

Agenda Summary Report (ASR)

Franklin County Board of Commissioners

DATE SUBMITTED: 1/28/2020	PREPARED BY: Carlee Nave
Meeting Date Requested: 2/4/2020	PRESENTED BY: Carlee Nave
ITEM: (Select One) <input type="checkbox"/> Consent Agenda <input checked="" type="checkbox"/> Brought Before the Board <div style="text-align: right; margin-right: 50px;">Time needed: 10 minutes</div>	
SUBJECT: Draft Salary Commission Ordinance - Discussion	
FISCAL IMPACT: n/a	
<p>BACKGROUND: On January 7, 2020, the Board requested that the County Administrator and HR Director take steps toward creating a Citizens' Salary Commission for the purpose of setting elected officials' salaries.</p> <p>An ordinance has been drafted for the Board's review/feedback. RCW 36.17.024 prescribes a number of requirements to comply with when creating a salary commission. In the attached draft, the black and white typed content reflects a statutory requirement. The draft also includes recommended/discretionary content and additional considerations (highlighted yellow):</p> <p>Section 1.1: Some counties assign position numbers to each position on the commission. This seems to make sense from an administration standpoint, particularly since there are different requirements for several of the positions.</p> <p>Section 1.2.2.2: This language establishes and standardizes the appointment process once members are identified.</p> <p>Section 3.1: Term lengths are discretionary, four years seems to be common.</p> <p>Section 3.2: It is common to stagger initial terms for a body like this to allow for continuity and overlapping of terms so the entire commission doesn't turn over at the same time.</p> <p>Sections 4 and 5: It is recommended the Board set some requirements for the commission as well as identify how County offices will be expected to support the commission.</p> <p>OTHER CONSIDERATIONS: These are items for the Board to consider and some sample language from other counties.</p> <p>Today we would like to discuss the draft ordinance and compile the Board's feedback in order to finalize the ordinance, which will be sent for legal review prior to presentation to the Board for adoption.</p>	

RECOMMENDATION: Review the draft and provide input and direction necessary for finalizing the ordinance.

COORDINATION: Salary Commission documents and procedures were obtained and reviewed from multiple counties including Lewis, Snohomish, Whatcom, Pierce, San Juan, and Whitman. K Johnson, County Administrator has reviewed the draft.

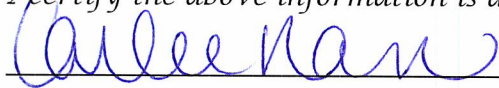
ATTACHMENTS: (Documents you are submitting to the Board)

1. DRAFT Ordinance
2. RCW 36.17.024

HANDLING / ROUTING: (Once document is fully executed it will be imported into Document Manager. Please list name(s) of parties that will need a pdf)

n/a

I certify the above information is accurate and complete.



Carlee Nave, HR Director

****Black and White Items are statutory requirements (RCW 36.17.024)**

****Highlighted Items are discretionary**

ORDINANCE NUMBER _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY,
WASHINGTON

***AN ORDINANCE ESTABLISHING THE FRANKLIN COUNTY CITIZENS'
COMMISSION ON SALARIES FOR ELECTED OFFICIALS***

WHEREAS, RCW 36.17.024 allows for the establishment of an independent salary commission to set the salaries of elected officials; and

WHEREAS, the Board of Franklin County Commissioners desires to establish a Franklin County Citizens' Salary Commission in accordance with the procedures set out in RCW 36.17.024.

NOW, THEREFORE, BE IT ORDAINED the Franklin County Board of Commissioners does hereby establish the Franklin County Citizens' Commission on Salaries for Elected Officials as follows:

Section 1. Appointment of Members.

The Commission shall consist of ten members, each assigned a position number and appointed as follows:

1. Positions one through six shall be selected by lot by the Franklin County Auditor from among Franklin County registered voters, two from each Franklin County commissioner district, assigned as follows:
 - 1.1. District 1: Positions one and two.
 - 1.2. District 2: Positions three and four.
 - 1.3. District 3: Positions five and six.
2. The County Auditor shall establish policies and procedures for conducting the selection by lot.
 - 2.1. Policies and procedures shall include, at minimum, procedures for:
 - 2.1.1. Notifying persons selected; and
 - 2.1.2. Providing a new selection from the county commissioner district if a person selected declines appointment; and
 - 2.1.3. Providing a new selection if a position on the Commission becomes vacant before the end of the established term.
 - 2.2. The County Auditor shall provide to the County Administrator the names of persons who have accepted appointment to the Commission for presentation to the Franklin County Board of Commissioners for appointment.

