Ordinance No. 3617

(Amending or Repealing Ordinances)

CFN=198 – City Council; 1274 – Independent Salary Commission
Passed – 10/1/2002
Salary Commission - Creation

Amends Ords. 814;1112;1826;2301;3165;3421;3480 (Sec. 2.01.010)
Amends Ords. 1977;3068;3283;3334 (Sec. 2.02.010)
Amends Ord. 3125 (Sec. 2.34.050)
Ord. 3687 Repeals Ch. 2.58 and Amends Secs. 2.01.010 & 2.02.010 & 2.34.050

Amended by Ord. 3806 (Sec. 2.34.050)
ORDINANCE NO. 3617

AN ORDINANCE of the City Council of the City of Kent, Washington, amending chapters 2.01, 2.02, and 2.34 of the Kent City Code relating to the salaries of the Mayor, Councilmembers, and municipal court judge(s), and adding a new chapter 2.58, entitled “Independent Salary Commission,” establishing the commission to review, establish, annually set, increase, or decrease the salaries of City elected officials.

WHEREAS, under state law, the Council currently sets the salaries of the councilmembers, the Mayor, and the municipal court judges; and

WHEREAS, the state Legislature recently passed HB 1084 which expressly authorizes cities, towns and counties to create independent salary commissions to set elected officials’ salaries; and

WHEREAS, as authorized by subsection 8 of section 4 of HB 1084, the action fixing the salary by the commission supercedes any other state statute, provision, or City ordinance related to either municipal budgets or to the fixing of salaries; and

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

WHEREAS, it is appropriate to establish an Independent Salary Commission to set the salaries of the City’s elected officials, which currently include the Mayor, the City councilmembers, and the municipal court judges; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. – Amendment. The following chapter, chapter 2.58, entitled “Independent Salary Commission,” shall be added to the Kent City Code:

CHAPTER 2.58. INDEPENDENT SALARY COMMISSION

Sec. 2.58.010. Establishment and purpose. There is hereby established an independent salary commission. The purpose of the commission is to annually establish and review the salaries of all City of Kent elected officials, currently the Mayor, the City councilmembers, and the municipal court judges. The provisions of this chapter shall apply to any City official whose position becomes an elected position after the effective date of this chapter.

Sec. 2.58.020. Responsibilities. The commission shall have the following responsibilities:
A. Except as provided in this section, the commission shall be solely responsible for its own organization, operation, and action and shall enjoy the fullest cooperation of all City officials, officers, departments, and employees.
B. The members of the commission shall annually elect a chairperson from among its members.
C. The commission shall study the relationship of salaries to the duties of the Mayor, City councilmembers, and municipal court judges and shall establish a salary by either increasing or decreasing the existing salary for each position by an affirmative vote of not less than a majority of the commission.

D. The commission will use its best efforts to file its initial schedule of salaries for the positions of Mayor, City councilmembers, and municipal court judges with the city clerk no later than April 1, 2003. After that date, the commission will review and, if it so determines, amend and file its salary schedules not later than the third Tuesday in November of each year to coincide with the City’s annual budget cycle. The commission’s initial schedule of salaries will have an effective date no sooner than January 1, 2003.

E. The commission will submit each salary schedule to the city clerk, who will publish the complete schedule two (2) times, each publication at least one (1) week apart. The second publication date will be the official filing date. The schedule will become effective thirty (30) days after this date. The salary schedule will be subject to referendum petition in the same manner as a City ordinance, if a valid referendum petition is filed within thirty (30) days of the salary schedule’s official filing date.

F. The signature of the chairperson of the commission shall be affixed on each schedule submitted to the city clerk.

G. All meetings, actions, hearings and business of the commission shall be subject to the Open Public Meetings Act set forth in ch. 42.30 RCW.

H. The commission’s established or amended salary schedule will become effective in the amounts, at the times, and under the conditions established in the schedule. Once filed, the City will incorporate the schedule into the City budget without further action by the City Council or the commission.

