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HOUSE BILL 1093

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State of Washington                      53rd Legislature                      1993 Regular Session

By Representatives Zellinsky, R. Fisher, Bray, Springer, Rayburn, Dunshee, Edmondson, Foreman, Brough, Miller and Forner

Read first time 01/15/93. Referred to Committee on Local Government.

1            AN ACT Relating to compensation for local officials; amending RCW  
2 35.17.108, 35.18.220, 35.22.205, 35.23.220, 35.24.090, 35.27.130,  
3 35A.12.070, 35A.13.040, 36.17.020, and 53.12.260; and repealing RCW  
4 53.12.005.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 35.17.108 and 1967 c 100 s 1 are each amended to read  
7 as follows:

8            (~~The annual salaries of~~) Compensation for the mayor and the  
9 commissioners of any city operating under a commission form of  
10 government shall be as fixed by (~~charter or~~) ordinance (~~of said~~  
11 ~~city~~). The power and authority conferred by this section shall be  
12 construed as in addition and supplemental to powers or authority  
13 conferred by any other law, and nothing contained herein shall be  
14 construed as limiting any other powers or authority of any such city.

15            An ordinance establishing compensation for commissioners that is a  
16 salary or other compensation measured on a per day or per meeting basis  
17 must describe the compensation in terms of a discrete dollar amount and  
18 may not provide for periodic increases referenced to anything. If any  
19 ordinance in effect on the effective date of this act establishes such

1 compensation that is not described in a discrete dollar amount, but  
2 references various factors to establish the compensation, the  
3 compensation shall be limited to the level of compensation as  
4 calculated the day immediately preceding the effective date of this act  
5 and no increases shall be paid in reference to these factors.

6 **Sec. 2.** RCW 35.18.220 and 1965 c 7 s 35.18.220 are each amended to  
7 read as follows:

8 Each member of the council shall receive such compensation as may  
9 be provided by (~~law to cities of the class to which it belongs~~)  
10 ordinance. The city manager and other officers or assistants shall  
11 receive such salary or compensation as the council shall fix by  
12 ordinance and shall be payable at such times as the council may  
13 determine.

14 An ordinance establishing compensation for councilmembers that is  
15 a salary or other compensation measured on a per day or per meeting  
16 basis must describe the compensation in terms of a discrete dollar  
17 amount and may not provide for periodic increases referenced to  
18 anything. If any ordinance in effect on the effective date of this act  
19 establishes such compensation that is not described in a discrete  
20 dollar amount, but references various factors to establish the  
21 compensation, the compensation shall be limited to the level of  
22 compensation as calculated the day immediately preceding the effective  
23 date of this act and no increases shall be paid in reference to these  
24 factors.

25 **Sec. 3.** RCW 35.22.205 and 1965 c 7 s 35.22.205 are each amended to  
26 read as follows:

27 The compensation and the time to be devoted to the performance of  
28 the duties of the mayor and elected officials of all cities of the  
29 first class shall be as fixed by ordinance of said city irrespective of  
30 any city charter provisions.

31 An ordinance establishing compensation for elected city officials  
32 that is a salary or other compensation measured on a per day or per  
33 meeting basis must describe the compensation in terms of a discrete  
34 dollar amount and may not provide for periodic increases referenced to  
35 anything. If any ordinance in effect on the effective date of this act  
36 establishes such compensation that is not described in a discrete  
37 dollar amount, but references various factors to establish the

1 compensation, the compensation shall be limited to the level of  
2 compensation as calculated the day immediately preceding the effective  
3 date of this act and no increases shall be paid in reference to these  
4 factors.

5 **Sec. 4.** RCW 35.23.220 and 1969 ex.s. c 270 s 7 are each amended to  
6 read as follows:

7 The city council shall fix ~~((the salary of all officials ()))~~  
8 compensation for all city officials, except library trustees who shall  
9 serve without compensation and any other officer where provision is  
10 made by this title that such officer shall serve without  
11 compensation((+)).

