



**TOPPENISH CITY COUNCIL
STUDY SESSION AGENDA
APRIL 1, 2024 – 5:00 P.M.**

1. Call To Order/Roll Call
2. Approve Agenda
3. Public Comment

The City Council welcomes public attendance at Council meetings. This meeting is for the conduct of regular City business. At this time, citizen comments and inquiries about agenda business or general City matters are encouraged. If you wish to address the City Council, please stand or raise a hand so you can be called upon. After you are recognized, please come forward to the lectern, state your name, and address for the public record. Your remarks must be limited to three minutes or less. Please use the microphone.

4. Discussion of Leadership Transition Process
5. AB 24-022 Councilmember Compensation
6. AB 24-023 2024 Budget Amendment
7. Adjournment

Next Regular Council Meeting will be on April 8, 2024

City Council meetings are accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (509) 865-6754, 24 hours in advance.



**CITY OF TOPPENISH
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 24-022**

Meeting Date: April 1, 2024

Subject: Councilmember Compensation

Attachments: MRSC: Salaries for Elected Officials Publication

Presented by: Debbie Zabell, City Manager

Approved For Agenda By: Debbie Zabell, City Manager

Discussion:

This information is being provided to the Council for the purpose of reviewing councilmember compensation. Periodic review of councilmember’s compensation provides an opportunity to update compensation and or change the method of compensation. The most recent change occurred in 2016, Ordinance 2016-11 changed compensation from monthly pay \$450 (mayor) and \$400 (councilmember); to per meeting, at the rate of \$150.00 and \$133.33, respectively. The City Council adopted by Ordinance 2004-4, setting the above monthly compensation, twenty years ago.

Per RCW 35A.13.040, Councilmembers may not set their own salaries, “any increase or reduction in the compensation attaching to an office shall not become effective until the expiration of the term then being served by the incumbent.”

Based on the results of the 2024 Election (see additional information below), the Toppenish City Council is in an unusual position regarding the terms of the council positions. Five positions end November 2025, one ends December 2025, and one ends December 2027. However, this unusual position provides an opportunity for the City Council to review the compensation and make any changes that would become in effect January 1, 2026, when the new term begins for six of the positions.

Staff surveyed surrounding council/manager cities and received the following compensation information:

| Position | Prosser | Sunnyside | Union Gap | Toppenish | Yakima | Average | Proposed |
|---------------|---------|-----------|-----------|-----------|---------|---------|----------|
| Mayor | \$773 | \$600 | \$600 | \$450 | \$1,375 | \$760 | \$700 |
| Mayor Pro Tem | \$374 | \$500 | \$600 | \$400 | \$1,175 | \$610 | \$600 |
| Councilmember | \$359 | \$400 | \$600 | \$400 | \$1,075 | \$567 | \$600 |

Also, for discussion, is the method for which compensation is received i.e., change back to monthly compensation, or keep at a per meeting rate; as well as discussion on compensation for attending special council meetings, retreats, attending council committee meetings, and city member meetings such as Yakima Valley Conference of Governments.

Councilmember compensation is in the Toppenish Municipal Code 2.05.060-Compensation and reads: The mayor shall receive as compensation a salary of \$150.00 per meeting attended with a maximum monthly compensation of \$450.00 per month. All other members of the city council shall receive as compensation a salary of \$133.33 per meeting attended, with a maximum monthly compensation of \$400.00 per month. The three meetings for which compensation is allowed are the study session on the first Monday of each month and the two regular meetings on the second and fourth Monday of each month, as identified in TMC 2.05.010. (Ord. 2016-11 § 1, 2016; Ord. 2004-4 § 1, 2004).

Summary of the 2024 Election outcomes that resulted in six of the city council positions terms ending in 2025:

In May 2023, four open city council positions were on the 2024 Ballot. Positions 4, two-year term, and Positions 5, 6 and 7, each four-year term (2027). One person filed for Position 5. The remaining three positions remained open. Yakima County held a special election in August 2023, for the three open positions, there were no filers for the open positions.

The sitting councilmembers had the option to remain in their position until the next regular election (2025) or resign at the end of their current term (2023). The councilmember in Position 4 (term ending November 28, 2023), opted to resign. The councilmembers in Positions 6 and 7 (term ending December 31, 2023), opted to continue in their position until the next regular election in November 2025.

Positions 2 and 3 became vacant during the term and resulted in appointments to the positions. The term for an appointed position is until the next regular election. As such, the term for Positions 2 and 3 end on November 25, 2025.

The below chart illustrates the position numbers and their term dates.

| Position | Name | Title | | Term Ends |
|----------|------------------|---------------|----------------|-----------|
| 1 | Elpidia Saavedra | Mayor | Elected 2022 | 12/31/25 |
| 2 | Cristian Sanchez | Councilmember | Appointed 2023 | 11/28/25 |
| 3 | Josh Garza | Councilmember | Appointed 2023 | 11/28/25 |
| 4 | Ezequiel Morfin | Councilmember | Appointed 2024 | 11/28/25 |
| 5 | George Garcia | Councilmember | Elected 2024 | 12/31/27 |
| 6 | Naila Duval | Councilmember | Elected 2020 | 11/28/25 |
| 7 | Loren Belton | Mayor Pro Tem | Elected 2020 | 11/28/25 |

Considering this unique situation and reviewing the information received from the other council/manager cities staff recommends the following:

- Create a separate compensation amount for the Mayor Pro Tem.

