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WHATCOM COUNTY COUNCIL
Special Committee Of The Whole

October 28, 2008

Council Chair Carl Weimer called the meeting to order at 10:31 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

<u>Present:</u>	<u>Absent:</u>
Barbara Brenner	None
Sam Crawford	
Laurie Caskey-Schreiber	
L. Ward Nelson	
Seth Fleetwood	
Bob Kelly	

1. DISCUSSION REGARDING THE SALARY SCHEDULES RECENTLY APPROVED FOR UNREPRESENTED WHATCOM COUNTY EMPLOYEES (AB2008-018)

Weimer stated the Council held a number of executive sessions before July 1, 2008 to discuss the unrepresented resolution. Council was clear it wanted to no longer have the 101 percent policy for the Executive's salary, and the Executive's salary was to be based on the same increase received by other unrepresented staff for 2008. The Council voted on that on July 8, 2008. The Council read in the newspaper that there was a 101 percent increase effective July 1, 2008. The Council was clear about its desire to change the policy as they had talks throughout the spring and in June. He asked why the Council wasn't told about the increase scheduled for July 1.

Dewey Desler, Deputy Administrator, stated the Council held a number of meetings that covered a series of options related to the compensation of elected officials. Out of those conversations came the language that the administration ultimately submitted to and was approved by the County Council.

Weimer stated no one disagrees that the language approved on July 8 was other than what they exactly intended all along. The Council's intent was clear before that to base the Executive's salary increase on a percent increase equal to the rest of the unrepresented staff, not the Prosecutor's salary. However, the Executive's salary was based on the Prosecutor's salary.

Wendy Wefer-Clinton, Administrative Services Division, stated staff originally met with the Council on March 25. At that time, they talked about key points for the unrepresented matrix.

She sent a memo to the Council on April 11, which included proposed substantive changes, including the things they talked about in executive session and other things they didn't get a chance to talk about. There was no change to the Executive's salary policy at that point.

She received an email from Councilmember Weimer on April 17, who wanted to put the resolution back into the Committee of the Whole. Staff met with the Committee of the Whole in executive session on April 22 to discuss the resolution. At that point, they mainly

1 talked about the other elected officials and how they were going to be treated, given that
2 the Prosecutor's salary was going to go up. The Committee members indicated they'd
3 heard from some elected officials that they wanted to go back to a percentage tie that
4 existed a number of years ago.

5
6 Since that time, they have gotten rid of the percentage tie and implemented
7 realignment language to allow the County to look at their salaries every year and compare
8 them to positions in six comparable counties.

9
10 Following that, they met in again in June. During that executive session, staff
11 handed out key proposals to consider for the unrepresented staff. The handout included
12 increases, the retention premium, and some other things. There were three options
13 presented for elected officials. The administration wasn't sure that going back to the
14 percentage increase was the best way to go. They'd heard complaints from the elected
15 officials that their salaries were falling behind those of their counterparts in other counties.
16 The realignment language was a good tool to keep in place. The administration presented
17 three other options on June 3. The committee didn't like those options, and wanted to
18 consider other options.

19
20 After that, the administration met individually with a number of councilmembers.
21 There was a lot going on during executive session, and it was difficult to talk in detail about
22 some of the options. The administration came back to the committee on June 17 with five
23 options. At the end of the meeting, there was a decision to remove the 101 percent policy
24 for the Executive's salary. That's what the administration did when it presented the
25 resolution to the Council on July 8. However, the 2007 unrepresented resolution was in
26 force on July 1. The new resolution did not go into effect until July 8.

27
28 Weimer asked if it was clear in Ms. Wefer-Clinton's mind that the Council wanted to
29 de-couple the Executive's salary and Prosecutor's salary, so the Executive would receive the
30 same salary increase as everyone else for 2008. Wefer-Clinton stated it was clear in her
31 mind that they wanted to de-couple the salaries, but there was nothing she could do at that
32 point in time on June 17, because there was no resolution before the Council to vote on.

