

## ORDINANCE NO. 1136

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ESTABLISHING AN INDEPENDENT SALARY COMMISSION TO REVIEW THE SALARIES OF THE MAYOR AND CITY COUNCIL MEMBERS, PURSUANT TO RCW 35.21.015, DESCRIBING THE MANNER OF APPOINTMENT, MEMBERSHIP, QUALIFICATIONS, METHOD OF REMOVAL, PROCEDURE FOR ESTABLISHING SALARIES, AND CHANGING EXISTING CODE PROVISIONS RELATING TO THE ADJUSTMENT OF THE MAYOR AND COUNCILMEMBERS' SALARIES TO BE CONSISTENT THEREWITH, ADDING A NEW CHAPTER 2.23 TO THE GIG HARBOR MUNICIPAL CODE; AND AMENDING GHMC SECTION 2.40.010 AND 2.40.020.**

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WHEREAS, under RCW 35A.12.070 and chapter 2.40 GHMC, the Council may adjust the salaries of the councilmembers and the mayor; and

WHEREAS, RCW 35.21.015 was adopted in 2001 to expressly authorize cities to create independent salary commissions to set elected official's salaries; and

WHEREAS, pursuant to RCW 35.21.015, the action fixing the salary by a commission supersedes any other provision of state statute or city ordinance related to municipal budgets or to the fixing of salaries; and

WHEREAS, the City Council should adopt an ordinance consistent with RCW 35.21.015 and repeal any inconsistent sections of the Gig Harbor Municipal Code; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. A new chapter 2.23 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

### **Chapter 2.23 Salary Commission**

#### **2.23.010 Created.**

There is hereby established a Gig Harbor independent salary commission hereinafter referred to as the "Salary Commission."

## **2.23.020 Purpose.**

The purpose of the Salary Commission shall be to review and establish the salaries of the mayor and the councilmembers in accordance with state law and this chapter. "Salary" for the purpose of this ordinance includes wage and benefits.

## **2.23.030 Membership.**

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

B. Compensation. The salary commission shall serve without compensation.

C. Terms. Each member of the salary commission shall serve a term of four years, except that the first five commission members shall be appointed for different terms, as follows: two members to serve for a period of two years, and three members to serve for a period of four years. All members of the salary commission shall serve until their successors are duly appointed by the mayor and approved by the city council.

D. Appointment. The mayor, with the approval of the city council, may appoint alternate independent salary commission members as the need arises. The city council shall annually appoint new members in March to fill the expiring terms on the independent salary commission.

E. Term Limit. No member may be appointed to more than two terms on the salary commission whether or not those terms are held consecutively.

F. Vacancy. If, for any reason, a vacancy occurs during the term of an independent salary commission member, the mayor shall appoint, with the approval of the city council, a new member to fill the unexpired term of that member.

G. Removal. The city council may remove an independent salary commission member at any time for cause of incapacity, incompetence, neglect of duty, or malfeasance in office or for a disqualifying change of residence.

## **2.23.040 Qualifications.**

A. No person shall be appointed to serve as a member or alternate member of the salary commission unless that person is a citizen of the United States and a resident of the city.

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 section, 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.

### **2.23.050 Operation.**

A. The salary commission shall elect a chair from among its members. The salary commission establish and publish rules of procedure for the efficient and fair conduct of its business, consistent with state law and city ordinance.

B. The city administrator shall appoint appropriate staff to assist the independent salary commission in preparation of its reports and records as are necessary for the proper operation of the commission.

C. The salary commission shall keep a written record of its proceedings, which shall be a public record all in accordance with state law, and shall actively solicit public comment at all meetings which shall be subject to the Open Public Meetings Act pursuant to Chapter 42.30 RCW.

D. The salary commission shall meet at least once in 2008 and in each even year thereafter to consider whether or not to review and/or adjust existing salaries. The first meeting shall occur no later than April 30<sup>th</sup>, in any given year, except for the 2008 calendar year for which December 15<sup>th</sup> shall be the deadline.

E. The commission shall review and, if it so determines, amend and file its schedule of salaries with the city clerk no later than June 30th. If necessary, the commission will also meet upon any other call by the chair, the mayor or by the majority vote of the city council.

F. Three members 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.

### **2.23.060 Responsibilities.** The independent salary commission shall have the following responsibilities:

A. To study the relationship of salaries to the duties of the mayor and the city councilmembers and to establish a salary by either increasing or decreasing the existing salary for each position by an affirmative vote of not less than three members;

B. To review and file its salary schedules not later than June 30th, and every even year thereafter;

C. To submit each salary schedule to the city clerk, who will publish the complete schedule two times, at least one week apart. The second

publication date will be the official filing date. The schedule will become effective 30 days after this date.

**2.23.070 Effective date— Salaries.**

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

B. 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 schedule shall be incorporated into the city budget without further action of the city council or salary commission. Salary increases established by the commission shall be effective as to the mayor and all city councilmembers regardless of their terms of office. Salary decreases established by the commission shall become effective as to incumbents at the commencement of their next subsequent terms of office. 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.

**2.23.080 Salary schedule subject to referendum petition.**

A. The commission's adopted salary schedule shall be subject to referendum petition by the people of the city in the same manner as a city ordinance upon filing of such petition with the city clerk within 30 days after the official filing date 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.

B. Referendum measures under this section shall be submitted to the voters of the city at the next following general or municipal election occurring 30 days or more after the petition is filed and shall be otherwise governed by the provisions of the State Constitution or other laws generally applicable to referendum measures.

Section 2. Section 2.40.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**2.40.010 Mayor's salary.** The Mayor's existing salary established as of August 1, 2008 shall remain in effect unless and until changed in accordance with the provisions of chapter 2.23 GHMC. The mayor shall receive a salary of \$400.00 per month. Beginning the fiscal year of 1985 and each year thereafter, the mayor's salary shall be adjusted. The adjustment shall be based on the average salary increase of all city employees and shall be expressed as a percentage.

Section 3. Section 2.40.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**2.40.020 Councilmember's salary.** The Councilmembers' existing salaries established as of August 1, 2008 shall remain in effect unless and until changed in accordance with the provisions of chapter 2.23 GHMC.

A. ~~A councilmember shall receive a salary as follows:~~

- ~~1. 1984, \$40.00 per month;~~
- ~~2. 1985, \$70.00 per month;~~
- ~~3. 1986, \$100.00 per month;~~
- ~~4. 1987, \$125.00 per month.~~

B. ~~Beginning the fiscal year of 1988 and each year thereafter, a councilmember's salary shall be adjusted. Such adjustment shall be based on the average salary increase of all city employees and shall be expressed as a percentage.~~

Section 4. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

Section 5. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 28th day of July, 2008.

CITY OF GIG HARBOR

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CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_  
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

By: \_\_\_\_\_  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 07/10/08  
PASSED BY THE CITY COUNCIL: 07/28/08  
PUBLISHED: 08/06/08  
EFFECTIVE DATE: 08/11/08  
ORDINANCE NO. 1136