3. The remaining four of the ten members shall be appointed by the Franklin County Board of Commissioners from among Franklin County registered voters with experience in the field of personnel management. Of these four members, one shall be selected from each of the following four sectors in the County, and assigned as follows:
 - 3.1. Business: Position seven;
 - 3.2. Professional personnel management: Position eight;
 - 3.3. Legal profession: Position nine; and
 - 3.4. Organized labor: Position ten.

Section 2. Qualifications.

1. All members of the Commission must be a Franklin County registered voter, residing in Franklin County.
2. Members of the Commission shall not be an officer, official, or employee of the County, or the immediate family member of an officer, official, or employee of the County.
 - 2.1. "Immediate family member" means parent, spouse, domestic partner, sibling, child, or dependent relative, whether or not living in the household of the officer, official, or employee.

Section 3. Term of Office.

1. The term of each position shall be four years.
2. In order to establish staggered terms, initial terms shall end as follows:
 - 2.1. Position 1: December 31, 2023
 - 2.2. Position 2: December 31, 2021
 - 2.3. Position 3: December 31, 2023
 - 2.4. Position 4: December 31, 2021
 - 2.5. Position 5: December 31, 2023
 - 2.6. Position 6: December 31, 2021
 - 2.7. Position 7: December 31, 2023
 - 2.8. Position 8: December 31, 2021
 - 2.9. Position 9: December 31, 2023
 - 2.10. Position 10: December 31, 2021
3. No member shall be appointed to more than two complete terms of four years each.
4. Upon a vacancy on the Commission, a successor shall be selected and appointed to fill the unexpired term. The selection and appointment shall be concluded within 30 days of the date the position becomes vacant and shall be conducted in the same manner as for the original appointment.
5. No member may be removed by majority vote of the Board of Franklin County Commissioners during their term of office, except for cause of incapacity, incompetence, neglect of duty, malfeasance in office, or a disqualifying change of residence.

Section 4. Officers and Support.

1. The Commission shall elect a chairperson, vice-chairperson, secretary, and such other officers deemed necessary. The chairperson, or designee, shall preside over all meetings and shall be a voting member of the Commission.
2. The Franklin County Administration and the Human Resources Departments shall provide assistance necessary to carry out the functions of the Commission, as requested.
3. County Administration will be responsible for payment for any public notices, postage, copies, or other expenses incidental to the work of the Commission.

Section 5. Rules and Procedures.

1. The Commission shall be subject to the provisions of the Open Public Meetings Act (OPMA).
2. The Commission shall adopt rules and regulations for the transaction of business.
 - 2.1. The setting of salaries shall be by an affirmative vote of not less than six members.
3. The Commission shall first meet within 30 days of the appointment of all members and shall thereafter meet as often as necessary to accomplish its business.

Section 6. Duties of the Commission.

1. The Commission shall set the salaries of the following Franklin County elected officials:
 - 1.1. Auditor
 - 1.2. Assessor
 - 1.3. Clerk
 - 1.4. Commissioners
 - 1.5. Coroner
 - 1.6. Prosecuting Attorney (County portion)
 - 1.7. Sheriff
 - 1.8. Treasurer
2. Any change in salary shall be filed by the Commission with the Franklin County Auditor and Human Resources and shall become effective and incorporated into the County budget without further action of the Board of County Commissioners or the Salary Commission.
 - 2.1. Salary increases established by the Commission shall become effective as to the elected officials, regardless of their terms of office.
 - 2.2. Salary decreases established by the Commission shall become effective at the commencement of the next subsequent term of the elected office.
 - 2.3. Salary changes, filed in accordance with this section, shall supersede previous resolutions or filings setting the affected salaries.

Section 7. Referendum.

1. Salary increases and decreases shall be subject to referendum petition by the people of the County in the same manner as a County Ordinance upon filing of such petition with the County Auditor within 30 days of the filing of the salary change.
 - 1.1. If a referendum is filed, the salary change shall not go into effective until approved by a vote of the people.
2. Referendum measures under this section shall be submitted to the voters of the County 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 laws generally applicable to referendum measures.