33
34 Weimer asked if Ms. Wefer-Clinton ever told the councilmembers about the July 1
35 salary increase. Wefer-Clinton stated the councilmembers brought the issue up. She
36 assumed they knew about it. The councilmembers had elected officials come to them and
37 talk to them about the increase that would take effect.

38
39 Weimer stated he doesn't ever remember being told that this salary increase would
40 occur on July 1, or that it would be an automatic raise if the Council didn't pass something
41 before July 1. Wefer-Clinton stated the administration handed out a chart to the
42 councilmembers during an executive session. The chart clearly indicated that the
43 Prosecutor's salary was going up on July 1.

44
45 Brenner stated she remembers that executive session. She made a motion to freeze
46 the salaries of everyone earning over \$100,000, which would have included the Executive
47 and other administrators. The motion didn't pass. None of the councilmembers were told
48 that the Executive's salary would go up. It bothers her that the administration is bringing
49 forward only the things it wants changed to benefit the people asking for the
50 recommendation. The Executive wasn't in the room at the time.

51
52 Also at the time, she objected to having this discussion in executive session. It was
53 a conflict of interest. She talked to the attorney, who said it wasn't. Technically, it wasn't a

1 conflict of interest. However, it was improper for the Council to receive recommendations
2 from the exact same people who will directly benefit if they pass that recommendation in
3 executive session, without being able to talk about it outside of executive session.
4

5 The part-time councilmembers make about \$17,000. Some of them work more than
6 part-time. It's impossible for them to decipher everything, so they completely depend on
7 the staff to provide any information they should know, whether or not the administration
8 wants the Council to know it. Wefer-Clinton stated they are talking about the 2008 salary
9 resolution. The motion to freeze salaries had to do with the 2009-2010 salary resolution.
10

11 Brenner stated it was about both. She brought it up in the spring, too. She's
12 brought it up every time they've talked.
13

14 Weimer stated the Human Resources Division staff asked the Prosecutor to provide
15 insight on whether to use the July 1 number or the intent of the Council. He asked why the
16 Human Resources Division staff consulted with the Prosecuting Attorney. Wefer-Clinton
17 stated she recommends that the Council talks to the Prosecuting Attorney for a legal
18 interpretation.
19

20 Weimer stated he was told that the Human Resources Division staff and Executive's
21 Office consulted with the Prosecuting Attorney about a decision between July 1 or July 8.
22 Wefer-Clinton stated she was not involved in that.
23

24 Caskey-Schreiber stated the full truth wasn't disclosed to the councilmembers. An
25 injustice was done by withholding information from the County Council that was pertinent to
26 its discussion. It may have been spelled out in the paperwork, but she was under the
27 impression that the majority of the Council was clear about de-coupling the Executive's
28 salary and the Prosecutor's salary. The majority of the Council was clear that it did not
29 want the Executive's salary to be what it is. That salary went forward without anyone
30 telling the Council about it. That is information the Council should have had at that time,
31 even if there wasn't anything that the Council could do about it because of timing. The
32 councilmembers depend on the staff to provide the information it needs to make decisions.
33 The councilmembers can't be aware of every little deadline that is coming up. She even
34 suspects that the resolution was stalled. It doesn't feel open and honest. Wefer-Clinton
35 stated the administration originally brought the agreement to the Council in April. The
36 Council pulled it from approval.
37

38 Caskey-Schreiber stated it did, for a few modifications to a small group of
39 employees.
40

41 Crawford asked who in the Human Resources Division and Executive's Office went
42 through the process of changing the Executive's pay amount on July 1. He asked how that
43 process works. Wefer-Clinton stated she was on vacation on July 1. She believes the
44 Prosecuting Attorney signed it.
45

46 Crawford asked the mechanics of changing the Executive's pay. Wefer-Clinton
47 stated there is a change form. She doesn't know who from the Executive's Office filled out
48 the change form. She imagines one of their clerical staff filled it out.
49

50 Desler stated there was a change form, based on consulting with the Executive about
51 when this would take effect. The Executive does follow the Prosecuting Attorney's salary.
52 He and the Executive had a discussion with the Prosecutor. They addressed it in late June,
53 before the final action of the Council.

