

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE SECTIONS 2.00.000 AND 2.04.100 ON COMPENSATION AND ADDING A NEW CHAPTER 2.05 ENTITLED INDEPENDENT SALARY COMMISSION TO THE OLYMPIA MUNICIPAL CODE

WHEREAS, the salaries of the mayor, mayor pro-tem and city council have been adjusted from time to time by Council ordinance as provided in RCW 35A.13.040; and

WHEREAS, the current salaries for the mayor, mayor pro-tem and city council have not been adjusted in almost ten years; and

WHEREAS, the effects of inflation and cost of living have escalated and grown over the last decade; and

WHEREAS, RCW 35.21.015 authorizes the City to establish an independent salary commission by ordinance with authority to set the salary of the members of the Olympia City Council; and

WHEREAS, the City Council desires to have a comparative salary study conducted and recommendations for future salary adjustments provided by an independent salary commission composed of citizens and residents from the community;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. Amendment of OMC 2.04. Olympia Municipal Code Chapter 2.04 is hereby amended to read as follows:

**Chapter 2.04
CITY COUNCIL**

2.04.000 Chapter Contents

Sections:

- 2.04.010 Composition.
- 2.04.020 Powers.
- 2.04.030 Forfeiture of office.
- 2.04.040 Vacancies—Filling
- 2.04.050 Meetings.
- 2.04.060 Mayor--Powers and duties--Election--Term.
- 2.04.070 Mayor pro tem--Designation--Alternate appointments.
- 2.04.080 Mayor--Powers to proclaim emergency.
- 2.04.090 Mayor--Powers during emergency.
- 2.04.100 Compensation.

Section 2.04.100 Compensation.

Effective upon the commencement of terms January 1, 2008 and following election and qualification, the annual salary of the mayor of the city shall be Nineteen Thousand Nine Hundred Sixty-Eight and no/100 Dollars (\$19,968); the annual salary of the mayor pro-tem shall be Eighteen Thousand Three Hundred Four and no/100 Dollars (\$18,304); the annual salary of councilmember positions two and three shall be

Sixteen Thousand Six Hundred Forty and no/100 Dollars (\$16,640) unless a councilmember serves in either of said positions is the mayor pro-tem, in which case the salary shall be as provided for the mayor pro-tem. The annual salary of the remaining councilmember positions shall be increased to Sixteen Thousand Six Hundred Forty and no/100 Dollars (\$16,640) upon commencement of the terms January 1, 2010, following election and qualification.

Notwithstanding the foregoing, this section shall not be applicable to any individual councilmember to the extent that the salaries provided for above are deemed by a court of competent jurisdiction to be an increase of compensation after a councilmember's election contrary to RCW 35A.13.040, Article II, §25, and/or Article XI, §8 of the Washington State Constitution.

Effective from and after passage and publication of an ordinance creating an independent salary commission, the salaries for city elected officials shall be set by the independent salary commission in accordance with § 1, Article XXX of the Washington State Constitution, RCW 35.21.015 and OMC Chapter 2.05.

Section 2. Amendment of OMC Title 2. A NEW CHAPTER 2.05, Independent Salary Commission, is hereby added to Title 2 of the Olympia Municipal Code, to be codified as follows:

Chapter 2.05 INDEPENDENT SALARY COMMISSION

2.05.000 Chapter Contents

Sections:

- 2.05.010 Established.
- 2.05.020 Purpose – Function.
- 2.05.030 Membership.
- 2.05.040 Qualifications.
- 2.05.050 Operation.
- 2.05.060 Responsibilities and Duties.
- 2.05.070 Vacancies.
- 2.05.080 Removal.
- 2.05.090 Effective Date – Salaries.

Section 2.05.010 Established.

There is created and established an independent salary commission.

Section 2.05.020 Purpose – Function.

The independent salary commission shall review and establish the salaries of the mayor, mayor pro-tem, and the council members and exercise the powers and perform the duties established by RCW 35.21.015, as now existing or hereafter amended.

Section 2.05.030 Membership.

A. The independent salary commission shall consist of five members appointed by the mayor and approved by the city council.

B. The independent salary commission shall serve without compensation.

C. Each member of the independent salary commission shall serve a term of two years commencing upon appointment and terminating 24 months thereafter.

D. No member of the commission shall be appointed to more than two terms.

Section 2.05.040 Qualifications.