In addition, staff recommends the City Council consider one of the two options for updating compensation:

- Option 1: Revert back to monthly compensation at the proposed rate that incorporates additional council meetings and retreats held throughout the year, and attendance at city member meetings.
- Option 2: A modest increase to the per meeting rate; and remove the limitation of meetings to include all scheduled council meetings, retreats, and specific city member meetings attended by the city council (specifically cited).

Fiscal Impact: Additional compensation for the 2026 Budget estimated to be \$12,600.00 for Option 1

Recommendation: Discussion of council compensation options and direct staff for action.

Alternatives: 1) Do not adopt. 2) Forward to Study Session for further review.



[Home](#) > [Stay Informed](#) > [MRSC Insight Blog](#) > [March 2022](#) > [Salaries for Elected Officials](#)

Salaries for Elected Officials

March 28, 2022 by [MRSC Insight](#)

Category: [Administrative and Elected Officials](#),
[Administrative and Elected Officials-County](#)



Many elected officials serving with Washington local governments are paid, although some are not. This blog discusses how salaries are set for elected officials, how salaries can be changed, and whether an official can request not to be paid.

Setting Salaries

For most elected officials, salaries are set via ordinance by their legislative bodies. A city council determines the salary for its members and the mayor (see [RCW 35.27.130](#) for towns, [RCW 35A.12.070](#) and [RCW 35A.13.040](#) for code cities, and [RCW 35.23.091](#) for second-class cities).

County officials' salaries are set by the county legislative body. However, unlike for cities and towns, a county legislative body is more limited in its

discretion to set salaries since [RCW 36.17.020](#) requires some salaries be set at a specific amount (and no less).

For most special purpose districts, the compensation paid commissioners and/or board members is set by the district and limited in [RCW 85.38.075](#) to stated daily and yearly maximums. Although the statute dates back to 2007, it allows different per diem maximums to be set every five years by the state's Office of Financial Management (OFM), which last made such an adjustment in 2018 when it filed [WSR 18-11-088](#). Until the next adjustment is announced, the per diem rate may not exceed \$128/day, with a yearly maximum of \$12,288.

Changes to Salaries

Periodically, a legislative body may conclude that the salaries paid to its elected officials should be changed. [Article 11, Sec. 8](#) of the Washington State Constitution prohibits any salary increase or decrease after an election and during the term of office, but [Article 30, Sec. 1](#) restricts this to those officials who set their own salaries (i.e., city and county councilmembers, county commissioners, and special district commissioners).

The salary of other elected officials — those who do not set their own salary — such as a city or town mayor or a county assessor or auditor, may be increased at any time, and the new salary can go into effect immediately. However, a salary decrease can *only* go into effect once a term ends.

For those officials who set their own salary (e.g., city and county councilmembers, county commissioners, and special district commissioners), any increase or decrease in salaries may not take effect until their next term of office. For example, if a board of county commissioners concludes that the salary of its members should be increased, it will need to complete action on raising those salaries *prior to* this November's election. The commissioners elected in November would receive the higher salary beginning in January 2023, but any existing commissioner would receive the same (lower) salary in effect at the start of their current term.

Using commissions or ordinances to enact a salary increase

While salaries are typically set by the legislative body, state law allows for the creation of a salary commission to set salaries (see [RCW 35.21.015](#) and [RCW 36.17.024](#)), thus distancing elected officials from the process. Once a salary commission establishes salaries levels (or changes the levels) for elected officials, these are still subject to referendum if the jurisdiction has adopted

the [powers of referendum](#). If no referendum is filed within 30 days, the new salaries can be effective immediately.

If the salary commission determines a salary should be decreased, this decrease can only go into effect after an elected official's term ends (see [Article 11, Sec. 8](#) of the state constitution). Many jurisdictions have elected to use salary commissions, and below are just a few sample code provisions related to establishing a commission:

- [Pierce County Municipal Code Ch. 2.100](#)
- [Sequim Municipal Code Sec. 2.48.010](#)
- [Spokane Valley Municipal Code Sec. 2.10.020](#)
- [Sultan Municipal Code Ch. 2.07](#)
- [Whatcom County Municipal Code Ch. 2.22](#)

Another way local governments can get around the prohibition on increasing salaries is to create code provisions to apply automatic annual salary increases for elected officials, such as [Bellingham Municipal Code Sec 3.12.010](#) and [Richland Municipal Code Sec. 2.32.040](#).

What happens to salaries when a vacancy is filled?

Since a salary increase will generally only be effective for an official who is newly elected or reelected, what happens if someone fills a vacant position by appointment during the current term or by election for the remainder of a term? Does the new official take the "old" salary or are they eligible for the new and pending salary? In this case, the appointed person receives the same salary as the person who previously held the position during the current term. The constitutional prohibition against increases in the salary of an elected official applies to the term of office rather than to the individual who is holding the office (see [AGO 1999 No. 1](#)).

May an Elected Official Refuse a Salary?

Sometimes elected officials will state a willingness to refuse all or part of their salary. While this likely can be done, there are some legal issues that must be considered. As indicated above, the constitution prohibits decreases in salary after an official's election and during the term of office. It would be illegal to reduce the salaries established for elected positions unless the effective date of the decrease is delayed until the beginning of the next term of office. Withholding all or part of a salary of a current officeholder could be considered an illegal salary decrease.

