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SENATE BILL 5065

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State of Washington

57th Legislature

2001 Regular Session

By Senators McCaslin, Carlson, Patterson and Johnson

Read first time 01/10/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to independent commissions to set salaries for city  
2 and town elected officials, and county commissioners and  
3 councilmembers; amending RCW 35.22.200 and 36.17.020; adding a new  
4 section to chapter 35.21 RCW; adding a new section to chapter 36.17  
5 RCW; and creating a new section.

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

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

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

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

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

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

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

9 (b) The authority of the voters of such cities, towns, and counties  
10 to review commission decisions to increase or decrease such salaries by  
11 means of referendum.

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

14 The legislative powers of a charter city shall be vested in a mayor  
15 and a city council, to consist of such number of members and to have  
16 such powers as may be provided for in its charter. The charter may  
17 provide for direct legislation by the people through the initiative and  
18 referendum upon any matter within the scope of the powers, functions,  
19 or duties of the city. The mayor and council and such other elective  
20 officers as may be provided for in such charter shall be elected at  
21 such times and in such manner as provided in Title 29 RCW, and for such  
22 terms and shall perform such duties ((and receive such compensation))  
23 as may be prescribed in the charter, and shall receive compensation in  
24 accordance with the process or standards of a charter provision or  
25 ordinance which conforms with section 4 of this act.

26 **Sec. 3.** RCW 36.17.020 and 1994 sp.s. c 4 s 1 are each amended to  
27 read as follows:

28 The county legislative authority of each county or a county  
29 commissioner or councilmember salary commission which conforms with  
30 section 5 of this act is authorized to establish the salaries of the  
31 elected officials of the county. One-half of the salary of each  
32 prosecuting attorney shall be paid by the state. The annual salary of  
33 a county elected official shall not be less than the following:

34 (1) In each county with a population of one million or more:  
35 Auditor, clerk, treasurer, sheriff, members of the county legislative  
36 authority, and coroner, eighteen thousand dollars; assessor, nineteen

1 thousand dollars; and prosecuting attorney, thirty thousand three  
2 hundred dollars;

3 (2) In each county with a population of from two hundred ten  
4 thousand to less than one million: Auditor, seventeen thousand six  
5 hundred dollars; clerk, seventeen thousand six hundred dollars;  
6 treasurer, seventeen thousand six hundred dollars; sheriff, nineteen  
7 thousand five hundred dollars; assessor, seventeen thousand six hundred  
8 dollars; prosecuting attorney, twenty-four thousand eight hundred  
9 dollars; members of the county legislative authority, nineteen thousand  
10 five hundred dollars; and coroner, seventeen thousand six hundred  
11 dollars;

12 (3) In each county with a population of from one hundred twenty-  
13 five thousand to less than two hundred ten thousand: Auditor, sixteen  
14 thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen  
15 thousand dollars; sheriff, seventeen thousand six hundred dollars;  
16 assessor, sixteen thousand dollars; prosecuting attorney, twenty-four  
17 thousand eight hundred dollars; members of the county legislative  
18 authority, seventeen thousand six hundred dollars; and coroner, sixteen  
19 thousand dollars;

20 (4) In each county with a population of from seventy thousand to  
21 less than one hundred twenty-five thousand: Auditor, fourteen thousand  
22 nine hundred dollars; clerk, fourteen thousand nine hundred dollars;  
23 treasurer, fourteen thousand nine hundred dollars; assessor, fourteen  
24 thousand nine hundred dollars; sheriff, fourteen thousand nine hundred  
25 dollars; prosecuting attorney, twenty-three thousand seven hundred  
26 dollars; members of the county legislative authority, fourteen thousand  
27 nine hundred dollars; and coroner, fourteen thousand nine hundred  
28 dollars;

29 (5) In each county with a population of from forty thousand to less  
30 than seventy thousand: Auditor, thirteen thousand eight hundred  
31 dollars; clerk, thirteen thousand eight hundred dollars; treasurer,  
32 thirteen thousand eight hundred dollars; assessor, thirteen thousand  
33 eight hundred dollars; sheriff, thirteen thousand eight hundred  
34 dollars; prosecuting attorney, twenty-three thousand seven hundred  
35 dollars; members of the county legislative authority, thirteen thousand  
36 eight hundred dollars; and coroner, thirteen thousand eight hundred  
37 dollars;

38 (6) In each county with a population of from eighteen thousand to  
39 less than forty thousand: Auditor, twelve thousand one hundred

1 dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve  
2 thousand one hundred dollars; sheriff, twelve thousand one hundred  
3 dollars; assessor, twelve thousand one hundred dollars; prosecuting  
4 attorney in such a county in which there is no state university or  
5 college, fourteen thousand three hundred dollars; in such a county in  
6 which there is a state university or college, sixteen thousand five  
7 hundred dollars; and members of the county legislative authority,  
8 eleven thousand dollars;

9 (7) In each county with a population of from twelve thousand to  
10 less than eighteen thousand: Auditor, ten thousand one hundred  
11 dollars; clerk, ten thousand one hundred dollars; treasurer, ten  
12 thousand one hundred dollars; assessor, ten thousand one hundred  
13 dollars; sheriff, eleven thousand two hundred dollars; prosecuting  
14 attorney, thirteen thousand two hundred dollars; and members of the  
15 county legislative authority, nine thousand four hundred dollars;

16 (8) In each county with a population of from eight thousand to less  
17 than twelve thousand: Auditor, ten thousand one hundred dollars;  
18 clerk, ten thousand one hundred dollars; treasurer, ten thousand one  
19 hundred dollars; assessor, ten thousand one hundred dollars; sheriff,  
20 eleven thousand two hundred dollars; prosecuting attorney, nine  
21 thousand nine hundred dollars; and members of the county legislative  
22 authority, seven thousand dollars;

