

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Action on Ordinance No. 919 – Amending Title 2 of the Shoreline Municipal Code to Create a New Chapter 2.70, Compensation and Salary Commission, to Establish a Salary Commission for Elected Officials
DEPARTMENT:	Human Resources
PRESENTED BY:	Don Moritz, Human Resources Director
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Since the City’s incorporation, salaries for Councilmembers have been set by Council action through enactment of an ordinance. State law also allows municipalities to establish a Salary Commission for the purpose of reviewing and determining elected officials’ compensation. At the 2020 Council Strategic Planning Workshop, staff were directed to amend the Shoreline Municipal Code to establish a process and structure for creating a Salary Commission. In response to this request, staff developed proposed Ordinance No. 919.

Council discussed proposed Ordinance No. 919 (Attachment A) on January 25, 2021. At this meeting, Council was supportive of amending the Shoreline Municipal Code to create a Salary Commission and directed staff to bring back proposed Ordinance No. 919 for adoption tonight. Councilmembers have also proposed amendments to proposed Ordinance No. 919 (Attachment B), which is included in this staff report for Council’s review and consideration. Staff is supportive of these proposed amendments and recommends that Council adopt this alternative version of the proposed Ordinance.

RESOURCES/FINANCIAL IMPACT:

There are no direct financial costs associated with establishing a Salary Commission. If Council authorizes the creation of a Salary Commission, the City Manager will assign an existing staff member to support the work of the Commission. This assignment would require the reallocation of resources and adjustment to the assigned person(s) regular workload to accommodate the support needs of the Commission.

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 919 as set forth Attachment B.

Approved By: City Manager **DT** City Attorney **JA-T**

BACKGROUND

Since the City's incorporation, salaries for Councilmembers have been set by Council action through enactment of an ordinance. Under this system, any salary change enacted by the Council does not take effect until the expiration of the term being served by the incumbent(s) at the time that the ordinance is adopted. This delayed implementation has the effect of Councilmembers being paid different amounts depending upon when their term of office begins and ends.

City Council salaries were originally set in 1995 by Ordinance No. 7, which established Council salaries at \$400 per month, with \$500 per month for the Mayor. In 1997, Ordinance No. 122 was adopted, which changed Councilmembers' salaries to \$700 per month, with \$875 for the Mayor. And in 2001, Ordinance No. 287 was adopted, which provided a health benefit plan for the Council, and provided an option for the Council to receive retirement benefits in lieu of health insurance. Council salaries were most recently adjusted in October 2013 by Ordinance No. 673, which set Councilmember salaries at \$1,000 per month, the Deputy Mayor's salary at \$1,100 per month, and the Mayor's salary at \$1,250 per month.

State law ([RCW 35.21.015](#)) also allows municipalities to establish a Salary Commission for the purpose of reviewing and determining elected officials' compensation. These commissions are composed of appointed citizens who serve a designated term to perform this work. At the 2020 Council Strategic Planning Workshop, staff were directed to amend the Shoreline Municipal Code to establish a process and structure for creating a Salary Commission to set salaries and benefits for members of the Shoreline City Council in accordance with state law. In response to this request, staff reviewed other jurisdictions' Salary Commission structures and developed proposed Ordinance No. 919 (Attachment A).

Staff began by reviewing the comparable jurisdictions in the City's labor market for this purpose. Staff found that nine of these 13 cities employ a Salary Commission for determining Councilmember compensation. Given the direction from Council at last year's Strategic Planning Workshop and this subsequent jurisdictional review, staff recommends that Council move forward with the establishment of a Commission. Commissions also provide for the regular review of Council compensation, which has not happened historically in Shoreline.

At the January 25, 2021 Council meeting, Councilmembers discussed proposed Ordinance No. 919. The staff report for this Council discussion can be found at the following link:
<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2021/staffreport012521-9b.pdf>.

If proposed Ordinance No. 919 is approved, the Salary Commission, which would begin their work in 2022, would review Councilmember compensation using defined criteria, including comparative market data that examines Councilmember duties,

responsibilities, time commitment and other relevant factors. This information would be used to determine what, if any, changes would be made to the salaries of the Mayor, Deputy Mayor and Councilmembers.

