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SENATE BILL 5322

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State of Washington

61st Legislature

2009 Regular Session

By Senator Fairley

Read first time 01/20/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to civil service commissions for sheriffs' offices;  
2 and amending RCW 41.14.020 and 41.14.030.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 41.14.020 and 1959 c 1 s 2 are each amended to read as  
5 follows:

6 Definition of terms:

7 (1) "Commission" means the civil service commission, or combined  
8 county civil service commission, herein created, and "commissioner"  
9 means any one of the ((three)) members of any such commission;

10 (2) "Appointing power" means the county sheriff who is invested by  
11 law with power and authority to select, appoint, or employ any deputy,  
12 deputies, or other necessary employees subject to civil service;

13 (3) "Appointment" includes all means of selecting, appointing, or  
14 employing any person to any office, place, position, or employment  
15 subject to civil service;

16 (4) "County" means any county of the state, or any counties  
17 combined pursuant to RCW 41.14.040 for the purpose of carrying out the  
18 provisions of this chapter;

1 (5) "Deputy sheriff or other members of the office of county  
2 sheriff" means all persons regularly employed in the office of county  
3 sheriff either on a part time or full time basis.

4 **Sec. 2.** RCW 41.14.030 and 1959 c 1 s 3 are each amended to read as  
5 follows:

6 (1) There is created in each county and in each combination of  
7 counties, combined pursuant to RCW 41.14.040 to carry out the  
8 provisions of this chapter, a civil service commission which shall be  
9 composed of three persons, or five persons under subsection (2) of this  
10 section. The commission members shall be appointed by the board of  
11 county commissioners, or boards of county commissioners of each  
12 combination of counties, within sixty days after December 4, 1958. No  
13 person shall be appointed to the commission who is not a citizen of the  
14 United States, a resident of the county, or one of the counties  
15 combined, for at least two years immediately preceding his appointment,  
16 and an elector of the county wherein he resides. The term of office of  
17 the commissioners shall be six years, except that the first three  
18 members of the commission shall be appointed for different terms, as  
19 follows: One to serve for a period of two years, one to serve for a  
20 period of four years, and one to serve for a period of six years. Any  
21 member of the commission may be removed from office for incompetency,  
22 incompatibility, or dereliction of duty, or malfeasance in office, or  
23 other good cause: PROVIDED, That no member of the commission shall be  
24 removed until charges have been preferred, in writing, due notice, and  
25 a full hearing had. Any vacancy in the commission shall be filled by  
26 the county commissioners for the unexpired term. Two members of the  
27 commission shall constitute a quorum and the votes of any two members  
28 concurring shall be sufficient for the decision of all matters and the  
29 transaction of all business to be decided or transacted by the  
30 commission. Confirmation of the appointment of commissioners by any  
31 legislative body shall not be required. At the time of appointment not  
32 more than two commissioners shall be adherents of the same political  
33 party. No member after appointment shall hold any salaried public  
34 office or engage in county employment, other than his commission  
35 duties. The members of the commission shall serve without  
36 compensation.

1       (2)(a) Each county and each combination of counties under RCW  
2 41.14.040 may, by ordinance, increase the number of members serving on  
3 a commission from three to five members. If a commission is increased  
4 to five members, the terms of the three commissioners serving at the  
5 time of the increase are not affected. The initial term of office for  
6 the two additional commissioners is six years.

7       (b) Three commissioners constitute a quorum for a five-member  
8 commission and the votes of three commissioners concurring are  
9 sufficient for the decision of all matters and the transaction of all  
10 business decided or transacted by a five-member commission.

11       (c) At the time of appointment of the two additional commissioners,  
12 no more than three commissioners may be adherents of the same political  
13 party.

14       (d) Except as provided otherwise in this subsection (2), subsection  
15 (1) of this section applies to five-member commissions.

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