



STUDY SESSION MINUTES

Tuesday February 9, 2021

1. Call to Order Time:6:00pm
2. Old Business
3. New Business

A. Discussion of Ordinance 2021-1168 Reaffirming the City's Official Newspaper.

The paper went out for bid and the only bid was sent in by the Sunnyside Sun. The amount of the bid was actually the same as the year previous; there was no increase. With this information there was no further question or comment on the issue.

Since there was much time remaining the mayor went around and asked if there was anything else that people wanted to talk about.

Diana asked about the mechanic shop that is operating across the highway. The Police Chief stated that he has been talked to. He said that he has been written an infraction at this time, but he has been talked to. Diana stated that he is still operating. Chief said that he would go back out and talk to him again.

Vera had a concern that was explained to her previous, but she wanted to have this conversation again to make sure that the entire council understands what the process is. Vera's concern was about a resident not being allowed to pay for their burial services in advance. She did not understand how you were able to purchase their plot in the cemetery but not pay their burial fees at the same time. City Treasurer Jamison explained that this was not allowed for several reasons. The first was that we were not able to charge for services that were not performed; this money would have to go in a separate fund and not be allowed to be used for anything and become very complicated to account for. Another reason behind this is that these fees are subject to change. Fees taken prior may not be accurate when someone actually passes if they are taken before hand; this same concept is used for setting a headstone. Finally, she stated that this can become very confusing for a family if any changes are made. Let us say you pay for a full casket and then decide to get cremated, or you pay for the setting of a small headstone and then a bigger stone gets purchased; the amount of money taken will not match with the service to be rendered. Jamison also stated that City Clerk Sylvia called all the cities

that have cemeteries locally and their policy was pretty much the same. It just is not something that is done.

After everyone had a chance the mayor wanted to bring the discussion of her wages up again. She stated that at a meeting previous they had stated that they wanted to do some research on the issue and bring it back to council. She explained that she had spoken with Linda of MSRC; the inquiry was if the council was prohibited from decreasing a mayor's salary. The mayor read for the council an article provided to her from Linda MRSC it was in part:

“RCW 35.27.130 provides that "the mayor and members of the council may ... receive such salary as the council may fix by ordinance." So, this is a decision for the town council. We note that Article II, section 8 of the Washington Constitution prohibits any salary increase or decrease after an election and during the term of office for those officials who set their own salary, which limits the ability of the town council to raise their own salaries during their current terms. A mayor's salary, on the other hand, can be increased anytime, provided the mayor does not vote to break a tie on the proposed increase.

Article 11, section 8 of the Washington Constitution prohibits any salary increase or decrease after an election and during the term of office for those officials who set their own salary. Accordingly, this prohibition only applies to city and county councilmembers, county commissioners, and special district commissioners (see Washington State Const. art. 30, sec. 1). A mayor's salary, on the other hand, can be increased anytime, because mayors do not set their own salaries, and provided a mayor does not vote to break a tie on a proposed increase. An elected official's salary may not be decreased after his or her election or during the term of office.”

The mayor also quoted another article from MRSC in 2018 that effectively said the same thing. She stated that she brought this issue up in December and we are now in February and she feels that council is not taking any action on this issue; she feels that what has happened with her wages is illegal and council is not doing anything knowing that this is the case.

Arturo asked the question about how much she was receiving when the mayor first started. The mayor explained that she was receiving \$500/month. The mayor also stated that when she signed on to be the mayor, she thought she would only be working 10-12 hours a week. At this time Diana asked where she got this information from; Sophia seconded that, and Arturo asked if she had talked to the mayor previous to see how many hours he was working. The mayor explained that she was not on good terms with the previous mayor, so she did not even come into the building until January 2nd when her term started. They asked again, who told her that she would only be working 10-12 hours a week. The Mayor stated that it was a council member that was no longer with us at the business that the mayor owned previous, and she was pretty sure that Sophia was there when she was told this. Sophia stated that she knew who she was referring to but that she was sure that she would never say that the mayor would only need to work 10-12 hours a week.

Vera asked the question about the stipend given to the mayor. She asked if the stipend given to her was for the work that was being done at the WWTP. The Mayor explained that when she worked at the WWTP she was actually paid a wage; it was not for the whole time, she worked 13 weeks and was only paid for 7 of those but this was an actual wage and not a stipend. The time that The Mayor is currently referring to is the increase that was given to her in July 2019 and taken away in December 2019. Vera asked for the attorney's official opinion and asked the question of if there is a difference between a salary and a stipend.

City Attorney James Carmody explained that he did not know that this was going to be on the agenda tonight however he was prepared to talk about it. He explained that he did some research of his own. He reviewed the material that the mayor provided to the council. He also had a discussion with Linda Gallagher of MRSC and explained the full terms of the situation. He also reviewed the Resolutions from when this started July 2019; this Resolution increased the mayor's compensation to a value of \$1,700/ month for six months. The specific purpose of this increase was for a shortage of employees; now the rule is that an elected official can not also be an employee of the city while they are acting in an elected capacity; but there is also a stipulation that you can authorize and increase in compensation of up \$1,500/month to make up the difference for extra work being done. The mayor's increase was for \$1,200/month on top of her already allotted stipend; this is not a total of \$1,700, this is \$1,200 plus \$500 of stipend. It was appropriate for this money to be given out and it was also appropriate that this end when the time came. If the mayor thinks that there is a valid basis for additional compensation, then she should have her legal council file a claim and we can have it reviewed by the WCIA. Mr. Carmody stated that he did think that mayor was working hard, and he does not question that. He stated, "that I felt that council's decision was consistent with what you can do legally. I thought it was appropriate to put it at a 6-month period and see how you were doing with employment and make decisions on how you carry forward. There was never ever any decision made by the council that was to be a permanent salary change. The council made that decision under exigent circumstances. I think that's appropriate. I am troubled to some degree that where that compensation was fixed for 6-months mayor that you are now taking a position that this compensation was not for 6-months but was for the full duration of your elected tenure. I think what was done was appropriate; I stand by what we did. If there is a different opinion that an attorney wants to make or a claim to be filed; have them file it with the city and we will evaluate it like we would evaluate any other claim filed against the city"

Vera asked again if there is a difference between stipend and a salary. Mr. Carmody stated simply that there is no difference, "compensation is compensation".