12 No officer or official shall be allowed any extra or additional  
13 compensation, either directly or indirectly, for the rendition of  
14 services that the city council have authority to require ~~((of him))~~ the  
15 officer or official to perform by virtue of ((his)) the officer's or  
16 official's office.

17 ~~((The salaries of all city officers shall be paid monthly.))~~ An  
18 ordinance establishing compensation for city officials that is a salary  
19 or other compensation measured on a per day or per meeting basis must  
20 describe the compensation in terms of a discrete dollar amount and may  
21 not provide for periodic increases referenced to anything. If any  
22 ordinance in effect on the effective date of this act establishes such  
23 compensation for city officials that is not described in a discrete  
24 dollar amount, but references various factors to establish the  
25 compensation, the compensation shall be limited to the level of  
26 compensation as calculated the day immediately preceding the effective  
27 date of this act and no increases shall be paid in reference to these  
28 factors.

29 **Sec. 5.** RCW 35.24.090 and 1990 c 212 s 1 are each amended to read  
30 as follows:

31 The mayor and the members of the city council may be reimbursed for  
32 actual expenses incurred in the discharge of their official duties,  
33 upon presentation of a claim therefor, after allowance and approval  
34 thereof, by resolution of the city council ~~((; and each city~~  
35 ~~councilmember may be paid for attending council meetings an amount~~  
36 ~~which shall be fixed by ordinance and may be revised from time to time~~  
37 ~~by ordinance, but any increase or reduction in the compensation~~

1 ~~attaching to an office shall not be applicable to the term then being~~  
2 ~~served by the incumbent)).~~

3 The city attorney, clerk and treasurer, if elective, shall  
4 severally receive at stated times a compensation to be fixed by  
5 ordinance by the city council.

6 The mayor and other officers shall receive such compensation as may  
7 be fixed by the city council at the time the estimates are made as  
8 provided by law. An ordinance establishing compensation for the mayor  
9 or a city councilmember that is a salary or other compensation measured  
10 on a per day or per meeting basis must describe the compensation in  
11 terms of a discrete dollar amount and may not provide for periodic  
12 increases referenced to anything. If any ordinance in effect on the  
13 effective date of this act establishes such compensation for the mayor  
14 or a city councilmember that is not described in a discrete dollar  
15 amount, but references various factors to establish the compensation,  
16 the compensation shall be limited to the level of compensation as  
17 calculated the day immediately preceding the effective date of this act  
18 and no increases shall be paid in reference to these factors.

19 Any city that provides a pension for any of its employees under a  
20 plan not administered by the state must notify the state auditor of the  
21 existence of the plan at the time of an audit of the city by the  
22 auditor. No city may establish a pension plan for its employees that  
23 is not administered by the state, except that any defined contribution  
24 plan in existence as of January 1, 1990, is deemed to have been  
25 authorized. No city that provides a defined contribution plan for its  
26 employees as authorized by this section may make any material changes  
27 in the terms or conditions of the plan after June 7, 1990.

28 **Sec. 6.** RCW 35.27.130 and 1990 c 212 s 2 are each amended to read  
29 as follows:

30 The mayor and members of the town council may be reimbursed for  
31 actual expenses incurred in the discharge of their official duties upon  
32 presentation of a claim therefor and its allowance and approval by  
33 resolution of the town council.

34 The mayor and members of the council may also receive such  
35 ~~((salary))~~ compensation as the council may fix by ordinance. An  
36 ordinance establishing compensation for the mayor or city  
37 councilmembers that is a salary or other compensation measured on a per  
38 day or per meeting basis must describe the compensation in terms of a

1 discrete dollar amount and may not provide for periodic increases  
2 referenced to anything. If any ordinance in effect on the effective  
3 date of this act establishes such compensation for the mayor or  
4 councilmembers that is not described in a discrete dollar amount, but  
5 references various factors to establish the compensation, the  
6 compensation shall be limited to the level of compensation as  
7 calculated the day immediately preceding the effective date of this act  
8 and no increases shall be paid in reference to these factors.

9 The treasurer and treasurer-clerk shall severally receive at stated  
10 times a compensation to be fixed by ordinance.

