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SENATE BILL 5126

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Kilmer, Tom, Murray, Kastama, Rockefeller, Keiser, Conway, Regala, Hobbs, Shin, and McAuliffe

Read first time 01/14/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to compensation adjustments for government  
2 officials; amending RCW 35.21.015, 36.17.024, 35.23.091, and  
3 35A.13.040; and providing a contingent effective date.

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

5 **Sec. 1.** RCW 35.21.015 and 2001 c 73 s 4 are each amended to read  
6 as follows:

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

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

13 (a) Shall be appointed by the mayor with approval of the city  
14 council;

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

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

1 (d) May not include any officer, official, or employee of the city  
2 or town or any of their immediate family members. "Immediate family  
3 member" as used in this subsection means the parents, spouse, siblings,  
4 children, or dependent relatives of the officer, official, or employee,  
5 whether or not living in the household of the officer, official, or  
6 employee.

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

11 (4) Any change in salary (~~increases~~) established by the  
12 commission shall be effective as to all city or town elected officials,  
13 regardless of their terms of office.

14 (~~Salary decreases established by the commission shall become~~  
15 ~~effective as to incumbent city or town elected officials at the~~  
16 ~~commencement of their next subsequent terms of office.~~

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

23 ~~((7))~~ (6) Referendum measures under this section shall be  
24 submitted to the voters of the city or town at the next following  
25 general or municipal election occurring thirty days or more after the  
26 petition is filed, and shall be otherwise governed by the provisions of  
27 the state Constitution, or city charter, or laws generally applicable  
28 to referendum measures.

29 ~~((8))~~ (7) The action fixing the salary by a commission  
30 established in conformity with this section shall supersede any other  
31 provision of state statute or city or town ordinance related to  
32 municipal budgets or to the fixing of salaries.

33 ~~((9))~~ (8) Salaries for mayors and councilmembers established  
34 under an ordinance or charter provision in existence on July 22, 2001,  
35 that substantially complies with this section shall remain in effect  
36 unless and until changed in accordance with such charter provision or  
37 ordinance.

1       **Sec. 2.** RCW 36.17.024 and 2001 c 73 s 5 are each amended to read  
2 as follows:

3       (1) Salaries for county commissioners and councilmembers may be set  
4 by county commissioner and councilmember salary commissions established  
5 by ordinance or resolution of the county legislative authority and in  
6 conformity with this section.

7       (2) Commissions established under subsection (1) of this section  
8 shall be known as the (Insert name of county) county citizens'  
9 commission on salaries for elected officials. Each commission shall  
10 consist of ten members appointed by the county commissioner or  
11 executive with the approval of the county legislative authority, or by  
12 a majority vote of the county legislative authority if there is no  
13 single county commissioner or executive, as provided in this section.

14       (a) Six of the ten commission members shall be selected by lot by  
15 the county auditor from among those registered voters eligible to vote  
16 at the time persons are selected for appointment to full terms on the  
17 commission under (c) of this subsection. In noncharter counties, the  
18 county auditor shall select two commission members living in each  
19 commissioner's district. The county auditor shall establish policies  
20 and procedures for conducting the selection by lot. The policies and  
21 procedures shall include, but not be limited to, those for notifying  
22 persons selected and for providing a new selection from a  
23 commissioner's district if a person selected from the district declines  
24 appointment to the commission or if, following the person's  
25 appointment, the person's position on the commission becomes vacant  
26 before the end of the person's term of office.

27       (b) The remaining four of the ten commission members must be  
28 residents of the county and shall be appointed by the county  
29 commissioner or executive with approval of the county legislative  
30 authority, or by a majority vote of the county legislative authority if  
31 there is no single county commissioner or executive. The persons  
32 selected under this subsection shall have had experience in the field  
33 of personnel management. Of these four members, one shall be selected  
34 from each of the following four sectors in the county: Business,  
35 professional personnel management, legal profession, and organized  
36 labor.

37       (c) If there is a single county commissioner or executive, the

1 county auditor shall forward the names of persons selected under (a) of  
2 this subsection to the county commissioner or executive who shall  
3 appoint these persons to the commission.

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

10 (e) The members of the commission may not include any officer,  
11 official, or employee of the county or any of their immediate family  
12 members. "Immediate family member" as used in this subsection means  
13 the parents, spouse, siblings, children, or dependent relatives of the  
14 officer, official, or employee, whether or not living in the household  
15 of the officer, official, or employee.

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

21 (3) Any change in salary shall be filed by the commission with the  
22 county auditor and shall become effective and incorporated into the  
23 county budget without further action of the county legislative  
24 authority or salary commission.

25 (4) Any change in salary (~~increases~~) established by the  
26 commission shall be effective as to county commissioners and all  
27 members of the county legislative authority, regardless of their terms  
28 of office.