DISCUSSION

As defined in RCW 35.21.015, Council may authorize the creation of and define the structure and process by which a Salary Commission will operate. This authority includes determining the number of members who are appointed to the Commission, the length of their term, the frequency and duration that the Commission will meet, and when the Commission will conduct their initial review. Proposed Ordinance No. 919 provides for the following elements of a Salary Commission for Shoreline:

- **Salary Commission Composition, Size, Term:** Salary Commission would have three (3) members; be appointed by the Mayor and confirmed by the City Council; and eligible members must be residents of the City and could serve for a maximum of two (2) terms.
- **Frequency of Council Salary Commission Review and Initial Start Year:** Salary Commission would be established every four years; the first Salary Commission would convene and conduct their work in 2022.
- **Duration Term of a Salary Commission and Public Meetings:** Once the Salary Commission has been established, the Commission would be in place or active for “up to one year”, with the reasonable expectation that the work of the Commission be completed within a few months after establishing. All Commission meetings would be open to the public and a record of the proceedings kept.
- **Implementing Salary Commission Recommendations:** The Salary Commission would be required to file their compensation determination with the City Clerk no later than October 1st of the year that the Commission is active. No action of the Council is required to approve or reject the Salary Commission’s determination, as the determination is not a recommendation to the Council, but a final determination that sets the salaries of the Councilmembers.

At the January 25th Council meeting where proposed Ordinance No. 919 was discussed, Council was in general support of the proposed Ordinance, although there were some concerns by some Councilmembers regarding the possibility of Council salaries being increased during the current economic downturn. Staff reminded Council that the initial Commission, if proposed Ordinance No. 919 is adopted, would not begin their work until 2022. Following the Council discussion, Council directed staff to bring back proposed Ordinance No. 919 for potential action tonight.

Council Proposed Amendments

After the January 25th Council discussion, Deputy Mayor Scully and Councilmember Roberts worked with staff to develop amendments to proposed Ordinance No. 919. The amendments are shown in legislative (strikethrough/underline) format in Attachment B which is an alternative version of Ordinance No. 919.

These amendments add to and amend multiple recitals (Whereas statements) in the proposed Ordinance and speak to the time, effort and expenses incurred by Councilmembers in serving on Council, and that the compensation provided to members of the Council should reflect this effort and expense. The amendments also speak to compensation considering and reflecting the City's commitment to diversity and equity, in that the Council's compensation should not be a barrier that could hinder, deter or create inequities to residents desiring to serve on the Council.

In response to the interests expressed by Deputy Mayor Scully and Councilmember Roberts, an amendment is provided to Section 2.70.040 Salary Commission - Duties. This amendment seeks to incorporate the amendments from the recitals section and direct how the Commission would study the relationship of Councilmember salaries to various market factors, in addition to their relationship with surrounding municipalities. This proposed amendment reads as follows:

2.70.040(B)

To study the relationship of Shoreline City Council salaries and insurance benefits and compensation in lieu of insurance benefits to those of Councilmembers in surrounding City jurisdictions and other current market conditions, including consideration of factors that would encourage an economically and socially diverse City Council, which could include changes to the CPI-U in the Puget Sound region, changes to the statewide minimum wage, and other current market conditions.

Original and Alternative Proposed Ordinance No. 919

As noted above, based on the above requested amendments, staff has prepared two versions of Ordinance No. 919:

- Attachment A sets forth the same language that was before the Council at the January 25, 2021 discussion.
- Attachment B sets forth an alternative version that incorporates the amendments proposed by Deputy Mayor Scully and Councilmember Roberts.

A Councilmember may move either for adoption.

I move to adopt Ordinance No. 919 as set forth in Attachment A to the February 22, 2021 Staff Report.

or

I move to adopt Ordinance No. 919 as set forth in Attachment B to the February 22, 2021 Staff Report.

