



City of Arlington Council Agenda Bill

Item:
NB #3
Attachment
E

COUNCIL MEETING DATE:	
December 7, 2015	
SUBJECT:	
Ordinance Amending AMC Chapter 2.04 to Implement Citizen Salary Commission Decision	
ATTACHMENTS:	
Ordinance 2015-005 Memo to Kristin Banfield from Citizen Salary Commission (as amended) Proposed ordinance amending AMC Chapter 2.04 Memo to Council from City Attorney	
DEPARTMENT OF ORIGIN	
City Clerk	
EXPENDITURES REQUESTED:	N/A
BUDGET CATEGORY:	N/A
LEGAL REVIEW:	
DESCRIPTION:	
Council is asked to adopt an ordinance to implement the Citizen Salary Commission's recommendation.	
HISTORY:	
The Citizen Salary Commission was created by the City Council in January of 2015 as an independent body to set salaries for the mayor and council. The Commission met this summer to make their recommendations. To try to obtain a better understanding of the parameters of their decision, the City Attorney met with the Commission to review and clarify their decision. The AMC needs to be modified to implement their decision and to avoid inconsistency.	
ALTERNATIVES	
The decision of the Commission is binding on the Council per AMC 2.89. The Ordinance could be remanded to staff to address questions or concerns.	
RECOMMENDED MOTION:	
I move to adopt an ordinance to implement the Citizen Salary Commission's recommendation and authorize the Mayor to sign the ordinance.	

ORDINANCE NO. 2015-005

**AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON
CREATING A NEW CHAPTER 2.89 OF THE ARLINGTON
MUNICIPAL CODE RELATING TO
A CITIZEN SALARY REVIEW COMMISSION**

WHEREAS, the City of Arlington, Washington, wishes to ensure the salaries it pays to elected officials is appropriate; and

WHEREAS, state law authorizes the creation of a citizens salary review commission; and

WHEREAS, the City Council wishes to create a commission to periodically review the salaries of City elected officials;

NOW, THEREFORE, the City Council of the City of Arlington, Washington, does ordain as follows:

Section 1. **New Chapter Adopted.** The Arlington Municipal Code is hereby amended to add a new Chapter 2.89, as follows:

Chapter 2.89

CITIZEN SALARY REVIEW COMMISSION

Sections:

- 2.89.010 Purpose.
- 2.89.020 Duties.
- 2.89.030 Eligibility.
- 2.89.040 Appointment.
- 2.89.050 Operation.
- 2.89.060 Salary schedule recommendation.
- 2.89.070 Open meetings.

2.89.010 **Purpose.** It is the policy of the city of Arlington to base salaries and per diem reimbursement of elected officials on realistic standards so that elected officials of the city may be paid according to the duties of their offices, and so that citizens of the highest quality may be attracted to public service. To effectuate this policy, the Arlington citizens' commission on salaries of elected officials ("citizens' commission") is hereby created consisting of five members with duties and responsibilities as set forth below.

2.89.020 **Duties.** The citizens' commission shall study the relationship of salaries and per diem reimbursement for each elected position. Except as provided otherwise below, the citizens' commission shall be solely responsible for its own organization, operation, and action and shall enjoy the fullest cooperation of all elected officials, departments and agencies of the city of Arlington.

2.89.030 **Eligibility.** The citizens' commission shall consist of five members, all of whom must be at least 21 years of age, registered to vote, and maintain personal residence within the boundaries of the city of Arlington. No city of Arlington official, or public employee, or any immediate family member of any official or employee shall be eligible for membership on the citizens' commission. As used in this section, the phrase "immediate family" means parents, spouse, siblings, children, or dependent relatives of the official or employee, whether or not they are living in the same household.

2.89.040 **Appointment.** Five initial members of the citizens' commission shall be appointed by the Mayor with the consent of the City Council. Citizens shall be invited to apply for positions on the citizens' commission and the Mayor shall appoint a committee of the Council who shall conduct interviews in the same manner as appointments for all city positions and make recommendations to the Council as a whole, who shall make final recommendations regarding appointments to the Mayor, who shall make the final appointment subject to the consent of the Council as required by RCW 35.21.015 . The members of the commission shall serve three-year terms beginning on May 1 and ending on April 30, except that the initial five members shall be appointed for different terms as follows: (a) one member for a period of approximately three years and three months to end on April 30, 2018; (b) two members for a period of approximately two years and three months to end on April 30, 2017 ; and (c) two of members to serve for periods of approximately one year and three months to end on April 30, 2016. No person may serve more than two consecutive terms. Members of the commission may be removed by the mayor, with the approval of the council, only for cause of incapacity, incompetence, neglect of duty, malfeasance in office, or for a disqualifying change of eligibility. The unexcused absence of any member of the commission from two consecutive meetings of the commission shall constitute relinquishment of that person's membership on the commission. Such relinquishment creates a vacancy in that person's position on the commission. Upon a vacancy in any position on the commission, a successor shall be selected and appointed to fill the unexpired term. The selection and appointment shall be concluded within sixty (60) days of the date that position becomes vacant and shall be conducted in the same manner as originally provided for that person's appointment.

