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WHATCOM COUNTY COUNCIL  
**Special County Council**

November 4, 2008

Council Chair Carl Weimer called the meeting to order at 9:15 a.m. in the Fifth Floor Conference Room #513, 311 Grand Avenue, Bellingham, Washington.

Present:

Barbara Brenner  
Bob Kelly  
Sam Crawford  
Seth Fleetwood  
Laurie Caskey-Schreiber  
L. Ward Nelson

Absent:

None

**1. DISCUSSION REGARDING THE 2008 SALARY SCHEDULE AND 2009-2010 SALARY SCHEDULE FOR UNREPRESENTED WHATCOM COUNTY EMPLOYEES (AB2008-121B AND AB2008-361)**

Weimer submitted a draft **resolution correcting an error in the County Executive's salary (AB2008-121F)**. The 101 percent clause that tied the Executive's salary to the Prosecuting Attorney's salary was a realignment clause in the 2006 resolution that was still in effect on July 1, 2008. That clause states that realignment can only happen during the first quarter of the year. There was no realignment in the first quarter of 2008, so there was no automatic tie to any realignment for the Executive's salary on July 1. The Administrative Services Department staff mistakenly increased the Executive's salary based on that. His resolution corrects that error and asks the Administrative Services Department and Executive to correct that error by November 25.

Crawford asked if the realignment schedule impacts all the elected officials. The Council voted for the realignment on July 8. The July 1 issue is what this affects. There was an assumption that there should be a realignment. The July 8 resolution covered all the elected officials, including the Executive.

Fleetwood read the realignment language.

Weimer stated the 101 percent clause followed that language.

Dan Gibson, Prosecuting Attorney's Office, asked if Councilmember Weimer consulted with legal counsel on this matter.

Weimer stated he has not. He's not quite sure who to consult with, since the Prosecutor's Office seems to have a conflict of interest. The Prosecutor's salary was also affected by this on July 1. They need an independent attorney. Gibson stated the Prosecutor's salary was going to go up in any event. It is not governed by this. The Prosecutor's salary went up as a reflection of adjustment in State law.

Weimer stated that if Council had to pass the resolution before July 1, the Prosecutor's salary wouldn't have gone up as much. Gibson stated the Council voted on the Prosecutor's salary raise on July 8, knowing his salary had gone up as of the first.

1 Weimer stated the Council was never told there was an increase in salary as of July  
2 1.

3  
4 Crawford stated the councilmembers realize the administration believes they told the  
5 Council of that increase.

6  
7 Caskey-Schreiber stated the administration never informed the Council of the raise.  
8 Gibson stated that regardless, State law declared that the Prosecutor's salary would be  
9 increased as of July 1.

10  
11 Brenner stated the Council didn't know the exact date the raise would happen. The  
12 County didn't have to raise its portion of the salary. Gibson stated the County portion of the  
13 salary was not raised. He and Mr. McEachran both addressed the question of what happens  
14 to the Executive's salary around July 1. They are looking at the language in 7.1.2, which is  
15 the only language that addresses the issue of the Executive's salary. It specifically does not  
16 include the Executive within the consideration of realignment in the first quarter of the year.  
17 Language in the resolution does say that the County Executive always remains at 101  
18 percent of the Prosecuting Attorney.

19  
20 Weimer stated that if the Prosecuting Attorney received a raise during the first  
21 quarter of the year, the Executive would have received 101 percent. There was never any  
22 realignment of the Prosecutor in the first quarter. Gibson stated he disagrees with the  
23 interpretation, and he has advised the Administrative Services Department to the contrary.  
24 It's quite clear that, when the Prosecuting Attorney got an adjustment, this resolution  
25 anticipated that the County Executive would remain at 101 percent of that salary.

26  
27 Brenner stated the sections on realignment and comparable salaries are two  
28 separate things. The realignment is still valid. Gibson stated the first quarter consideration  
29 would not apply to the Executive, per his interpretation. That's how he and the Prosecutor  
30 advised the Executive. If the Prosecutor salary goes up, then the Executive salary goes up  
31 according to this resolution. From his perspective, it's straightforward.

32  
33 Weimer stated it would have been nice if they were advised that before July 1.  
34 Gibson stated it would have been nice if they had been asked.

35  
36 Weimer asked how the County Council goes about getting independent legal advice.  
37 Gibson stated the Council asks the Prosecutor to do that. There may be a provision for a  
38 Superior Court Judge to provide a special deputy. The Prosecutor's Office would be happy  
39 to advise the Council on that process, if it is asked.