11 The compensation of all other officers shall be fixed from time to  
12 time by the council.

13 Any town that provides a pension for any of its employees under a  
14 plan not administered by the state must notify the state auditor of the  
15 existence of the plan at the time of an audit of the town by the  
16 auditor. No town may establish a pension plan for its employees that  
17 is not administered by the state, except that any defined contribution  
18 plan in existence as of January 1, 1990, is deemed to have been  
19 authorized. No town that provides a defined contribution plan for its  
20 employees as authorized by this section may make any material changes  
21 in the terms or conditions of the plan after June 7, 1990.

22 **Sec. 7.** RCW 35A.12.070 and 1971 ex.s. c 251 s 5 are each amended  
23 to read as follows:

24 ~~((The salaries of))~~ Compensation for the mayor and the  
25 ~~((councilmen))~~ councilmembers shall be fixed by ordinance and may be  
26 revised from time to time by ordinance~~((, but any increase in the~~  
27 ~~compensation attaching to an office shall not be applicable to the term~~  
28 ~~then being served by the incumbent if such incumbent is a member of the~~  
29 ~~city legislative body fixing his own compensation or as mayor in a~~  
30 ~~mayor-council code city casts a tie-breaking vote relating to such~~  
31 ~~ordinance: PROVIDED, That))~~. An ordinance establishing compensation  
32 for the mayor or city councilmembers that is a salary or other  
33 compensation measured on a per day or per meeting basis must describe  
34 the compensation in terms of a discrete dollar amount and may not  
35 provide for periodic increases referenced to anything. If any  
36 ordinance in effect on the effective date of this act establishes such  
37 compensation for the mayor or councilmembers that is not described in  
38 a discrete dollar amount, but references various factors to establish

1 the compensation, the compensation shall be limited to the level of  
2 compensation as calculated the day immediately preceding the effective  
3 date of this act and no increases shall be paid in reference to these  
4 factors. Compensation for the mayor may be increased during the  
5 mayor's current term of office if the mayor of such a city does not  
6 cast ((such)) a tie-breaking vote(~~(, his salary may be increased during~~  
7 his term of office)) to adopt the ordinance revising the compensation  
8 for the mayor.

9       Until the first elective officers of a newly organized code city  
10 under this mayor-council plan of government may lawfully be paid the  
11 compensation provided by ~~((such salary))~~ an ordinance establishing  
12 different levels of compensation, such officers shall be entitled to be  
13 compensated in the same manner and in the same amount as the  
14 compensation paid to officers of such city performing comparable  
15 services immediately prior to adoption of this mayor-council plan.

16       Until ~~((a salary ordinance can be passed and become effective as~~  
17 ~~to))~~ elective officers of a newly incorporated code city may lawfully  
18 be paid the compensation provided by an ordinance establishing  
19 different levels of compensation, such first elective officers shall be  
20 entitled to compensation as follows: In cities having less than five  
21 thousand inhabitants, the mayor shall be entitled to a salary of one  
22 hundred and fifty dollars per calendar month and a ~~((councilman))~~  
23 councilmember shall be entitled to twenty dollars per meeting for not  
24 more than two meetings per month; in cities having more than five  
25 thousand but less than fifteen thousand inhabitants, the mayor shall be  
26 entitled to a salary of three hundred and fifty dollars per calendar  
27 month and a ~~((councilman))~~ councilmember shall be entitled to one  
28 hundred and fifty dollars per calendar month; in cities having more  
29 than fifteen thousand inhabitants, the mayor shall be entitled to a  
30 salary of twelve hundred and fifty dollars per calendar month and a  
31 ~~((councilman))~~ councilmember shall be entitled to four hundred dollars  
32 per calendar month(~~(: PROVIDED, That such interim compensation shall~~  
33 ~~remain in effect only until a salary ordinance is passed and becomes~~  
34 ~~effective as to such officers, and the amounts herein provided shall~~  
35 ~~not be construed as fixing the usual salary of such officers))~~).

