

CITY OF YELM

Washington

SALARY COMMISSION COMMITTEE MEETING AGENDA

DATE: NOVEMBER 30, 2018,
TIME: 2:30 P.M.
LOCATION: MAYOR'S OFFICE, CITY HALL (105 YELM AVE. W.)

1. Call to Order
2. Roll Call
3. Welcome/Introductions – City Administrator Michael Grayum, Committee Chair
4. Review Ordinance establishing Salary Commission – 10 min.
5. Discuss timeline and deliverables – 10 min.
6. Review compensation and benefits of elected officials in comparable cities – 30 min.
7. Discussion of next steps – 5 min.
 - a. Recommendations
 - b. Scheduling of Future Meeting (if required)
8. Adjournment

COMMITTEE MEMBERS

Michael Grayum, City Administrator
Karen Bennett, Human Resource Specialist
Line Critchfield, Yelm Chamber Director
Ken McCulloch, Yelm Rotary
Denise Hibbeln, Prairie Park Properties

From: Dana Spivey, Executive Assistant

Date: October 3, 2018

Subj: Appointment of Salary Commission Members

Recommendation

Approve the appointment of the three applicants for the Yelm Salary Commission.

Background

On February 13, 2018 the Yelm City Council adopted Ordinance #1044 to establish a Salary Commission to review and establish the salaries and total cost of compensation for elected officials. The work will perform the functions construed in state law in accordance with RCW 35.21.015. Per Ordinance #1044, the Salary Commission shall have three members who shall be appointed by the Mayor, with the approval of the Council, for five-year terms. Read the full state statute at:

<http://app.leg.wa.gov/rcw/default.aspx?Cite=35.21.015>

Current Situation

Since Ordinance #1044 was adopted, the City of Yelm has encouraged citizens to apply via announcements at public meetings, posts on social media, and also requested City Council to bring forth names of potential applicants who meet requirements listed in the ordinance. One name was proposed by Council. As of October 3, 2018, only three applications have been received from the following individuals:

- Denise Hibbeln
- Ken McCulloch
- Line Critchfield

**CITY OF YELM
ORDINANCE NO. 1044**

AN ORDINANCE OF THE CITY OF YELM, WASHINGTON, CREATING A NEW CHAPTER
OF THE YELM MUNICIPAL CODE ESTABLISHING A SALARY COMMISSION IN
ACCORDANCE WITH RCW 35.21.015

WHEREAS, jurisdictions periodically adjust the salary of elected officials to mitigate the effects of inflation and to reflect pay levels of similar cities; and

WHEREAS, the Washington State Constitution prohibits changes to compensation during an elected official's current term in office; and

WHEREAS, it is appropriate to have separate, independent commission, rather than the City Council itself, establish the salaries of these elected officials; and

WHEREAS, RCW 35.21.015 authorizes cities to establish, by ordinance, an independent salary commission in order to set the total compensation for local elected officials, subject to certain terms and conditions; and

WHEREAS, the Yelm City Council desires to establish such a commission for the purpose of setting the total compensation of the City of Yelm Mayor and City Council;

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

Section 1. A new Chapter of the Yelm Municipal Code, Chapter 2.07 – Salary Commission, as follows:

Section 2.07.010. Salary Commission established.

A Salary Commission is hereby established to perform the functions set forth in RCW 35.21.015.

Section 2.07.020. Purpose, function and construction.

The salary commission shall review and establish the salaries of the mayor and the councilpersons and shall exercise the powers and perform the duties set forth by RCW 35.21.015, as now existing or hereafter amended, and this section. The provisions of this section shall be construed in accordance with RCW 35.21.015.

Section 2.07.030. Salary Package defined.

The Salary Commission shall consider the total compensation of City elected officials, including salary, health benefits, and retirement plans.

Section 2.07.040. Membership, appointment, compensation and term.

- A. The Salary Commission shall have three members who shall be appointed by the Mayor, with the approval of the Council, for five-year terms.
- B. Members of the salary commission shall be residents of the Yelm Urban Growth Area as defined in the most current City of Yelm Comprehensive Plan.
- C. No officer, official, or employee of the City or any of their immediate family members may serve as a member of the Salary Commission.
- D. No member of the commission shall be appointed to more than two terms, whether consecutive or otherwise.
- E. The Salary Commission shall convene no later than December 31, 2018 and as required thereafter by section 2.07.050.
- F. Members may be removed during their terms for cause of incapacity, incompetence, neglect of duty, malfeasance in office, or for a disqualifying change of residence.
- G. In the event of a vacancy of a Salary Commission position, the mayor shall appoint, subject to approval of the city council, a person to serve the unexpired portion of the vacant position's term.