I. Salary increases established by the commission shall be effective as to all City elected officials, regardless of their terms of office. Salary decreases established by the commission shall become effective as to the incumbent City elected officials at the commencement of the incumbent’s next subsequent term of office.
J. Existing salaries for the Mayor, City councilmembers, and municipal court judges established by City ordinance and/or City budget will remain in effect unless and until changed in accordance with the provisions of this chapter.

K. The terms and conditions of the commission’s adopted salary schedule will remain in effect until amended under the terms and conditions of a new salary schedule filed in accordance with this chapter.

Sec. 2.58.030. Salary schedule - Referendum petition.
A. The commission’s adopted salary schedule will be subject to referendum in the same manner as a City ordinance. As required by law, a referendum petition on the commission’s ordinance must be filed with the city clerk within thirty (30) days from the salary schedule’s official filing date. If a valid referendum petition is filed, the salary increase or decrease will not go into effect unless approved at the referendum election.

B. The City will submit referendum measures under this section to the voters at the next following general or municipal election occurring thirty (30) or more days after the petition is filed. Referendum measures will be otherwise governed by the provisions of the state Constitution or other laws generally applicable to referendum measures.

Sec. 2.58.040. Composition of the commission. The salary commission shall consist of three (3) members. The Mayor will appoint the commissioners and the City Council will confirm the appointment in accordance with the provisions of this chapter. The commission members shall serve as City volunteers without compensation, except for reasonable reimbursement for their expenses in accordance with state law and City ordinance.

Sec. 2.58.050. Terms of appointment.
A. Each member appointed and confirmed to the salary commission shall be a resident of the City of Kent or shall have appropriate background, skills, experience, and an appropriate knowledge of the community to serve on the commission and to
perform the duties of commissioner. Members shall serve 3-year terms, except for the first three (3) members appointed to the commission, who shall serve staggered terms as follows:

1. One (1) member will serve a one (1) year term;
2. One (1) member will serve a two (2) year term; and
3. One (1) member will serve a three (3) year term.

However, no member may be appointed to more than two (2) terms of office on the commission, whether or not those terms are held consecutively. The commissioners will annually elect the commission’s chairperson.

B. No City officer, official, employee, or immediately family member of any City officer, official or employee may serve on the commission. As used in this section, “immediate family member” means parents, spouse, siblings, children or dependent relative of the officer, official or employee, whether or not living in the household of the officer, official or employee.

C. No commissioner will be removed during his or her term of office unless for cause of incapacity, incompetence, neglect of duty or malfeasance in office, or for a disqualifying change of residence.

Sec. 2.58.060. Staffing. The Mayor shall appoint staff as he or she deems appropriate to assist the commission in its daily operation. All City officers, officials, and employees will assist the commission in all proper ways to carry out the provisions of this chapter. The commission will have access to all City books, papers, documents and accounts applying or in any way concerning the salaries of elected officials and the salary commission. The commission shall operate in accordance with its duly adopted rules and regulations.

Sec. 2.58.070. Meetings. The commission shall meet at least two (2) times prior to November 8, 2002. Thereafter, the commission shall meet at least once a year to consider whether or not to review and/or adjust existing salaries. This annual meeting will occur no later than September 15 in any given year. If necessary, the
commission will also meet upon any other call by the chair, the Mayor, or by
majority vote of the City Council.

Sec. 2.58.080. Attendance and vacancies. At any meeting of the
commission, the commission may recommend to the Mayor removal of any member
who misses two (2) consecutive meetings without being excused by the commission
upon an affirmative vote of a majority of the commission in attendance at any
commission meeting. Upon a vacancy in any commission position, the Mayor will
appoint, subject to Council confirmation, a successor to fill the unexpired term.

