

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 09-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 2.58 OF THE BUCKLEY MUNICIPAL CODE REALATING TO A SALARY COMMISSION.

WHEREAS, RCW 35.21.015 provides that 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; and

WHEREAS, the City Council established a Salary Commission through adoption of Ordinance 01-04 which is codified as Buckley Municipal Code Chapter 2.58; and

WHEREAS, the last time the Salary Commission met to review the salaries and compensation of elected officers was more than 10 years ago; and

WHEREAS, due to the difficulty in finding members willing to volunteer to serve on committees and the length of time between periodic reviews the City Council desires to amend BMC 2.58 to reduce the number of designated members and shorten the term to sunset after a specified period of time; and

WHEREAS, the City Council desires to convene a new salary commission to review the salaries and compensation paid by the city to each elected city official and if after such review the commission determines that the salary and/or the compensation paid to any elected city official should be increased or decreased, file a written salary schedule with the city clerk indicating the increase or decrease in salary and/or compensation.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Chapter 2.58 entitled "Salary Commission" is hereby amended to read as follows:

2.58.010 Created – Membership, appointment, compensation, term.

(1) There is created a salary commission for the city. The commission shall consist of five members, to be appointed by the mayor with the approval of the city council.

(2) A member of the commission shall serve upon appointment and council confirmation. The term of each member shall be six months. The term shall expire earlier than six months when the salary review is complete and a salary schedule has been filed with the city clerk or the Commission determines that no salary adjustment is appropriate. A member shall serve without compensation, and shall be a resident of the city.

(3) No member of the commission shall be appointed to more than two terms.

(4) A member of the commission shall not be an officer, official, or employee of the city or an immediate family member of an officer, official, or employee of the city. For purposes of this section, "immediate family member" means the parents, spouse, siblings, children, or dependent relatives of an officer, official, or employee of the city, whether or not living in the household of the officer, official, or employee.

2.58.020 Vacancies.

In the event of a vacancy in office of commissioner, the mayor shall appoint, subject to approval of the city council, a person to serve the unexpired portion of the term of the expired position.

2.58.030 Removal.

A member of the commission shall only be removed from office for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of residence.

2.58.040 Duties.

(1) The commission shall have the duty to review the salaries and compensation paid by the city to each elected city official. If after such review the commission determines that the salary and/or the compensation paid to any elected city official should be increased or decreased, the commission shall file a written salary schedule with the city clerk indicating the increase or decrease in salary; and/or compensation. The commission shall complete its duties and file any increase or decrease in salary to the city clerk prior to the expiration of its term.

(2) Except as provided in subsection (5) of this section, and in BMC 2.58.060, any change in salary established by the commission shall become effective upon filing with the city clerk and shall be incorporated into the city budget without further action of the city council or the commission.

(3) Each schedule shall be prepared as a resolution of the commission in a form approved by the city attorney and signed by the commission chair.

(4) Salary increases established by the commission shall be effective as to all city elected officials, regardless of their terms of office.

(5) Salary decreases established by the commission shall be effective as to incumbent city elected officials at the commencement of their next subsequent terms of office.

2.58.050 Meetings, operations and expenses.

The meetings and operations of the commission shall be conducted as follows:

(1) Meetings. All meetings, actions, hearings, and business of the citizens' commission shall be subject to the Open Public Meetings Act, Chapter 42.30 RCW, and the Public Records Act. Prior to the filing of any salary schedule:

- (a) The commission shall first develop a proposed schedule; then
- (b) Publish notices in the same manner as the city council agendas; and
- (c) Hold one public hearing and take testimony thereon, within the two months immediately preceding the filing of the salary schedule.

(2) Operations. Except as provided hereinafter, the citizens' commission shall be solely responsible for its own organization, operation, and action, and shall receive the fullest cooperation of all elected and appointed city officials, and employees, departments and agencies of the city of Buckley. Staff support shall be provided as determined in the city budget and by the mayor. The members of the commission shall elect a chair from among their number.

2.58.060 Referendum.

Any salary increase or decrease established by the commission pursuant to this chapter shall be subject to referendum petition by the voters of the city, in the same manner as a city ordinance, upon filing of a referendum petition with the city clerk within 30 days after filing of a salary schedule by the commission. In the event of the filing of a valid referendum petition, the salary increase or decrease shall not go into effect until approved by a vote of the people. 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 otherwise be governed by the provisions of the State Constitution and the laws generally applicable to referendum measures.

Section 2. If any provision of this Ordinance is held invalid, such invalidity shall not effect any other provisions, or the application thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. This Ordinance shall be in full force and effective April 14, 2015. A summary of this Ordinance may be published in lieu of publishing the Ordinance in its entirety.

Introduced, passed, and approved this 14th day of April, 2015.



Mayor Pat Johnson

Attest:



Joanne Starr, City Clerk

APPROVED AS TO FORM:



Phil Olbrechts, City Attorney

PUBLISHED: April 22, 2015

EFFECTIVE: April 27, 2015