Section 2.07.050. Powers.

- A. The Salary Commission shall set the salary package for elected officials of the City. The Commission shall convene and review the salaries of the City's elected officials once every four years or sooner when directed to do so by a majority vote of the City Council.
- B. Any change in salary shall be filed by the Salary Commission with the City Clerk and shall become effective and incorporated into the City budget without further action of the City Council or Salary Commission in accordance with state law.
- C. Salary package increases established by the Commission shall be effective as to incumbent City elected officials, regardless of their terms in office, subject to the provisions of the Yelm Municipal Code.
- D. Salary package decreases established by the Commission shall become effective as to incumbent City elected officials at the commencement of their next subsequent terms of office as required by RCW 35.21.015(5).
- E. Commission action fixing the salaries of elected officials of the City pursuant to this chapter shall supersede any provision of any other City ordinance related to such salaries.

Section 2.07.060. Meetings to be open.

The proceedings and actions 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, and the Commission shall not meet in executive session.

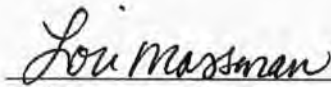
Section 2. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation,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

Passed by the City Council of Yelm this 13th day of February, 2018.



JW Foster, Mayor

Authenticated:



Lori Mossman, City Clerk

PUBLISHED: March 9, 2018

EFFECTIVE DATE: March 14, 2018

Salaries for Elected Officials

April 12, 2018 by Paul Sullivan

Category: Administrative and Elected Officials , Administrative and Elected Officials-County



If you perform work, it's always nice to be paid. Many elected officials are paid, although some are not. This blog discusses how salaries are set, how they can be changed, and whether an elected official can request not to be paid.

Setting Salaries

For most elected officials, salaries are set by their legislative bodies. A city council determines the salary for its members and the mayor (see [RCW 35A.12.070](#) and [RCW 35A.13.040](#) for code cities, [RCW 35.23.091](#) for second class cities, and [RCW 35.27.130](#) for towns).

County officials' salaries are set by the county legislative body. However, unlike for cities and towns, a county legislative body is more limited in its discretion to set salaries since state law requires some salaries be set at an amount not less than that set by statute (see [RCW 36.17.020](#)).

For most special districts, the compensation paid commissioners is set by the district and limited by statute to stated daily and yearly maximums (see [RCW 85.38.075](#)). Although salary amounts were set by statute in 2007, the statute allows different per diem maximums to be set every five years by the state's Office of Financial Management. That office last made such an adjustment in 2013 when it filed [WSR 13-12-078](#). Until the next adjustment is announced, *the per diem rate may not exceed \$114, with a yearly maximum of \$10,944*. When a board sets its compensation within the parameters of the regulation, the new rates would not go into effect until the next term of office.

While salaries are typically set by the city or county legislative body, state law does allow for the creation of a salary commission to set salaries (see [RCW 35.21.015](#) and [RCW 36.17.024](#)). If a salary commission is created, the elected officials are paid the salaries established by the commission, although the salaries are subject to referendum. If no referendum is filed within 30 days, the new salaries can be effective immediately, except if the commission determines a salary should be decreased, since no decrease is allowed during a term.

Changes to Salaries

Periodically a legislative body may conclude that the salaries paid its elected officials should be changed and, typically, increased. Article 11, section 8 of the Washington Constitution, however, prohibits any salary increase or decrease after an election and during the term of office for those officials who set their own salary. Accordingly, the prohibition only applies to city and county councilmembers, county commissioners, and special district commissioners (see Washington State Const. art. 30, sec. 1).

A mayor's salary, on the other hand, can be increased anytime, provided the mayor does not vote to break a tie on the proposed increase. An elected official's salary may not be *decreased* in any case after his or her election or during the term of office.

If a city or county has created a salary commission, any salary set by the commission may be implemented during an elected official's term since, in that instance, the salary is not set by the elected official. The prohibition against salary decreases during a term also applies to changes made by a salary commission.