1
2 Crawford stated it sounds like the administration is saying that this was an automatic
3 process because the Council hadn't adopted another resolution. He's trying to understand
4 how that process happened when the key players knew what the Council wanted.
5

6 After the Council had the discussion about the Executive's salary, neither Mr. Desler
7 nor Ms. Wefer-Clinton ever talked to him about it again. He would like to know how that
8 form went through the process. Maybe someone who wasn't at the executive session
9 meeting does this, and did think it was an automatic process. He asked who gives the order
10 for this process.
11

12 Desler stated it was prepared by Human Resources Division staff after consultation
13 with the Prosecutor about how they are to handle this under the current law that exists in
14 the organization. The advice the administration got was from the Prosecutor.
15

16 Dave McEachran, Prosecuting Attorney, stated he had a conversation with Executive
17 Kremen when the bill passed through the State legislature. The bill provided that all the
18 prosecutors would be linked to the Superior Court judges. He wanted to make sure the
19 administration was aware of that. The bill provided the first increase on July 1 and a
20 subsequent increase on September 1.
21

22 He contacted Executive Kremen, who hadn't been aware of the bill in the legislature.
23 They had a discussion about the operative dates that would occur of those two different
24 increases. At one point, the Executive asked if he, the Executive, had to take the increase,
25 because it would be controversial. The resolution in effect at the time provided the same
26 thing that all previous resolutions provided since the Charter was adopted, that the
27 Executive's salary would be 101 percent of the Prosecuting Attorney's salary. The Council
28 did not approve the salary resolution in March or April. When the effective date of the bill
29 occurred on July 1, it was automatic that the salary increase take place. Executive Kremen
30 was to receive 101 percent of any salary the Prosecuting Attorney received. That was
31 automatic by operation of law. He told that to the administration, including Executive
32 Kremen and Mr. Desler.
33

34 Crawford asked if Mr. McEachran recalls the date that happened. McEachran stated
35 he doesn't recall the exact date. It was about the time when the bill passed in April or May.
36 Once the bill was passed, an appropriation was required for the bill to go forward. That
37 would have been done April or May.
38

39 Nelson stated the Prosecutor's Office has responsibility for the Council as well as the
40 administration. He asked why the Prosecutor went to the administration with this bill and
41 not to the Council to discuss the fiscal impacts of this bill to the County budget. This is
42 disturbing, because they can't operate as a Council that deals with budgetary concerns if
43 they don't receive the proper information. McEachran stated his office contacts the Council
44 continually. He has attorneys who deal with the Council on many issues. This issue and the
45 issue of his salary related specifically to the administration being aware of that. His salary
46 increase did not impact the County because the State pays it. Whether the County wanted
47 to match that was up to the County. This related specific to legislation that the State paid
48 for. It would only have an effect on the County in that Executive Kremen's salary was
49 involved. The salary discussion would go through the process when the Council looks at the
50 salary, which is in the ordinary process of the work. The other elected officials told him that
51 they had contacted each of the councilmembers about this. They talked to a lot of the
52 councilmembers about the fact that this would go up.
53

1 Crawford stated that's not true.
2

3 Weimer stated the key question is whether anyone in the Human Resources Division
4 or the Executive's Office ever let the Prosecutor know that it was the Council's wish that
5 Executive Kremen did not receive this increase. McEachran stated Executive Kremen
6 indicated there would be some controversy about it and asked if had to accept the increase.
7 He advised that unless the Council changed the resolution, that's the way the law went.
8

9 Weimer asked if the Prosecutor had no knowledge that the Council didn't want this
10 increase to go into effect when the change form came to him in July. McEachran stated the
11 knowledge he had was that it would be controversial. He can't say the change form actually
12 came to him. His office approves many things to form without looking at the policy. He
13 imagined that someone in his office approved it. It ordinarily would not come to him.
14

