

RCW 36.17.024 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 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.

(3) (a) For charter counties, 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. 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.

(4) For noncharter counties, commission members must be registered voters eligible to vote at the time persons are selected for appointment to full terms on the commission.

(a) The county auditor must select, by lot, at least one commission member living in each commissioner's district. The county auditor must establish policies and procedures for conducting the selection by lot. The policies and procedures must 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) By majority vote of the county legislative authority, additional commission members may be appointed. These additional commission members must be residents of the county. The persons selected under this subsection must have experience in the field of personnel management or a related field.

(c) The number of salary commission members selected by lot must constitute the majority of commission members.

(d) No person may be appointed to serve more than two terms. No member of the commission may be removed by the county legislative authority 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. For purposes of this subsection, "immediate family member" 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 must be selected and appointed to fill the unexpired term. The selection and appointment must be concluded within 30 days of the date the position becomes vacant and must be conducted in the same manner as for the original appointment.

(g) Commissions established by ordinance or resolution of the county legislative authority in existence prior to the effective date of an increase in the number of board of commissioners from three to five under either RCW 36.32.052 or 36.32.055 may retain their composition for one year after the start of the terms of the newly created county commissioner positions or until changed in accordance with this section, whichever occurs first.

(5) 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.

(6) 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.

(7) 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.

(8) Salary increases and decreases shall be subject to referendum petition by the people of the county upon filing of such petition with the county auditor within 30 days after filing of the salary schedule.

(a) For a charter county, the petition must be subject to referendum in accordance with the charter.

(b) For a noncharter county, the petition must be subject to referendum as follows: Within 10 days of the date of the petition, the county auditor or their designee must confer with the petitioner concerning form and style of the petition, issue an identification number for the petition, and the prosecuting attorney must write a ballot title for the measure. The ballot title must be posed as a question so that an affirmative answer to the question and an affirmative vote on the measure results in the change in salary and a negative answer to the question and a negative vote on the measure results in no change. The petitioner must be notified of the identification number and ballot title within this 10-day period. After this notification, the petitioner has 30 days in which to secure on petition forms the signatures of not less than 15 percent of the registered voters of the county at the last general election, and to file the signed petitions with the county auditor. Each petition form must contain the ballot title and the full text of the measure to be referred. The county auditor must verify the sufficiency of the signatures on the petitions and determine the validity of the referendum petition.

(9) 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. If the county auditor determines the number of verified signatures insufficient or the referendum petition invalid, the salary change takes effect on the date specified for the salary change filed by the commission in subsection (5) of this section.

(10) Referendum measures under this section shall be submitted to the voters of the county at the next following general or municipal election occurring after the signatures are verified by the county auditor and after the filing deadline established in RCW 29A.04.321(3). If the filing deadline for the following general or municipal election has passed, the legislative authority of the county may call for a special election on the first election date provided for in RCW 29A.04.321(2). The referendum shall be otherwise governed by the provisions of the state Constitution and laws generally applicable to elections consistent with Title 29A RCW. If the referendum is approved by an affirmative vote, the salary change takes effect on the date specified for the salary change filed by the commission in subsection (5) of this section.

(8) [(11)] 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) [(12)] 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. [2023 c 49 § 1; 2001 c 73 § 5.]

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