Since a salary increase will generally only be effective for an official who is newly elected or reelected, what happens if someone fills a vacant position by appointment during the current term or by election for the remainder of a term? Does he or she take the "old" salary, or any new and pending increased salary? In this case, the appointed person receives the same salary as the person who previously held the position during the current term. The constitutional prohibition against increase in the salary of a councilmember applies to the term of office rather than to the individual who is holding the office (see State ex rel Wyrick v. City of Ritzville and AGO 1999 No. 1).

May an Elected Official Refuse His or Her Salary?

Sometimes, when budgets are tight, elected officials will state a willingness to refuse all or part of their salary. This is okay, isn't it? Maybe. But as indicated above, the constitution prohibits decreases in salary after an official's election and during the term of office. It would be illegal to reduce the salaries established for elected positions unless the effective date of the decrease is delayed until the beginning of the next term of office. Withholding all or part of a salary of a current officeholder could be considered an illegal salary decrease.

Nevertheless, a reduction might still be possible. The simplest option would be for the elected official to receive his or her salary and then donate it back to the local government. However, the donated salary would still be taxable income and unless the official itemizes for tax purposes, there would be no tax benefit.

A second possible approach might be for the official to formally waive all or part of his or her salary. Since the official would not be paid, there would not be any taxable income flowing from the refused salary. It is not certain, though, that a salary waiver is enforceable. MRSC is aware of one instance when an elected official voluntarily waived a portion of salary and then, after leaving office, asked to be paid the salary that was waived.

Some special district officials, such as fire and port district commissioners, have express statutory authority to waive all or part of their salaries (see RCW 52.14.010 and RCW 53.12.265). For cities and counties, however, until there is an appellate court decision addressing the issue or legislation specifically authorizing a salary waiver, *there is uncertainty about the enforceability of a such a waiver for their elected officials*.

Questions? Comments?

If you have questions about this or other local government issues, please use our Ask MRSC form or call us at (206) 625-1300 or (800) 933-6772. If you have comments about this blog post, please comment below or email Paul Sullivan at psullivan@mrsc.org.

CITY	POPULATION	FORM OF GOVERNMENT	MAYOR MONTHLY	COUNCIL MONTHLY	MAYOR BENEFITS	COUNCIL BENEFITS
Dupont	9,385	Mayor-Council	\$ 2,100	\$ 600	No	No
Duvall	7,655	Mayor-Council	\$ 2,000	\$ 500	No	No
Ferndale	13,640	Mayor-Council	\$ 1,729	\$ 600	No	No
Lynden	14,160	Mayor-Council	\$ 2,652 (8)	\$ 637 (8)	PERS 2 Only	No
North Bend	6,825	Mayor-Council	\$ 3,000 (3)	\$ 500 (4)	Yes (5)	Yes (6)
Port Orchard	14,160	Mayor-Council	\$ 6,727	\$ 1,000	Yes (1)	(9)
Poulsbo	10,850	Mayor-Council	\$ 6,348	\$ 750	Yes (2)	No
Stanwood	6,835	Mayor-Council	\$ 1,400	\$ 375	Yes (7)	No
Yelm	9,030	Mayor-Council	\$ 2,500	\$ 600	Yes	No

(1) Medical, dental, vision, life and retirement

(2) Medical, dental and retirement

(3) \$3,000 base salary plus up to 10 meetings reimbursements per month (\$75/regional meeting and \$50/non-regional meetings)

(4) \$500 base salary plus up to 6 meetings reimbursements per month (\$75/regional meetings and \$50/non-regional meetings)

(5) Medical at 50%, dental at 75% and vision at 100%. No retirement

(6) Medical at 50%, No dental, vision or retirement

(7) Pay 50% of cost of medical, dental, vision and life insurance. Currently 50% cost = \$393.54

(8) In 2015 the Council approved an ordinance that allowed for an annual increase of 3% for 10 years, and the base rate was \$600 for the Council, \$2,500 for the Mayor. This will sunset at the end of 20025

(9) All have to agree to taking benefits to be eligible. They can opt to enroll in DRS

Mayor-Council is a Strong Mayor form of government. The strong mayor form of government is headed by a mayor who serves as a city's chief executive and a city council, its legislative body.

Council-Manager form of government is where the council oversees local policy and budgets and appoints a professional city manager to handle administrative tasks on a day-to-day basis.