

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

Agenda Item #: Discussion D 3
Date: November 18 2010
SUBJECT: Council/Mayor Pay Structure
CONTACT PERSON: Laura Koenig, City Clerk/Deputy Finance Director

Issue:

The issue before the Council is the amount and method of payment of the monthly salary for the Mayor and Councilmembers. This matter was discussed at the Council retreat and Councilmembers requested this issue be brought for further discussion on November 18, 2010.

Staff Recommendation:

Discuss council pay alternatives and provide direction staff.

Summary:

The Council discussed the following alternatives during the Council Retreat on October 9, 2010:

1. Leave the current pay structure in place
2. Change the pay to a flat rate per month
3. Set a flat rate per meeting regardless of the type (council meeting, committee, board)
4. Factor in a CPI adjustment annually
5. Create a shared pot and split it based on the number of meetings attended.

In order to work through the alternatives (and narrow the choices for discussion), the city council may want to discuss and consider each alternative separately.

Discussion:

The Council holds two council meetings per month, three retreats and one joint meeting with the Planning Board. This totals 28 meetings per year. If a councilmember only attends these meetings they would be paid \$1,100 per year. The maximum salary per year is \$1,800 based on the current ordinance.

To date for 2010, the total number of meetings attended by the council is 272 (this excludes meetings attended by Councilmember Wiediger). Based on the six members of the council, this averages out to 45 meetings per councilmember or 5 meetings per month (45/9).

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 for a maximum total of \$150 per month.

In accordance with RCW 35A.12.070 (Attachment B), the Council can not increase its own pay unless a Salary Commission is established under RCW 35.21.015. The Council 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.

If the Council increases council pay without a salary commission, the pay would be effective for only new council members beginning in January 2012.

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. Per SMC 2.05.030 " 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".

Councilmembers that have attend several other meetings and workshops in a month do not earn the maximum pay possible if they are unable to attend both council meetings due to unforeseen circumstances.

Attachment D is a comparison of 10 cities similar in size to Sultan:

Mayor	Average pay \$780 per month.	Low of \$500/high of \$1,500
Councilmembers	Average pay per month \$182.	Low of \$0/high of \$500

In accordance with state law, a decision to change the pay structure (but not total pay received) would be effective five days after publication of the ordinance. A decision to **increase** council pay would apply only to newly elected councilmembers in January 2012.

- Attachments:**
- A. SMC Chapter 2.05 – Council Salaries
 - B. RCW 35A.12.070 – Council salaries
 - C. RCW 35.21.015 – Salary Commissions – Sample ordinance
 - D. AWC Salary Data for Mayor and Council

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 \$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)

ATTACHMENT B

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.

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.]

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.]

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 01-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, ESTABLISHING A SALARY COMMISSION FOR THE CITY, AND ADDING A NEW CHAPTER 2.58 TO THE BUCKLEY MUNICIPAL CODE.

WHEREAS, RCW 35A.12.070 provides that elective official's salaries are to be set by ordinance; and

WHEREAS, the City Council has determined that all City of Buckley elected official's salaries have been set by Resolution in the past and the Council desires to set members salaries by ordinance in order to comply with RCW 35A.12.070; and

WHEREAS, the current salaries for the elected official's have not been adjusted in more than 10 years; and

WHEREAS, the City Council desires to have a comparative salary survey conducted and recommendations for future salary increases to be performed by a commission made up of citizens from the community; and

WHEREAS, the City Council desires to have any increases to elected official's salaries to become effective for all members at the same time regardless of staggered terms; and

WHEREAS, Chapter 73, Laws of 2001, effective July 22, 2001, authorizes the City to establish by ordinance an independent salary commission with authority to set the salary of the members of the Council and of other elected city officials, and provides that the commission's action fixing such salaries shall supercede any provision in a city ordinance related to fixing salaries.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. A new Chapter 2.58 entitled "Salary Commission" is added to the Buckley Municipal Code to read as follows:

2.58.010 Created - Membership, appointment, compensation, term.

A. There is created a salary commission for the city. The commission shall consist of seven members, to be appointed by the Mayor with the approval of the city council.

B. A member of the commission shall serve for a three year term without compensation, and shall be a resident of the city. The initial members shall be appointed for staggered terms.

C. No member of the commission shall be appointed to more than two terms.

D. A member of the commission shall not be an officer, official, or employee of the city or an immediate family member of an officer, official, or employee of the city. For purposes of this section, "immediate family member" means the parents, spouse, siblings, children, or dependent relatives of an officer, official, or employee of the city, whether or not living in the household of the officer, official, or employee.

2.58.020 Vacancies. In the event of a vacancy in office of commissioner, the Mayor shall appoint, subject to approval of the city council, a person to serve the unexpired portion of the term of the expired position.

2.58.030 Removal. A member of the commission shall only be removed from office for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of residence.

2.58.040 Duties.

A. The commission shall have the duty, at such intervals as determined by the commission, to review the salaries paid by the city to each elected city official. If after such review the commission determines that the salary paid to any elected city official should be increased or decreased, the commission shall file a written salary schedule with the city clerk indicating the increase or decrease in salary.