15 Fleetwood stated he understands that Executive Kremen's salary has been at the 101
16 percent since July 1. He asked why the Executive's salary wasn't changed on July 8.
17 McEachran stated he hadn't looked at the funds. He assumes that it was changed. At the
18 July 1 date, Executive Kremen would have still been at the 101 percent level. When the
19 next resolution was passed on July 8, that should have been uncoupled and there should
20 not have been a share in any other increases. Therefore, Executive Kremen's salary should
21 not have stepped up in September when his salary and the Supreme Court salary stepped
22 up again.
23

24 Weimer stated that is correct, according to the Human Resources Division. The July
25 8 increase may have been retroactive on top of the 101 percent that happened on July 1.
26

27 Brenner stated other elected officials pointed out the increase. In the past,
28 councilmembers have been told that the 101 percent policy has been in place for a number
29 of years, such as eight or nine years. That doesn't mean the policy was always in place.
30 The councilmembers don't remember when that policy change happened. McEachran stated
31 that 101 percent policy was in effect when the County government changed from the
32 commissioners to the Council and Executive. The Executive was believed to be a position
33 that would have the highest pay. His salary was set at 100 percent. The other officials all
34 took a percentage of his salary. The Executive was highest paid by one percent. He
35 contacted Executive Kremen about his State salary to make sure the administration was
36 aware of it, so if the funds came in from the State, the administration would know what it is
37 for. This wasn't the County match. This was purely from the State.
38

39 Brenner stated the only discussion she recalls about the Executive being at 101
40 percent, and that it might change, was from another elected official. She wasn't given a
41 time frame. She assumed they would have the discussion. No one mentioned a time frame
42 during the discussion. They got it back during the time frame.
43

44 Crawford stated he had a meeting with another elected official. In the course of that
45 meeting, this increase was mentioned. The administration never brought this up
46 proactively. The elected officials did not make a proactive effort to contact the
47 councilmembers. During an executive session discussion, the Council was very clear about
48 what it wanted. He asked if the administration contacted Mr. McEachran after that initial
49 conversation. McEachran stated he had a conversation about how this would work. When
50 the increases came, it would be an increase related to the resolution. That was discussed
51 during a meeting. He looked at it, and thought it was an operation of law. Executive
52 Kremen wanted to know if he had to take that raise. He told Executive Kremen that the
53 increase would happen, and the resolution is in effect. Executive Kremen expressed that he

1 thought it would be controversial. He advised Executive Kremen that, from a legal
2 standpoint, that is how it would be because of the resolution.
3

4 Crawford stated they discussed the history of the 101 percent at length in executive
5 session. That has been the overall policy since the early 1990's. McEachran stated he
6 recalled that policy since the beginning.
7

8 Crawford stated he doesn't recall a State salary to the Prosecutor ever being
9 changed this dramatically. McEachran stated it's never been changed.
10

11 Crawford stated they dealt with this specifically in a meeting. The Council gave
12 specific direction. He asked if the County Council clearly sets the salary. McEachran stated
13 it does.
14

15 Weimer stated the discussion of decoupling the Executive's salary from the
16 Prosecutor's had nothing to do with Executive Kremen's performance. It had to do with the
17 big increase the Prosecutor was being given by the State, and the smaller increase for all
18 the other department heads and elected officials. They didn't want to tie those salaries to
19 the Executive's salary.
20

21 Kelly asked if the Prosecutor's staff who was advising the Council was obligated to
22 inform the Council of new information related to a pending Council action, in light of the fact
23 that it was conflicting information. He assumes that the Prosecutor's staff and Executive's
24 staff knew that this existing information was conflicting. McEachran stated his staff doesn't
25 work with financial matters. His staff looks at legal questions. They don't prepare and
26 perform these documents for the Council. If the Council has questions, his staff tries to
27 answer all the questions.
28

29 Kelly stated they are the ones who called the Council into executive session.
30 McEachran stated that is done during negotiations. The law provides that discussion in
31 executive session. However, his staff doesn't provide all the documents and do the financial
32 work. If the Council has a question, he will research and provide the best legal answer. His
33 staff isn't going to step forward and provide financial information.
34