36       The mayor and ~~((councilmen))~~ councilmembers shall receive  
37 reimbursement for their actual and necessary expenses incurred in the  
38 performance of the duties of their office, or the council by ordinance

1 may provide for a per diem allowance. Procedure for approval of claims  
2 for expenses shall be as provided by ordinance.

3 **Sec. 8.** RCW 35A.13.040 and 1979 ex.s. c 18 s 25 are each amended  
4 to read as follows:

5 ~~((The salaries of the councilmen))~~ Compensation for councilmembers,  
6 including the mayor, shall be fixed by ordinance and may be revised  
7 from time to time by ordinance ~~((, but any increase or reduction in the~~  
8 ~~compensation attaching to an office shall not become effective until~~  
9 ~~the expiration of the term then being served by the incumbent:~~  
10 ~~PROVIDED, That compensation of councilmen may not be increased or~~  
11 ~~diminished after their election nor may the compensation of the mayor~~  
12 ~~be increased or diminished after the mayor has been chosen by the~~  
13 ~~council)).~~ An ordinance establishing compensation for the mayor or  
14 city councilmembers that is a salary or other compensation measured on  
15 a per day or per meeting basis must describe the compensation in terms  
16 of a discrete dollar amount and may not provide for periodic increases  
17 referenced to anything. If an ordinance in effect on the effective  
18 date of this act establishes such compensation for councilmembers that  
19 is not described in a discrete dollar amount, but references various  
20 factors to establish the compensation, the compensation shall be  
21 limited to the level of compensation as calculated the day immediately  
22 preceding the effective date of this act and no increases shall be paid  
23 in reference to these factors.

24 Until ~~((councilmen))~~ councilmembers of a newly ~~((-))~~ organized  
25 council-manager code city may lawfully be paid as provided by  
26 ~~((salary))~~ an ordinance establishing different levels of compensation,  
27 ~~((councilmen))~~ councilmembers shall be entitled to compensation in  
28 the same manner and in the same amount as ~~((councilmen))~~ councilmembers  
29 of such city prior to the adoption of this council-manager plan.

30 Until ~~((a salary ordinance can be passed and become effective as~~  
31 ~~to))~~ elective officers of a newly incorporated code city may lawfully  
32 be paid the compensation provided by an ordinance establishing  
33 different levels of compensation, the first ~~((councilmen))~~  
34 councilmembers shall be entitled to compensation as follows: In cities  
35 having less than five thousand inhabitants ~~((--))~~ the councilmembers  
36 shall be entitled to compensation at a rate of twenty dollars per  
37 meeting for not more than two meetings per month; in cities having more  
38 than five thousand but less than fifteen thousand inhabitants ~~((--))~~ the

1 councilmembers shall be entitled to compensation at a salary of one  
2 hundred and fifty dollars per calendar month; in cities having more  
3 than fifteen thousand inhabitants((—)) the councilmembers shall be  
4 entitled to compensation at a salary of four hundred dollars per  
5 calendar month. ((A councilman)) The councilmember who is occupying  
6 the position of mayor, in addition to ((his)) per day compensation or  
7 salary as a ((councilman)) councilmember, shall be entitled, while  
8 serving as mayor, to an additional amount per meeting or per calendar  
9 month, or portion thereof, equal to twenty-five percent of the per  
10 meeting compensation rate or councilmanic salary((:—PROVIDED, That  
11 such interim compensation shall remain in effect only until a salary  
12 ordinance is passed and becomes effective as to such officers, and the  
13 compensation provided herein shall not be construed as fixing the usual  
14 compensation of such officers))).

15 ((Councilmen)) Councilmembers, including the mayor, shall receive  
16 reimbursement for their actual and necessary expenses incurred in the  
17 performance of the duties of their office, or the council by ordinance  
18 may provide for a per diem allowance. Procedure for approval of claims  
19 for expenses shall be as provided by ordinance.

