



King County
Metropolitan King County Council
Committee of the Whole

STAFF REPORT

Agenda Item No.:	6	Date:	12 Dec 2011
Proposed Ordinance No.:	2011-0473	Prepared by:	Nick Wagner

SUMMARY

Proposed Ordinance 2011-0473 (pp. 5-7 of these materials) would reduce the annual cost-of-living increases paid to councilmembers.

BACKGROUND

The County's Fiscal Crises

King County has been experiencing severe fiscal crises for several consecutive years. In responding to these crises, the County has worked collaboratively with its represented and unrepresented employees to control costs. Measures that the County has taken include, among other things, (1) reducing annual cost-of-living increases and (2) increasing the amounts that employees are required to contribute to the cost of their health care.

The County Charter and Code

Section 220.20 of the King County Charter requires the County Council to establish the compensation to be paid to all county officers and employees. In 1983, Ordinance 6603 enacted an annual increase of six percent per year for councilmembers. In 1987, Ordinance 8066 reduced this to an annual increase of three percent. During periods of significant inflation this resulted in a lower increase in compensation than that provided to employees, whose cost-of-living increases were based on changes in the consumer price index; more recently, however, the three percent annual increase provided by Ordinance 8066 has exceeded the increase in the consumer price index, which has led a number of councilmembers to voluntarily give back their three percent annual compensation increases to the County.

THE PROPOSED LEGISLATION

Proposed Ordinance 2011-0473 (pp. 5-7 of these materials) is based on the premise that it is appropriate to limit increases in councilmember compensation so that they will not exceed increases in the cost of living, as measured by the consumer price index; however,

Article XI, Section 8, of the Washington State Constitution prohibits reduction of salaries of elected officials after their election or during their term of office.

To impose an appropriate limitation on councilmember salaries without violating the state constitution, Proposed Ordinance 2011-0473 is intended to amend Ordinance 8066, Section 1, as follows:

1. The cost of living adjustment (COLA) for councilmembers would be set at the lesser of:
 - a. Three percent; or
 - b. Ninety percent of the actual inflation rate, measured as the annual average growth rate of the bimonthly Seattle-Tacoma-Bremerton Area consumer price index for urban wage earners and clerical workers (CPI-W) for the twelve months ending in June of the year preceding the year for which the increase in compensation was being calculated (except that if the consumer-price-index-based rate was below zero, then there would be no increase in compensation).

If the inflation rate exceeded three percent, the increase in councilmember compensation would nevertheless be limited to three percent.

2. Because of the constitutional limitations on reducing the compensation of councilmembers after their election or during their term of office, this change would be implemented for odd-numbered council districts in 2014 (the year following the next election of councilmembers for those districts) and for even-numbered council districts in 2016 (the year following the next election of councilmembers for those districts).
3. Because the staggered implementation would result in a disparity between the compensation of councilmembers representing odd-numbered districts and that of councilmembers representing even-numbered district—and that disparity would otherwise continue, and indeed grow, indefinitely—the amendment would provide for the compensation of all councilmembers to be equalized at the beginning of 2016 at the lower level (that is, the level of the councilmembers representing odd-numbered districts). From that point on, the compensation of all councilmembers would remain equal, and it would be subject to the COLA described in section 1 above.

In its current form Proposed Motion 2011-0473 does not achieve all three of these effects. An amendment is being developed to correct this.¹ If the proposed motion is

¹ The amendment is also expected: (a) to prescribe the COLA for a councilmember who takes office through appointment or special election to fill a council vacancy and (b) to delete the declaration of emergency, which is no longer applicable.

reported out of committee in its current form, the amendment would be adopted by the full Council before final action is taken on the proposed motion.

ATTACHMENTS

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1. Proposed Ordinance 2011-0473	5
2. Ordinance 8066	9
3. Washington State Constitution, art. XI, § 8	11
4. RCW 36.40.205	13
5. King County Charter, § 220	15

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KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 8, 2011

Ordinance

Proposed No. 2011-0473.1

Sponsors McDermott, Ferguson, Patterson
and Hague

1 AN ORDINANCE related to salaries of county
2 councilmembers; providing for the reduction of annual
3 increases to the compensation paid to councilmembers;
4 amending Ordinance 8066, Section 1; and declaring an
5 emergency.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. Findings:

8 A. King County has been experiencing severe fiscal crises for several
9 consecutive budget years.

10 B. The county has worked collaboratively with its represented and unrepresented
11 employees to reduce employee compensation including reductions in the annual increases
12 intended to offset the cost of living.

13 C. The county has worked with its employees to reduce the cost of providing
14 other benefits to county employees through reductions in the costs associated with
15 providing healthcare including increased employee contributions to the cost of health
16 care.

17 D. Section 220.20 of the King County Charter requires the county council to
18 establish the compensation to be paid to all county officers and employees. In 1983,
19 Ordinance 6603 enacted an annual increase of six percent per year for councilmembers.

20 In 1987, Ordinance 8066 reduced this to an annual increase in compensation of three
21 percent.

22 E. In periods of significant inflation this adjustment resulted in a lower increase
23 in compensation than that provided to employees. Cost-of-living increases for employees
24 have been based on changes in the consumer price index. It is appropriate to limit
25 increases in councilmember compensation so that they will not exceed increases in the
26 consumer price index.

