



OFFICE OF THE CITY CLERK
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3342
509.625.6350

January 27, 2020

City Clerk File No.:
ORD C35862

COUNCIL ACTION MEMORANDUM

RE: CITY COUNCIL CONSIDERATION OF MAYORAL VETO OF ORDINANCE C35862 RELATING TO THE SALARY REVIEW COMMISSION

During its 6:00 p.m. Legislative Session held Monday, January 27, 2020, the Spokane City Council considered the Mayoral Veto of Ordinance C35862 relating to the Salary Review Commission. Subsequent to the opportunity for public testimony, with no individuals requesting to speak, and Council commentary, the following action was taken:

Upon Unanimous Roll Call Vote (in the affirmative, with Council Member Mumm voting "aye" via the telephone), the City Council approved to override the Mayoral veto of Ordinance C35862 relating to the Salary Review Commission; amending SMC sections 2.05.020, 2.05.030, 2.05.040, and 2.05.050.

Terri L. Pfister, MMC
Spokane City Clerk



Mayor David A. Condon

RECEIVED

DEC 30 2019

CITY CLERK'S OFFICE

December 30, 2019

Spokane City Council
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Dear Council President Stuckart and Councilmembers,

I am writing to inform the Council of my decision to veto Ordinance C35862 relating to changes in the Spokane Municipal Code regarding the Salary Review Commission. While I appreciate the work we have done together to improve salary review to remain a competitive workforce, I am disappointed by the final changes that were made to the Ordinance.

Since May of 2018, I have been advocating for the City's Salary Review Commission to become an integral part of reviewing proposed salaries for our exempt employees. Our joint One Spokane strategic plan prioritized implementing financial practices that are sustainable, transparent, efficient, and accountable. If given the authority, the Salary Review Commission would be able to provide important independent review of exempt salaries to improve transparency. Unfortunately, the Council has chosen to ignore the need for more transparency in exempt employee salaries.

Additionally, I am disappointed that, once again, the Ordinance was not open to input from the community for important feedback, nor did the City Council effectively work with City staff, such as taking into account the recommendations were not considered from the joint taskforce I participated in with Councilmember Kinnear. And finally, the Ordinance removed the Compensation Philosophy – a strong statement on the City's intent to build a 21st Century workforce.

My veto of Ordinance C35862 is unfortunate. As a new administration begins, I strongly encourage you to rethink your approach to transparency and collaboration – our citizens deserve it.

Sincerely,

David A. Condon
Mayor

The City of Choice

808 W. Spokane Falls Blvd. • Spokane, Washington 99201-3335
Phone: 509.625.6250 FAX: 509.625.6563



ORDINANCE APPROVAL/VETO TRANSMITTAL FORM

DATE: December 20, 2019
TO: Mayor David A. Condon
FROM: Laura Price, City Clerk's Office
RE: December 16, 2019 CITY COUNCIL MEETING ORDINANCE C35862

The following Ordinance, passed unanimously by City Council, is attached for your approval/veto.

ORD C35862: Relating to the Salary Review Commission; amending SMC sections 2.05.020, 2.05.030, 2.05.040 and 2.05.050.

City Charter Section 16 gives you the following options for approving/vetoing this ordinance:

- Sign the ordinance approved as passed by City Council and return to the City Clerk's Office.
- Veto the ordinance and return to the City Clerk's Office. A written and signed statement of the reasons for the veto must accompany the vetoed ordinance.
- Sign and partially veto the ordinance (only applicable to appropriations ordinances) and return it to the City Clerk's Office. A written and signed statement of the reasons for the partial veto must accompany the partially vetoed ordinance.

If this ordinance is not returned to the City Clerk's Office by 5:00 p.m., December 30, 2019, with a Mayoral approval or veto, the ordinance shall be deemed enacted without Mayoral signature.



Agenda Sheet for City Council Meeting of:

12/09/2019

Date Rec'd	11/21/2019
Clerk's File #	ORD C35862
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	CITY COUNCIL
Contact Name/Phone	LORI KINNEAR 5096256715
Contact E-Mail	GBYRD@SPOKANECITY.ORG
Agenda Item Type	Final Reading Ordinance
Agenda Item Name	0320 SALARY REVIEW COMMISSION ORDINANCE

Agenda Wording
 An ordinance relating to the Salary Review Commission; amending SMC sections 2.05.020, 2.05.030, 2.05.040 and 2.05.050.