However, there are two possible methods by which elected officials can individually reduce the amount of compensation they receive, despite the constitutional restriction. The simplest way to accomplish this is for the elected official to donate all or a part of their salary back to the local government. The donation would be tax deductible, but income received must still be reported by the elected official for income tax purposes and all relevant deductions taken out.

A second option might be for the official to formally waive all or part of their salary. Since the official would not be paid, there would not be any taxable income flowing from the refused salary. Code provisions can support this approach. For example, [Chelan County Municipal Code Sec 1.264.030](#) allows an elected official to voluntarily receive a salary less than that established for their position.

Salary waivers should be agreed to voluntarily, captured in writing, and done in accordance with any existing policies. Any elected official interested in waiving all or part of their salary should consult with their local government's legal counsel. Even with all this, it is not certain that a salary waiver is enforceable. MRSC is aware of one instance when an elected official voluntarily waived a portion of salary, and after leaving office, asked to be paid the portion that was waived.

[RCW 52.14.010](#) and [RCW 53.12.265](#) give some special district officials, such as fire and port district commissioners, the express statutory authority to waive all or part of their salaries.

Conclusion

Setting and/or changing salaries for an elected official is dependent on the elected official's position, the type of local government they serve, and whether it does/does not employ an independent salary commission. While decreases in salaries are prohibited after the election of an official or during their term of office, local governments do have some flexibility in increasing salaries during terms.

Cities, towns, and counties may find AWC's annual [Salary and Benefit Survey](#) a helpful tool when determining salary levels. It is a comprehensive review of salaries and benefits provided to Washington staff and elected officials, providing comparable data across Washington cities and counties of all sizes.

MRSC is a private nonprofit organization serving local governments in Washington State. Eligible government agencies in Washington State may use our free, one-on-one [Ask MRSC service](#) to get answers to legal, policy, or financial questions.



About MRSC Insight

MRSC Insight reflects the best writing of MRSC staff on timeless topics that impact staff and elected officials in Washington cities, counties, and special purpose districts.

[VIEW ALL POSTS BY MRSC INSIGHT](#)

Disclaimer: MRSC is a statewide resource that provides general legal, finance, and policy guidance to support local government entities in Washington State pursuant to [chapter 43.110 RCW](#). MRSC website content is for informational purposes only and is not intended as legal advice, nor as a substitute for the legal advice of an attorney. You should contact your own legal counsel if you have a question regarding your legal rights or any other legal issue.

© 2024 Municipal Research and Services Center of Washington (MRSC). All rights reserved. [Privacy & Terms](#).

Follow us:

What if nobody runs for an open elected office?

Reviewed: June 2021

The candidate filing period for 2021 was May 17 through May 21. If no one filed for the elected office during that time, there is a void in candidacy pursuant to [RCW 29A.24.141](#), and there would be a special filing period pursuant to [RCW 29A.24.181](#), which provides in part:

If a void in candidacy occurs following the regular filing period and deadline to withdraw, but prior to the day of the primary, filings for that office shall be reopened for a period of three normal business days, such three-day period to be fixed by the filing officer. The filing officer shall provide notice of the special filing period to newspapers, radio, and television in the county, and online.

If no one files for election after the filing periods are over, there is a "lapse" in the election and no election is held. The officeholder whose term is ending remains in office ("holds over") until the next election at which the position is voted on. See [RCW 29A.24.201](#):

If after both the normal filing period and special three-day filing period as provided by [RCW 29A.24.171](#) and [29A.24.181](#) have passed, no candidate has filed for any single city, town, or district position to be filled, the election for such position shall be deemed lapsed, the office deemed stricken from the ballot and no write-in votes counted. In such instance, the incumbent occupying such position shall remain in office and continue to serve until a successor is elected at the next election when such positions are voted upon.

If the incumbent who "holds over" no longer wants to serve, he or she can resign at which point the Council would make an appointment to fill the vacancy pursuant to [RCW 42.12.070](#) (assuming it's a nonpartisan position that is vacated).

[\(Link to this question\)](#)



[Contact Us](#) [Partners](#) [Rosters & E-Bidding](#)

Have a Research Question?

GO

Ask MRSC

RESEARCH TOOLS ▾

EXPLORE TOPICS ▾

STAY INFORMED ▾

TRAINING ▾

PUBLICATIONS ▾

ABOUT US ▾

[Home](#) > [Research Tools](#) > [Ask MRSC Archives](#) > [Governance](#)

Share this:



Ask MRSC - Governance

Below are selected "Ask MRSC" inquiries we have received from local governments throughout Washington State related to governance. Click on any question to see the answer.

These questions are for educational purposes only. All questions and answers have been edited and adapted for posting to the MRSC website, and all identifying information, including the inquirer's name and agency name, has been removed.

Have a Question? Ask MRSC!

Officials and employees from eligible government agencies can use our free one-on-one inquiry service, Ask MRSC. With one call or click you can get a personalized answer from one of our trusted attorneys, policy consultants, or finance experts!