35 Brenner stated this is very different from collective bargaining. She spoke to the
36 open public meeting ombudsman, who is an Assistant Attorney General in the Attorney
37 General's office about this being a conflict of interest. The Prosecutor's staff indicated there
38 is no conflict of interest because the Council makes the decision, not the administration.
39 However, it's a conflict and is not collective bargaining because the people from that part of
40 the administration will directly benefit. In collective bargaining, the administration is the
41 middle between the bargaining unit and the Council. She's uncomfortable having these
42 recommendations come from the people who benefit. McEachran stated that the Council
43 decides on the budget and salaries. That's the Council's role. It is not a conflict, even if the
44 people who benefit are asking.
45

46 Brenner stated it doesn't have to be a conflict to make it worthy of being in open
47 session rather than executive session. It is different, according to the Attorney General's
48 Office, who will provide a formal response to her letters if the Prosecutor's Office asks for it.
49 McEachran stated he and Mr. Gibson have gone through Councilmember Brenner's request.
50 They are of the opinion that it is appropriate for Executive Session. There is no reason for a
51 formal response from the Attorney General's Office. This can be done in executive session,
52 as long as it comes back out in a public forum.
53

1 Caskey-Schreiber stated she feels like the Council has been hoodwinked into this
2 situation. It is uncomfortable and regrettable. The trust was breached. It was shocking to
3 hear that the Council policy was ignored. She would like to hear how the administration
4 plans to address this. Also, she requests that they remove all salary agreements from the
5 Consent Agenda in the future. In every resolution they pass, they must have a link to the
6 jobs, salary grade, and an identified salary increase or decrease to be adopted for that year.
7 Link every percentage increase to each classification. The Council needs to provide clearer
8 direction. She is more than willing to do that out in the open, not in executive session.
9 They must have a more open process so they can reflect on the minutes and make sure
10 there is no doubt about a Council directive.

11
12 Crawford stated he would generally agree to that for the elected officials. He prefers
13 to allow the Prosecutor to continue to negotiate with the newspaper or Attorney General's
14 Office about the non-elected officials. That is tied directly to union negotiations.

15
16 Regarding elected officials, he can't think of any good reason why that shouldn't be a
17 completely transparent and separate process from the rest of the employees. Those
18 salaries should be well-known by the public. He would support Councilmember Caskey-
19 Schreiber's proposal if it was limited in the future to the elected officials. Prepare a
20 resolution that is discussed like any other resolution, on the record. He also feels very
21 betrayed. He has always supported Executive Kremen's administration. He knows for a fact
22 that Executive Kremen knew about the executive session discussion. Executive Kremen
23 called him about it. On July 1, when the Executive started getting those bigger checks, he
24 knew the Council's intention, but took the checks anyway. That wasn't right. He will still
25 trust the Executive in the long term. He is a capable and able administrator of this county,
26 but he is let down.

27
28 Desler stated that the suggestion to split out the adjustments for the elected
29 officials, as Councilmembers Caskey-Schreiber and Crawford suggested, is something the
30 administration proposed earlier to the Council, in June. The Council rejected that proposal.
31 The administration is happy to address the process in any way the Council sees as
32 appropriate.

33
34 Pete Kremen, County Executive, stated so many things have been brought up. He is
35 also disappointed. His intentions were always positive and laudable. He appreciates the
36 Prosecutor for providing information that hopefully explains how things got to where they
37 are. His recalls that in his conversation with the Prosecutor, he said that he was extremely
38 reluctant to accept the pay raise that went in because of the State legislation. He asked
39 Prosecutor McEachran if he had to take the increase. Prosecutor McEachran stated the he
40 did have to take the increase. He asked the Prosecutor if he had the power to change it.
41 The Prosecutor told him he did not, and that only the Council could make that change. His
42 reasoning wasn't about a controversy. It was his desire to have a good positive, productive,
43 working relationship with the Council.

