

## POULSBO DISTRIBUTION SCHEDULE

**ORDINANCE NO. 2021-05**

**SUBJECT: Court Security Officer - Special Commission**

### CONFORM AS TO DATES & SIGNATURES

- ☒ Filed with the City Clerk: 04/15/21
- ☒ Passed by the City Council: 04/21/21
- ☒ Signature of Mayor
- ☒ Signature of City Clerk
- ☒ Publication: 04/26/21
- ☒ Effective: 05/01/21
- ☐ Recorded: \_\_\_\_\_

### DISTRIBUTED COPIES AS FOLLOWS:

- ☒ NK Herald: (Seattle Times) 4/22/21
- ☒ Code Publishing
- ☐ City Attorney
- ☒ Clerk's Department: Original
- ☐ City Council
- ☐ Finance:
- ☒ Posted to Library Drive and Website
- ☐ \_\_\_\_\_

Rhiannon Fernandez  
City Clerk

4/22/21  
Date

## **ORDINANCE NO. 2021-05**

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING PMC 2.26.030 TO PROVIDE FOR THE ISSUANCE OF SPECIAL COMMISSIONS TO COURT SECURITY OFFICERS, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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**WHEREAS**, the Poulsbo Municipal Court needs a Court Security Officer to perform court security duties, including the maintenance of order and security in and adjacent to the courtroom, transporting defendants to and from jail, and providing other services as ordered by the Court; and

**WHEREAS**, to properly provide court security duties, the Court Security Officer requires the authority to enforce some or all of the criminal laws of the State of Washington and the City of Poulsbo; and

**WHEREAS**, the appropriate mechanism for conferring such authority on the Court Security Officer is by making the Court Security Officer a specially commissioned Washington peace officer, as defined in RCW 10.93.020(5); and

**WHEREAS**, the City of Poulsbo has created the position of Court Security Officer within the City Police Department; and

**WHEREAS**, PMC 2.26.030 provides for the appointment and commissioning of members of the Poulsbo Police Department; and

**WHEREAS**, to provide for the issuance of a special commission to the Court Security Officer, the Poulsbo City Council has determined to amend PMC 2.26.030 to expressly provide for such officers;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON,**

**DO ORDAIN AS FOLLOWS:**

**Section 1. Court Security Officer.** PMC 2.26.030 is hereby amended to read as follows:

**2.26.030 Members – Appointment and Commissioning.**

A. All persons hired as law enforcement officers for the Poulsbo police department shall be commissioned as police officers for the city of Poulsbo prior to being assigned to law enforcement duties. All personnel below the rank of chief shall be appointed and commissioned by the mayor in accordance with any applicable law, ordinance, rule or regulation relating to civil service and may be removed by the mayor or chief subject to any applicable law, ordinance, rule or regulation relating to civil service then in force and effect.

B. A Poulsbo police commission may be issued to any employee of the city of Poulsbo who, by virtue of training and/or experience, has proven competence in the field of law enforcement and whose duties are police related. No police commission, regular, temporary or honorary, shall be issued to any person until such person has been certified for a regular or provisional appointment to fill an authorized personnel vacancy by the civil service commission in accordance with such rules and regulations relating to civil service then in force and effect. However, a ~~limited~~ special police commission or deputation may be issued upon approval of the mayor and police chief to persons outside the department who have a need to have ~~limited~~ special enforcement capabilities such as parking, parks, animal control and arson. These ~~limited~~ special commissions for persons outside the department will specifically state the authority of the holder to enforce specific identified ordinances. These ~~limited~~ special commissions for persons outside the department shall be valid for a period of one year and shall automatically expire on December 31st of that year.

C. Police commissions from other law enforcement agencies may be issued to Poulsbo police officers from time to time when necessary or desirable. No officer may accept a commission from another agency without prior notice and permission from the chief of police, unless otherwise specified in a mutual law enforcement assistance agreement as permitted by Chapter 10.93 RCW.

D. A special commission may be issued by the police chief to police department employees acting as court security officers. The scope of the commission granted to court security officers shall be different from that granted to other employees with a special commission and shall be consistent with the job description of the court security officer position. Court security officers shall be authorized to carry and use firearms, tasers or other weapons issued by the

Poulsbo Police Department to perform the duties of the position after successful completion of training in the deployment of the weapons and successful completion of the State Correctional Officer Academy. This commission is only effective while the court security officer is on duty for the City. Nothing in this section shall extend more authority beyond that necessary to accomplish the duties of court security officer.

E. For all employees with special commissions other than court security officers, the commission granted shall not grant any power of arrest, nor shall it grant any authority to carry firearms or tasers. No one with a special commission other than a court security officer shall have any authority beyond that necessary to issue notices of infraction and criminal citations for violations of City code provisions that such persons are authorized to enforce.

**Section 2. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 3. Effective Date.** This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

PASSED by the Poulsbo City Council this 21st day of April, 2021.

APPROVED:

DocuSigned by:  
  
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MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:

DocuSigned by:  
  
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CITY CLERK RHIANNON FERNANDEZ CMC

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

DocuSigned by:

*Jim Haney*

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JAMES E. HANEY  
OGDEN MURPHY WALLACE, P.L.L.C.

FILED WITH THE CITY CLERK: 04/15/2021  
PASSED BY THE CITY COUNCIL: 04/21/2021  
PUBLISHED: 04/26/2021  
EFFECTIVE DATE: 05/01/2021  
ORDINANCE NO. 2021-05

### **SUMMARY OF ORDINANCE NO. 2021-05**

On April 21, 2021, the City Council of the City of Poulsbo passed Ordinance No. 2021-05. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING PMC 2.26.030 TO PROVIDE FOR THE ISSUANCE OF SPECIAL COMMISSIONS TO COURT SECURITY OFFICERS, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this ordinance will be mailed upon request.

DATED this 21st day of April, 2021.

DocuSigned by:  
  
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CITY CLERK RHIANNON FERNANDEZ