Ask MRSC



CITY OF TOPPENISH
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 24-023

Meeting Date: April 1 2024

Subject: 2024 Budget Amendment

Attachments: Proposed Amendments and PowerPoint Presentation

Presented by: Adam Vaughn, Finance Director

Approved For Agenda By: Debbie Zabell, City Manager

Discussion:

The Revised Code of Washington, specifically RCW 35A.33.120, limits annual expenditures to the amounts appropriated for each fund in the budget for the current fiscal year. Any funds that have been over expended, or been provided with additional revenue, require council approval through a budget amendment. During the 2024 budget process, staff informed the council that a Utility rate study was being conducted which would further inform 2024 budget expenditures. The City has contracted with FCS group to conduct the study and expects results by the end of May.

Provided is an overview presentation of the 2024 budget, along with recommendations for fiscal considerations along with expenditure amendments. The amendments are broken down into categories as follows:

- General Fund Amendments
- Water, Wastewater, and Solid Waste Amendments
- Fund Balance Amendments
- Department requests that are currently unfunded

Staff will provide additional context into why items are recommended for funding, along with plans for future consideration.

Fiscal Impact: \$112,308.36 of new General Fund Expenditures; \$214,856 of new Water, Wastewater, Solid Waste funds expenditures; \$126,000 of new Expenditures from fund balance.

Recommendation: Discussion of 2024 Budget Amendments and direct staff for action.

Alternatives: 1) Do not adopt. 2) Forward to Study Session for further review.

Budget Amendment Funding

| Item | Dollar Amount | Fund |
|---|---------------|-------------|
| Water Rate Increase 5% | \$ 73,461.65 | Water |
| Wastewater Rate Increase 5% | \$ 97,030.21 | Wastewater |
| Solid Waste Rate Increase 5% | \$ 44,364.57 | Solid Waste |
| General Fund Utility Tax 29% of Utility 5% increase | \$ 62,308.36 | General |
| Budget Savings on L&I Costs | \$ 50,000.00 | General |

General Fund Amendments - \$112,308.36 available

| Item | Amount | On-going or one time |
|--|----------------------|----------------------|
| LEOFF Out of Pocket Reimbursement increase | \$ 30,000.00 | On-going |
| Fire Bunker Gear | \$ 19,292.00 | One Time |
| City Council technology upgrades | \$ 13,600.00 | One Time |
| Street Sweeping Contracted services | \$ 17,500.00 | On-Going |
| UAS/Drone Program | \$ 31,650.00 | One Time |
| Total | \$ 112,042.00 | |

Water/Wastewater/Solid Waste Amendments - \$214,856 available

| Item | Amount | Fund |
|--|----------------------|--------------------------------|
| Mini Excavator | \$ 85,000.00 | Water, Wastewater |
| Utility Trailer | \$ 7,000.00 | Water, Wastewater, Solid Waste |
| Capital expenses and savings for future projects | \$ 122,856.00 | Water, Wastewater, Solid Waste |
| Total | \$ 214,856.00 | |

Amendments using current fund balance reserves

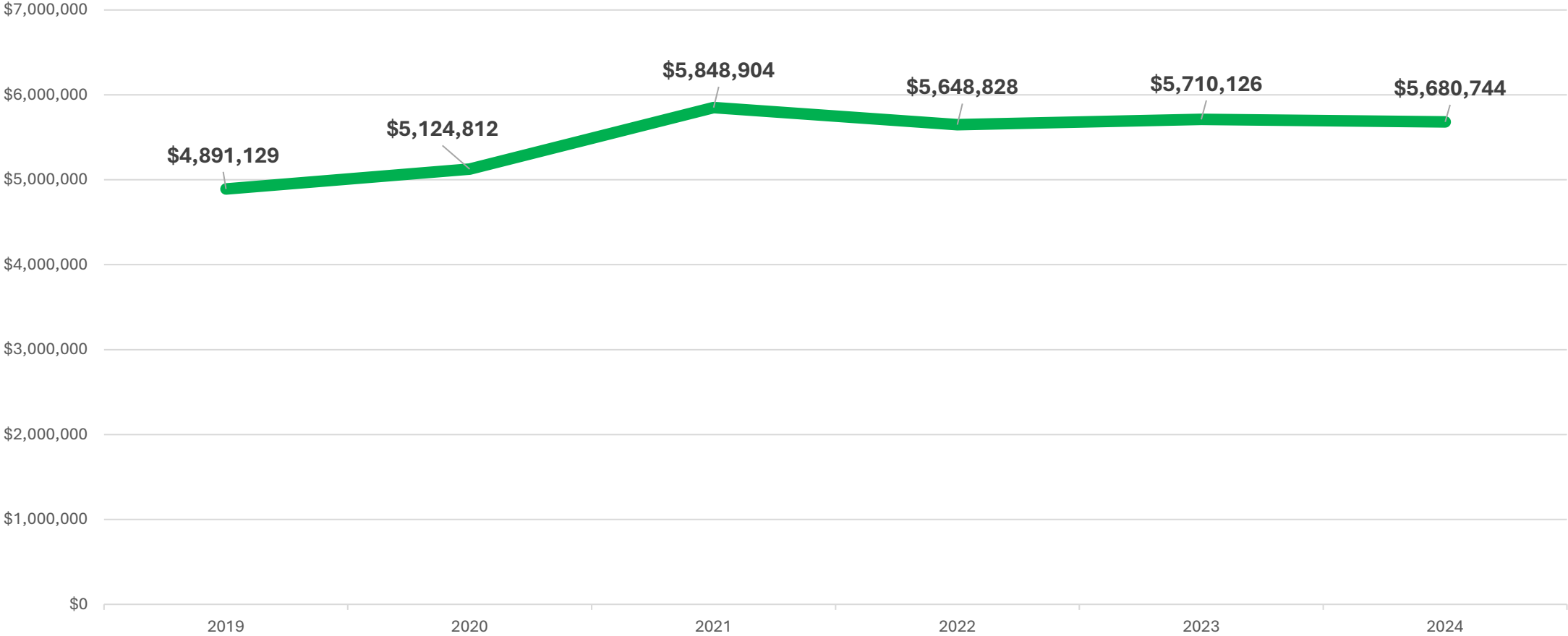
| Item | Amount | Fund |
|-------------------------------|----------------------|----------------------------|
| SWAT Team Fees and Equipment | \$ 38,000.00 | Criminal Justice Fund |
| Snow Removal Equipment | \$ 18,000.00 | Equipment Replacement Fund |
| Asphalt Preservation Program | \$ 50,000.00 | Street Capital Fund |
| 1st and Toppenish Streetlight | \$ 20,000.00 | Street Capital Fund |
| Total | \$ 126,000.00 | |

