

ORIGINAL

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, AMENDING
CHAPTER 2.10 OF THE SUNNYSIDE MUNICIPAL CODE
CONCERNING THE COUNCIL SALARY COMMISSION**

WHEREAS, Chapter 2.10 of the Sunnyside Municipal Code establishes a City Council Salary Commission charged with setting the salaries of the mayor, mayor pro tem, and City Council members; and

WHEREAS, the City Council has determined that SMC sections 2.10.010 and 2.10.050 need to be amended (1) to reflect the actual make-up of the City Council, (2) to eliminate the requirement that the initial meeting take place prior to November 15, 2007, and (3) to clarify that Council Salary Commission meetings need not occur during any particular months of the year; and

WHEREAS, the City Council has determined that the amendment of Chapter 2.10 of the Sunnyside Municipal Code is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

Section 1. Sunnyside Municipal Code section 2.10.010 is hereby amended to read as follows:

2.10.010 Commission created.

There is created a city council salary commission ("commission"), which shall consist of three members who are residents and registered voters of the city, which shall be charged with setting the salaries of the mayor, the deputy mayor, and members of the city council (hereinafter collectively referred to as the "council"). Each member of the commission shall be appointed by the mayor, with the approval of the council. Prior to consideration for appointment, each candidate shall complete an application form as required by the council, which shall be reviewed by the mayor and council prior to appointment to the commission.

Section 2. Sunnyside Municipal Code section 2.10.050 is hereby amended to read as follows:

2.10.050 Procedure – Duties.

(1) The commission shall meet no less than once each year. Additional meetings may be scheduled by the chair of the commission or by a majority vote of the commission. At least one of the meetings shall include a public hearing to provide an opportunity for the public, the mayor, deputy mayor, and/or city council members to address the commission.

(2) All meetings shall be open to the public, and shall be held in the same location as that of regularly scheduled council meetings, unless the public notice for any meeting specifies another location.

(3) The decision to raise or lower salaries shall be by a decision of a majority of the commission, provided such majority must be a number at least as large as the majority of total commission positions.

(4) Prior to a commission vote to raise or lower salaries, citizens of the city shall have an opportunity to comment or submit comments in writing. Citizen comments shall be conducted in a manner consistent with those heard at regularly scheduled meetings of the council.

(5) Prior to a commission vote to raise or lower salaries, the commission may request additional financial information and other relevant data, other than that information provided in subsection (6) of this section, from the city manager, who shall be responsible for providing staff support to the commission personally or upon delegation to an outside agent retained to provide such support.

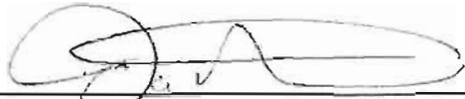
(6) The city manager shall provide the commission with and the commission shall consider information regarding salaries paid to city council members from comparable cities, which shall be comprised of cities with a council-manager form of government with populations over 15,000 but less than 29,000 and that are located in the State of Washington, and all cities and towns with a council-manager form of government in Yakima County, provided such list may be modified and updated by resolution of the city council on an annual basis to ensure cities qualify as comparable cities through application of the formula set forth in this subsection.

Section 3. Except as amended herein, Chapter 2.10 of the Sunnyside Municipal Code shall remain unchanged.

Section 4. If a section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. This ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 10th day of May, 2010.



JAMES A. RESTRUCCI, MAYOR

ATTEST:



DEBORAH A. ESTRADA, CITY CLERK

APPROVED AS TO FORM:



Menke Jackson Beyer Ehlis & Harper, LLP
Attorneys at Law