

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.

- 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: 7/18/2017

APPROVED: 7/18/2017

PUBLISHED: 7/20/2017

RCW 35.21.015**Salary commissions.**

- (1) Salaries for elected officials of towns and cities may be set by salary commissions established in accordance with city charter or by ordinance and in conformity with this section.
- (2) The members of such commissions shall be appointed in accordance with the provisions of a city charter, or as specified in this subsection:
 - (a) Shall be appointed by the mayor with approval of the city council;
 - (b) May not be appointed to more than two terms;
 - (c) May only be removed during their terms of office for cause of incapacity, incompetence, neglect of duty, or malfeasance in office or for a disqualifying change of residence; and
 - (d) May not include any officer, official, or employee of the city or town or any of their immediate family members. "Immediate family member" as used in this subsection means the parents, spouse, siblings, children, or dependent relatives of the officer, official, or employee, whether or not living in the household of the officer, official, or employee.
- (3) Any change in salary shall be filed by the commission with the city clerk and shall become effective and incorporated into the city or town budget without further action of the city council or salary commission.
- (4) Salary increases established by the commission shall be effective as to all city or town elected officials, regardless of their terms of office.
- (5) Salary decreases established by the commission shall become effective as to incumbent city or town elected officials at the commencement of their next subsequent terms of office.
- (6) Salary increases and decreases shall be subject to referendum petition by the people of the town or city in the same manner as a city ordinance upon filing of such petition with the city clerk 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 vote of the people.
- (7) Referendum measures under this section shall be submitted to the voters of the city or town at the next following general or municipal election occurring thirty days or more after the petition is filed, and shall be otherwise governed by the provisions of the state Constitution, or city charter, or laws generally applicable to referendum measures.
- (8) The action fixing the salary by a commission established in conformity with this section shall supersede any other provision of state statute or city or town ordinance related to municipal budgets or to the fixing of salaries.
- (9) Salaries for mayors and councilmembers established under an ordinance or charter provision in existence on July 22, 2001, that substantially complies with this section shall remain in effect unless and until changed in accordance with such charter provision or ordinance.

[2001 c 73 § 4.]

NOTES:**Findings—Intent—2001 c 73:** "The legislature hereby finds and declares that:

- (1) Article XXX, section 1 of the state Constitution permits midterm salary increases for municipal officers who do not fix their own compensation;
- (2) The Washington citizens' commission on salaries for elected officials established pursuant to Article XXVIII, section 1 of the state Constitution with voter approval has assured that the compensation for state and county elected officials will be fair and certain, while minimizing the dangers of midterm salary increases being used to influence those officers in the performance of their duties;
- (3) The same public benefits of independent salary commissions should be extended to the setting of compensation of municipal elected officers; and
- (4) This act is intended to clarify the intent of the legislature that existing state law authorizes:

- (a) The establishment of independent salary commissions to set the salaries of city or town elected officials, county commissioners, and county councilmembers; and
- (b) The authority of the voters of such cities, towns, and counties to review commission decisions to increase or decrease such salaries by means of referendum." [2001 c 73 § 1.]

Severability—2001 c 73: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2001 c 73 § 6.]

RCW 35A.13.040**Compensation of councilmembers—Expenses.**

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

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

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, the first councilmembers shall be entitled to compensation as follows: In cities having less than five thousand inhabitants—twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants—a salary of one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants—a salary of four hundred dollars per calendar month. A councilmember who is occupying the position of mayor, in addition to his or her salary as a councilmember, shall be entitled, while serving as mayor, to an additional amount per calendar month, or portion thereof, equal to twenty-five percent of the councilmember salary: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers. Councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

[2009 c 549 § 3021; 1979 ex.s. c 18 § 25; 1967 ex.s. c 119 § 35A.13.040.]

NOTES:

Severability—1979 ex.s. c 18: See note following RCW 35A.01.070.