AN ORDINANCE of the City Council of the City of Kent, Washington, amending Title 2 of the Kent City Code by adding a new chapter 2.58, entitled "Independent Salary Commission," and establishing the commission to review, establish, increase, or decrease mayor and councilmember's salaries.

RECITALS

A. Under state law, the city council currently sets the salaries of the councilmembers and the mayor.

B. Revised Code of Washington (RCW) section 35.21.015 authorizes a city to establish a salary commission to review and adjust elected official salaries and provides that commission action supersedes any other state statute, provision, or city ordinance related to either municipal budgets or to the fixing of salaries.

C. It is appropriate to create a separate, independent commission, rather than the city council itself, to establish the salaries of these elected officials.

D. If the commission elects to include a conservative, fixed salary inflation factor to address future inflationary trends as part of its Salary Commission-Created KCC 2.58
salary decision, the council will authorize the commission to be disbanded and this ordinance—but not the salaries established by the commission—can be repealed. If the commission elects not to include a conservative, fixed salary inflation factor to address future inflationary trends, then the commission will continue to operate, holding at least annual commission meetings.

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

**ORDINANCE**

**SECTION 1.** – *New Chapter.* Chapter 2.58, entitled “Independent Salary Commission,” shall be added to the Kent City Code.

**Sec. 2.58.010. Establishment and purpose.** There is hereby established an independent salary commission. The purpose of the commission is to review and establish the mayor and councilmembers’ salaries.

**Sec. 2.58.020. Responsibilities.** The commission shall have the following responsibilities:

A. 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 elect a chairperson from among its members.

C. The commission shall study the relationship of salaries and benefits to the duties of the mayor and city councilmembers and shall

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establish the salaries and benefits for those positions by either increasing or decreasing the existing salary and benefits 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 schedule of salaries with the city clerk no later than July 1, 2015. After that date, if the commission establishes an annual salary inflation factor to be applied to the adjusted salaries, the city council will take steps to allow the commission to disband and to repeal the establishment of this commission under this ordinance, but to keep the salary schedule established by the commission in place.

E. If the commission does not establish an annual salary inflation factor as part of its salary and benefits adjustments, the commission will meet at least annually to review and, if it so determines, amend and file its salary schedules not later than the first Tuesday in October of each year to coincide with the city’s budget cycle.

F. The commission will submit its salary schedule to the city clerk, who will publish the complete schedule two times, each publication at least one week apart. The second publication date will be the official filing date. The schedule will become effective thirty days after the official filing 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 days of the salary schedule’s official filing date.

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

I. 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.

J. 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 not become effective as to incumbent city elected officials until commencement of the incumbent’s next subsequent term of office.

K. Existing salaries and benefits for the mayor and councilmembers established by city ordinance and/or city budget will remain in effect unless and until changed in accordance with the provisions of this chapter.

L. 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 or applicable law.

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 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 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 five members. Ideally, the commissioners will be residents of the city. Representation on the commission should be as follows:

(1) one commissioner from the faith community;
(2) one commissioner from the business community;
(3) one commissioner with human resources expertise; and
(4) two at-large commissioners.

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. The city council prefers that the commission adjust salaries and benefits as it deems appropriate and include a fixed annual salary inflation factor. If the commission establishes a fixed annual salary inflation factor to be applied to the adjusted salaries, at the expiration of any referendum period, the city council will take steps to allow the commission to disband and to repeal the establishment of the commission under this ordinance, but to keep the salary schedule established by the commission in place.

B. If the commission does not establish a fixed annual salary inflation factor as part of its salary and benefits adjustments, the commission will meet at least annually to review and, if it so determines, amend and file its salary schedules not later than the first Tuesday in October of each year to coincide with the city’s budget cycle. Members shall serve 3-year terms, except for the first members appointed to the commission, who shall serve staggered terms as follows:

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

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

C. No city officer, official, employee, or immediate 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.

D. 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. Specifically, the city’s human resources department will provide the commission with a survey comparing mayor and councilmember salaries and benefits from comparable cities and will provide the commission with historical annualized inflation trends to establish comparable salaries for Kent’s mayor and councilmembers plus a reasonable fixed inflation adjustment factor for future years. The commission will have access to all city books, papers, documents and accounts applying or in any way concerning the salaries and benefits 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 times prior to July 1, 2015. Thereafter, if not disbanded as provided for in this ordinance, the commission shall meet at least once a year to consider whether or not to review and/or adjust existing salaries and benefits. 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.

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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 consecutive meetings without being excused by the commission upon an affirmative vote of a majority of the commissioners in attendance. Upon a vacancy in any commission position, the mayor will appoint, subject to council confirmation, a successor to fill the unexpired term.

SECTION 2. - Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, that decision shall not affect the validity of the remaining portion of this ordinance and that remaining portion shall maintain its full force and effect.

SECTION 3. - Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

SECTION 4. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage and publication, as provided by law.

Suzette Cooke, Mayor

ATTEST:

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I hereby certify that this is a true copy of Ordinance No. 4472 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

RONALD F. MOORE, CITY CLERK

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