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

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

1 ((+7)) (6) Referendum measures under this section shall be  
2 submitted to the voters of the county at the next following general or  
3 municipal election occurring thirty days or more after the petition is  
4 filed, and shall be otherwise governed by the provisions of the state  
5 Constitution and laws generally applicable to referendum measures.

6 ((+8)) (7) The action fixing the salary of a county commissioner  
7 or councilmember by a commission established in conformity with this  
8 section shall supersede any other provision of state statute or county  
9 ordinance related to municipal budgets or to the fixing of salaries of  
10 county commissioners and councilmembers.

11 ((+9)) (8) Salaries for county commissioners and councilmembers  
12 established under an ordinance or resolution of the county legislative  
13 authority in existence on July 22, 2001, that substantially complies  
14 with this section shall remain in effect unless and until changed in  
15 accordance with such charter provision or ordinance.

16 **Sec. 3.** RCW 35.23.091 and 1990 c 212 s 1 are each amended to read  
17 as follows:

18 The mayor and the members of the city council may be reimbursed for  
19 actual expenses incurred in the discharge of their official duties,  
20 upon presentation of a claim therefor, after allowance and approval  
21 thereof, by resolution of the city council; and each city councilmember  
22 may be paid for attending council meetings an amount which shall be  
23 fixed by ordinance and may be revised from time to time by ordinance,  
24 but any increase (~~or reduction~~) in the compensation attaching to an  
25 office shall not be applicable to the term then being served by the  
26 incumbent.

27 The city attorney, clerk and treasurer, if elective, shall  
28 severally receive at stated times a compensation to be fixed by  
29 ordinance by the city council.

30 The mayor and other officers shall receive such compensation as may  
31 be fixed by the city council at the time the estimates are made as  
32 provided by law.

33 Any city that provides a pension for any of its employees under a  
34 plan not administered by the state must notify the state auditor of the  
35 existence of the plan at the time of an audit of the city by the  
36 auditor. No city may establish a pension plan for its employees that  
37 is not administered by the state, except that any defined contribution

1 plan in existence as of January 1, 1990, is deemed to have been  
2 authorized. No city that provides a defined contribution plan for its  
3 employees as authorized by this section may make any material changes  
4 in the terms or conditions of the plan after June 7, 1990.

5 **Sec. 4.** RCW 35A.13.040 and 2009 c 549 s 3021 are each amended to  
6 read as follows:

7 The salaries of the councilmembers, including the mayor, shall be  
8 fixed by ordinance and may be revised from time to time by ordinance,  
9 but any increase (~~(or reduction)~~) in the compensation attaching to an  
10 office shall not become effective until the expiration of the term then  
11 being served by the incumbent: PROVIDED, That compensation of  
12 councilmembers may not be increased (~~(or diminished)~~) after their  
13 election nor may the compensation of the mayor be increased (~~(or~~  
14 ~~diminished)~~) after the mayor has been chosen by the council.

15 Until councilmembers of a newly organized council-manager code city  
16 may lawfully be paid as provided by salary ordinance, such  
17 councilmembers shall be entitled to compensation in the same manner and  
18 in the same amount as councilmembers of such city prior to the adoption  
19 of this council-manager plan.

20 Until a salary ordinance can be passed and become effective as to  
21 elective officers of a newly incorporated code city, the first  
22 councilmembers shall be entitled to compensation as follows: In cities  
23 having less than five thousand inhabitants--twenty dollars per meeting  
24 for not more than two meetings per month; in cities having more than  
25 five thousand but less than fifteen thousand inhabitants--a salary of  
26 one hundred and fifty dollars per calendar month; in cities having more  
27 than fifteen thousand inhabitants--a salary of four hundred dollars per  
28 calendar month. A councilmember who is occupying the position of  
29 mayor, in addition to his or her salary as a councilmember, shall be  
30 entitled, while serving as mayor, to an additional amount per calendar  
31 month, or portion thereof, equal to twenty-five percent of the  
32 councilmember salary: PROVIDED, That such interim compensation shall  
33 remain in effect only until a salary ordinance is passed and becomes  
34 effective as to such officers, and the compensation provided herein  
35 shall not be construed as fixing the usual compensation of such  
36 officers. Councilmembers shall receive reimbursement for their actual  
37 and necessary expenses incurred in the performance of the duties of

1 their office, or the council by ordinance may provide for a per diem  
2 allowance. Procedure for approval of claims for expenses shall be as  
3 provided by ordinance.

4 NEW SECTION. **Sec. 5.** This act takes effect if the proposed  
5 amendment to Article XXX, section 1 of the state Constitution  
6 authorizing salaries of state, county, and municipal officials to be  
7 diminished during the term of office is validly submitted to and is  
8 approved and ratified by the voters at the next general election. If  
9 the proposed amendment is not approved and ratified, this act is void  
10 in its entirety.

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