44
45 *(Clerk's Note: End of tape one, side A.)*

46
47 Kremen continued to state that he understands the concern. That's why he talked
48 about this to Prosecutor McEachran. His ability to work with the Council is imperative. The
49 Council had all sorts of discussions and contact with the press, without giving him a chance
50 to explain. He tried to avoid the disappointment, frustration, and anger the
51 Councilmembers harbor. He proposed to work with the Council to resolve this so everyone
52 feels they can live with whatever solution they come up with.

1 Fleetwood asked if Executive Kremen supported the Council's decision to uncouple
2 the two salaries. Kremen stated he didn't support it, but he wanted to live by it. Money is
3 not his motivation. His love and concern for this community is his motivation. He walked
4 away from an offer of \$750,000 last year because his reputation means more than money.
5 He was concerned about not putting his staff in a stressful and awkward situation, and
6 because he wanted his reputation impeccable. It's hurtful, offensive, and somewhat
7 insulting for the Councilmembers to think his administration was less than honest. The
8 Council was made aware of the discrepancy or increase in the pay months ago. The Council
9 had an opportunity. It had a resolution for at least three months. That was plenty of time
10 to make a decision on a fairly simple resolution that they do every year. The Council chose
11 not to act. He is sincere when he says he will do everything he can to work with the Council
12 to resolve this issue to everyone's satisfaction, so they can move forward.

13
14 Caskey-Schreiber asked why Executive Kremen didn't come to the Council when he
15 knew he was getting the 101 percent. She asked why the Council had to find out about it in
16 the Bellingham Herald. Kremen stated the Council was given information that clearly noted
17 that these raises would kick in on July 1.

18
19 Caskey-Schreiber stated the Executive's staff never explained that to the Council.
20 Kremen stated that is not true.

21
22 Caskey-Schreiber stated it is true. Furthermore, the Council did not hold on to the
23 unrepresented resolution for three months. The Council kept asking where it was.

24
25 Crawford stated he gave the administration information, and later they said they
26 didn't understand it. This is getting ridiculous. They must move on. They all agree on the
27 facts. Move forward with what they're going to do about it. Take the emotion out of it.
28 The fact is that the Council decided something and the Executive and his staff were aware of
29 it. The Council gets so much information each year. He does his best, which may not be
30 good enough, because they've allowed something to occur. He asked if Executive Kremen
31 knows the dates in which he signed the checks and took thousands and thousands of dollars
32 more than what the Council authorized. There is no question the Executive has the law on
33 his side. The Prosecutor said Executive Kremen is in the right. However, the Council knew
34 what it was doing. The Council also knew that Executive Kremen knew what the Council
35 was doing. Executive Kremen hung up the phone on him that night they discussed it,
36 because he was so mad. Kremen stated that was after the executive session. This paper
37 was distributed to the Council. It was a simple two-page paper with lots of information
38 distributed June 3. It clearly states the date of July 1 and the different wages.

39
40 Brenner stated that the Councilmembers had to hand back that paper and weren't
41 allowed to keep it. They had it just during Executive Session. The staff took hers away
42 from her. They had it for 15 minutes.

43
44 Nelson stated the important thing is to work together to resolve this thing. He thinks
45 Executive Kremen has a concern about this increase, given the public's feelings and what's
46 going on in the world today. They must solve the problem so it doesn't happen in the
47 future. He did not agree with the increase. He didn't know about a resolution that travels
48 forward. Each time, the Council adopts ordinances for biennial budgets. Usually, those are
49 brought forward, and the Council takes care of them. The Council should make a
50 recommendation to the administration, because the Council is still responsible for approving
51 the budget. The administration should rectify this issue in terms of the budget. If the
52 administration is willing, straighten this out so the public knows they are all working
53 together. He's not happy with the Prosecutor's Office. He respects Mr. McEachran, but

1 legal counsel about resolution should be shared with the Council as well as the
2 administration. Get this solved for the public's sake.

3
4 **Crawford moved** to request the administration to present a salary schedule with
5 annual totals of the Executive's salary for the remainder of 2008, which adjusts the
6 remaining pay, reflective of the amount the Council approved, about 7 percent. It would be
7 based on an increase over the 2007 schedule that reflects the formula the Council
8 approved. Show where the Executive's remaining paychecks will end up to the end of the
9 year to equal that total.