20 **Sec. 9.** RCW 36.17.020 and 1991 c 363 s 52 are each amended to read  
21 as follows:

22 The county legislative authority of each county ((is authorized  
23 to)) shall by ordinance establish ((the salaries of)) compensation for  
24 the elected officials of the county, other than superior court judges  
25 and district court judges. One-half of the salary of each prosecuting  
26 attorney shall be paid by the state. ((The annual salary of a county  
27 elected official shall not be less than the following:

28 (1) ~~In each county with a population of one million or more:~~  
29 Auditor, clerk, treasurer, sheriff, members of the county legislative  
30 authority, and coroner, eighteen thousand dollars; assessor, nineteen  
31 thousand dollars; and prosecuting attorney, thirty thousand three  
32 hundred dollars;

33 (2) ~~In each county with a population of from two hundred ten~~  
34 ~~thousand to less than one million: Auditor, seventeen thousand six~~  
35 ~~hundred dollars; clerk, seventeen thousand six hundred dollars;~~  
36 ~~treasurer, seventeen thousand six hundred dollars; sheriff, nineteen~~  
37 ~~thousand five hundred dollars; assessor, seventeen thousand six hundred~~  
38 ~~dollars; prosecuting attorney, twenty four thousand eight hundred~~



1 dollars; members of the county legislative authority, nineteen thousand  
2 five hundred dollars; and coroner, sixteen thousand five hundred  
3 dollars;

4 (3) In each county with a population of from one hundred twenty-  
5 five thousand to less than two hundred ten thousand: Auditor, sixteen  
6 thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen  
7 thousand dollars; sheriff, seventeen thousand six hundred dollars;  
8 assessor, sixteen thousand dollars; prosecuting attorney, twenty four  
9 thousand eight hundred dollars; members of the county legislative  
10 authority, seventeen thousand six hundred dollars; and coroner, eight  
11 thousand eight hundred dollars;

12 (4) In each county with a population of from seventy thousand to  
13 less than one hundred twenty five thousand: Auditor, fourteen thousand  
14 nine hundred dollars; clerk, fourteen thousand nine hundred dollars;  
15 treasurer, fourteen thousand nine hundred dollars; assessor, fourteen  
16 thousand nine hundred dollars; sheriff, fourteen thousand nine hundred  
17 dollars; prosecuting attorney, twenty three thousand seven hundred  
18 dollars; members of the county legislative authority, fourteen thousand  
19 nine hundred dollars; and coroner, five thousand five hundred dollars;

20 (5) In each county with a population of from forty thousand to less  
21 than seventy thousand: Auditor, thirteen thousand eight hundred  
22 dollars; clerk, thirteen thousand eight hundred dollars; treasurer,  
23 thirteen thousand eight hundred dollars; assessor, thirteen thousand  
24 eight hundred dollars; sheriff, thirteen thousand eight hundred  
25 dollars; prosecuting attorney, twenty three thousand seven hundred  
26 dollars; members of the county legislative authority, thirteen thousand  
27 eight hundred dollars; and coroner, four thousand dollars;

28 (6) In each county with a population of from eighteen thousand to  
29 less than forty thousand: Auditor, twelve thousand one hundred  
30 dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve  
31 thousand one hundred dollars; sheriff, twelve thousand one hundred  
32 dollars; assessor, twelve thousand one hundred dollars; prosecuting  
33 attorney in such a county in which there is no state university or  
34 college, fourteen thousand three hundred dollars; in such a county in  
35 which there is a state university or college, sixteen thousand five  
36 hundred dollars; and members of the county legislative authority,  
37 eleven thousand dollars;

38 (7) In each county with a population of from twelve thousand to  
39 less than eighteen thousand: Auditor, ten thousand one hundred

1 dollars; clerk, ten thousand one hundred dollars; treasurer, ten  
2 thousand one hundred dollars; assessor, ten thousand one hundred  
3 dollars; sheriff, eleven thousand two hundred dollars; prosecuting  
4 attorney, thirteen thousand two hundred dollars; and members of the  
5 county legislative authority, nine thousand four hundred dollars;

6 (8) In each county with a population of from eight thousand to less  
7 than twelve thousand: Auditor, ten thousand one hundred dollars;  
8 clerk, ten thousand one hundred dollars; treasurer, ten thousand one  
9 hundred dollars; assessor, ten thousand one hundred dollars; sheriff,  
10 eleven thousand two hundred dollars; prosecuting attorney, nine  
11 thousand nine hundred dollars; and members of the county legislative  
12 authority, seven thousand dollars;