RESOURCES/FINANCIAL IMPACT

There are no direct financial costs associated with establishing a Salary Commission. If Council authorizes the creation of a Salary Commission, the City Manager will assign an existing staff member to support the work of the Commission. This assignment would

require the reallocation of resources and adjustment to the assigned person(s) regular workload to accommodate the support needs of the Commission.

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 919 as set forth in Attachment B.

ATTACHMENTS

Attachment A: Proposed Ordinance No. 919

Attachment B: Alternative Proposed Ordinance No. 919

ORDINANCE NO. 919

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING TITLE 2, ADMINISTRATION, OF THE SHORELINE MUNICIPAL CODE TO CREATE A NEW CHAPTER 2.70 RELATED TO SALARIES AND BENEFITS; ESTABLISHING A SALARY COMMISSION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, following its incorporation, the Shoreline City Council adopted Ordinance No. 7 in 1995 that established Council salaries at the level authorized by RCW 35A.13.040, \$400 per month, with \$500 per month paid to the Mayor; and

WHEREAS, Ordinance No. 122, which was adopted in 1997, amended Councilmembers' salaries to \$700 per month, with the Councilmember serving as Mayor paid a salary of \$875 per month, all in accordance with RCW 35A.12.070; and

WHEREAS, Ordinance No. 287, which was adopted in 2001, provided a benefit plan for the Mayor, Deputy Mayor and City Council that provides either health insurance or in lieu retirement benefits in the form of a cash contribution to a 457-retirement account; and

WHEREAS, Ordinance No. 673, which was adopted in 2013, amended Councilmembers' salaries to \$1,000 per month, with Councilmembers serving as the Deputy Mayor and Mayor receiving an additional \$100 and \$250 per month respectively, with said salaries paid twice monthly on regular City paydays, all in accordance with RCW 35A.12.070; and

WHEREAS, as an alternative to a city council adopting its own salary rates from time to time, both Article XXX of the Washington Constitution and RCW 35.21.015 authorize a city council to establish an independent salary commission, by ordinance, which salary commission may be authorized to set the salary, benefits, and the 457 deferred compensation contribution; and

WHEREAS the City Council desires to have a comparative compensation study conducted and recommendations for future adjustments provided by a commission composed of citizens from the community; and

WHEREAS, the City Council desires to amend the Shoreline Municipal Code (SMC) to add a new Chapter 2.70 in order to establish an independent salary commission to periodically review and increase or decrease the salary and benefits of the Mayor, Deputy Mayor and members of the City Council;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 2.70 entitled "Salary Commission" is added to the Shoreline Municipal Code to read as follows:

**CHAPTER 2.70
COMPENSATION AND SALARY COMMISSION**

Sections:

- 2.70.010 Salary Commission Established**
- 2.70.020 Salary Commission – Qualification and Conditions**
- 2.70.030 Salary Commission – Membership and Term**
- 2.70.040 Salary Commission – Duties**
- 2.70.050 Salary Commission – Meetings**
- 2.70.060 Salary Schedule Effective Date**

2.70.010 Salary Commission Established.

A. A Salary Commission is hereby established, to review, establish, and adjust the salaries and benefits for the elected and appointed officials of the City (Mayor, Deputy Mayor and City Councilmembers), and exercise powers and perform the duties established by RCW 35.21.015 as it now exists or is hereafter amended. The Salary Commission shall not be a standing commission. Commission members shall be appointed as provided in Section 2.70.030 once every four years commencing in 2022. The Commission may be filled at any time in the interim years as directed by the City Council by resolution.

2.70.020 Salary Commission - Qualifications and Conditions.

- A. Members must be a resident of the City and a registered voter of King County.
- B. No 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 subsection 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.

2.70.30 Salary Commission – Membership and Term.

- A. Number of Members. The Commission shall consist of three (3) members.
- B. Appointment. Members shall be appointed by the Mayor subject to confirmation by the City Council, in conformance with RCW 35.21.015 as it now exists or is hereafter amended.
- C. Terms. Members of the Commission shall serve for a term of no more than one year, which shall commence when the last of the three Commission members has been appointed and confirmed and cease when the review of salaries, insurance benefits and compensation in lieu of insurance benefits is complete and a Salary Schedule has been filed with the City Clerk or until any determination is made that no salary or benefit adjustment is appropriate. No member may be appointed to more than two (2) terms on the Commission, whether or not those terms are held consecutively.