10
11 Dan Gibson, Prosecuting Attorney, stated he heard talk about a salary reduction for
12 elected officials. Article 11, Section 8 of the State Constitution addresses the issue of salary
13 increases. It specifically indicates that the salary of any County officer shall not be
14 diminished after his election or during his term of office.

15
16 Weimer stated the Council feels it was hoodwinked into a salary increase effective
17 July 1. He asked if the Council is now stuck with that, because of the Constitution. He
18 asked if that is the bottom line. Gibson stated the State Constitution says the salary of any
19 County officer shall not be diminished after his election or during his term of office.

20
21 Brenner stated there are always pieces of State law and the Constitution all over the
22 place. She would like a yes or no answer about whether there is anything the Council can
23 do to put the salary back to the way it was approved. The County approved what it did by
24 resolution, which has no force of law. In dealing with the Executive, the Council has the
25 right to put his salary at seven times the Council's salary. She asked if they can do that.
26 Gibson stated the Council increases salaries per Article 30, Section One of the State
27 Constitution. The State Constitution prohibits the diminishment of a salary.

28
29 Brenner asked if the Council has no way to put the Executive's salary back to how
30 the Council approved it. Gibson stated that is correct. The increase took place on July 1,
31 2008.

32
33 Brenner asked if the Executive can refuse the increase. Gibson stated the Executive
34 gets the check. What the Executive chooses to do with that check is up to the Executive.

35
36 Brenner asked if there is no provision in State law that allows an elected official to
37 voluntarily reduce his or her own salary. Gibson stated the check is written. One does not
38 voluntarily reduce a salary. There is no option in State law that he is aware of.

39
40 **Caskey-Schreiber moved** to give direction to the Human Resources Division for
41 future salary employee agreements: list job classifications with salary rates; link the job
42 classification with the salary rates; define the salaries specifically in the resolutions; define
43 the increase percentage in the resolutions, and; remove the resolution from the consent
44 agenda.

45
46 Weimer stated bring that motion forward in a resolution.

47
48 **Caskey-Schreiber withdrew her motion** and stated she will bring forward her
49 motion in the form of a resolution.

50
51 **Crawford stated he withdraws his motion** in protest.

1 Brenner stated she has a lot of respect for Prosecutor Gibson, but she doesn't agree
2 with him. The Council's intent, which was clearly made before July 1, was not carried out.
3 If they wanted legal recourse, they do have it. Draw up something that freezes the salaries
4 of the Executive and the Council to the amount that existed before July 2008. The Council
5 is obligated to the public to be careful with their money. They can find laws that allow them
6 to do that.

7
8 **Crawford moved** to rescind the 2009 unrepresented resolution that was approved
9 last week, pending a review of the elected official salaries for 2009. He doesn't intend to do
10 anything that affects the pay situation of anyone other than elected officials.

11
12 Kremen stated that for the greater good of the County and for the institution of the
13 County government, they have the most challenging budget decisions to make in recent
14 history. It would be a shame for the Council and Executive to be sidetracked and polarized
15 because of the seriousness of these issues. He would like to suggest to the Council that he
16 would donate the difference between what the Council approved for his salary and what he
17 receives as a salary, minus the taxes, to the Humane Society. His donation would make up
18 the gap between what the Humane Society says it needs to carry out the County contract
19 and what the County has in the budget. He offers means to show the Council that they did
20 not try to do anything misleading. They've been forthright, candid, and patient. It's time to
21 move past this issue. He sincerely and genuinely wants to work with the Council to tackle
22 these issues.

23
24 Caskey-Schreiber stated she would support that gesture. She supports the motion.

25
26 Brenner stated the County is still out that amount of money. The Executive's
27 donation should go to existing expenses.

28
29 Fleetwood asked if they already vetted the question of a fair, modest increase
30 consistent with others throughout the organization, and decided on seven percent. He
31 asked if that has already been addressed.

