

# **Section 4**

**ELIGIBILITY TO HOLD  
ELECTED OFFICE**

**COUNCIL SALARY**



# ELIGIBILITY TO HOLD ELECTED OFFICE

The Following is the RCW which provides the minimum qualifications to hold elective office under the Mayor-Council form of government

## **RCW 35A.12.030**

### **Eligibility to hold elective office.**

No person shall be eligible to hold elective office under the mayor-council plan unless the person is a registered voter of the city at the time of filing his declaration of candidacy and has been a resident of the city for a period of at least one year next preceding his election. Residence and voting within the limits of any territory which has been included in, annexed to, or consolidated with such city is construed to have been residence within the city. A mayor or councilman shall hold within the city government no other public office or employment except as permitted under the provisions of chapter 42.23 RCW.

## COUNCIL SALARIES

Sultan Municipal Code Title 2.05 (attached) sets the current Council Salaries. Councilmembers are paid on a quarterly basis for the number of meetings they attend. In accordance with RCW 35A312.070 (Attached), Councilmembers may not increase their own salaries, only the Mayor's salary may be increased. RCW 35.21.015 provides for a Salary Commission (attached) which may make recommendations for increases or decreases to Councilmembers salaries.

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)

**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.]