2.89.050 **Operation.** The members of the commission shall elect a chair from among their number. The commission shall prepare a recommended schedule of salaries by an affirmative vote of not less than three members of the commission. Members of the commission shall receive no compensation for their services.

2.89.060 **Salary schedule recommendation.** The commission shall file its schedules of recommended salaries and per diem reimbursement for elected officials of the city with the city clerk no later than the first Monday in May of each odd-numbered year. The schedule may include the effective date for any changes in salaries and per diem reimbursement, provided that said changes shall not apply retroactively, and further provided that any recommended salary decreases shall only become effective at the commencement of subsequent terms of office as required by RCW 35.21.015(5). The signature of the chair of the commission shall be affixed to each schedule submitted to the city clerk. The chair shall certify that the schedule has been adopted in accordance with the provisions of this chapter and with the rules, if any, of the commission. Such schedules shall become effective and incorporated into the City budget without further action of the City Council in accordance with state law.

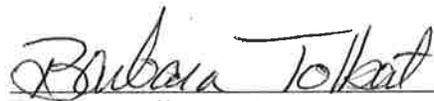
2.89.070 **Open meetings.** All meetings, actions, hearings, and business of the commission shall be subject to the Open Public Meetings Act as set forth in Chapter 42.30 RCW. Prior to the filing of any salary schedule, the commission shall hold no fewer than one regularly advertised public hearing thereon within the two months immediately preceding the filing of its recommendation.

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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. **Effective Date.** The title of this ordinance which summarizes the contents shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL at a Regular Meeting thereof on the 20th
day of January, 2015.

CITY OF ARLINGTON, WASHINGTON


Barbara Tolbert, Mayor

ATTEST/AUTHENTICATED:


Kristin Banfield, City Clerk

APPROVED AS TO FORM:


Steven J. Peiffle, City Attorney



Memo

From: Citizen Salary Commission¹

To: Kristin Banfield, City Clerk

Date: ~~June 29, 2015~~11/16/2015

Re: Mayor and Council Compensation

On Monday, June 29, 2015, the Citizen Salary Commission voted on the following items. [Additional clarification was requested and the following is the determination of the salary review commission:](#)

Effective January 1, 2016:

Mayor: \$1500 per month

Regional meetings ~~compensation~~expense reimbursement: \$75 each

~~Local~~Non-regional meetings ~~compensation~~expense reimbursement: \$50 each

~~Compensation~~Meeting expense reimbursement to be capped at a maximum of 20 meetings.

Councilmembers:

Council meetings and workshops compensation, up to four per month: \$150 each

Regional meetings ~~compensation~~expense reimbursement: \$75 each

~~All other~~Non-regional meetings ~~compensation~~expense reimbursement: \$50 each

~~Compensation~~Meeting expense reimbursement to be capped at a maximum of 8 meetings.

Regional meetings are identified as: (~~referenced see~~ AMC 2.04.027(1)-(3) per the attached proposed ordinance)

1. National League of Cities
2. Association of Washington Cities (AWC)
3. Snohomish County Cities (SCC)
4. Snohomish County Tomorrow
5. Meetings in Olympia (that address issues with legislature, governor, state departments/boards)
6. Economic Alliance of Snohomish County (EASC)
7. Puget Sound Regional Council (PSRC)
8. Meetings with Snohomish County (personnel or elected officials)
9. Mayors' Association
10. Community Transit
11. Snohomish County Committee for Improved Transportation (SCCIT).

¹ [The "redlined" revisions to this memo were prepared by the City Attorney based on the duly noted meeting of the Salary Review Commission on July 29, 2015 \(attended by Heather Logan, Sheri McCarthy and Frank Barden\).](#)

For purposes of this decision, “Non-regional meetings” are those meetings identified as set forth in AMC 2.04.027(4)-(7) per the attached proposed ordinance.

For purpose of the above-referenced meeting compensation, the following definitions and limitations apply:

- (1) a “regional meeting” shall include telephonic attendance at meetings of any of the above-listed organizations which have adopted formal rules permitting attendance by telephone;
- (2) a “non-regional meeting” shall require in-person attendance; and
- ~~(1)~~(3) “non-regional meetings” shall exclude voluntary attendance at political functions and regularly scheduled community events.

ORDINANCE NO. 2015-XXX

**AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON
AMENDING CHAPTER 2.04 OF THE ARLINGTON
MUNICIPAL CODE TO CLARIFY SALARIES AND EXPENSE
REIMBURSEMENT AS ESTABLISHED BY
THE CITIZEN SALARY REVIEW COMMISSION**

WHEREAS, the City of Arlington, Washington, has created a citizens salary review commission; and

WHEREAS, state law and the requirements of AMC 2.89 make the revisions to city salaries automatic upon filing of the salary commission recommendations; and

WHEREAS, the provisions of RCW Chapter 2.04 need to be revised to reflect the salary commission's determination;

NOW, THEREFORE, the City Council of the City of Arlington, Washington, does ordain as follows:

Section 1. Arlington Municipal Code Section 2.04.025 shall be and hereby is modified to read as follows:

2.04.025 - Compensation.

