

ORDINANCE O-4653

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE AMENDMENT OF KIRKLAND MUNICIPAL CODE CHAPTER 3.54 TO INCLUDE LAWFUL PERMANENT RESIDENTS OF THE UNITED STATES AS QUALIFYING APPLICANTS FOR CIVIL SERVICE POSITIONS AS REQUIRED BY LAW.

1           WHEREAS, the Washington State legislature recently passed  
2 Senate Bill 6145, which extended the right to apply for Civil Service  
3 positions with the state from only United States citizens to also include  
4 lawful permanent residents of the United States; and  
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6           WHEREAS, RCW 35A.11.020 requires that code city civil service  
7 systems must substantially accomplish the same purpose as provided  
8 by state law; and  
9

10           WHEREAS, amending KMC 3.54.050 and 3.54.130 to include  
11 lawful permanent residents of the United States as qualified applicants  
12 for Civil Service positions will enable the City's civil service system to  
13 substantially accomplish the same purpose as state law.  
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15           NOW, THEREFORE, the City Council of the City of Kirkland do  
16 ordain as follows:  
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18           Section 1. Kirkland Municipal Code Section 3.54.050 is amended  
19 to read as follows:  
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21 **3.54.050 Qualifications of applicants.**

22 An applicant for a position of any kind under civil service must be a  
23 citizen of the United States of America or a lawful permanent resident  
24 who can read and write the English language. An applicant for a position  
25 of any kind under civil service must be of an age suitable for the position  
26 applied for, in ordinary good health, of good moral character and of  
27 temperate and industrious habits; these facts to be ascertained in such  
28 manner as the commission may deem advisable. Notwithstanding any  
29 provision of this chapter actually or seemingly to the contrary, all other  
30 qualifications for applicants for a position of any kind under civil service  
31 will be determined by the appointing authority or power.  
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33           Section 2. Kirkland Municipal Code Section 3.54.130 is amended  
34 to read as follows:  
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36 **3.54.130 Definitions.**

37 As used in this chapter, the following mentioned terms shall have the  
38 following described meanings:

39 (1) "Appointing authority or power" includes every person or group of  
40 persons who, acting singly or in conjunction, as the city manager, or the  
41 city manager's designee, is, or are, invested with power and authority  
42 to select, appoint, or employ any person to hold any office, place,  
43 position or employment subject to civil service.

44 (2) "Appointment" includes all means of selection, appointing or  
45 employing any person to hold any office, place, position or employment  
46 subject to civil service.

47 (3) "Commission" means the civil service commission created in this  
48 chapter, and "commissioner" means any one of the three commissioners  
49 of that commission.

50 (4) "Full paid fire department" or "full paid firefighter" means that the  
51 officers and firemen employed in such are paid regularly by the city and  
52 devote their whole time to firefighting and fire prevention activities and  
53 emergency medical services.

54 (5) "Full paid police department" or "full paid police officer" means  
55 that the officers and policemen employed in such are paid regularly by  
56 the city and devote their whole time to police duty.

57 (6) "Lawful permanent resident" has the same meaning afforded a  
58 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.  
59 1101(a)(20), as of the effective date of this section or as hereafter  
60 amended.

61  
62 Section 3. If any provision of this ordinance or its application to  
63 any person or circumstance is held invalid, the remainder of the  
64 ordinance or the application of the provision to other persons or  
65 circumstances is not affected.

66  
67 Section 4. This ordinance shall be in force and effect five days  
68 from and after its passage by the Kirkland City Council and publication,  
69 as required by law.

70  
71 Passed by majority vote of the Kirkland City Council in open  
72 meeting this 4<sup>th</sup> day of September, 2018.

73  
74 Signed in authentication thereof this 4<sup>th</sup> day of September, 2018.

  
Amy Walen, Mayor

Attest:

  
Kathi Anderson, City Clerk

Publication Date 09/10/18

Approved as to Form:

  
Kevin Raymond, City Attorney