A. No person shall be appointed to serve as a member of the independent salary commission unless that person is a citizen of the United States, a resident of the city for at least one year immediately preceding such appointment, and an elector of Thurston County.

B. No city officer, official, or employee of the city or any of their immediate family members may serve on the commission. "Immediate family member" as used in this subsection means the parents, spouse, siblings, children, or dependent relatives of an officer, official, or employee, whether or not living in the household of the officer, official, or employee.

Section 2.05.050 Operation.

A. The city manager will appoint appropriate city staff to assist the independent salary commission for clerical and support purposes.

B. The independent salary commission shall keep a written record of its proceedings, which shall be a public record in accordance with state law.

C. All meetings of the commission shall be open to the public pursuant to the Open Public Meetings Act, Chapter 42.30 RCW. The commission shall actively solicit public comment at all meetings, either verbally or in writing.

D. The independent salary commission shall meet as often as necessary in 2017 in order to file a salary schedule with the city clerk on or before October 1, 2017. Once a salary schedule has been filed, the commission will not meet again until at least one year following the date of filing. Thereafter, the commission shall meet no less that one time per year, during the months of June or July.

E. Three members of the commission shall constitute a quorum and the votes of three members shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the independent salary commission.

Section 2.05.060 Responsibilities and Duties.

The independent salary commission shall have the following responsibilities:

A. To study the relationship of salaries to the duties of the mayor, mayor pro-tem, and the city council, and to study the costs personally incurred by council members in performing such duties;

B. To study the relationship of Olympia City Council members' salaries and benefits to those salaries and benefits of council members in other city jurisdictions of a comparable nature and other current market conditions.

C. To establish salary and benefits by either increasing or decreasing the existing salary and benefits for each position of mayor, mayor pro-tem, and council members by an affirmative vote of not less than three members.

D. To review and file a salary and compensation schedule with the city clerk not later than October 1, 2017, and when a salary commission is convened thereafter, by October 1 in any subsequent year.

Section 2.05.070 Vacancies.

In the event of a vacancy in the independent salary commission due to resignation or removal, the Mayor shall appoint, subject to approval of the city council, a person to serve the unexpired portion of the term of the former commissioner's position.

Section 2.05.080 Removal.

A member of the independent salary commission shall only be removed from office for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of residence.

Section 2.05.090 Effective Date – Salaries.

A. The city clerk will publish the salary commission's schedule of salary and compensation which shall not become effective until thirty days after publication. Such salary schedule shall be subject to referendum petition filed in accord with OMC Chapter 1.16 within thirty days after filing of the salary schedule. 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 shall be submitted to the voters of the city at the next following general or municipal election occurring thirty days or more after the referendum petition is filed and shall be governed by the provisions of the state Constitution or laws generally applicable to referendum measures.

B. Any salary increase or decrease shall become effective and incorporated into the city budget without further action of the city council or salary commission.

C. Salary increases established by the commission shall be effective as to all members of the city council, regardless of their terms of office.

D. Salary decreases established by the salary commission shall not be effective as to incumbent city council members until commencement of their next term of office.

E. Any adjustment of salary by the commission shall supersede any city ordinance related to the budget or fixing of salaries, but only to the extent there is a conflict.

F. Existing salaries for the mayor, mayor pro-tem, and council members established by city ordinance shall remain in effect unless and until changed in accordance with the provisions of this chapter.

Section 3. Amendment of OMC 2.00.000. Olympia Municipal Code Section 2.00.000 is hereby amended to read as follows:

2.00.000 Title Contents

**Title 2
ADMINISTRATION AND PERSONNEL**

Chapters:

2.04 City Council

2.05 Independent Salary Commission

- 2.06 Council Committees
- 2.08 City Manager
- 2.12 Officers
- 2.14 Municipal Court
- 2.24 Department of Emergency Services
- 2.28 Fire Department
- 2.32 Fire Protection Agreements
- 2.36 Police Department
- 2.38 Police Auditor
- 2.40 Police Reserve Force
- 2.44 Civil Service Commission
- 2.64 Officers' Compensation
- 2.68 City Office Hours
- 2.70 Legal Defense for Acts or Omissions
- 2.72 Defense of Elected Officials in Recall Proceedings
- 2.74 Miscellaneous, Administration
- 2.82 Domestic Partnership Registry Program
- 2.100 Citizen-Member Boards, Commissions and Advisory Committees

Section 4. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 5. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 7. Effective Date. This Ordinance shall take effect five days after passage and publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: