

February 3 and 4, 2011, Meeting Minutes
North Thurston Public Schools, Administration Office – Lacey, WA

February 3, 2011

The meeting of the Washington Citizens' Commission on Salaries for Elected Officials was convened and brought to order by Michele Adams, Vice-Chair, at 9:00 a.m.

Roll Call of Commissioners

Commission Members Present:

- Michele Adams, Vice-Chair
- Rose Amurao
- James Barrier
- Dale Carlisle
- Sheila Chapman
- Matthew Clark
- Suzanne Dinning
- Janet Hays
- Elizabeth Heath
- Ned Lange

- Robert Mendez
- Kathe Morris
- Dr. Ken Mortimer
- Dean Nordstrom
- Dick Walter
- Joy Yake

Staff Present:

- Carol Sayer, Director
- Teri Wright, Executive Assistant

Carol Sayer reiterated to the Commission that Tom Huff had to resign his position on the Commission due to a conflict with him serving on the Redistricting Commission.

Michele Adams, Vice-Chair, asked that commissioners go around and introduce themselves, because we had a new appointment to the Commission and some commissioners that were unable to attend the meeting in November. The commissioners and staff did so.

Meeting Opening Statement and Approval of the November 16, 2010 Minutes

Michele Adams, read the meeting opening statement and asked if everyone had received their copy of the November 16, 2010, meeting minutes and if so where there any changes. Sheila Chapman motioned to accept the meeting minutes as written. The motion was seconded by Dale Carlisle and carried by a unanimous voice vote.



Review Meeting Folder Items

Teri Wright explained that all the items on the right side of the meeting folders were additions to their 2011 Salary Setting Session binder. On the left side were the meeting agendas, elected official's photographs, contact information, as well as travel forms needed to submit for travel reimbursements. Teri emphasized the input from the public that is an addition to the binder. Teri also asked commissioners to be flexible with the agenda since we are reliant on a variety of people coming to speak to us. Carol Sayer gave a brief description of the history of elected officials' salaries, especially in years when there was a large increase in salaries.

Brian Sonntag, State Auditor

Mr. Sonntag thanked the Commission for the work it does and even more so during difficult economic times. He spoke about the office of the State Auditor and its responsibilities. His office is the check and balance over public resources as well as performance audits. Mr. Sonntag mentioned that one piece of their audit function is to encourage the people they audit to set up their own internal audit systems to catch problems while they can still be corrected. He compared his position to that of a private audit company but emphasized that his office is unique in the fact that it audits for the public. The audit function is in all states throughout the country but only about half are elected and some are a part of another state entity. He was asked to compare his office to that of his elected official counterparts. The main comparison he made is that his office has statewide authority and some do not. When asked about salary he stated that he was not asking for a raise and that salary is not the ultimate consideration when running for public office. He said that he really doesn't know how many hours he works and that if he really felt that he was unfairly compensated then he would look for other work or retire, but he loves what he does.

Arun Raha, Chief Economist, Washington Economic and Revenue Forecast Council

Mr. Raha explained that economic developments since the November forecast have been positive on balance, but it is too early to tell if that will last. The recession officially ended in June 2009 according to the National Bureau of Economic Research which is an independent resource. However, the latest forecast for the 2009-11 Biennium is \$385 million lower, due economic and non-economic reasons. The forecast for 2011-13 is \$809 million lower for the same reasons. This is the worst recession since World War II. Developments since the forecast have been positive, but it is still too early to know if those trends will continue.

Marty Brown, Office of Financial Management – Status of the State's Budget

Mr. Brown gave the Commission a copy of the Proposed 2011–13 Budget & Policy Highlights and went over the plans for the elimination of several state programs. He talked about the negotiations going on with 28 state labor unions as well. State employees in general have taken 10 furlough days and they are negotiating with the unions for a 3% reduction in salaries, increased medical costs, as well as additional

furlough days. State employee benefits and salaries make up 24% of the budget; the other 76% goes to K-12, nursing homes, healthcare, and other state services.

