel on city business shall be reimbursed at the "standard mileage rate" (or equivalent) then in effect and approved by the Internal Revenue Service; provided, that this reimbursement rate shall not apply to officers and employees covered by subsection (B) of this section.

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B. Those elected officers and employees having continuous and routine use of a city vehicle pursuant to administrative policy executed by the mayor may:

1. Utilize the city vehicle assigned; or
2. Substitute the routing and continuous use of their private vehicle therefor, in which case the reimbursement rate shall be \$0.04 above the current Internal Revenue Service rate, or as established for the city by the mayor in a periodic rate adjustment.

C. The reimbursement rate fixed is in lieu of all other charges and expenses, including storage, damages and repairs, for any private vehicle while it is being used in the business of the city; provided, that parking fees shall be reimbursed according to standard policy and procedures.

D. ~~Officers~~ Elected officers and employees substituting a private vehicle for a city vehicle, pursuant to subsection (B) of this section, shall be required to provide at their own expense liability insurance for such private vehicle in such amounts as shall be determined, from time to time, by the city risk manager/assistant city attorney.

E. The mayor or his mayor's designee shall be authorized to adopt rules and regulations governing the use of private vehicles as provided in this section. Such rules and regulations shall include, but are not limited to, provisions for maintenance and inspection of such vehicles.

Section 3. BMC 3.08.010 is hereby amended to read as follows:

The members of all boards and commissions shall possess the following qualifications in addition to those prescribed in the Charter:

Unless the ordinance establishing the board or commission specifies otherwise, every member shall be a citizen of the United States and an elector of the city of Bellingham, a resident of the state of Washington for at least three years and of the city of Bellingham for at least two years previous to his appointment as a member of any board or commission.

Section 4. BMC 3.12.010 is hereby amended to read as follows:

A. Effective January 1, ~~1998~~ 2013, the annual salary for members of the city council shall be ~~in accordance with the following schedule~~ calculated as follows:

1. ~~January 1, 1994, \$1,000 per month~~ January 1, 2013, \$1,893 per month;
2. ~~January 1, 1998, \$1,250 per month; thereafter such~~ The annual salary for council members shall increase annually by three percent, beginning ~~January 1, 1999~~ January 1, 2014;

~~provided, however, pursuant to Article II of the Washington State Constitution, such salary increase shall not apply to council members during their current term of office or as otherwise prohibited by the State Constitution.~~

B. Each member of the city council shall be reimbursed for expenses legally incurred in the conduct of their duties in accordance with council policy.

C. Those health and life insurance benefits which are provided to permanent, part-time exempt employees of the city shall be available to council members.

1. These council benefits shall be administered in the same manner as those of other city employees and shall include the following:

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a. Self-only medical, dental, and vision benefits including any co-payments or other cost-sharing provisions, but not including any incentive programs as may be made a part of the city's benefit plans;

b. The same opportunity to self-pay for dependent coverage which is provided to permanent part-time exempt employees; and

c. Life insurance coverage equivalent to double the current annual salary.

2. Health benefits shall be provided under this section only to the extent that the benefits eligible to council members through plans provided by employment other than with the city of Bellingham are exhausted first.

~~3. This section shall be prospective in application and shall be effective June 1, 1991; provided, however, that the above benefit entitlements shall not apply to incumbent council members during their current term of office.~~

Section 5. BMC 3.12.020 is hereby amended to read as follows:

A. The basic annual salary attaching to the positions of mayor beginning in 1998, ~~subject to the cost of living increase allowed for other exempt employees in 1998 for the mayor shall be,~~ is five percent above the highest salary level of department head positions.

~~Thereafter, such salaries and~~ shall be increased annually by the same percentage amount as salaries are increased for exempt (non-represented) employees, unless the council directs otherwise by budget or other ordinance.