Section 8. Compensation.

Members of the Commission shall serve without compensation.

Section 9. Severability.

If any provision of this ordinance or its application to any person or circumstance is held to be invalid, the remainder of this ordinance and its application to other persons or circumstance shall not be affected.

OTHER CONSIDERATIONS:

- Add timeline that requires Jan 1 salaries to be established by a certain date so they can be included in the upcoming budget?
 - Example: “If the initial determination of salaries after the Commission is formed, results in an increase in salary to an elected official, that increases shall take effect immediately upon filing of the salary with the Auditor. The Commission will determine salaries as soon as possible after the Commission is formed, and then once each year during the month of July or as soon as practicable thereafter, to be included in the budget of the upcoming year.” [Whitman County]
- Establish additional requirements to reverse this ordinance?
 - Example: “The board of county commissioners reserves the right to disband the commission by a *unanimous* vote of the legislative authority.” [Whitman County, emphasis added]

APPROVED this ____ day of _____, 2020.

**BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON**

Chair

Chair Pro Tem

Member

ATTEST:

Clerk to the Board

County commissioner and councilmember salary commissions.

(1) Salaries for county commissioners and councilmembers may be set by county commissioner and councilmember salary commissions established by ordinance or resolution of the county legislative authority and in conformity with this section.

(2) Commissions established under subsection (1) of this section shall be known as the (Insert name of county) county citizens' commission on salaries for elected officials. Each commission shall consist of ten members appointed by the county commissioner or executive with the approval of the county legislative authority, or by a majority vote of the county legislative authority if there is no single county commissioner or executive, as provided in this section.

(a) Six of the ten commission members shall be selected by lot by the county auditor from among those registered voters eligible to vote at the time persons are selected for appointment to full terms on the commission under (c) of this subsection. In noncharter counties, the county auditor shall select two commission members living in each commissioner's district. The county auditor shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, those for notifying persons selected and for providing a new selection from a commissioner's district if a person selected from the district declines appointment to the commission or if, following the person's appointment, the person's position on the commission becomes vacant before the end of the person's term of office.

(b) The remaining four of the ten commission members must be residents of the county and shall be appointed by the county commissioner or executive with approval of the county legislative authority, or by a majority vote of the county legislative authority if there is no single county commissioner or executive. The persons selected under this subsection shall have had experience in the field of personnel management. Of these four members, one shall be selected from each of the following four sectors in the county: Business, professional personnel management, legal profession, and organized labor.

(c) If there is a single county commissioner or executive, the county auditor shall forward the names of persons selected under (a) of this subsection to the county commissioner or executive who shall appoint these persons to the commission.

(d) No person may be appointed to more than two terms. No member of the commission may be removed by the county commissioner or executive, or county legislative authority if there is no single county commissioner or executive, 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.

(e) The members of the commission may not include any officer, official, or employee of the county or any of their immediate family members. "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.

(f) 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 thirty days of the date the position becomes vacant and shall be conducted in the same manner as for the original appointment.

(3) Any change in salary shall be filed by the commission with the county auditor and shall become effective and incorporated into the county budget without further action of the county legislative authority or salary commission.

(4) Salary increases established by the commission shall be effective as to county commissioners and all members of the county legislative authority, regardless of their terms of office.

(5) Salary decreases established by the commission shall become effective as to incumbent county commissioners and councilmembers at the commencement of their next subsequent terms of office.

(6) Salary increases and decreases shall be subject to referendum petition by the people of the county in the same manner as a county ordinance upon filing of such petition with the county auditor within thirty days after filing 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.

(7) Referendum measures under this section shall be submitted to the voters of the county at the next following general or municipal election occurring thirty days or more after the petition is filed, and shall be otherwise governed by the provisions of the state Constitution and laws generally applicable to referendum measures.

(8) The action fixing the salary of a county commissioner or councilmember by a commission established in conformity with this section shall supersede any other provision of state statute or county ordinance related to municipal budgets or to the fixing of salaries of county commissioners and councilmembers.

(9) Salaries for county commissioners and councilmembers established under an ordinance or resolution of the county legislative authority in existence on July 22, 2001, that substantially complies with this section shall remain in effect unless and until changed in accordance with such charter provision or ordinance.

[2001 c 73 § 5.]

NOTES:

Findings—Intent—Severability—2001 c 73: See notes following RCW 35.21.015.