27 F. The state constitution prohibits reduction of salaries of elected officials after
28 their election or during their term of office. This creates significant lag time in reducing
29 the increase in their salaries.

30 G. Due to the ongoing financial hardship facing the county, the constitutionally
31 required delay in reducing elected officials' salaries, and the ongoing need to limit cost-
32 growth each year, immediate enactment of this ordinance is necessary for it to become
33 effective before the general election of November 8, 2011.

34 SECTION 2. Ordinance 8066, Section 1, is hereby amended to read as follows:

35 Consistent with Article XI, Section 8 of the Washington State Constitution, RCW
36 36.40.205, and Section ((960)) 220 of the King County Charter((;)), the compensation for
37 all elective county council positions shall be increased annually, beginning January 1,
38 2014, at the rate of ((3% per year)) the lesser of either: three percent; or ninety percent of
39 the annual average growth rate of the bimonthly Seattle-Tacoma-Bremerton Area
40 consumer price index for urban wage earners and clerical workers (CPI-W), July of the
41 previous year to June of the year preceding a possible increase in compensation. If the

42 consumer-price-index-based amount is below zero, then there shall be no increase in
43 compensation for the subsequent year.

44 SECTION 3. The council finds as a fact and declares that an emergency exists
45 and that this ordinance is necessary for the immediate preservation of public peace,
46 health, or safety or for the support of county government and its existing public
47 institutions.

48

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Gossett, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this _____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None

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ORDINANCE NO. 18066

AN ORDINANCE relating to councilmembers' compensation, amending Ordinance 6603 adding a new section.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 6603 is hereby amended by adding a new section as follows:

COUNCILMEMBERS' COMPENSATION. Consistent with Article XI, Section 8 of the Washington State Constitution, RCW 36.40.205, and Section 960 of the King County Charter; the compensation for all elective county council positions shall be increased at the rate of 3% per year effective January 1, 1990, and as of January 1st of each ensuing year.

SECTION 2. Ordinance No. 6603, Sections 6 and 7 are hereby repealed.

SECTION 3. The effective date of this ordinance shall be January 1, 1990.

INTRODUCED AND READ for the first time this 4th day of May, 1987.

PASSED this 11th day of May, 1987.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Gary Grant
Chair

ATTEST:

Dorothy M. Owens
Clerk of the Council

APPROVED this 21st day of May, 1987.

[Signature]
King County Executive

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Washington State Constitution

SECTION 8. SALARIES AND LIMITATIONS AFFECTING. The salary of any county, city, town, or municipal officers shall not be increased except as provided in section 1 of Article XXX or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed. [AMENDMENT 57, art, 1971 Senate Joint Resolution No. 38, part, p 1829. Approved November, 1972.]

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RCW 36.40.205

Salary adjustment for county legislative authority office — Ratification and validation of preelection action.

If prior to the election for any county legislative authority office, a salary adjustment for such position to become effective upon the commencement of the term next following such election is adopted by ordinance or resolution of the legislative authority of such county, and a salary adjustment coinciding with such preceding ordinance or resolution thereof is properly adopted as part of the county budget for the years following such election, such action shall be deemed a continuing part of and shall ratify and validate the preelection action as to such salary adjustment.

[1975 1st ex.s. c 32 § 1.]

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King County Charter

Section 220 The Metropolitan County Council.

220.10 Composition and Terms of Office.

The metropolitan county council shall consist of nine members. The county shall be divided into nine districts, and one councilmember shall be nominated and elected by the voters of each district. The term of office of each councilmember shall be four years and until his or her successor is elected and qualified. (Ord. 14767 § 1, 2004; Ord. 10530 § 1, 1992).

220.20 Powers.

The county council shall be the policy determining body of the county and shall have all legislative powers of the county under this charter. The county council shall exercise its legislative power by the adoption and enactment of ordinances; shall levy taxes, appropriate revenue and adopt budgets for the county; shall establish the compensation to be paid to all county officers and employees and shall provide for the reimbursement of expenses; except as otherwise provided herein shall have the power to establish, abolish, combine and divide administrative offices and executive departments and to establish their powers and responsibilities; shall adopt by ordinance comprehensive plans including improvement plans for the present and future development of the county; shall have the power to conduct public hearings on matters of public concern to assist it in performing its legislative responsibilities and to subpoena witnesses, documents and other evidence and to administer oaths, but the subpoena power of the county council shall be limited to matters relating to proposed ordinances which are being considered by the county council, and any witness shall have the right to be represented by counsel. The specific statement of particular legislative powers shall not be construed as limiting the legislative powers of the county council.

220.30 Organization.

The county council shall elect one of its members as chairman, shall be responsible for its own organization and for the employment and supervision of those employees whom it deems necessary to assist it or individual councilmen in the exercise of their legislative powers and shall appoint a clerk to maintain its records.

220.40 Rules of Procedure.

The county council shall adopt by ordinance rules of procedure governing the time, place and conduct of its meetings and hearings and the introduction, publication, consideration and adoption of ordinances. All meetings shall be open to the public, and a verbatim public record shall be kept of each meeting and the votes taken therein in the form, and for a reasonable period of time, as provided by ordinance.

220.50 Relationship with Other Branches.

The county council and the individual councilmen shall not interfere in the administration, and shall not issue orders to any officer, agent or employee, of any other branch of the county government.