Mike Kreidler, State Insurance Commissioner

Mr. Kreidler opened his presentation by asking that in the area of salary, he be treated the same as his employees in state service. He understands that the Commission cannot reduce salaries, but his desire is to be treated the same as his employees. He went on to explain his responsibilities as the Insurance Commissioner. He believes that being elected versus appointed provides stability in his office as well as the fact that he is accountable directly to the people of the state.

The Commission broke for lunch.

The meeting was reconvened at approximately 1:30 p.m.

Public Testimony

No members of the public were present to provide public testimony.

Commission Work Session

Michele Adams stated that with Tom Huff's resignation, the Commission needs to elect a chair and opened the floor for nominations. Suzanne Dinning nominated Michele Adams. This nomination was seconded by Dean Nordstrom. Sheila Chapman nominated Ken Mortimer. This nomination was seconded by Joy Yake. There was a discussion about the Commission's guidelines for election of officers and whether there is precedence for the Chair to have been with the Commission and not a newly appointed member. It was clarified that it is not a requirement, but has been past practice. Michele Adams called for a vote and Ken Mortimer was elected chair with an affirmative vote of ten.

Elizabeth Heath asked why Randy Dorn was not attending this meeting. Teri Wright answered that in scheduling the meeting it was difficult to get the elected officials to agree to attend. In most cases she was not given a reason for them not attending. She asked that they come to speak about their positions and not talk about their salaries, which is a difficult topic during tough economic times. Some elected officials declined and did not send someone in their place or send a letter. It was stated that the commissioners learn a great deal from the elected officials during this meeting and it is a great disservice when they do not attend.

There was a discussion about the Legislature. Specifically, the salaries related to them as a part-time Legislature. There was also clarification given regarding stipends for the leadership positions and why committee chairs do not receive a stipend.

The Work Session was recessed to resume later in the meeting.

Ken Kanikeberg, Chief of Staff, Office of the Superintendent of Public Instruction

Mr. Kanikeberg talked about the information already given the Commission. He highlighted the Quality Education Council which is the most significant addition to the responsibilities for the Superintendent of Public Instruction. In addition, he went over the main responsibilities of the OSPI (Office of the Superintendent of Public Instruction) and the programs that are run or financed through their office. Janet Hays asked what the implications are for making the OSPI position an appointed position. Mr. Kanikeberg stated that as he understood it, the Governor's proposal was to combine all school entities into one organization with an appointed director. Mr. Dorn's argument is on the grounds that constitutionally he is granted authority of K-12 operations. He also mentioned that Mr. Dorn feels a responsibility directly to the people of the state.

Commission Work Session

The Work Session was resumed and Carol Sayer reported on legislation that directly impacts the Commission. We currently have agency request legislation that would give us access to over 2 million more people eligible to serve on the Commission. Additionally, our legislation would address the issue of adding future congressional districts and give us the ability to appoint a commissioner from new districts. Carol went over the multiple joint resolutions introduced in the Legislature to reduce salaries or give the Commission the ability to reduce salaries of elected officials. There was discussion about the lack of ability of the Commission to reduce salaries.

Teri Wright went through the Legislation she is tracking this session and explained why she is tracking each bill.

Public Testimony

No members of the public were present to provide public testimony.

The meeting was adjourned for the day.

February 3 and 4, 2011, Meeting Minutes
North Thurston Public Schools, Administration Office – Lacey, WA

February 4, 2011

The meeting of the Washington Citizens' Commission on Salaries for Elected Officials was convened and brought to order by Dr. Ken Mortimer, Chair, at 9:00 a.m.

Roll Call of Commissioners

Commission Members Present:

- Michele Adams, Vice-Chair
- Rose Amurao
- James Barrier
- Dale Carlisle
- Sheila Chapman
- Matthew Clark
- Suzanne Dinning
- Janet Hays
- Elizabeth Heath
- Ned Lange

- Robert Mendez
- Kathe Morris
- Dr. Ken Mortimer, Chair
- Dean Nordstrom
- Dick Walter
- Joy Yake

Staff Present:

- Carol Sayer, Director
- Teri Wright, Executive Assistant

Meeting Opening Statement

Dr. Mortimer read the meeting opening statement. Carol Sayer stated that copies of the Legislation discussed yesterday (multiple joint resolutions) were copied and given to each commissioner; additional legislation will be mailed to commissioners. Dr. Mortimer mentioned that he had asked staff to place an executive session on future agendas. If the Commission chooses to not have an executive session, then it does not have to go into executive session. There was additional discussion about the responsibilities of the chair relating to Commission staff.

