

**Mountlake Terrace Salary Commission
Agenda for September 11, 2019**

1. **Introductions**
2. **Purpose**
 - a. Council ordinance
3. **Protocol**
 - a. Open Public Meetings Act (OPMA)
 - i. "Meetings in the Round" via email or phone
 - b. Public Records Act
4. **Process**
 - a. Salary Survey
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 - b. Vice Chair (?)

Chapter 2.140
MOUNTLAKE TERRACE SALARY COMMISSION

Sections:

- 2.140.010 Commission created – Purpose.**
- 2.140.020 Appointment.**
- 2.140.030 Membership – Qualifications.**
- 2.140.040 Term.**
- 2.140.050 Duties.**
- 2.140.060 Open meetings and public hearings.**
- 2.140.070 Referendum.**

2.140.010 Commission created – Purpose.

An independent salary commission is hereby created for the purpose of setting the salaries of the City of Mountlake Terrace elected officials. The official name of the Commission shall be the Mountlake Terrace Salary Commission. (Ord. 2744 § 2, 2019).

2.140.020 Appointment.

A. Every five years, beginning in 2019, a Salary Commission shall be appointed and the Commission shall begin a salary review as provided herein.

B. For each five-year salary review, the Mayor shall appoint five Commission members which shall be ratified by the City Council. (Ord. 2744 § 2, 2019).

2.140.030 Membership – Qualifications.

A. A member shall be a resident of the City and serve without compensation.

B. A member of the Commission shall not be an officer, official, or employee of the City or an immediate family member of an officer, official, or employee of the City. For purposes of this section, "immediate family member" means the parents, spouse, siblings, children, or other dependent relatives of the officer, official, or employee, whether or not living in the household of the officer, official, or employee.

C. In the event of a vacancy in office of Commissioner, the Mayor shall appoint, subject to ratification by the City Council, a person to serve the unexpired portion of the term of the expired position.

D. A member of the Commission shall only be removed from office for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of residence. (Ord. 2744 § 2, 2019).

2.140.040 Term.

A. Each appointed Salary Commission member shall serve for one salary review term, as provided in MTMC 2.140.020. The term shall commence upon City Council appointment and confirmation and shall terminate upon the Commissioners' adoption of a written salary schedule by resolution and filing of the statement of salaries with the City Clerk or until the Commission by majority vote determines that no salary adjustment is warranted.

B. No member of the Commission shall be appointed to more than two consecutive terms. (Ord. 2744 § 2, 2019).

2.140.050 Duties.

A. Except as provided herein, the Commission shall be solely responsible for its own organization, operation, and action and shall enjoy the fullest cooperation of all elected officials, departments and agencies of the City. Every five years commencing 2019 an appointed Commission shall serve and have the duty to review, determine and establish the salaries paid by the City to City of Mountlake Terrace elected officials. If after such review the Commission determines that the salary paid to the Mayor or City Council should be increased or decreased, the Commission shall adopt by resolution a written salary schedule and file with the City Clerk indicating the increase or decrease in salary and the effective date. Prior to adoption by resolution and before filing the salary schedule with the City Clerk, the City Attorney shall review the salary schedule for ambiguity and shall approve the salary schedule as to form if the salary schedule meets all legal requirements as to form.

B. For purposes of this chapter, "salary" or "salaries" means any fixed compensation paid or provided periodically for work or services and includes, but is not limited to, wages and medical or other benefits. This definition expressly excludes any expenses paid or reimbursed on behalf of the Mayor or Council member for training and travel expenses.

C. The Commission shall convene, complete its review, adopt by resolution and file its schedule of salaries for the Mayor and City Council with the City Clerk within 120 days of the appointment of the Commission. The 120-day review time schedule may be extended upon request by the Commission and approval by the City Council.

D. Meetings may be scheduled by the chair of the Commission or by a majority vote of the Commission. Meetings shall be conducted in the Mountlake Terrace City Council Chambers. Three members of the Commission shall constitute a quorum and are necessary for conducting a meeting. Meetings shall be conducted pursuant to Robert's Rules of Order, Newly Revised 10th Edition.

E. The decision to raise or lower salaries requires an affirmative vote of at least a majority of the whole membership of the Commission.

F. After determining and establishing the salaries of the Mayor and the City Council, the Salary Commission shall adopt by resolution and file a statement of the salaries with the City Clerk.

G. Any increase or decrease in salary shall, as set forth in subsections H and I of this section, become effective and incorporated into the City budget without further action of the City Council or the Commission.