Department Requests currently Unfunded

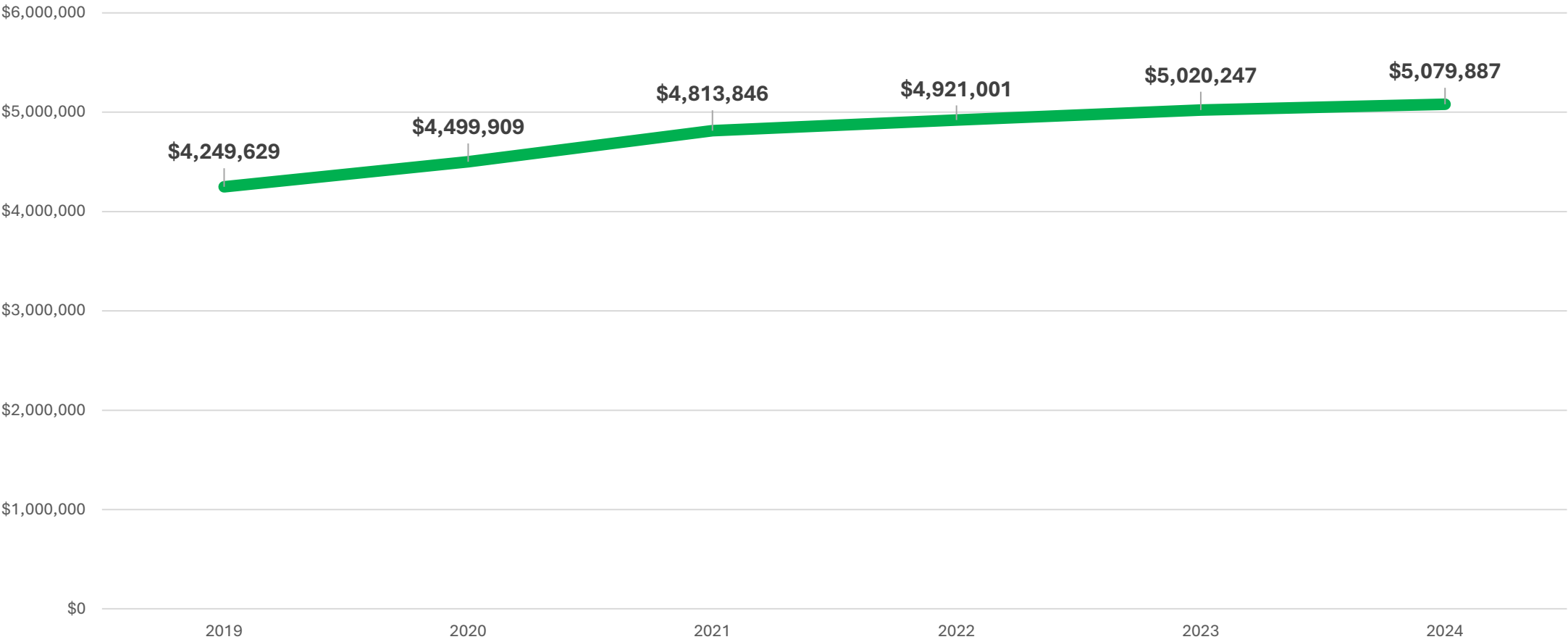
| Item | Amount | Plan |
|----------------------------|------------------------|--------------------------------------|
| Street Sweeper | \$ 370,000.00 | See if Contracting out meets needs |
| Payment Kiosk | \$ 75,000.00 | Encourage online payments |
| Police Vehicle | \$ 97,000.00 | Explore Police Vehicle lease program |
| Police Officers (2) | \$ 397,710.86 | Continue discussions for 2025 |
| Community Services Officer | \$ 88,018.76 | Continue discussions for 2025 |
| Total | \$ 1,027,729.62 | |