Public Testimony

No members of the public were present to provide public testimony.

Commission Work Session

Commissioners took time to read some of the proposed joint resolutions introduced by the Legislature. There was extensive discussion about the proposal and resolution with



which the Commission might agree. The Commission agreed that adding the word "decrease" to the Article 30 of the Constitution would completely allow the Commission latitude in setting salaries. Carol Sayer will request that change be made.

The Work Session was recessed to resume later in the meeting.

The Judiciary:

- **Chief Justice Barbara Madsen, Supreme Court**

Chief Madsen spoke about the court system and how it is not unified in Washington State. As such, court uniformity is achieved through the Board for Judicial Administration where she serves as Co-Chair. She thanked the Commission for the work we do and appreciates that the process is non-political. She went on to explain the Supreme Court and how it is a court of discretion and they select the cases they hear and are the final hearing ground for these cases. Justice Madsen asked that the Commission continue to use the Willis System and keep Washington judges salaries in line with the federal bench. They also feel strongly about keeping 5% differential between each level of judges. She was asked what she thought about other elected officials requesting a reduction in salaries. While she understood the request she does feel that the Judicial Branch is and should be view differently from other branches of state government.

- **Chief Judge Dennis Sweeny, Division III of the Court of Appeals and Chief Judge of the Court of Appeals**

Judge Sweeny thanked the Commission for the work it does. He went on to explain the Court of Appeals and the peoples' right to appeal. The Court of Appeals was created in 1969 and they must hear all appeals that came to them. The latest number available is from 2009 and there were over 4,000 appeals filed that year. Judge Sweeny went on to explain that he believes that the Court needs to remain competitive in salaries to attract citizens of the highest quality to the bench. He was asked why someone would leave a lucrative law practice to seek a place on the bench. He answered that for him, it's a matter of loving studying, hearing and writing the law and loves what he does.

- **Judge Stephen Warning, Cowlitz County Superior Court and President of the Superior Court Judges Association**

Judge Warning explained the Superior Court and how they are the great generalists because they handle such a large variety of cases. Some of those include divorces, election recounts, criminal felonies, civil matters, and unlike other courts, during recessions, their case loads increase. Even in tough times, the Courts are in competition with the private sector to get the best and the brightest.

- **Judge Stephen Brown, Grays Harbor County District Court and President of the District and Municipal Court Judges Association**

Judge Brown talked about the District Court. It is a limited jurisdiction court which includes misdemeanor offenses. Some cases are heard then transferred to Superior court and some are heard from the first hearing through sentencing. Their highest caseload is in the traffic enforcement area, but they also hear substance abuse cases, protection orders, small claims, civil disputes, etc. In 2009 the District Courts heard over 1 ½ million cases.

There was a discussion about salaries of state employees. Additionally, how and when the Judiciary received their last increase in salary. Carol Sayer stated that the increases in 2006 for elected officials were the result of a Willis Study and to move the Judiciary closer to parity with the federal branch and the executive branch closer to parity with the appointed agency heads.

The Commission broke for lunch.

The meeting was reconvened at approximately 12:45 p.m.

Dean Nordstrom was excused from the afternoon meeting due to illness.

Commission Work Session

Carol Sayer briefly explained the salary setting process and that it is done by setting salaries for each branch. She further explained that past Commissions have respected the request by the Judiciary to retain the 5% differential between each level of judges.

The Work Session was recessed to resume later in the meeting.

Representative Gary Alexander

Representative Alexander expressed his concern about the budget. He said he was supportive of the 3% reduction in compensation for state employees that the Governor has negotiated. He believes that elected officials should not be exempt from this reduction in salary, but understands that this requires a constitutional amendment. He said that he hopes the Commission will support amendments to that effect. There was then discussion about how best to achieve the results the Commission hopes would come about – to give the Commission the ability to reduce salaries but not tell it how or when to do so.