- D. Quorum. Three members shall constitute a quorum.
- E. Removal. Commission members may only be removed by the Mayor during their term of office for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of residence, revocation, or other loss of voter registration.
- F. Vacancies. Vacancies occurring shall be filled in the same manner as the original appointment, with the replacement serving the remainder of the unexpired term.

2.70.040 Salary Commission – Duties.

The Commission shall have the following responsibilities:

- A. To study the relationship of salaries to the duties of the Mayor, Deputy Mayor and Councilmembers and to study the costs personally incurred by Councilmembers in performing such duties;
- B. To study the relationship of Shoreline City Council salaries and insurance benefits and compensation in lieu of insurance benefits to those of Councilmembers in surrounding City jurisdictions and other current market conditions;
- C. To establish salaries, insurance benefits and/or compensation in lieu of insurance benefits (Salary Schedule), by either maintaining, increasing, or decreasing each by an affirmative vote of a majority of the members;
- D. To review and potentially file a Salary Schedule with the City Clerk no later than by the deadline set out in 2.70.050(C).

2.70.050 Salary Commission - Meetings.

- A. The City Manager will appoint appropriate staff to assist the Salary Commission.
- B. The Commission shall keep a written record of its proceedings, which shall be a public record 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.
- C. The Commission shall meet as often as necessary in order to file a Salary Schedule with the City Clerk or to make a determination that no salary adjustment is appropriate, on or before October 1st in the year in which the Salary Commission performs their work.

2.70.060 Salary Schedule Effective Date.

- A. The Salary Commission shall file any increase or decrease in the Salary Schedule with the City Clerk, and the same will be incorporated into the City budget without further action of the City Council or the Commission, provided that the increase or decrease shall become effective as further provided in subsections (B) and (C) below.

B. A salary increase established by the Commission shall be effective upon its adoption as to all incumbent City elected officials, regardless of their terms of office.

C. A salary decrease established by the Commission shall not be effective as to incumbent City elected officials until the commencement of their next terms of office.

D. Any adjustment of salary by the Commission shall supersede any City ordinance related to the budget or fixing of salaries, but only to the extent there is a conflict.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five (5) days after publication.

PASSED BY THE CITY COUNCIL ON FEBRUARY 22, 2021.

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Julie Ainsworth-Taylor
Assistant City Attorney on behalf of
Margaret King, City Attorney

Date of Publication: _____, 2021
Effective Date: _____, 2021

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WHEREAS, Ordinance No. 287, which was adopted in 2001, provided a benefit plan for the Mayor, Deputy Mayor and City Council that provides either health insurance or in lieu retirement benefits in the form of a cash contribution to a 457-retirement account; and

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WHEREAS, as an alternative to a city council adopting its own salary rates from time to time, both Article XXX of the Washington Constitution and RCW 35.21.015 authorize a city council to establish an independent salary commission, by ordinance, which salary commission may be authorized to set the salary, benefits, and the 457 deferred compensation contribution; and

WHEREAS, the compensation provided to the Mayor, Deputy Mayor and Councilmembers should reflect a reasonable and fair remuneration for the time, effort and expenses incurred in the performance of their duties; and

WHEREAS, setting the level of compensation should include an evaluation of the requirements and duties of the Councilmembers, which include representing the needs and interests of all members of the Shoreline community at regular and special meetings, as well as duties that often extend beyond the weekly Council meetings, such as serving on regional or national committees, representing the City on cross-jurisdictional commissions, participating in state and national conferences, and attending additional regular meetings with City staff and community members; and

WHEREAS, the compensation should also consider and reflect the City of Shoreline’s affirmative commitment to continue to build a community that embraces diversity, encourages participation, promotes equity, and strives to remove any and all barriers that may hinder, deter, or create inequities to those desiring to directly participate in the governing process; and