B. A new schedule shall be timed to be effective simultaneously and equally to all councilmembers. The commission shall file its initial schedule of salaries for elected city officials with the city clerk no later than the first Monday in July 2004. It shall file any subsequent schedules on or before the same day every two years thereafter. Each schedule shall be prepared as an ordinance in a form approved by the city attorney. The signature of the commission chair shall be affixed to each schedule submitted to the city clerk. The commission chair shall certify in writing that the schedule has been adopted in compliance with: (1) the rules and procedures, if any, of the commission; (2) the provisions of this chapter; and (3) other applicable laws including the State Constitution. Each schedule shall be submitted to the council for final action, and shall become effective after final action and publication by the council.

C. Salary increases established by the commission shall be effective as to all city elected officials, regardless of their terms of office and shall take effect immediately unless the commission recommends otherwise.

D. Salary decreases established by the commission shall become effective as to an incumbent city elected official at the commencement of their next subsequent term of office.

2.58.050 Meetings, operations and expenses. The meetings and operations of the commission shall be conducted as follows:

A. Meetings. All meetings, actions, hearings, and business of the citizens' commission shall be subject to the Open Public Meetings Act, Chapter 42.30 RCW, and the Public Records Act. Prior to the filing of any salary schedule: (1) the commission shall first develop a proposed schedule; then (2) publish notices in the same manner as the city council agendas, and (3) hold one public hearing and take testimony thereon, within the two months immediately preceding the filing of the salary schedule.

B. Operations. Except as provided hereinafter, the citizens' commission shall be solely responsible for its own organization, operation, and action, and shall receive the fullest cooperation of all elected and appointed city officials, and employees, departments and agencies of the City of Buckley. Staff support shall be provided as determined in the city budget and by the mayor. The members of the commission shall elect a chair from among their number.

2.58.060 Referendum. Any salary increase or decrease established by the commission pursuant to this chapter shall be subject to referendum petition by the voters of the city, in the same manner as a city ordinance, upon filing of a referendum petition with the city clerk within thirty days after filing of a salary schedule by the commission. In the event of the filing of a valid referendum petition, the salary increase or decrease shall not go into effect until approved by a vote of the people. Referendum measures under this section shall be submitted to the voters of the city at the next following general or municipal election occurring thirty days or more after the petition is filed, and shall otherwise be governed by the provisions of the State Constitution and the laws generally applicable to referendum measures.

Section 2. If any provisions of this Ordinance is held invalid, such invalidity shall not effect any other provisions, or the application thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. This Ordinance shall be in full force and effective January 26, 2004. A summary of this Ordinance may be published in lieu of publishing the Ordinance in its entirety.

Introduced, passed, and approved this 13th day of January, 2004.

John Blanus, Mayor

ATTEST:

Dave Schmidt, City Administrator

APPROVED AS TO FORM:
SAMPSON & WILSON, INC., P.S.

Duncan C. Wilson, City Attorney

PUBLISHED: January 21, 2004
POSTED: January 14, 2004

ATTACHMENT D

Cities 1,500 to 2,499		
Brewster (2,230)	\$752/month	\$43/meeting
Bridgeport (2,100)	\$750/month	\$15/meeting
Carnation (1,915)	\$400/month	\$200/month
Castle Rock (2,150)	\$300/month	\$20/meeting; maximum 4 meetings/month
Chewelah (2,450)	\$658/month	\$100/month
Cle Elum (1,870)	\$750/month	\$250/month
Cosmopolis (1,645)	\$500/month	\$150/month
Coupeville (1,890)	\$5313/month	No compensation
Darrington (1,505)	\$400/month	\$35/month
Davenport (1,725)	\$625/month	\$40/meeting
Eatonville (2,405)	\$1417/month	\$50/meeting
Everson (2,305)	\$750/month	\$150/month
Friday Harbor (2,290)	\$148/meeting, maximum of \$592/month	\$85/meeting, maximum \$340/month
Gold Bar (2,175)	\$300/month	\$100/month
Kettle Falls (1,665)	\$600/month	\$50/meeting plus \$10/council committee meeting
Leavenworth (2,325)	\$1500/month	\$250/month
Mabton (2,165)	\$500/month	\$40/meeting
McCleary (1,565)	\$300/month	\$100/month
Millwood (1,660)	\$600/month	\$40/meeting
Napavine (1,715)	No compensation	No compensation
Newport (2,045)	\$700/month	\$50/meeting, maximum \$200/month
Oroville (1,755)	\$675/month	\$113/meeting, \$225/month maximum
Pomeroy (1,525)	\$300/month	\$125/month
Rainier (1,805)	\$450/month	\$200/month
Ritzville (1,745)	\$400/month	\$65/meeting, maximum of 2 meetings/month
Royal City (2,050)	\$490/month	\$40/meeting
Soap Lake (1,790)	\$600/month	\$70/month
South Bend (1,740)	\$800/month	\$120/month
Tenino (1,535)	\$600/month	\$25/month plus \$25/meeting max 2 meetings/month
Westport (2,345)	\$450/month	\$250/month
White Salmon (2,255)	\$300/month	\$75/month
Yacolt (1,500)	\$500/month	\$35/meeting