23 (9) In each county with a population of from five thousand to less  
24 than eight thousand: Auditor, nine thousand one hundred dollars;  
25 clerk, nine thousand one hundred dollars; treasurer, nine thousand one  
26 hundred dollars; assessor, nine thousand one hundred dollars; sheriff,  
27 ten thousand five hundred dollars; prosecuting attorney, nine thousand  
28 nine hundred dollars; and members of the county legislative authority,  
29 six thousand five hundred dollars;

30 (10) In each other county: Auditor, nine thousand one hundred  
31 dollars; clerk, nine thousand one hundred dollars; treasurer, nine  
32 thousand one hundred dollars; sheriff, ten thousand five hundred  
33 dollars; assessor, nine thousand one hundred dollars; prosecuting  
34 attorney, nine thousand nine hundred dollars; and members of the county  
35 legislative authority, six thousand five hundred dollars.

36 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.21 RCW  
37 to read as follows:

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

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

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

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

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

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

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

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

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

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

35 (7) Referendum measures under this section shall be submitted to  
36 the voters of the city or town at the next following general or  
37 municipal election occurring thirty days or more after the petition is  
38 filed, and shall be otherwise governed by the provisions of the state

1 Constitution, or city charter, or laws generally applicable to  
2 referendum measures.

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

7 (9) Salaries for mayors and councilmembers established under an  
8 ordinance or charter provision in existence on the effective date of  
9 this act that substantially complies with this section shall remain in  
10 effect unless and until changed in accordance with such charter  
11 provision or ordinance.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.17 RCW  
13 to read as follows:

14 (1) Salaries for county commissioners and councilmembers may be set  
15 by county commissioner and councilmember salary commissions established  
16 by ordinance or resolution of the county legislative authority and in  
17 conformity with this section.

18 (2) Commissions established under subsection (1) of this section  
19 shall be known as the (**Insert name of county**) county citizens'  
20 commission on salaries for elected officials. Each commission shall  
21 consist of ten members appointed by the county commissioner or  
22 executive with the approval of the county legislative authority, or by  
23 a majority vote of the county legislative authority if there is no  
24 single county commissioner or executive, as provided in this section.

25 (a) Six of the ten commission members shall be selected by lot by  
26 the county auditor from among those registered voters eligible to vote  
27 at the time persons are selected for appointment to full terms on the  
28 commission under (c) of this subsection. In noncharter counties, the  
29 county auditor shall select two commission members living in each  
30 commissioner's district. The county auditor shall establish policies  
31 and procedures for conducting the selection by lot. The policies and  
32 procedures shall include, but not be limited to, those for notifying  
33 persons selected and for providing a new selection from a  
34 commissioner's district if a person selected from the district declines  
35 appointment to the commission or if, following the person's  
36 appointment, the person's position on the commission becomes vacant  
37 before the end of the person's term of office.

1 (b) The remaining four of the ten commission members must be  
2 residents of the county and shall be appointed by the county  
3 commissioner or executive with approval of the county legislative  
4 authority, or by a majority vote of the county legislative authority if  
5 there is no single county commissioner or executive. The persons  
6 selected under this subsection shall have had experience in the field  
7 of personnel management. Of these four members, one shall be selected  
8 from each of the following four sectors in the county: Business,  
9 professional personnel management, legal profession, and organized  
10 labor.

11 (c) If there is a single county commissioner or executive, the  
12 county auditor shall forward the names of persons selected under (a) of  
13 this subsection to the county commissioner or executive who shall  
14 appoint these persons to the commission.

15 (d) No person may be appointed to more than two terms. No member  
16 of the commission may be removed by the county commissioner or  
17 executive, or county legislative authority if there is no single county  
18 commissioner or executive, during his or her term of office unless for  
19 cause of incapacity, incompetence, neglect of duty, or malfeasance in  
20 office, or for a disqualifying change of residence.

21 (e) The members of the commission may not include any officer,  
22 official, or employee of the county or any of their immediate family  
23 members. "Immediate family member" as used in this subsection means  
24 the parents, spouse, siblings, children, or dependent relatives of the  
25 officer, official, or employee, whether or not living in the household  
26 of the officer, official, or employee.

27 (f) Upon a vacancy in any position on the commission, a successor  
28 shall be selected and appointed to fill the unexpired term. The  
29 selection and appointment shall be concluded within thirty days of the  
30 date the position becomes vacant and shall be conducted in the same  
31 manner as for the original appointment.

32 (3) Any change in salary shall be filed by the commission with the  
33 county auditor and shall become effective and incorporated into the  
34 county budget without further action of the county legislative  
35 authority or salary commission.

36 (4) Salary increases established by the commission shall be  
37 effective as to county commissioners and all members of the county  
38 legislative authority, regardless of their terms of office.

1 (5) Salary decreases established by the commission shall become  
2 effective as to incumbent county commissioners and councilmembers at  
3 the commencement of their next subsequent terms of office.

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

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

15 (8) The action fixing the salary of a county commissioner or  
16 councilmember by a commission established in conformity with this  
17 section shall supersede any other provision of state statute or county  
18 ordinance related to municipal budgets or to the fixing of salaries of  
19 county commissioners and councilmembers.

20 (9) Salaries for county commissioners and councilmembers  
21 established under an ordinance or resolution of the county legislative  
22 authority in existence on the effective date of this act that  
23 substantially complies with this section shall remain in effect unless  
24 and until changed in accordance with such charter provision or  
25 ordinance.

26 NEW SECTION. **Sec. 6.** If any provision of this act or its  
27 application to any person or circumstance is held invalid, the  
28 remainder of the act or the application of the provision to other  
29 persons or circumstances is not affected.

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