# SULTAN CITY COUNCIL

## AGENDA ITEM COVER SHEET

**Date:** May 24, 2007

**Agenda Item #:** Discussion D 1

**SUBJECT:** Council Pay

**CONTACT PERSON:** Laura Koenig, City Clerk/Deputy Finance Director

**SUMMARY STATEMENT:**
The issue before the Council is the amount and method of payment of the monthly salary for the Mayor and Councilmembers. The current code (Attachment A) provides for a salary for the Mayor of $500 per month. Councilmembers are paid $40 per council meeting/maximum of two per month and $35 per other meeting/maximum of two per month.

In accordance with RCW 35A.12.070 (Attachment B), the Council can not increase their own pay, however, they can increase the Mayor's pay at any time with the proper budget amendments. RCW 35.21.015 (Attachment C) provides for establishment of a salary commission which allows mid term increases to council pay.

The current pay structure requires the attendance at two council meetings a month and two other meetings in order to receive the full payment of $150. Councilmembers that have attend several other meetings and workshops in a month are often shorted on their payment becausce they are unable to attend both council meetings due to unforeseen circumstances.

There are policy issues that the Council needs to address:

1. Should the method of calculating payment be changed.
2. Should there be an increase in the monthly amount.

**Alternatives:**

1. Refer the matter to the Sub-committee for review and a recommendation.
2. Leave the exisiting code section in place.

**Attachments:**

1. SMC Chapter 2.05
2. RCW 35A.12.070
3. RCW 35.21.015

## Chapter 2.05

## COUNCIL SALARIES

Sections:

2.05.010 Effective date.
2.05.020 Salaries set.
2.05.030 Meetings defined.
2.05.040 Deductions for nonattendance.

**2.05.010 Effective date.**

The salaries of the elected city officials shall be as set forth in SMC 2.05.020, commencing January 1, 2000, and shall remain in effect until such time as the city council shall otherwise provide by ordinance. (Ord. 711-99)

**2.05.020 Salaries set.**

The mayor and city council members shall receive salaries as follows:

| | |
|---|---|
| Mayor | $500.00 per month |
| Councilmembers | $40.00 per council meeting/ maximum two per month<br>$35.00 per other meetings/ maximum two per month |

(Ord. 711-99)

**2.05.030 Meetings defined.**

Meetings shall include regularly scheduled council meetings, special council meetings, public hearings, council workshops, committee meetings and other city related task force or associations that the councilmember has been appointed to or requested to attend. (Ord. 711-99)

**2.05.040 Deductions for nonattendance.**

No compensation shall be paid to the mayor or councilmember who has an extended excused absence or disability that prevents attendance at all meetings during a calendar month. Pro-tem appointments during the mayor's or councilmember's absence shall receive the regular monthly salary for that position. (Ord. 711-99)

## Chapter 2.06

## INSPECTION OF PUBLIC RECORDS

Sections:

2.06.010 Purpose of provisions.
2.06.020 Definitions.
2.06.030 Public records available.
2.06.040 Exemptions to copying – Determination – Notice of denial.
2.06.050 Records exempt from public inspection designated.
2.06.060 Copying – Fees.

**2.06.010 Purpose of provisions.**

The city of Sultan is a local agency under the terms of Chapter 42.17 RCW. It shall hereafter in this code be referred to as "city." It promulgates these rules to ensure compliance with the provisions of RCW 42.17.250 through 42.17.340 and other applicable law relating to public records in the custody and/or maintained by the city. (Ord. 451, 1984)

**2.06.020 Definitions.**

As used in this chapter, unless the context otherwise indicates:

A. "List of individuals for commercial purposes" means a collection of the names of individuals assembled or organized in such a manner that this can be used or made to be used for the primary purpose as a commercial mailing, phone solicitation, or other commercial contact list for some profit motive. A primary purpose test will be applied when determining whether information which contains names of individuals together with other information is a list of individuals for commercial purposes.

B. "Public record" means and includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by a state or local agency, regardless of physical form or characteristics.

C. "Writing" means handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents. (Ord. 451, 1984)



ATTACHMENT A

**RCW 35A.12.070**
**Compensation of elective officers -- Expenses.**

The salaries of the mayor and the councilmen shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase in the compensation attaching to an office shall not be applicable to the term then being served by the incumbent if such incumbent is a member of the city legislative body fixing his own compensation or as mayor in a mayor-council code city casts a tie-breaking vote relating to such ordinance: PROVIDED, That if the mayor of such a city does not cast such a vote, his salary may be increased during his term of office.

