

March 19, 2018

## **CITY COUNCIL AGENDA MEMORANDUM**

### **SUBJECT**

Ordinance amending the Bellevue City Code to create a new Chapter 3.34 specific to the Bellevue Police Department; and establishing an effective date.

### **FISCAL IMPACT**

The fiscal impacts of Bellevue City Code amendments are generally anticipated to be minimal and will be met with current budget and staffing levels.

### **STAFF CONTACTS**

Stephen Mylett, Chief of Police, 452-4334

Melissa Chin, Police Legal Advisor, 452-7826

*Police Department*

Cindy M. Lin, Assistant City Attorney, 452-4086

*City Attorney's Office*

### **POLICY CONSIDERATION**

Art. XI §11 of the Washington State Constitution vests the City of Bellevue with the authority to enforce within its limits all local police, sanitary and other regulations that are not in conflict with general laws. RCW 35A.11.020, applicable to Code cities like Bellevue, further vests the City of Bellevue with authority to adopt and enforce ordinances of all kinds relating to and regulating City of Bellevue affairs and appropriate to the good government of the City, and to impose penalties for the violation of such ordinances. Other State statutes (RCW 35A.21.160; RCW 35.22.280 (34)-(35)) collectively also authorize the City of Bellevue to provide for the punishment of criminal activity or other practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of the City. In addition to enforcing its local regulations, RCW 35A.21.161 further mandates the City of Bellevue to observe and enforce the provisions of state laws relating to the conduct, location and limitation on activities as regulated by state law and supply police information to the identification and criminal history section of the state patrol.

Under RCW 35A.13.090, the City Council may create such departments and offices as necessary and may determine the powers and duties of each department or office, including a chief law enforcement officer who may be authorized to appoint and remove subordinates in his or her department.

### **BACKGROUND**

The Bellevue Police Department was created in 1953 and has continually operated as an administrative unit within the City since its establishment.

In 1972, the City created the Department of Emergency and Safety Services codified as Chapter 3.33. The Fire Department and Police Department were incorporated as divisions of the Department of Emergency and Safety Services and made responsible for crime suppression, fire control, and emergency medical services among other duties.

In 2015, Ordinance 6255 reorganized emergency management functions and created the Emergency Management Program, Chapter 3.98. The duties of the Fire Department and Police Department were not defined in Chapter 3.98. As part of the reorganization Chapter 3.33 was repealed.

For purposes of accreditation with the Commission on Accreditation for Law Enforcement Agencies, Bellevue has historically cited to State statutes, referenced herein, authorizing the City's commissioned personnel to enforce the laws, including the authority to make a full custody arrest. It has also referenced the Bellevue City Code establishing the Department of Emergency and Safety Services, which further defined the mission of Bellevue police officers. However, because Chapter 3.33 was repealed, Bellevue seeks to further define the functions of its law enforcement personnel and the structure of the department to remain consistent with its current accreditation standards.

The proposed ordinance establishes the Bellevue Police Department as a separate administrative department of the City by creating a new Chapter 3.34. This is the administrative structure used for other City departments such as Civic Services (Chapter 3.36), Utilities (Chapter 3.41) and Human Resources (Chapter 3.47).

#### **EFFECTIVE DATE**

If approved, this Ordinance becomes effective on March 29, 2018.

#### **OPTIONS**

1. Adopt the Ordinance amending the Bellevue City Code to create a new Chapter 3.34 specific to the Bellevue Police Department; and establishing an effective date.
2. Do not adopt the Ordinance and provide alternative direction to staff.

#### **RECOMMENDATION**

Option 1

#### **MOTION**

Move to adopt Ordinance No. 6409 amending the Bellevue City Code to create a new Chapter 3.34 specific to the Bellevue Police Department; and establishing an effective date.

#### **ATTACHMENTS**

Proposed Ordinance No. 6409

#### **AVAILABLE IN COUNCIL DOCUMENT LIBRARY**

N/A