The mayor stated that she disagreed with Mr. Carmody's opinion and stated that the conversation was to re-evaluate in December when the wage was decreased. Mr. Carmody urged council, and suggested that city staff make available, the Resolutions that made this change. He stated that if we reviewed the Resolutions that it would be clear what was happening at this time.

The Mayor stated, "that's where I stand and I have been told by Jami (Carmody) to get my attorney involved and I just don't want to have to do that to the city. It's gonna cost the city a lot of money, it's gonna cost me money but if we can't get it resolved any other way then that's I guess the end of the conversation about this with you as council!"

Vera stated that this is a hard situation because our legal council is telling us that what was done was legal and correct.

Mr. Carmody went further to say that he was in support of the decision at the time; he felt that the increase was right, and he felt that the council had the right to drop it back down when we went back to fully staffed.

Vera was trying to recall what the reasoning behind the increase. She was under the impression that this was for the time that the mayor worked at the WWTP. The mayor stated that the increase she is referring to is not that time but when they gave her the increase about a year late.

Mr. Carmody said that in terms of legality if this raise was not for staffing then it should not have happened at all. He stated further that he was not trying to say that there was not a need for this; that the city was understaffed, and the need for her to extra work warranted the increase but it was not intended to be permanent.

City staff was looking for some of the information in question to help clarify the mayor's claim.

While they were looking; the mayor wanted to update council on some of the other things that were happening around the city. She explained that they have now put in a gate for pedestrians at the cemetery. They will now be closing the main gates again at night; The Mayor stated that it was already posted on the Police Facebook page so that the public would know but she wanted to wait until they could tell it to council to ensure that everyone was aware that the gate would be locked after hours. Arturo said that he had been out to see it last week and it looked nice. He also asked if they were going to repair the back side of the fence where the car had driven through it. The Mayor explained that hopefully it would be soon. She explained that there was not a lot of money left in the cemetery budget but with the start of the renewal of the cemetery/parks committee hopefully we can get some of these things straightened out. The mayor also emphasized that she would like to get those committees back up and running this year.

Vera told the mayor to share with the whole council what was going on with St. Luke's Church. The Mayor explained that the owner of the St. Luke's Church on 5th St. would like to donate it to the building to the city for the Historical Society. In the past the Historical society came into some money; Vera explained that the this money came from a plan to put a museum in the Old Mabton High School; there was place already designated for this venture. When that building was sold the proceeds were divided between a few organizations and a portion of that money

was given to the Historical Society in the hopes that they would find a place for the museum. This sum is approximately \$30,000- \$40,000.

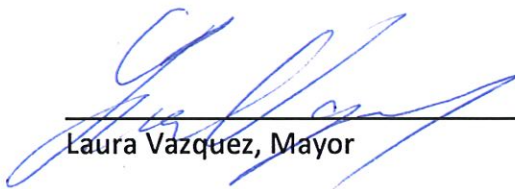
The Mayor explained that the owner would like to simply donate the building to the city in the hopes that it would become a museum and a place where it could be rented for quincineras or weddings etc. the cost of the restoration would be paid by the historical society. Sophia suggested the Historical Society take that on themselves; she did not see why the city would need to acquire it. The Mayor explained further that the main reasoning being that the leader of the Historical Society and the owner of the building are at odds over this very fact and the owner is not willing to donate the building to the Historical Society directly. This discussion was put on pause to go back the issue previous.

City Treasurer Jamison pulled up for the council up for council the ordinances pertaining to the mayor's stipend. City Treasurer Jamison and City Attorney James Carmody went through the details in regard to exactly what happened during this time. The first ordinance, Ordinance 2018-1119, was to address a shortfall in staffing at the WWTP. This was changed with Ordinance 2018-1120 on August 16, 2018 with the knowledge that the new Wastewater Treatment Operator on September 9, 2018.

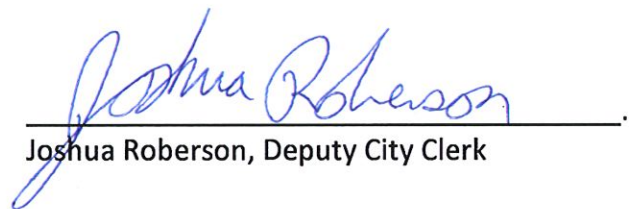
Ordinance 2019-1138 increased her wage from \$500 to \$1,700 on June 11, 2019 to go into effect for wages paid for the time of June 1, 2019 on; this ordinance sunsetted at the end of December 2019. Council the passed Ordinance 2019-1153 setting the mayor's wages at \$1,000 in January of 2020 to the end of the mayor's term.

City Treasurer Jamison also read some of the minutes in conjunction with the ordinance in question to explain some more of the purpose of the ordinances at the time they were issued. There was a little bit of confusion and they decided to end the conversation and adjourn the meeting for the time being.

5. Adjournment: Time:7:02pm



Laura Vazquez, Mayor



Joshua Roberson, Deputy City Clerk