H. Salary increases established by the Commission shall be effective as to all City elected officials, regardless of their terms of office. Salary increases established by the Commission shall be effective on the next payday for City employees, or under the conditions established in the salary schedule.

I. Salary decreases established by the Commission shall become effective as to incumbent City elected officials at the commencement of their next subsequent terms of office.

J. Any adjustment of salary by the Commission shall supersede any City ordinance related to the budget or to the fixing of salaries. (Ord. 2744 § 2, 2019).

2.140.060 Open meetings and public hearings.

All meetings of the Commission shall be open to the public. Prior to a Commission vote to increase or decrease salaries and the filing of any salary schedule, at least one of the meetings shall include a public hearing to provide an opportunity for the public, the Mayor, Mayor Pro-Tem, and/or City Council members to

address the Commission. Citizen comments shall be conducted in a manner consistent with those heard at regularly scheduled meetings of the Council. The Mayor, Mayor Pro-Tem, and/or City Council members shall only address the Commission regarding Commission business at a regularly scheduled Commission meeting or by public written comment. (Ord. 2744 § 2, 2019).

2.140.070 Referendum.

A. Any salary increase or decrease established by the Commission pursuant to this chapter shall be subject to referendum petition by the people of the City, in the same manner as a City ordinance, upon filing of such petition with the City Clerk within 30 days after filing of the salary schedule by the Commission.

B. In the event of the filing of a valid referendum petition, the salary increase or decrease shall not go into effect until approved by a vote of the people.

C. Referendum measures under this section shall be submitted to the voters of the City 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 provisions of the State Constitution and the laws generally applicable to referendum measures. (Ord. 2744 § 2, 2019).

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**Chapter 2.10
CITY COUNCIL RULES AND PROCEDURES***

Sections:

- 2.10.010 Meetings and Council attendance.**
- 2.10.020 Agenda.**
- 2.10.030 Presiding officer.**
- 2.10.040 Roll call.**
- 2.10.050 Quorum.**
- 2.10.060 Order of business.**
- 2.10.070 Reading of minutes.**
- 2.10.080 Council – Speaking.**
- 2.10.090 Addressing the council.**
- 2.10.100 Voting.**
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- 2.10.120 Ordinances – Resolutions – Motions – Contracts.**
- 2.10.130 Recess.**
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- 2.10.150 Robert’s Rules of Order.**
- 2.10.160 Leaves of absence.**
- 2.10.170 Written application required for leave of absence.**
- 2.10.180 Pro tempore appointments.**

*Prior legislation: Ord. 1478.

2.10.010 Meetings and Council attendance.

A. Regular Meetings. The City Council shall meet regularly on the first and third Mondays of each month at 7:00 p.m. except that when either of these days falls on a legal or national holiday, the Council shall meet on the following evening at the same hour. The Council shall also meet regularly on the Thursday preceding each first and third Monday meeting at 7:00 p.m. in work/study sessions.

B. Special Meetings. Special meetings may be called by the Mayor or four Council members. Notice of special meetings shall comply with the law of the State of Washington in effect at the time of the meeting.

C. Council Attendance. Council members shall comply with RCW 35A.12.060, Vacancy for non-attendance, which reads as follows: “In addition a council position shall become vacant if the council member fails to attend three consecutive regular meetings of the council without being excused by the council.” Regular meetings shall include both regularly scheduled Council meetings and regularly scheduled work/study session meetings, as described in subsection A of this section.

D. Procedure for Excused Absences. Council members shall be required to contact the City Clerk’s office no later than 5:00 p.m. of the day of the meeting requesting he/she be excused from the meeting and stating the reason for such absence. Failure to comply, except in cases of emergency, shall result in an unexcused

absence. The Clerk shall inform the Council of the reason for the member's absence. Upon passage of a motion by a majority of the members present, the absent member shall be considered excused and the Clerk will make an appropriate notation in the minutes. If the motion is not passed, the Clerk will note in the minutes that the absence is unexcused.

E. Telephonic Attendance. A Council member may attend a Council meeting via telephone once per calendar year. Telephonic attendance of a Council member shall not constitute a quorum of the Council. In order to attend a Council meeting via telephone, a Council member shall inform the City Clerk no later than three working days before the meeting in order for a telephone connection to be arranged, whereby the voice of the Council member can be identified, the Council member can hear all that is spoken at the meeting, and all persons at the meeting can hear the Council member speak. To attend a Council meeting by telephone, a Council member shall have received in advance all materials for the meeting. Telephone attendance of a Council member for purposes of voting on a quasi-judicial matter at a Council meeting is prohibited. (Ord. 2383 § 1, 2005; Ord. 2321 § 1, 2002; Ord. 2306 § 1, 2002; Ord. 2249 § 1, 2000; Ord. 2192 § 1, 1998; Ord. 1990, 1993; Ord. 1869, 1990; Ord. 1639, 1985; Ord. 1320, 1980; Ord. 1202 § 1, 1978).