The salaries for elected officials shall be as established by the salary commission as set forth in AMC Chapter 2.89. Each city council member will be paid two hundred dollars for each regular meeting of the city council attended by such council member, not to exceed four hundred dollars per calendar month. The mayor will be paid one thousand five hundred dollars for each calendar month during which the mayor performs his or her duties.

Section 2. Arlington Municipal Code Section 2.04.027 shall be and hereby is modified to read as follows:

2.04.027 - Expense reimbursement.

(a) In addition to the compensation provided for by AMC 2.04.025, the mayor and council members will be entitled to reimbursement for reasonable and necessary expenses incurred in attendance at meetings required by virtue of their office. Such reimbursement shall include a per meeting expense as authorized by RCW 35A.12.070 in the amount established by the salary commission as set forth

in AMC Chapter 2.89 of fifty dollars per meeting for attendance of city council members or the mayor at only the following meetings, excluding the four (4) regularly scheduled city council meetings and workshops and excluding city council work sessions immediately preceding or immediately after regular city council meetings, ~~but in any event not to exceed eight meetings in any month for a council member and twenty meetings in any month for the mayor:~~

- (1) Attendance at official functions of the following organizations to which the city belongs: National League of Cities, Association of Washington Cities, Snohomish County Association of Cities and Towns (~~SCC~~), ~~and~~ Snohomish County Tomorrow, Economic Alliance of Snohomish County (EASC), Puget Sound Regional Council (PSRC), Snohomish County Committee for Improved Transportation (SCCIT), or Community Transit (CT);
- (2) Attendance at meetings not previously enumerated where the council member or mayor is appointed or elected to attend by the mayor, city council, Snohomish County association of cities and towns, the Snohomish county executive, Snohomish county council, the Governor, or State Legislature, if the reason for the appointment was because of the individual's status as an elected official;
- ~~(2)~~(3) Attendance at meetings in Olympia that address city of Arlington issues with the legislature, governor, or state departments or boards;
- ~~(3)~~(4) City council retreats, "Fifth Monday" joint workshops with the Arlington School District Board or Cascade Valley Hospital District Board; emergency special city council meetings, ~~or city council workshops~~; provided, that no reimbursement shall occur for these meetings when they occur immediately before or immediately after regularly scheduled council meetings;
- ~~(4)~~(5) Any function within the city limits of Arlington at which the individual is representing the city at the request of the mayor or by action of the city council;
- ~~(6)~~(5) City facility dedications and city-sponsored graduations and award ceremonies; and
- ~~(6)~~(7) City council subcommittee meetings. Meetings between Department Directors or City Boards or Commissions and the City Council liaison member where attendance is required by virtue of the liaison position.

(b) Notwithstanding the provisions of Subsection (a), reimbursement will not be authorized by virtue of this section for attendance at political functions or regularly scheduled community events.

(c) For purposes of this section, telephonic attendance at meetings shall entitle a Council member to expense reimbursement only for the meetings identified in subsections (a)(1) through (a)(3), above, where the organization has adopted rules or regulations permitting attendance telephonically.

Section 3. Effective Date. The title of this ordinance which summarizes the contents shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL at a Regular Meeting thereof on the _____ day of August, 2015.

CITY OF ARLINGTON, WASHINGTON

Barbara Tolbert, Mayor

ATTEST/AUTHENTICATED:

Kristin Banfield, City Clerk

APPROVED AS TO FORM:

Steven J. Peiffle, City Attorney

MEMORANDUM

Date: 11/16/2015
From: Steve Peiffle, City Attorney
To: Mayor Tolbert
City Council
Subject: Citizen Salary Review Commission

The Council appointed a Citizen Salary Review Commission, which met and made a decision in accordance with the ordinances creating it (Ordinance No. 2015-005 and 2015-010, now codified in AMC Chapter 2.89) prior to the end of June.

The Council had questions and sought clarification on a number of issues. I had some concerns about the intentions of the Commission with respect to their intent of regional vs. non-regional meetings, among other things.

I met with the Commission at a duly noticed meeting occurring on July 29, 2015. Three of the five salary review commission members were in attendance. Together they explained their intent with respect to the 2016 meeting compensation.

Following the meeting I noted that the municipal code sections relating to the Council compensation needed to be amended to reflect the changes from the Commission recommendation. I have now drafted that for Council review and consideration based on my understanding of the Commission's intent.

Attached to this memo are the following:

1. A proposed ordinance changing portions of AMC 2.04 pertaining to the Council and Mayor compensation and expense reimbursement; and
2. A "redlined" memo from the Commission. Note that the redlines were prepared by me based on the discussion of the Commission on that date. Since a majority of the Commission was in attendance and they were unanimous about the intent of these revisions, this should now reflect the decision of the Commission.

These two documents really go hand in hand with each other. We will invite the salary review commission members to attend the Council meeting at which this ordinance is adopted in the event the Council has any questions or concerns, and to ensure the process is transparent.