
HOUSE BILL 2642

State of Washington

56th Legislature

2000 Regular Session

By Representatives Ogden, Carlson and Scott

Read first time . Referred to Committee on .

1 AN ACT Relating to independent commissions to set salaries for city
2 and town mayors and councilmembers; amending RCW 35.22.200; adding a
3 new section to chapter 35.21 RCW; creating a new section; and declaring
4 an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature hereby finds and declares
7 that:

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

11 (2) The Washington citizens' commission on salaries for elected
12 officials established pursuant to Article 28, section 1 of the state
13 Constitution with voter approval has assured that the compensation for
14 state and county elected officials will be fair and certain, while
15 minimizing the dangers of midterm salary increases being used to
16 influence those officers in the performance of their duties;

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

1 (4) This act is intended to clarify the intent of the legislature
2 that existing state law authorizes the establishment of independent
3 salary commissions to set the salaries of mayors and councilmembers and
4 the authority of the voters of such cities and towns to review
5 commission decisions to increase or decrease such salaries by means of
6 referendum.

7 **Sec. 2.** RCW 35.22.200 and 1965 ex.s. c 47 s 13 are each amended to
8 read as follows:

9 The legislative powers of a charter city shall be vested in a mayor
10 and a city council, to consist of such number of members and to have
11 such powers as may be provided for in its charter. The charter may
12 provide for direct legislation by the people through the initiative and
13 referendum upon any matter within the scope of the powers, functions,
14 or duties of the city. The mayor and council and such other elective
15 officers as may be provided for in such charter shall be elected at
16 such times and in such manner as provided in Title 29 RCW, and for such
17 terms and shall perform such duties (~~and receive such compensation~~)
18 as may be prescribed in the charter, and shall receive compensation in
19 accordance with the process or standards of a charter provision or
20 ordinance which conforms with section 3 of this act.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21 RCW
22 to read as follows:

23 (1) Salaries for mayors and councilmembers of towns and cities may
24 be set by mayor and council salary commissions established in
25 accordance with city charter or by ordinance and in conformity with
26 this section.

27 (2) The members of such commissions:

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

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

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

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

1 whether or not living in the household of the officer, official, or
2 employee.

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

7 (4) Salary increases established by the commission shall be
8 effective as to the mayor and all members of the city council,
9 regardless of their terms of office.

10 (5) Salary decreases established by the commission shall become
11 effective as to incumbent mayors and councilmembers at the commencement
12 of their next subsequent terms of office.

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

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

25 (8) The action fixing the salary of a city or town mayor or
26 councilmember by a commission established in conformity with this
27 section shall supersede any other provision of state statute or city or
28 town ordinance related to municipal budgets or to the fixing of
29 salaries of mayors and councilmembers.

30 (9) Salaries for mayors and councilmembers established under an
31 ordinance or charter provision in existence on the effective date of
32 this act that substantially comply with this section shall remain in
33 effect unless and until changed in accordance with such charter
34 provision or ordinance.

35 NEW SECTION. **Sec. 4.** If any provision of this act or its
36 application to any person or circumstance is held invalid, the
37 remainder of the act or the application of the provision to other
38 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

--- END ---