WHEREAS the City Council desires to have a comparative compensation study conducted and recommendations for future adjustments provided by a an independent commission composed of citizens from the community determine its salaries and benefits based on comparative market data along with the above listed considerations; and

WHEREAS, the City Council desires to amend the Shoreline Municipal Code (SMC) to add a new Chapter 2.70 in order to establish an independent salary commission to periodically review and increase or decrease the salary and benefits of the Mayor, Deputy Mayor and members of the City Council;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

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2.70.020 Salary Commission - Qualifications and Conditions.

- A. Members must be a resident of the City and a registered voter of King County.
- B. No 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 subsection 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.

2.70.30 Salary Commission – Membership and Term.

- A. Number of Members. The Commission shall consist of three (3) members.
- B. Appointment. Members shall be appointed by the Mayor subject to confirmation by the City Council, in conformance with RCW 35.21.015 as it now exists or is hereafter amended.
- C. Terms. Members of the Commission shall serve for a term of no more than one year, which shall commence when the last of the three Commission members has been appointed and confirmed and cease when the review of salaries, insurance benefits and compensation in lieu of insurance benefits is complete and a Salary Schedule has been filed with the City Clerk or until any determination is made that no salary or benefit adjustment is appropriate. No member may be appointed to more than two (2) terms on the Commission, whether or not those terms are held consecutively.
- D. Quorum. Three members shall constitute a quorum.
- E. Removal. Commission members may only be removed by the Mayor during their term of office for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of residence, revocation, or other loss of voter registration.
- F. Vacancies. Vacancies occurring shall be filled in the same manner as the original appointment, with the replacement serving the remainder of the unexpired term.

2.70.040 Salary Commission – Duties.

The Commission shall have the following responsibilities:

- A. To study the relationship of salaries to the duties of the Mayor, Deputy Mayor and Councilmembers and to study the costs personally incurred by Councilmembers in performing such duties;
- B. To study the relationship of Shoreline City Council salaries and insurance benefits and compensation in lieu of insurance benefits to those of Councilmembers in surrounding City jurisdictions and other current market conditions, including consideration of factors that would encourage an economically and socially diverse City Council, which could include changes to the CPI-U in the Puget Sound region, changes to the statewide minimum wage, and other current market conditions;
- C. To establish salaries, insurance benefits and/or compensation in lieu of insurance benefits (Salary Schedule), by either maintaining, increasing, or decreasing each by an affirmative vote of a majority of the members;

D. To review and potentially file a Salary Schedule with the City Clerk no later than by the deadline set out in 2.70.050(C).

2.70.050 Salary Commission - Meetings.

- A. The City Manager will appoint appropriate staff to assist the Salary Commission.
- B. The Commission shall keep a written record of its proceedings, which shall be a public record 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.
- C. The Commission shall meet as often as necessary in order to file a Salary Schedule with the City Clerk or to make a determination that no salary adjustment is appropriate, on or before October 1st in the year in which the Salary Commission performs their work.

2.70.060 Salary Schedule Effective Date.

- A. The Salary Commission shall file any increase or decrease in the Salary Schedule with the City Clerk, and the same will be incorporated into the City budget without further action of the City Council or the Commission, provided that the increase or decrease shall become effective as further provided in subsections (B) and (C) below.
- B. A salary increase established by the Commission shall be effective upon its adoption as to all incumbent City elected officials, regardless of their terms of office.
- C. A salary decrease established by the Commission shall not be effective as to incumbent City elected officials until the commencement of their next terms of office.
- D. Any adjustment of salary by the Commission shall supersede any City ordinance related to the budget or fixing of salaries, but only to the extent there is a conflict.

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Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

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PASSED BY THE CITY COUNCIL ON FEBRUARY 22, 2021.

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Julie Ainsworth-Taylor
Assistant City Attorney on behalf of
Margaret King, City Attorney

Date of Publication: _____, 2021
Effective Date: _____, 2021