B. The employment benefits received by the mayor shall be administered in the same manner as those of the city's department heads, ~~and shall include the following:~~

~~1. Health, vision care, dental and medical benefits, including co-payment and incentive programs as may be made a part of the city's plans;~~

~~2. Unpaid leaves of absence for up to 30 days upon city council approval;~~

~~3. Life insurance, equivalent to double the current year's salary;~~

~~4. Official holidays, as set forth in state statute and city policy;~~

~~5. Vacation at the discretion of the office holder;~~

~~6. Use of a city vehicle, or reimbursement for routine and continuous use of their private vehicle for official business;~~

~~7. Tuition reimbursement for relevant courses of study, to the extent that funds may be available;~~

~~8. Reimbursement for expenses legally incurred in the conduct of their duties in accordance with city policy.~~

Section 6. BMC 3.16.010 is hereby amended to read as follows:

Civil service is hereby extended to the ~~departments of finance and parks and recreation, and all positions in said departments, except the heads thereof and such other positions as are specifically excluded by ordinance or resolution, are placed in the classified civil service of the city and subject to all provisions of the Charter relating to civil service. all positions and employees within the City's collective bargaining units, except: 1) those in the Supervisory and Professional unit, 2) Library and Museum positions and employees, and 3) positions of less than 20 hours per week or those not expected to continue more than nine consecutive months, and the employees filling those positions.~~

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Section 7. BMC 3.16.040 is hereby amended to read as follows:

It shall be the duty of the ~~city attorney~~ hearing examiner to counsel with and advise the civil service commission as to those legal matters which come before it; provided, however, that in those instances in which ~~charges have been brought against a civil service employee~~ there is an appearance of a conflict of interest, the ~~city attorney~~ hearing examiner shall be relieved of such responsibility and an independent attorney retained if so requested by the civil service commission. Such appointment shall be in accordance with the following procedure:

In the event the civil service commission deems it necessary that counsel be appointed, the name of such person, who shall be licensed to practice law within the state of Washington, shall be submitted to the mayor for confirmation. Upon such appointment, such person shall serve at the pleasure of the commission; provided, that sufficient funds have been appropriated for such purpose.

Section 8. BMC 3.20.010 is hereby amended to read as follows:

The city elects to participate in the statewide system for pension, relief, disability and retirement for city employees as provided by Chapter 41.44 RCW. All employees and officers of the city shall be included in this system except the regular and temporary members of the police department and the fire department who shall be included in the pension, relief, disability and retirement system provided by Chapter 41.26 RCW as now enacted or hereafter amended; provided, that no elective official shall be included unless such elective official elects to be included and files written notice of such election with the board of trustees of the system and with the finance director.

Section 9. BMC 3.32.010 is hereby amended to read as follows:

~~There is established~~ The mayor shall propose a compensation plan for ~~nonunion (exempt) exempt (non-represented)~~ employees for approval by the city council during the adoption of an operating budget.

Section 10. BMC 3.32.020 is hereby amended to read as follows:

There is established a salary step plan consisting of the following parts:

A. Five Steps. Each exempt employee shall be placed in a salary step. There shall be separate salary ranges for each position consisting of five salary steps. There shall be a five percent differential between each step. Employees shall move up one step per year upon reaching their employment anniversary date.

B. Step Diagram.

Range:

Step: (1) 82.27% (2) 86.38% (3) 90.7% (4) 95.24% (5) 100%

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C. Ranges.

1. Ranges shall be determined by the division of personnel services with the use of market data compiled from comparable cities. A formula for calculating ranges based upon such market data ~~and Willis points~~ shall be devised.

2. Ranges shall be adjusted ~~annually, as necessary,~~ periodically in order to reflect market conditions and considerations of bargaining unit awards. This shall be accomplished through ~~an annual~~ a survey of the salaries of exempt employees in comparable cities and an evaluation of the impact of bargaining unit salary awards.

D. Hiring-In. A new employee may be placed in Steps 1 through 3, depending upon qualifications and/or market considerations. No hiring-in shall exceed Step 3 except where market considerations warrant such placement and the mayor approves the placement.

NEW SECTION. Section 11. The following sections are each repealed:

BMC 3.04.020 - Workweek designated
BMC 3.04.030 - Work schedules
BMC 3.32.030 - Job Audits
BMC 3.32.050 - Implementation

NEW SECTION. Section 12. Strike the reference to Finance Director in the section heading for 3.12.020.

PASSED by the Council this 30th day of September, 2013.



Council President

APPROVED by me this 3rd day of October, 2013.



Mayor

ATTEST: 

Finance Director

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APPROVED AS TO FORM:



Office of the City Attorney

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