Rob McKenna, Attorney General (Phone In)

Mr. McKenna talked about how the largest change to his office is that he is 120 FTEs smaller than his office was two years ago. However, the caseload has increased. The cuts for his office have touched every area from IT, to legal staff, to support staff. Despite these reductions, cases are being completed on time and within the limited budget. In addition, client satisfaction has gone up as has employee satisfaction. He

finds this commendable given the budget cuts. He also stated that he knows that the Commission cannot reduce salaries, but believes that can be changed. He closed his comments by thanking the Commission for the work it does.

Commission Work Session

The Work Session was resumed and Carol Sayer clarified that after the meeting she was going to contact our Assistant Attorney General to get clarification about several of the legislative proposals and their impact on the Commission.

The Work Session was recessed to resume later in the meeting.

James McIntire, State Treasurer

Mr. McIntire opened his statement by pointing out that the Commission did not take his advice and not hold meetings this year. He knows that the Commission cannot reduce his salary, but said that he would be happy to take a reduction if it meant keeping his staff from taking reductions. The Treasurer's Office is issuing more bonds, investing more money, and doing more innovative projects, all with a 7% reduction in staff. He said that furloughs don't really work for his office because it is a money making and money managing office. He has several staff that works a very early shift to be in the office when the stock exchange opens. He spoke about the challenge of keeping investment officers because of the salary issue. Additionally, he talked about the budget difficulty the state is having and thanked the Commission for the work it does. He said that once the state recovers from this difficult recession he would be happy to talk more extensively with the Commission about the salaries of elected officials and paying them according to the responsibilities of their office.

Commission Work Session

The Work Session was resumed and the Commission began its discussion about salary setting.

Ned Lange motioned and Joy Yake seconded that the Executive Branch receive no increase for 2011 or 2012. The following is the roll call vote:

Commissioner	Yes	No	Absent
Michele Adams	X		
Rose Amurao	X		
James Barrier	X		
Dale Carlisle	X		
Sheila Chapman	X		
Matthew Clark	X		

Commissioner	Yes	No	Absent
Suzanne Dinning	X		
Janet Hays	X		
Elizabeth Heath	X		
Ned Lange	X		
Robert Mendez	X		
Kathe Morris	X		
Ken Mortimer	X		
Dean Nordstrom			X
Dick Walter	X		
Joy Yake	X		

The motion passed unanimously.

Janet Hays motioned and Sheila Chapman seconded that the Legislative Branch receive no increase for 2011 or 2012. The following is the roll call vote:

Commissioner	Yes	No	Absent
Michele Adams	X		
Rose Amurao	X		
James Barrier	X		
Dale Carlisle	X		
Sheila Chapman	X		
Matthew Clark	X		
Suzanne Dinning	X		
Janet Hays	X		
Elizabeth Heath	X		
Ned Lange	X		
Robert Mendez	X		
Kathe Morris	X		
Ken Mortimer	X		

Commissioner	Yes	No	Absent
Dean Nordstrom			X
Dick Walter	X		
Joy Yake	X		

The motion passed unanimously.

Robert Mendez motioned and Janet Hays seconded that the Judicial Branch receive a 2% increase effective September 1, 2011, and a 3% increase effective September 1, 2012.

There was extensive discussion about the Judiciary reaching parity with the federal bench. Currently the Judiciary is at about 85% – 94% of federal judges' salaries. There was additional discussion about whether the Commission should be considering any increases during this difficult economic time.

The Work Session was recessed to hear Secretary of State Reed's testimony.

Sam Reed, Secretary of State

Mr. Reed opened his presentation by thanking the Commission for its work and mentioned that his office works very closely with us on our congressional appointments. His office is a constitutional office and goes back to territorial times. It handles all elections, for which his office is best known. Additionally, the Secretary of State has the Division of Corporations, which includes registering charities. The office also handles the State Library, which interact with all libraries throughout the state, archiving throughout the state, the state combined fund drive, as well as the address confidentiality program. Mr. Reed serves as Governor about eight times a year. The Heritage Center (where the current General Administration Office is located) was approved, but it has been postponed due to the economy.

Public Testimony

No members of the public were present to provide public testimony.

Commission Work Session

The Work Session was resumed and there was discussion about salaries and when state employees last received any increases. It was clarified that state employees received the last cost of living increase in 2008, but have continued to receive step increases if eligible.

