

CITY OF SULTAN
SULTAN WASHINGTON
ORDINANCE 1229-16

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON ESTABLISHING A SALARY COMMISSION FOR THE CITY; AMENDING SMC 2.07-050(A), PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR SEVERABILITY

WHEREAS, RCW 35.21.015, authorizes the City to establish by ordinance an independent salary commission with authority to set the salary of the Mayor and members of the City Council and provides that the Commission's action fixing such salaries shall supersede any provision in a city ordinance related to fixing salaries;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 2.07 entitled "Salary Commission" is hereby added to the Sultan Municipal Code which shall read as follows:

2.07.010 Purpose.

It is the policy of the City of Sultan to base salaries of elected officials on realistic standards so that officials may be paid according to the duties of their offices, so that citizens of the highest quality may be attracted to public service.

2.07.020 Created -Membership, appointment, compensation, term.

- A. There is created and established an independent Salary Commission.
- B. The salary commission shall review and establish the salaries of the mayor and the council members and shall exercise the powers and perform the duties set forth by RCW 35.21.015, as now existing or hereafter amended.
- C. The salary commission shall consist of five members, to be appointed by the Mayor with the approval of the City Council.
- D. A member of the Commission shall serve for a three year term without compensation, and shall be a US citizen and a resident of the City for at least one year preceding the appointment. The initial members shall be appointed for staggered terms of one, two or three years.
- E. No member of the Commission shall be appointed to more than two terms.
- F. 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.
- G. No member of the board shall be involved in litigation against the city during their term of appointment.

2.07.030 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.

2.07.040 Removal.

A member of the Commission may be removed from office by the Mayor, with the approval of the City Council only for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of eligibility. The unexcused absence of any member of the Commission from two (2) consecutive meetings of the Commission shall constitute relinquishment of that person's membership on the Commission.

2.07.050 Duties

- A. The Commission shall meet every two years during the month of February. The members of the Commission shall elect a chair from among the members. The Commission shall set a schedule of salaries by an affirmative vote of the majority of the Commission. Three members present at any meeting shall constitute a quorum.
- B. The Commission shall study the relationship of salaries to the duties of the elected officials and shall set the salaries for the respective position. If after such review the Commission determines that the salary paid to an elected City official should be increased or decreased, the Commission shall file the Commission's written salary schedule with the City Clerk.
- C. Any increase or decrease in salary established by the Commission shall become effective and incorporated into the city budget thirty (30) days after the filing thereof, following Commission review without further action of the City Council or the Commission except as provided in section 2.07.060
- D. Salary increases established by the Commission shall be effective as to all city elected officials, regardless of their terms of office.
- E. Salary decreases established by the Commission shall become effective as to incumbent city elected officials at the commencement of their next subsequent term of office.
- F. Staff support shall be provided to the Commission as needed by the Commission.

2.07.060 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. By adoption of this provision it shall not be the intent to adopt the powers of Referendum generally.

2.07.070 Meetings to be open.


All meetings, actions, hearings and business of the Salary Commission shall be undertaken in compliance with the Open Public Meetings Act, Chapter 42.30 RCW as if the Commission was a "governing body" as defined in that Act; provided, that notice of all meetings of the Commission shall be issued pursuant to RCW 42.30.080.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

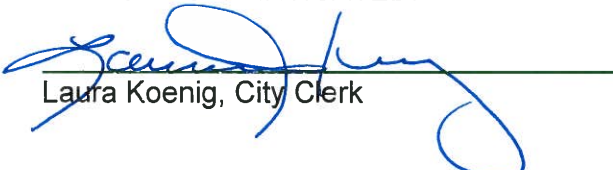
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14 DAY OF January , 2016.

CITY OF SULTAN



Carolyn Esliek, Mayor

ATTEST/AUTHENTICATED:



Laura Koenig, City Clerk

Approved as to form:



Amy Mill, City Attorney

Published: January 22, 2016

Effective: January 27, 2016