Summary (Background)
 Updates the duties of the Salary Review Commission (SRC), which is charged with reviewing and establishing the salaries of the Spokane City Council Members and the Council President pursuant to Chapter 2.05 of the Spokane Municipal Code. As a result of Spokane citizens' August 4, 2015 ballot results, and effective as of September 28, 2015, the Commission is also charged with reviewing and establishing the salary of the Mayor of the City of Spokane, via amended ordinance C-35292.

Fiscal Impact	Grant related? NO	Budget Account
	Public Works? NO	
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#

Approvals		Council Notifications	
Dept Head	ALLERS, HANNAHLEE	Study Session	
Division Director		Other	PSCHC 12/2/19
Finance	BUSTOS, KIM	Distribution List	
Legal	PICCOLO, MIKE	gbyrd@spokanecity.org	
For the Mayor	ORMSBY, MICHAEL	<i>MPiccolo</i>	
Additional Approvals			
Purchasing			

FIRST READING OF THE ABOVE
 ORDINANCE HELD ON
12/9/16
 AND FURTHER ACTION WAS DEFERRED
[Signature]
 CITY CLERK

PASSED BY
 SPOKANE CITY COUNCIL:
12/16/19
[Signature]
 CITY CLERK

ORDINANCE C35862

An ordinance relating to the Salary Review Commission; amending SMC sections 2.05.020, 2.05.030, 2.05.040 and 2.05.050.

The City of Spokane does ordain:

Section 1. The SMC Section 2.05.020 is amended to read as follows:

2.05.020 Membership – Term – Removal

A. Membership.

The commission shall consist of five members who are residents and registered voters of the City. Appointment shall be as follows:

1. Three Commission members shall have experience in the field of personnel management, or a demonstrated knowledge in the administration of compensation and benefits. Two Commission members shall have experience in finance, business management, or other related fields that demonstrate experience beneficial to the review of total compensation and establishment of salary. ~~((Two members shall be at-large appointments appointed by the mayor with the city council's approval.))~~
2. All members shall be at-large appointments nominated by the mayor and appointed by the city council. ~~((Three members shall be appointed by the mayor with city council approval with one member from each of the three city council districts respectively. The individuals submitted for appointment from the council districts shall be recommended by the city council to the mayor for appointment.))~~
3. Applications for positions to the salary review commission shall be reviewed by the City's ethics committee pursuant to SMC 1.04.170 as an advisory opinion for potential conflicts of interest or other conflicts with the ethics code.
4. The ethics committee's advisory opinion shall be filed with the mayor's office and with the city council.

B. Term.

Each member of the commission shall serve a four-year term, and no member shall be appointed to more than two terms regardless of whether the terms are held consecutively.

1. More than two years of a four-year term shall count as a whole term.
2. Initial appointments shall be as follows:
 - a. Three members shall be appointed for a period of four years; and
 - b. Two members shall be appointed for two years.

3. All subsequent appointments or reappointments shall be for a four-year term.
4. Appointments may be made to complete an unexpired term in the event of a vacancy.

C. Removal.

Commission members may only be removed during their terms of office by the city council with a recommendation from the mayor for cause of:

1. incapacity,
2. incompetence,
3. neglect of duty,
4. malfeasance in office, or
5. for a disqualifying change in:
 - a. residence, or
 - b. voter status.

D. Compensation.

Commission members shall serve without compensation.

E. Qualifications.

~~((1. Commission members shall have experience in finance, business management, or personnel management, or other related fields that demonstrate experience beneficial to the review and establishment of salaries for elected officials.))~~

~~((2))~~1. Officers, officials, and employees of the City and their immediate family members shall not be eligible to serve on the commission.

- a. For the purposes of this section, "immediate family member" shall mean a:
 - i. parent,
 - ii. stepparent,
 - iii. in-law,
 - iv. spouse,
 - v. sibling,
 - vi. stepsibling,
 - vii. child,
 - viii. stepchild, or
 - ix. dependent relative

of the officer, official or employee, whether or not living in the household of the officer, official or employee.