Budget Amendment 2024

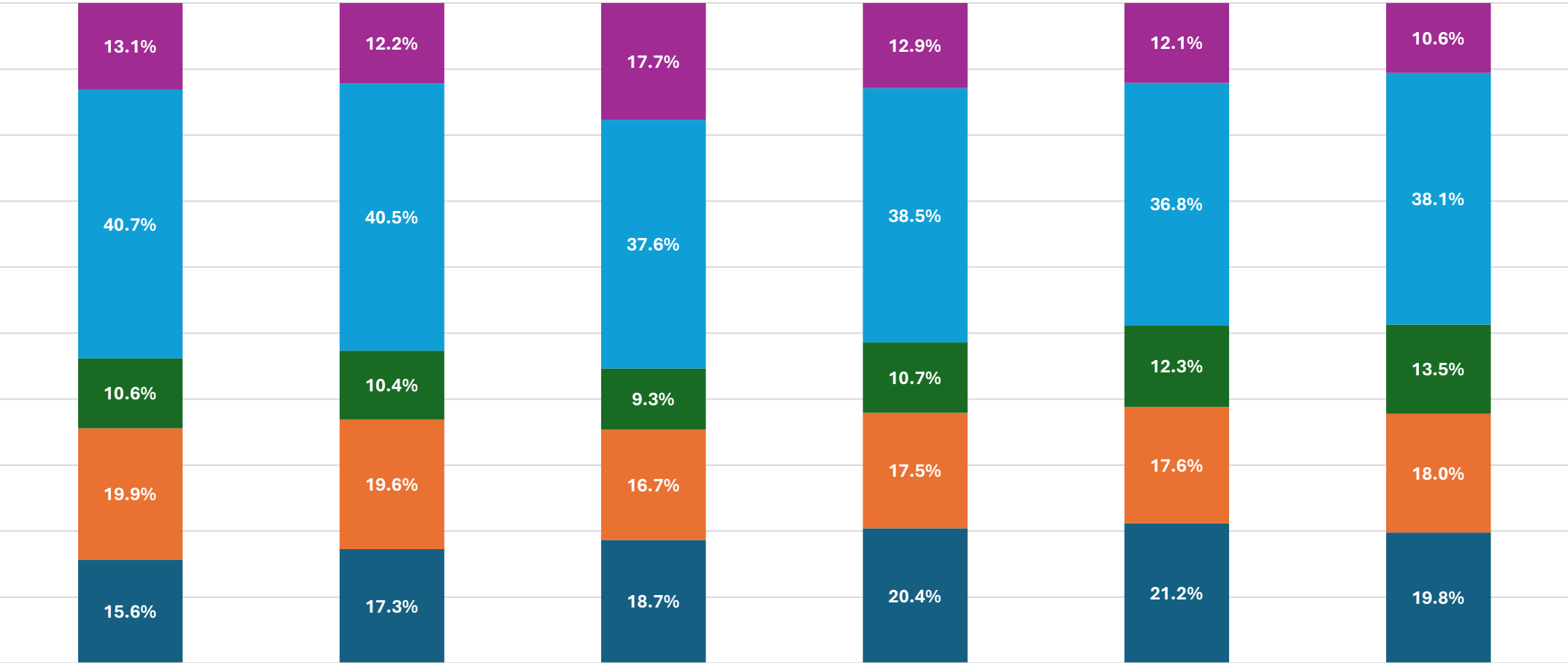
Total General Fund Revenue



Sales, Property, and B&O Taxes



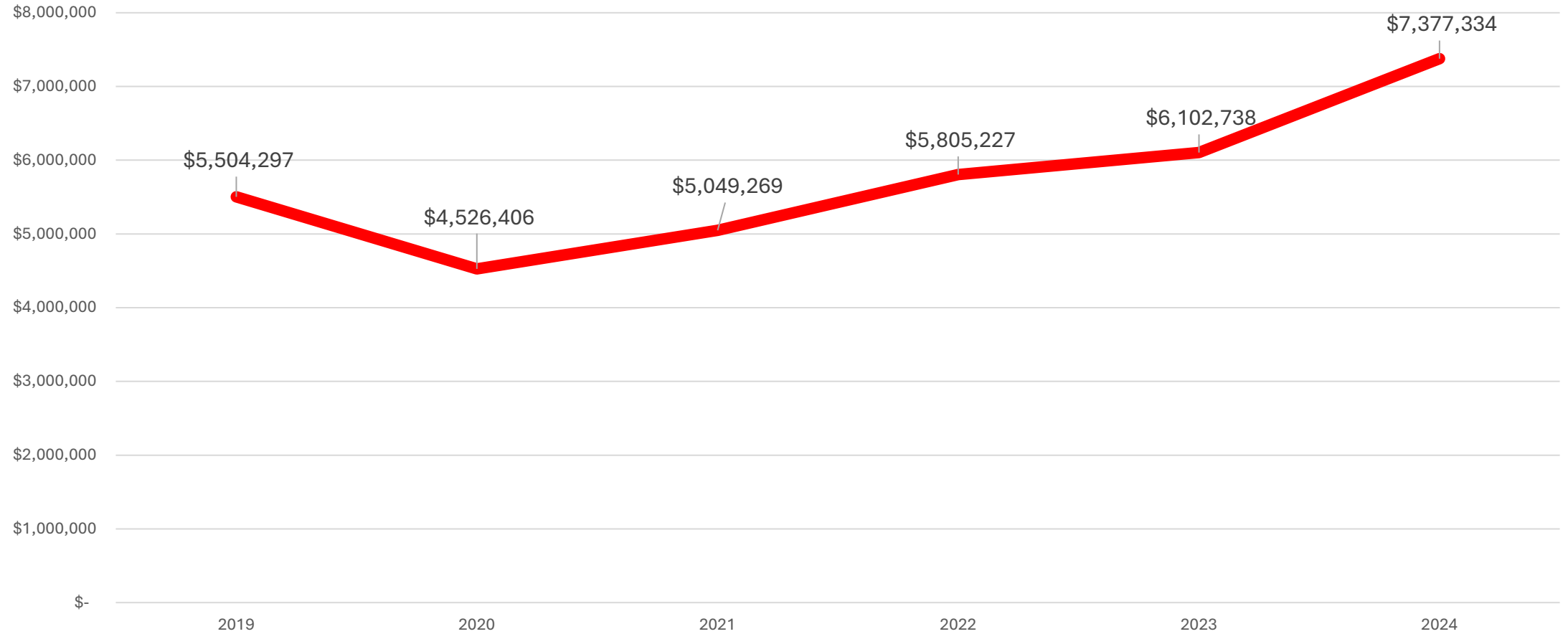
General Fund Revenue Distribution



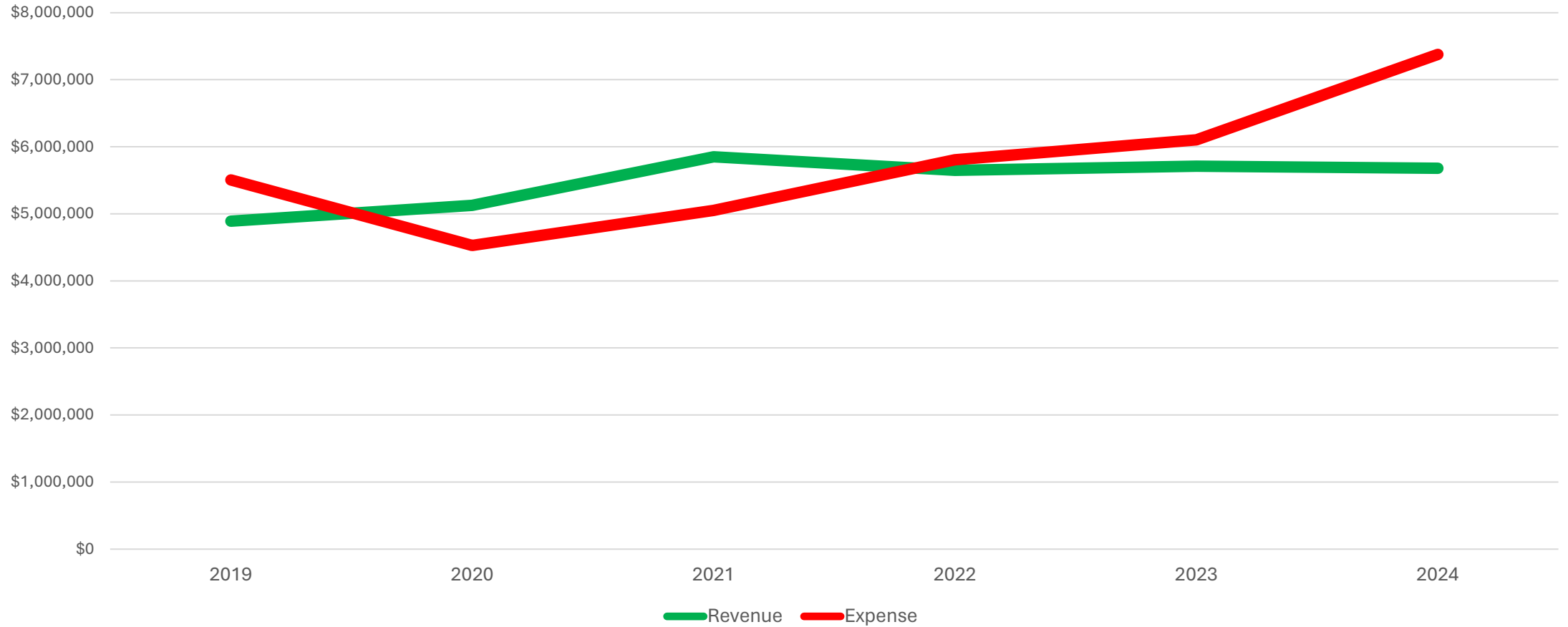
- Sales Tax
- Property Tax
- Business And Occupation Tax (Outside)
- Business And Occupation Tax (City)
- Other

*Other includes City/County revenue sharing, liquor tax, business license, permits, rec fees, rentals, and other miscellaneous revenues