32
33 **Crawford amended his motion and moved** to rescind the resolution, and request
34 that the administration prepare a similar resolution that uncouples or separates the elected
35 officials' salaries. Everything they adopted continues to go forward, with the exception of
36 the elected officials. He would like to look again at the salaries of all the elected officials.
37 He is concerned that the disparity between their salaries and Executive Kremen's salary is
38 enormous. They need to look at the entire thing for 2009.

39
40 Nelson stated he is not inclined to increase any other salaries. Many citizens aren't
41 seeing more than three or four percent increase in their own salaries, at the most. They
42 can do that in the future if necessary.

43
44 **Crawford amended his motion and moved** to rescind the resolution, with no
45 conditions.

46
47 Gibson stated another approach is to amend the resolution as approved, rather than
48 rescind the resolution, if the intent is to leave a major portion of it in place.

49
50 Caskey-Schreiber stated she wants to look at the entire resolution again. Make sure
51 all the increases are equal.
52

1 Brenner stated the Council can write a very simple resolution that states the
2 positions and the salaries.
3

4 Kremen stated that if the Council continues to dwell and focus its time and attention
5 on this issue, there will be negative impacts to the morale of the 125 employees that are
6 not elected officials. Now the Council is talking about revisiting and changing the entire
7 thing, after they've already approved the resolution. He is willing to give up the portion of
8 his salary that isn't the wish of the Council, so they can move past this. If they are going to
9 revisit the entire unrepresented resolution, it's a poor reflection on the Council. It shows
10 the Council's inability to make decisions and be decisive. The Council is looking like it
11 doesn't know what it wants.
12

13 Fleetwood stated that on the narrow issue of whether or not to look at this again,
14 he's inclined to agree. They are here today because of an issue with Executive Kremen's
15 salary. They've discussed it and have ideas about how to address it. Reopening the entire
16 resolution, which the majority of the Council was satisfied with previously, seems
17 inappropriate. Move on. He won't support the motion.
18

19 Caskey-Schreiber stated this isn't all about Executive Kremen. It's part of the
20 broken process she tried to describe. It was buried in the Consent Agenda. The hour was
21 late. They talked a little about it in the Finance Committee. She explained some of her
22 concerns then. She thought they were going to have another opportunity to weigh it on its
23 own merits. She forgot to pull it out of the Consent Agenda, so it flew through. She's felt
24 bad about that ever since. It's not related to Executive Kremen. She wants to review it.
25 There are different economic circumstances now. She doesn't know if it's right to give
26 raises to these folks just because they are in a five-year contract with another sector of
27 employees. She supports the motion.
28

29 Brenner stated the changes being suggested and a salary freeze have little to do
30 with most of the unrepresented employees. She's heard from many of the unrepresented
31 employees who are very upset because they are getting a very small increase. Other
32 people at the top, who are making a lot more money, are getting a larger percentage
33 increase on a lot more money. The morale out there is already low.
34

35 Weimer stated he will support the motion. They need to fix this. He has no intention
36 of changing the vast majority of the employees in the resolution. He agrees that they don't
37 want to dredge that all up, but the Council must fix this.
38

39 Kelly stated he agrees with Councilmember Fleetwood. He doesn't know that they
40 will be able to limit the scope of these discussions. He's made a decision and is willing to
41 stick by that. He agrees that they do have more important things to do. They have a
42 budget to adopt in a short time. There isn't anything they can do with the current situation.
43 He's not any happier than anyone else about what happened, but he won't support the
44 motion.
45

46 ***Motion to rescind carried 4-3 with Kelly, Nelson, and Fleetwood opposed.***
47

48
49 **OTHER BUSINESS**

50
51 There was no other business.
52
53


1 **ADJOURN**

2
3 The meeting adjourned at 11:55 a.m.

4 
5
6 _____
7 Jill Nixon, Minutes Transcription

8
9 The Council approved these minutes on July 7, 2009.

10
11 ATTEST

12 
13
14
15
16
17 Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Carl Weimer, Council Chair