



**ORDINANCE NO. 3386**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RESTORING PROVISIONS RELATING TO ELECTED OFFICIALS' SALARIES; AMENDING SECTIONS 2.04.072, 2.04.074 AND 2.10.030 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING SECTION 2.04.075 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, SUMMARY PUBLICATION, AND AN EFFECTIVE DATE.**

WHEREAS, pursuant to and subject to limitations in State law, including RCW 35A.12.070, the City Council has authority to establish the salaries of the City Council and the Mayor; and

WHEREAS, when the City Council sets salaries for the City's elected officials, (1) any revised salary for a Councilmember cannot take effect during that Councilmember's current term of office, and (2) any salary increase for the Mayor may take effect during the Mayor's current term of office if the Mayor does not vote to break a tie on the decision to increase the salary, and any salary decrease for the Mayor cannot take effect during the Mayor's current term of office; and

WHEREAS, the salaries for the City's Mayor and City Council have been adjusted from time to time, pursuant to State law; and

WHEREAS, in addition, RCW 35.21.015 authorizes a city council to establish a salary commission, and once established the salary commission sets the salaries for the city's elected officials, in accordance with the provisions of RCW 35.21.015 and any related city code provisions; and

WHEREAS, under RCW 35.21.015, if a salary commission sets the salaries for elected officials, salary increases may take effect during the elected officials' current terms of office, upon the salary commission filing its decision on the elected officials' salaries (a salary schedule) with the office of the city clerk and without further action of the city council, but salary decreases cannot take effect until a subsequent term of office; and

1           WHEREAS, in Ordinance No. 3348, passed on November 12, 2019 and codified at Chapter  
2 2.98 of the City Code, the City Council established a Salary Commission for the City, and  
3 subsequently salary commissioners were appointed and confirmed; and  
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5           WHEREAS, during 2020, the Salary Commission reviewed the salaries of the City’s elected  
6 officials pursuant to Chapter 2.98 LMC, and filed a decision establishing elected officials’ salaries,  
7 effective January 1, 2021 for salary increases and effective upon a subsequent term of office for  
8 salary decreases; and  
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10           WHEREAS, on November 23, 2020, the City Council passed Ordinance No. 3379,  
11 eliminating the City’s Salary Commission, and therefore the City Council has resumed authority  
12 and responsibility for setting the salaries of the City’s elected officials, in accordance with law;  
13 and  
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15           WHEREAS, the City Council after due consideration has determined that it is in the best  
16 interests of public health, safety, and general welfare, to return the City code provisions relating  
17 to the salaries of elected officials to the language that was in place immediately before the Salary  
18 Commission was created in 2019, as near as practical and as set forth below, which will have the  
19 effect of restoring the elected officials’ salaries to the amounts that would have been in place but  
20 for the Salary Commission’s decision, to be effective at the times allowed by law;  
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22           NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS  
23 FOLLOWS:  
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25 Section 1.       Section 2.04.072 of the Lynnwood Municipal Code is amended to read as follows:  
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27 **2.04.072        Compensation of council members.**

28 A.       For the calendar year 2021 and until a subsequent term of office for a council member  
29 position, eEach person elected or appointed to serve as a member of the council for the city of  
30 Lynnwood shall receive compensation in such structure and amounts as the salary commission  
31 hasmay established from time to time in accordance with Chapter 2.98 LMC.

32 ~~B.       Each person elected or appointed to serve as a member of the council for the city of~~  
33 ~~Lynnwood shall receive other benefits as provided by this chapter.~~

34 B.       Upon the commencement of a council member’s term of office that begins on or after  
35 January 1, 2022, the person elected or appointed to serve as a member of the council shall  
36 receive, as compensation for service to the city of Lynnwood, a base payment per month in the  
37 amount of \$900, plus a “per meeting” payment bank of \$750.00. Councilmembers attending  
38 five regular scheduled council meetings shall have earned the full \$750.00 “per meeting”  
39 payment. For councilmembers attending less than the five regular scheduled council meetings,  
40 a \$150.00 deduction for the “per meeting” payment bank shall occur for each meeting missed,  
41 except as provided for in this section.

1           1.       If fewer than five regular council meetings are scheduled in a month, council  
2 members attending all of the regular council meetings for that month shall be entitled to receive  
3 the full \$750 payment for meeting attendance.

4           2.       Each councilmember shall be entitled to four automatic excused absences, at their  
5 discretion, during any calendar year. These paid absences shall be in lieu of vacation time that is  
6 provided for other city employees. Other excused absences, without compensation, may be  
7 granted by a majority vote of the council as per RCW 35A.12.060.

8 C.       Council President – Additional Compensation. In addition to the compensation provided  
9 under subsection A or B above, any councilmember holding the office of council president shall  
10 receive an additional \$200.00 per month as compensation for the responsibilities of the position.

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12 Section 2.       Section 2.04.074 of the Lynnwood Municipal Code is amended to read as follows:

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14 **2.04.074       Councilmember waiver and election not to receive “per meeting” compensation.**  
15 ~~Councilmembers may elect to waive any compensation that is established by the salary~~  
16 ~~commission pursuant to Chapter 2.98 LMC. A councilmember may waive and elect not to be paid~~  
17 ~~the any “per meeting” compensation set forth in LMC 2.04.072 which may be established by the~~  
18 ~~salary commission pursuant to Chapter 2.98 LMC. Notice of such waiver and election must be:~~

- 19  
20 A.       Given to the finance director in writing, signed by the councilmember;  
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22 B.       Joined in by the councilmember’s spouse, if any, if the notice is for a future meeting, as  
23 required by RCW 49.48.100; and  
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25 C.       Given within 72 hours of the meeting for which compensation is waived and elected not  
26 to be paid, if the waiver and election is for “per meeting” compensation.

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29 Section 3.       Section 2.04.075 of the Lynnwood Municipal Code is repealed.

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32 Section 4.       Section 2.10.030 of the Lynnwood Municipal Code is amended to read as follows:

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34 **2.10.030       Salary.**

35 A.       For the calendar year 2021, t~~The mayor shall receive a salary in thesuch amount thatas~~  
36 ~~the salary commission hasmay established from time to time in accordance with Chapter 2.98~~  
37 ~~LMC.~~

38 B.       Beginning with the mayor’s term of office starting on January 1, 2022, t~~The mayor shall~~  
39 ~~receive a salary in thesuch amount of \$9356.53 per month, with annual adjustments made~~  
40 ~~January 1 each year in the same percentage amount of increase as given to non-represented~~  
41 ~~salaries staff, and including that annual adjustment for 2021 and thereafter~~~~as the salary~~  
42 ~~commission may establish from time to time in accordance with Chapter 2.98 LMC.~~

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Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase or word of this Ordinance.

Section 6. Publication and Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL this 14<sup>th</sup> day of December, 2020.

APPROVED:

DocuSigned by:  
Nicola Smith 12/15/2020  
281B3CE79E884DA...  
Nicola Smith, Mayor

ATTEST/AUTHENTICATED:

DocuSigned by:  
Karen Fitzthum  
549561675C98433  
Karen Fitzthum, Acting City Clerk

APPROVED AS TO FORM:

DocuSigned by:  
Rosemary Larson  
784478F3B482439  
Rosemary Larson, City Attorney

PASSED BY THE CITY COUNCIL: 12/14/2020  
PUBLISHED: 12/17/2020  
EFFECTIVE DATE: 12/22/2020  
ORDINANCE NUMBER: 3386