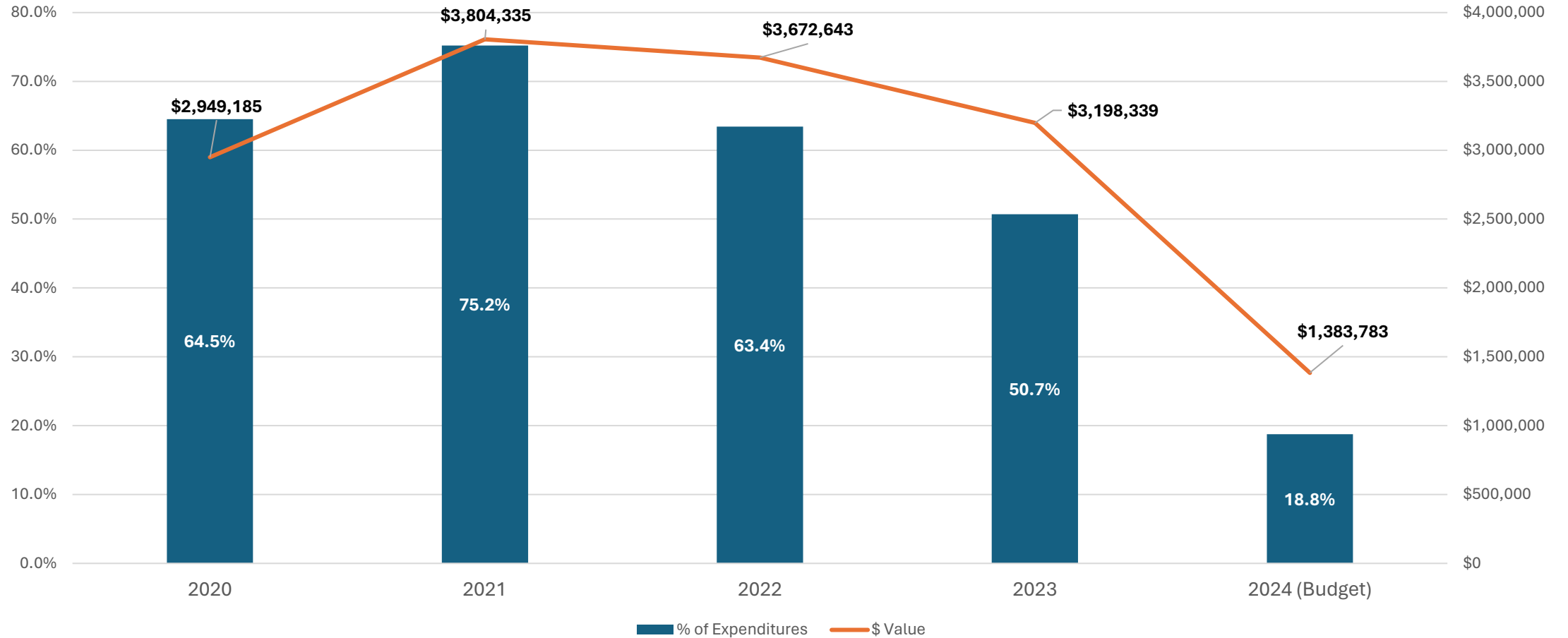
General Fund Expenses



General Fund Revenue and Expense



General Fund Balance



Revenue Constraints

- Maximum increase limit of 1% property tax
 - 2024 Total Property tax increase was \$9,166.18
 - (For example, home value could increase by 10% but the City can only collect 1% of that increase)
- Volatility of Sales Tax
- Availability of Grants
- Burden on Rate Payers

Revenue Opportunities and Recommendations

- 5% City Utility Rate Increases now, with further consideration upon completion of FCS Utility Rate Study (Estimated completion May 2024)
 - \$62,308 additional revenue for the General Fund in 2024
 - \$73,462 additional revenue for the Water Fund in 2024
 - \$97,030 additional revenue for the Wastewater Fund in 2024
 - \$44,365 additional revenue for the Solid Waste Fund in 2024

Minimum Residential Monthly Residential Utility Bill

- Current
 - Water: \$50.42
 - Sewer: \$99.51
 - Garbage: \$25.59
 - Total: \$175.52
- 5% Increase
 - Water: \$52.94
 - Sewer: \$104.49
 - Garbage: \$26.87
 - Total: \$184.30
- Monthly increase: \$8.78
- Yearly increase: \$105.31

*29% utility tax included in charges

Revenue Opportunities and Recommendations

- .25% additional Real Estate Excise Tax
 - ~\$40,000 Additional Revenue for Capital Projects
- City already collects REET 1, or the “first quarter percent”
- REET 2, or the “second quarter percent” may also be collected on real estate sales

The State of Washington levies a real estate excise tax (REET) upon most sales of real property. The tax is calculated based on the full selling price, including the amount of any liens, mortgages, and other debts given to secure the purchase. The tax is due at the time of sale and is collected by the county when the documents of sale are presented for recording

Revenue Opportunities and Recommendations

- Increase Vehicle License Fee as provided for by RCW 36.73.040
- Vehicle License Fee revenue supports the City's Street Maintenance and Operation Fund, and provides for the required match or contribution for capital street grants
- Current revenue for the Street Maintenance Fund is insufficient to fund expenditures, requiring General Fund subsidies of over \$100,000 a year
- Current annual license fee \$20.00, generates \$156,000 of street revenue
- Increase annual fee \$10.00, generates approximately \$78,000 of street revenue
- Increase annual fee \$20.00, generates approximately \$156,000

Current license fees are \$20, and the City receives about \$155,000 a year – the City can charge a maximum of \$40

Expenditure Recommendations

- Formation of Finance and Budget committee to meet at least once a month
- Budget enhancements as provided