Until the first elective officers under this mayor-council plan of government may lawfully be paid the compensation provided by such salary ordinance, such officers shall be entitled to be compensated in the same manner and in the same amount as the compensation paid to officers of such city performing comparable services immediately prior to adoption of this mayor-council plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, such first officers shall be entitled to compensation as follows: In cities having less than five thousand inhabitants, the mayor shall be entitled to a salary of one hundred and fifty dollars per calendar month and a councilman shall be entitled to twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants, the mayor shall be entitled to a salary of three hundred and fifty dollars per calendar month and a councilman shall be entitled to one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants, the mayor shall be entitled to a salary of twelve hundred and fifty dollars per calendar month and a councilman shall be entitled to four hundred dollars per calendar month: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the amounts herein provided shall not be construed as fixing the usual salary of such officers. The mayor and councilmen shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

[1971 ex.s. c 251 § 5; 1967 ex.s. c 119 § 35A.12.070.]

**NOTES:**

**Severability -- 1971 ex.s. c 251:** See RCW 35A.90.050.

Limitations on salaries: State Constitution Art. 11 § 8.

ATTACHMENT B

**RCW 35.21.015**
**Salary commissions.**

(1) Salaries for elected officials of towns and cities may be set by salary commissions established in accordance with city charter or by ordinance and in conformity with this section.

(2) The members of such commissions shall be appointed in accordance with the provisions of a city charter, or as specified in this subsection:

(a) Shall be appointed by the mayor with approval of the city council;

(b) May not be appointed to more than two terms;

(c) May only be removed during their terms of office for cause of incapacity, incompetence, neglect of duty, or malfeasance in office or for a disqualifying change of residence; and

(d) May not include any officer, official, or employee of the city or town or any of their immediate family members. "Immediate family member" as used in this subsection means the parents, spouse, siblings, children, or dependent relatives of the officer, official, or employee, whether or not living in the household of the officer, official, or employee.

(3) Any change in salary shall be filed by the commission with the city clerk and shall become effective and incorporated into the city or town budget without further action of the city council or salary commission.

(4) Salary increases established by the commission shall be effective as to all city or town elected officials, regardless of their terms of office.

(5) Salary decreases established by the commission shall become effective as to incumbent city or town elected officials at the commencement of their next subsequent terms of office.

(6) Salary increases and decreases shall be subject to referendum petition by the people of the town or city in the same manner as a city ordinance upon filing of such petition with the city clerk within thirty days after filing of the salary schedule. In the event of the filing of a valid referendum petition, the salary increase or decrease shall not go into effect until approved by vote of the people.

(7) Referendum measures under this section shall be submitted to the voters of the city or town at the next following general or municipal election occurring thirty days or more after the petition is filed, and shall be otherwise governed by the provisions of the state Constitution, or city charter, or laws generally applicable to referendum measures.

(8) The action fixing the salary by a commission established in conformity with this section shall supersede any other provision of state statute or city or town ordinance related to municipal budgets or to the fixing of salaries.

(9) Salaries for mayors and councilmembers established under an ordinance or charter provision in existence on July 22, 2001, that substantially complies with this section shall remain in effect unless and until changed in accordance with such charter provision or ordinance.

[2001 c 73 § 4.]

ATTACHMEN C-1

**NOTES:**

**Findings -- Intent -- 2001 c 73:** "The legislature hereby finds and declares that:

(1) Article XXX, section 1 of the state Constitution permits midterm salary increases for municipal officers who do not fix their own compensation;

(2) The Washington citizens' commission on salaries for elected officials established pursuant to Article XXVIII, section 1 of the state Constitution with voter approval has assured that the compensation for state and county elected officials will be fair and certain, while minimizing the dangers of midterm salary increases being used to influence those officers in the performance of their duties;

(3) The same public benefits of independent salary commissions should be extended to the setting of compensation of municipal elected officers; and

(4) This act is intended to clarify the intent of the legislature that existing state law authorizes:

(a) The establishment of independent salary commissions to set the salaries of city or town elected officials, county commissioners, and county councilmembers; and

(b) The authority of the voters of such cities, towns, and counties to review commission decisions to increase or decrease such salaries by means of referendum." [2001 c 73 § 1.]

**Severability -- 2001 c 73:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2001 c 73 § 6.]

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