A vote was taken on Robert Mendez's motion (and Janet Hays seconded) that the Judicial Branch receive a 2% increase effective September 1, 2011, and a 3% increase effective September 1, 2012. The following is the roll call vote:

Commissioner	Yes	No	Absent
Michele Adams		X	
Rose Amurao		X	
James Barrier		X	
Dale Carlisle	X		
Sheila Chapman		X	
Matthew Clark		X	
Suzanne Dinning		X	
Janet Hays	X		
Elizabeth Heath		X	
Ned Lange	X		
Robert Mendez	X		
Kathe Morris		X	
Ken Mortimer		X	
Dean Nordstrom			X
Dick Walter		X	
Joy Yake		X	

The motion failed by an 11 to 4 vote.

Elizabeth Heath motioned and Robert Mendez seconded that each level of the Judicial Branch be set separately. The motion was withdrawn.

Dick Walter motioned and Kathe Morris seconded that the Commission retain the existing 5% differential between each level in the Judicial Branch.

Carol Sayer clarified that the Judiciary has requested, and the Commission has agreed in the past to keep an approximate 5% differential between each level of judges by granting the same percentage to each level of judges. This request was first made in the 1980's. The following is the roll call vote:

Commissioner	Yes	No	Absent
Michele Adams	X		
Rose Amurao	X		
James Barrier	X		
Dale Carlisle	X		
Sheila Chapman	X		
Matthew Clark	X		
Suzanne Dinning	X		
Janet Hays	X		
Elizabeth Heath		X	
Ned Lange	X		
Robert Mendez	X		
Kathe Morris	X		
Ken Mortimer	X		
Dean Nordstrom			X
Dick Walter	X		
Joy Yake	X		

The motion passed by a 14 to 1 vote.

Robert Mendez motioned and Janet Hays seconded that the Judicial Branch receive no increase effective September 1, 2011, and a .5% increase effective September 1, 2012. The following is the roll call vote:

Commissioner	Yes	No	Absent
Michele Adams		X	
Rose Amurao		X	
James Barrier		X	
Dale Carlisle	X		
Sheila Chapman		X	
Matthew Clark		X	

Commissioner	Yes	No	Absent
Suzanne Dinning		X	
Janet Hays	X		
Elizabeth Heath	X		
Ned Lange	X		
Robert Mendez	X		
Kathe Morris		X	
Ken Mortimer		X	
Dean Nordstrom			X
Dick Walter		X	
Joy Yake		X	

The motion failed by a 10 to 5 vote.

Matthew Clark motioned and Rose Amurao seconded that the Judicial Branch receive no increase for 2011 or 2012. The following is the roll call vote:

Commissioner	Yes	No	Absent
Michele Adams	X		
Rose Amurao	X		
James Barrier	X		
Dale Carlisle	X		
Sheila Chapman	X		
Matthew Clark	X		
Suzanne Dinning	X		
Janet Hays		X	
Elizabeth Heath		X	
Ned Lange		X	
Robert Mendez		X	
Kathe Morris	X		
Ken Mortimer	X		

Commissioner	Yes	No	Absent
Dean Nordstrom			X
Dick Walter	X		
Joy Yake	X		

The motion passed by an 11 to 4 vote.

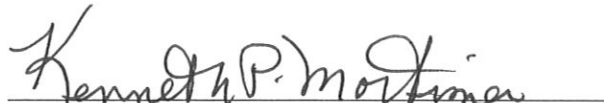
Ned Lange motioned and Janet Hays seconded that the Commission regrets the Constitutional prohibition on reducing elected officials salaries. The motion passed with a show of hands vote.

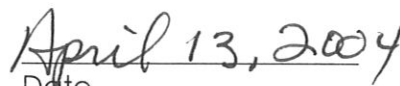
There was additional discussion about the Commissions inability to reduce salaries and what might be done to give us the full range of responsibility in setting salaries.

Public Testimony

No members of the public were present to provide public testimony.

The meeting was adjourned at 4:00 p.m. with a motion by Janet Hays, seconded by Sheila Chapman and carried with a unanimous voice vote.


 Dr. Ken Mortimer, Chair


 Date