13 (9) In each county with a population of from five thousand to less  
14 than eight thousand: Auditor, nine thousand one hundred dollars;  
15 clerk, nine thousand one hundred dollars; treasurer, nine thousand one  
16 hundred dollars; assessor, nine thousand one hundred dollars; sheriff,  
17 ten thousand five hundred dollars; prosecuting attorney, nine thousand  
18 nine hundred dollars; and members of the county legislative authority,  
19 six thousand five hundred dollars;

20 (10) In each other county: Auditor, nine thousand one hundred  
21 dollars; clerk, nine thousand one hundred dollars; treasurer, nine  
22 thousand one hundred dollars; sheriff, ten thousand five hundred  
23 dollars; assessor, nine thousand one hundred dollars; prosecuting  
24 attorney, nine thousand nine hundred dollars; and members of the county  
25 legislative authority, six thousand five hundred dollars.))

26 An ordinance establishing compensation for county officials that is  
27 a salary or other compensation measured on a per day or per meeting  
28 basis must describe the compensation in terms of a discrete dollar  
29 amount and may not provide for periodic increases referenced to  
30 anything. If any ordinance in effect on the effective date of this act  
31 establishes such compensation that is not described in a discrete  
32 dollar amount, but references various factors to establish the  
33 compensation, the compensation shall be limited to the level of  
34 compensation as calculated the day immediately preceding the effective  
35 date of this act and no increases shall be paid in reference to these  
36 factors.

37 **Sec. 10.** RCW 53.12.260 and 1992 c 146 s 12 are each amended to  
38 read as follows:

1 (1) Each commissioner of a port district shall receive fifty  
2 dollars per day or portion thereof spent (a) in actual attendance at  
3 official meetings of the port district commission, or (b) in  
4 performance of other service in behalf of the district. The total per  
5 diem compensation of a port commissioner shall not exceed four thousand  
6 eight hundred dollars in a year, or six thousand dollars in any year  
7 for a port district with gross operating income of twenty-five million  
8 or more in the preceding calendar year.

9 (2) Port commissioners shall receive additional compensation as  
10 follows: (a) Each commissioner of a port district with gross operating  
11 revenues of twenty-five million dollars or more in the preceding  
12 calendar year shall receive a salary of five hundred dollars per month;  
13 and (b) each commissioner of a port district with gross operating  
14 revenues of from one million dollars to less than twenty-five million  
15 dollars in the preceding calendar year shall receive a salary of two  
16 hundred dollars per month.

17 (3) In lieu of the compensation specified in this section, ((a))  
18 the port commission of a port district with gross operating revenues of  
19 one hundred million dollars or more in the preceding calendar year may  
20 by resolution set compensation ((to be paid to commissioners)) for the  
21 commissioners, but the total annual compensation for such a port  
22 commissioner may not exceed the annual salary of a member of the state  
23 legislature. A resolution establishing compensation for port  
24 commissioners that is a salary or other compensation measured on a per  
25 day or per meeting basis must describe the compensation in terms of a  
26 discrete dollar amount and may not provide for periodic increases  
27 referenced to anything.

28 (4) For any commissioner who has not elected to become a member of  
29 public employees retirement system before May 1, 1975, the compensation  
30 provided pursuant to this section shall not be considered salary for  
31 purposes of the provisions of any retirement system created pursuant to  
32 the general laws of this state nor shall attendance at such meetings or  
33 other service on behalf of the district constitute service as defined  
34 in RCW 41.40.010(9): PROVIDED, That in the case of a port district  
35 when commissioners are receiving compensation and contributing to the  
36 public employees retirement system, these benefits shall continue in  
37 full force and effect notwithstanding the provisions of RCW 53.12.260  
38 and 53.12.265.

1        NEW SECTION.   **Sec. 11.**   RCW 53.12.005 and 1992 c 147 s 5 are each  
2 repealed.

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