Section 2. That SMC section 2.05.030 is amended to read as follows:

2.05.030 Definitions

- A. "Elected officials" means the positions of mayor, council president and all council members.
- B. "Salary" or "salaries", as used in this chapter, means ~~((any fixed compensation paid periodically for work or services.))~~ the annual wage paid for work or services to the positions of mayor, council president and all council members as contained in City Pay Plan A09.
 - 1. ~~((This definition expressly excludes the total cost of any medical or other benefits provided to any elected official, as well as any expenses paid or reimbursed on behalf of an elected official in compliance with the City policies and procedures for expense reimbursements.))~~

Annual Wage – as applied to the positions of mayor, council president and all council members, "annual wage" or "annual wages" shall mean the specific dollar amount identified in City pay plans A09 and shall exclude the cost of all other benefits provided to the employee.

- C. "Total Compensation" shall mean any salary plus any medical, dental, retirement, deferred compensation and all other benefits provided to the elected officials.

Section 3. That SMC section 2.05.040 is amended to read as follows:

2.05.040 Duties

- A. It is the goal of the commission to base salaries of the mayor, council president and council members on realistic standards so that the elected officials may be paid according to the duties of their offices and so that citizens of the highest quality may be attracted to public service. The commission shall have the duty to review and establish the salary of the mayor, council president and council members. The commission shall study the relationship of ~~((salaries))~~ total cost of compensation to the duties of the mayor, council president and council members.
- B. A decision by the commission to change the salary of the mayor, council president or city council members, shall be filed by the commission with the city clerk by May 31st, shall be final and shall become effective and incorporated into the city budget without further action of the city council or salary commission.
 - 1. Any change of salary, by the commission shall supersede any ordinance or resolution in effect at the time the salaries are changed but only to the extent of such conflict.

- C. Salary increases established by the commission for the mayor, council president and council members shall be effective on the first pay period of the year following the decision of the commission and shall apply to the mayor, council president and all city council members regardless of their terms of office.
- D. Salary decreases established by the commission shall become effective as to an incumbent mayor, council president or council member at the commencement of their next subsequent terms of office.

Section 4. That SMC section 2.050.050 is amended to read as follows:

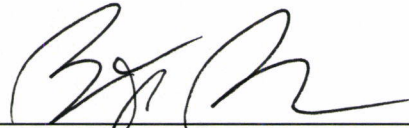
2.05.050 Operations of Commission

- A. The commission may establish its own rules of procedures consistent with the Spokane Municipal Code and state law, which shall include a meeting schedule.
- B. The commission shall annually elect a chair and vice chair from its members.
- C. All meetings of the commission shall be open to the public.
 - 1. At least one of the meetings shall include a public hearing held prior to the commission issuing a decision regarding the establishment of salaries in order to provide an opportunity for the public and the affected elected officials to address the commission.
- D. The commission shall meet to review the salary schedules of the mayor, council president and council members, during even numbered years and may meet more frequently on their own initiative or by a motion of the city council.
 - 1. Decisions of the commission regarding an increase or decrease in the salary schedule shall be filed by the commission with the city clerk by May 31st.
- E. In determining the salaries for the mayor, council president and council members, the commission shall solicit information regarding the elected officials' duties and responsibilities. The commission shall utilize best-practice methodology for determining the elected official's salary giving consideration to data and other information gathered by the City's Human Resources Department and presented to the commission. The commission shall also consider each year information regarding cost of living adjustments (COLA), including the COLA provided by the City to the Managerial and Professional Association in its collective bargaining agreement. Prior to the commission issuing a salary schedule, the commission may request additional financial information and other relevant data from the appropriate city department.
- F. Three members of the commission shall constitute a quorum and the affirmative vote of three members shall be required to approve a salary schedule for the mayor, council president and council members as well as all other matters of the

commission.

- G. The commission shall keep a written record of its proceedings, which shall be a public record in accordance with state law.
 - 1. The commission shall provide written documentation forming the basis for the salary schedule.
- H. The commission shall be assisted in performing its duties by staff members; one budget staff member from the city council office and one staff member from the human resources department assigned by the city administration and the City Council. The staff members will research, review, and provide current data to commission about any proposed salary adjustment and may also make recommendations to the commission based on their research.

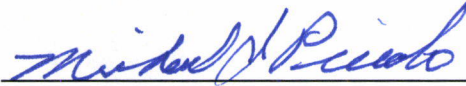
PASSED by the City Council on December 16, 2019.


 Council President PRO-TEM

Attest:


 City Clerk

Approved as to form:


 Assistant City Attorney


 Mayor

Date
February 26, 2020
 Effective Date

VETOED by Mayor: 12/30/19

Council Override of
 Mayoral Veto: 1/27/20