2.10.020 Agenda.

All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council shall (normally) be delivered to the City Manager by 5:00 p.m. on the Wednesday preceding the Council meeting, whereupon the City Manager shall arrange a list of such matters according to the order of the business and furnish each member of the Council, the City Clerk, and the City Attorney with a copy of the same prior to the Council meeting and as far in advance of the meeting as time for preparation will permit. At the same time, the City Manager will place a copy of the agenda in the lobby of Mountlake Terrace Temporary City Hall, 6100 219th Street S.W. – Suite 200, Mountlake Terrace, WA, and at the Mountlake Terrace Library, 23300 58th Avenue W., Mountlake Terrace, WA. None of the foregoing matters shall be presented to the Council by administrative officials without the approval of the City Manager before presentation. (Ord. 2513 § 1, 2009; Ord. 1202 § 2, 1978).

2.10.030 Presiding officer.

Biennially, in the meeting at which the newly elected Councilpersons take office, the Council shall choose from among its members by majority vote a chairperson (presiding officer) who shall have the title of Mayor. An assistant chairperson (presiding officer) who shall have the title of Mayor Pro Tempore shall be elected by majority vote of the Council at the first regular meeting of a newly formed Council. The Mayor shall serve until the next regularly elected Councilperson takes office unless removed as provided in this section. The Mayor Pro Tempore shall serve for a term of one year unless removed as provided in this section. At the first regular meeting following the Mayor Pro Tempore term, another election for Mayor Pro Tempore shall be held. The Mayor Pro Tempore may be re-elected or any other Councilperson may be elected. If neither the Mayor or Mayor Pro Tempore are present at a meeting and a quorum is present, the presiding officer shall be elected by a majority vote of those Councilpersons present. The Mayor Pro Tempore shall act as Mayor during the absence or disability of the Mayor and shall succeed to the office of Mayor in case of a vacancy or removal of the Mayor as provided in this section.

The Mayor or the Mayor Pro Tempore, when serving as Mayor, shall preside at meetings of the Council and shall be recognized as head of the City government for all ceremonial purposes and by the Governor for purpose of military law. He/she shall have the rights, privileges and immunities of a member of the City Council but shall have no regular administrative duties as Mayor.

The Council may remove the Mayor or the Mayor Pro Tempore from the respective position in accordance with the following procedure:

A. The Council must adopt by an affirmative vote of at least five of its members a resolution stating the reason or reasons for the proposed removal which resolution, if adopted, shall be served on or mailed to the officer proposed to be removed.

B. Within 15 days after such service or mailing, the officer proposed to be removed may file with the City Clerk a written reply and request a public hearing. The hearing, if requested, shall be conducted not earlier than 15 days nor later than 30 days after the filing of the hearing request. If the Mayor is the officer proposed to be removed, the Mayor Pro Tempore shall preside at the hearing and during the Council deliberations and action, if any, on the question of removal. If the Mayor Pro Tempore is the officer proposed to be removed and the Mayor is unavailable to preside at the hearing or Council deliberations and action, if any, the Council shall select another from its members to preside.

C. Not less than 30 days after the date of adoption of the proposed removal resolution and after the public hearing, if requested, the Council may remove the officer by adoption of a resolution by an affirmative vote of at least five of its members.

D. Should the Mayor Pro Tempore be removed by resolution, the City Council shall immediately hold an election and elect a Mayor Pro Tempore by majority vote.

E. Should both the Mayor and Mayor Pro Tempore be removed by resolution at the same Council meeting, the Council shall immediately hold an election and by majority vote proceed to elect a Mayor and Mayor Pro Tempore.

The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council. He/She shall state all questions coming before the Council, provide opportunity for discussion from the floor, announce the decision of the Council on all subjects and decide all questions of order, subject to appeal of the Council; in which event a majority vote of the Council shall govern.

The Mayor or two members of the Council shall sign all ordinances and resolutions adopted by the Council. In the absence of the Mayor, the Mayor Pro Tempore shall sign ordinances or resolutions as then adopted. (Ord. 2383 § 2, 2005; Ord. 2068, 1995; Ord. 1202 § 3, 1978).