SECTION 2. – Amendment. Chapter 2.01 of the Kent City Code,
titled “City Council,” is hereby amended to read as follows:

CHAPTER 2.01. CITY COUNCIL

Sec. 2.01.010. Compensation of councilmembers.
A. This subsection is subject to the provisions of RCW 35A.12.070. Each City
Councilmember shall be paid a salary of five hundred fifty dollars ($550) per month.
Effective January 1, 2000, each City Councilmember shall be paid a salary of eight
hundred fifty dollars ($850) per month. Effective January 1, 2001, each City
Councilmember shall be paid a salary of nine hundred dollars ($900) per month.
Effective January 1, 2002, each City Councilmember shall be paid a salary of nine
hundred fifty dollars ($950) per month. Effective January 1, 2003, each City
Councilmember shall be paid a salary of one thousand dollars ($1,000) per month.
The duly elected president of the City Council shall be paid an additional salary of
one hundred fifty dollars ($150) per month in addition to the regular Councilmember
salary.
B. If the City’s independent salary commission establishes a salary schedule for
the City Council, those salaries will take effect at the times, in the amounts, and
under the conditions established in the schedule, as provided by law and by ch. 2.58
KCC and will replace the salaries set forth in subsection 2.01.010(A).
Each Councilmember may receive medical insurance coverage benefits for himself or herself as is provided to full time employees of the City. Additionally, each Councilmember may, at his or her expense, elect to obtain medical insurance coverage benefits for his or her family as is provided pursuant to City policy.

Sec. 2.01.020. City Council meetings. The regular and other meetings of the City Council shall be held in the Council chambers at the City hall unless otherwise designated by majority of the City Council at a regular or special meeting. The regular meetings shall be held on the first and third Tuesday of each month except that during the month of December of each year, there shall be only one (1) regular Council meeting to be held on the second Tuesday of said month. Special meetings shall be held as provided by law at such times as may be designated. Regular meetings shall convene at 7:00 p.m. If any such day of a regular meeting is a legal holiday, the meeting shall be held on the next business day at the same hour.

SECTION 3. – Amendment. Chapter 2.02 of the Kent City Code, entitled “Mayor,” is hereby amended to read as follows:

CHAPTER 2.02. MAYOR

Sec. 2.02.010. Compensation.

A. Beginning January 1, 1998, the base salary of the Mayor of the City shall be eighty thousand dollars ($80,000) per year; this compensation reflecting the fact that the position of the Mayor is a full-time position. The Mayor shall not be entitled to any cost of living allowance (“COLA”). In addition to the base salary, the Mayor shall be entitled to receive all benefits associated with full-time employment with the City, as established by City policy for this position. These benefits may be adjusted from time to time, on a City-wide basis, in accordance with City policy. However, adjustments increasing benefits beyond those provided to full-time employees and any increases in salary shall be by ordinance pursuant to RCW 35A.12.070.

B. If the City’s independent salary commission establishes a salary schedule for the Mayor, that salary will take effect at the time, in the amount and under the
conditions established by the commission, as provided by law and by ch. 2.58 KCC
and will replace the salary set forth in subsection 2.02.010(A).

SECTION 4. – Amendment. Section 2.34.050 of the Kent City Code, entitled “Salaries-Costs,” is hereby amended to read as follows:

Sec. 2.34.050. Salaries – Costs.

A. The salary of the municipal judge shall be fixed by ordinance upon the adoption of the City’s annual budget. If serving on a part time basis, he or she shall be compensated hourly. All costs of operation of the municipal court, including but not limited to salaries of judges and court employees, dockets, books of records, forms, furnishings and supplies shall be paid wholly out of the funds of the City. Jurors shall be paid a fee of fifteen dollars ($15) per day and mileage allowance pursuant to RCW 43.03.060. The City shall provide a suitable place for holding court and pay all expenses of maintaining it.

B. If the City’s independent salary commission establishes a salary schedule for the municipal judges, those salaries will take effect at the time, in the amounts, and under the conditions established by the commission, as provided by law and by ch. 2.58 KCC and will replace the salary set forth in subsection 2.34.02.050(A).

SECTION 5. – Severability. If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 6. - Effective Date. This Ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

JIM WHITE, MAYOR
ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 1 day of October, 2002.

APPROVED: 2 day of October, 2002.

PUBLISHED: 5 day of October, 2002.

I hereby certify that this is a true copy of Ordinance No. 3617 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER (SEAL)
BRENDA JACOBER, CITY CLERK