2.10.040 Roll call.

Before proceeding with business, a roll call of Council members shall be made by the City Clerk and the names of those present recorded in the minutes. (Ord. 1202 § 4, 1978).

2.10.050 Quorum.

A majority of the Council shall constitute a quorum. (Ord. 1202 § 5, 1978).

2.10.060 Order of business.

A. The consent calendar may include bid openings, petitions, communications, recognitions, and proclamations, current business, new business, and adoption of ordinances and resolutions which shall be considered for Council approval as one motion. Any item may, at the request of any Council member, be removed from the consent calendar and restored to its proper order.

B. An item of business may be changed to a different order during a meeting by a majority vote of the City Council.

C. All public hearings in regular City Council meetings shall be held at 7:00 p.m., or as soon thereafter as the orderly process of the meeting allows. (Ord. 2383 § 3, 2005; Ord. 2235 § 1, 2000; Ord. 1670, 1986; Ord. 1202 § 6, 1978).

2.10.070 Reading of minutes.

Unless a reading of minutes of a Council meeting is requested by a Council member, such minutes may be approved without reading; provided the City Clerk has furnished each member with a written copy of the minutes prior to the meeting. (Ord. 1202 § 7, 1978).

2.10.080 Council – Speaking.

A. A Council member desiring to speak shall address the chair and upon recognition by the presiding officer shall confine himself to the question under debate.

B. Any member, while speaking, should not be interrupted unless it be to call him to order.

C. No member shall speak a second time upon the same motion before opportunity has been given each member to speak on the motion. (Ord. 1202 § 8, 1978).

2.10.090 Addressing the council.

All persons, upon recognition of the presiding officer, shall be provided opportunity to address the Council, but the presiding officer shall give recognition in the following order:

A. To those whose request to be heard is contained in the written agenda.

B. To those who have submitted their request to be heard in writing to the City Clerk before the Council meeting.

C. To those who ask recognition from the floor.

Public comment at meetings of the City Council shall be limited to only those persons physically present and in attendance at the meeting. If a person is unable to physically attend a meeting of the City Council, the individual may provide comment through written communication.

If the matter about which the request to be heard is not set forth in the written agenda, these requests shall be honored only during that portion of the meeting reserved for public comment. Public comments shall not be taken on items subject to quasi-judicial consideration by the Council, unless it is during a specified public hearing on that topic. Oral communications regarding items listed on the agenda will be taken when that agenda item is heard.

In addressing the Council, each person should stand and, after recognition, move to the public comment table microphone, give his/her name and address, and shall limit his/her address to five minutes. No comment shall be made from any other location except upon majority vote of the City Council. All remarks shall be made to the Council as a body and not to any individual member. To ensure equal opportunity for the public to comment, each person may address the Council only one time during the public comment portion of the meeting, and one time for each agenda action item under discussion. No speaker may convey or donate his or her time for speaking to another speaker. If a number of people wish to speak to a particular topic or issue, the City Council by majority vote may limit at that meeting the total amount of time dedicated to that single issue.

No person shall make personal attacks or threatening remarks while addressing the Council, which disrupt, disturb, or otherwise impede the orderly conduct of the Council meeting.

Any person who is engaging in conduct that disturbs, disrupts, or impedes the business of the City Council, or whose comments have been ruled out of order by the presiding officer, shall immediately cease and refrain from further improper comments or inappropriate conduct. The refusal of an individual to desist from inappropriate remarks or conduct after being ruled out of order by the presiding officer may subject the individual to removal from the council chambers and the person may be barred from further audience before the City Council during that meeting by the presiding officer or other remedies imposed as provided in RCW 42.30.050 now or hereinafter amended. (Ord. 2705 § 1, 2017; Ord. 1202 § 9, 1978).

2.10.100 Voting.

Silence of a member during a voice vote shall be recorded as an affirmative vote. Unless otherwise provided for by statute, ordinance, or resolution, all votes on Council action, including the adoption of ordinances or resolutions, shall be taken by voice vote; provided, however, if requested by a Council member, any question shall be voted upon by roll call, and the ayes and nays shall be recorded. The roll call vote of all present Council members, if requested, shall be carried out by the City Clerk in a random order as determined by the City Clerk in his/her sole discretion.

Each member present must vote on all questions before the Council and may abstain only for reasons acceptable to a majority of the Council. (Ord. 2488 § 1, 2008; Ord. 2383 § 4, 2005; Ord. 1202 § 10, 1978).

2.10.110 Committees.

A. Special. All special committees shall be appointed by the presiding officer with the approval of the Council.

B. Standing. Standing committees shall be constituted by ordinance or resolution; said ordinance or resolution to specify duties, length of term of members, number of members, method of appointment and reason for standing committee. In no case is a standing committee to be vested with administrative authority.

C. Finance Committee.

1. There is hereby established and created a Finance Committee for the City of Mountlake Terrace, which shall be composed of two members of the City Council who shall be appointed by the Mayor for terms of one year each, and the City Manager or Finance Director if so designated by the Manager.

2. The City Manager, or the Finance Director if so designated by the City Manager, shall act as chairman of said committee, and the office of said committee shall be in the office of the Finance Director.

3. The Finance Director shall maintain copies of all claims approved by the Finance Committee, as required by law.

4. Prior to payment all claims shall be audited and certified by the Auditing Officer as designed in Chapter 2.20 MTMC.

5. All expenditures will require Finance Committee approval prior to payment except for those instances where there will be a penalty for late payments, lost discounts, on-going routine budgeted expenditures, and emergency purchases, as approved by the City Manager. Any expenditure made prior to Finance Committee approval shall require retroactive approval by the Finance Committee and City Council.

6. Said Committee may make such rules and regulations for the conduct of its business as are not inconsistent with law. (Ord. 2383 § 4, 2005; Ord. 2359 § 1, 2004; Ord. 1511, 1983; Ord. 1202 § 11, 1978).

2.10.120 Ordinances – Resolutions – Motions – Contracts.

A. Ordinances, resolutions, and other matters requiring action by the Council must be introduced and sponsored by a member of the Council, except that the City Manager, or other staff persons, in the manner provided by MTMC 2.10.020, may present ordinances, resolutions, and other matters to the Council, and any Council member may assume sponsorship thereof by moving that such ordinances, resolutions, or other matters be adopted.

B. Unless statute, ordinance, or resolution provide otherwise, the adoption of an ordinance or resolution may be put to its final passage on the same day on which it was introduced.

C. Publications and Posting of Ordinances, Notices, Etc.

1. All ordinances, notices or other matters required by law to be publicly posted by the City of Mountlake Terrace, and all boards, commissions or agencies thereof, shall be posted for the period required by law in the following public places:

- a. Lobby of Mountlake Terrace Temporary City Hall, 6100 219th St. S.W. – Suite 200, Mountlake Terrace, WA;
- b. Mountlake Terrace Library, 23300 58th Avenue W., Mountlake Terrace, WA;
- c. Recreation Pavilion, 5303 228th Street S.W., Mountlake Terrace, WA;
- d. United States Post Office, 5706 232nd Street S.W., Mountlake Terrace, WA.

2. Ordinances approved, passed and enacted by the City Council of the City of Mountlake Terrace shall be published once in The Everett Herald, a legal newspaper of general circulation within the said City. Nothing herein shall be construed so as to prevent the publication of ordinance summaries as provided by law.

D. Public Information Center.

1. The agenda of the coming City Council meeting, with all informational materials provided with the agenda, will be placed in the lobby of the Mountlake Terrace Temporary City Hall for public view in an orderly and easily defined manner.

2. This information will be held for two weeks after the bi-monthly City Council meetings along with the agenda, also in the lobby of the Mountlake Terrace Temporary City Hall. (Ord. 2513 § 2, 2009; Ord. 2488 § 2, 2008; Ord. 2383 § 5, 2005; Ord. 1623, 1985; Ord. 1491, 1982; Ord. 1320, 1980; Ord. 1202 § 12, 1978).

2.10.130 Recess.

A motion for temporary recess shall always be in order and may not be debated. (Ord. 1202 § 13, 1978).

2.10.140 Adjournment.

A motion to adjourn shall be in order after completion of the written agenda items and may not be debated. (Ord. 1202 § 14, 1978).

2.10.150 Robert's Rules of Order.

Questions of parliamentary procedure, not covered by these rules, shall be governed by Robert's Rules of Order. (Ord. 1202 § 15, 1978).

2.10.160 Leaves of absence.

The City Council may by motion grant leaves of absence to its members for such term as may commend itself to the discretion of the Council. (Ord. 1213 § 1, 1978).

2.10.170 Written application required for leave of absence.

Any such leave shall be pursuant to written application setting forth the necessity therefor as occasioned by exigencies of employment, health, or other good cause as determined in the discretion of the Council. (Ord. 1213 § 2, 1978).

2.10.180 Pro tempore appointments.

The City Council, by majority vote, may make a pro tempore appointment to any position on the Council whose member may have been granted a leave pursuant to the provisions of this chapter. (Ord. 1213 § 3, 1978).