40  
41 Brenner stated the Council can't ask the Prosecutor something if it isn't aware of the  
42 question. The Council had no idea when this raise would happen. She thought it was going  
43 to be toward the end of the year, and the Council had the time to work on it. No one told  
44 her anything else. Gibson stated he doesn't pay that much attention. He responds to  
45 questions he's asked. He was asked what happens to the Executive's salary on July 1, when  
46 the Prosecutor's salary goes up. That's the question he answered.

47  
48 Brenner stated the Executive's salary, as it's tied to the Prosecutor's salary, isn't  
49 about comparables. That was about the State Salary Commission giving the raise. It  
50 doesn't take away from the realignment, which is a separate issue.

51  
52 Fleetwood asked about a provision in the State Constitution. He asked when the  
53 Executive's salary is formally set, according to State law. *(Inaudible.)* Gibson stated the

1 Constitution says the salary may not be increased except pursuant to Section I, Article 30,  
2 and may not be diminished during the term of office. Salary is set pursuant to the language  
3 in the resolution that governs it. That salary may change during the course of the year. If  
4 it does, it may not be diminished during the term of office.  
5

6 Fleetwood asked Mr. Gibson's legal opinion on whether the Executive salary was 101  
7 percent of the Prosecutor's the moment July 1 passed, by operation of law (*Inaudible.*)  
8 Gibson stated the amount in effect as of July 1 was approximately \$135,000. It is correct  
9 that on July 1, the Executive's salary was 101 percent of the Prosecutor's salary. The  
10 Executive's salary had been \$119,000, and Mr. McEachran's salary was approximately  
11 \$117,000. The Executive's salary in 2007 was \$119,772. On July 1, 2008, 101 percent of  
12 the Prosecuting Attorney's salary was about \$131,000. The amount of \$141,000 would  
13 presumably have been a reflection of the increase adopted on July 8.  
14

15 Fleetwood asked if it's Mr. Gibson's opinion that there is no way to back down from  
16 the salary of \$141,000, effective July 8. He asked if Mr. Gibson had given any more  
17 consideration to a legally permissive, yet creative, way to adjust the salary to be in line with  
18 Council's expectations. Gibson stated that when he answers these questions, he assumes  
19 the Council knew what it was doing, and understood that this resolution was still in effect on  
20 July 1, 2008. He was subsequently informed that the Council didn't intend for the resolution  
21 to govern on July 1. The Council did not change the resolution until July 8. Consequently,  
22 from a legal standpoint, the Council intended for the resolution that was in place prior to  
23 July 8 to remain in place until July 8. In terms of determining the Council's intent, he  
24 assumes the Council did not intend to change the resolution prior to its vote on July 8. If  
25 the Council had intended to do so, it would have done so. That's all he's left with. The  
26 Council had a resolution before it in June, but didn't take action to change the resolution  
27 until July 8.  
28

29 Fleetwood stated that's historical. He asked if Mr. Gibson has given any further  
30 consideration to whether or not there is a legally permissible, yet creative, way to adjust the  
31 salary. Gibson stated the language of the resolution in place July 1 said that the Executive's  
32 salary would always remain 101 percent of the Prosecutor's salary. That being the case,  
33 once that salary is increased, it doesn't go backwards. He tries as best he can to interpret  
34 the law, not make it up. He and Councilmember Weimer disagree over the intent of the last  
35 sentence in section 7.1.2. He doesn't hesitate to stand by his advice.  
36

37 Weimer stated section 7.1.2 clearly deals with realignment. He asked if Mr. Gibson  
38 says that the second half of the last sentence is independent of realignment. Gibson stated  
39 the thing that addresses the relationship between the Executive and the Prosecuting  
40 attorney is the last sentence of section 7.1.2. When he looks at that language in context,  
41 including historical context, he concludes that the one place the County Executive's salary is  
42 addressed is in this section, in relationship to the Prosecuting Attorney. Whenever the  
43 Prosecuting Attorney's salary changes, not just limited to the first quarter, the County  
44 Executive's salary remains at 101 percent. That's his interpretation.  
45

46 Weimer stated the 101 percent clause is tied, in the first part of the same sentence,  
47 to realignment. He asked how they can be separate. Gibson stated he considers what  
48 came before historically, the provisions that address the County Executive's salary, and  
49 what happened to the Prosecuting Attorney's salary. His conclusion is that the County  
50 Executive's salary goes to 101 percent of the Prosecuting Attorney's salary, whenever the  
51 Prosecuting Attorney's salary changes.  
52

53 Weimer stated he doesn't see anywhere in the resolution that says that.

1  
2 Brenner stated it seems like they can fix it, if the Council makes a decision, the  
3 Executive doesn't oppose, and there isn't a legal argument against that. It seems like the  
4 only other option they have is to file a legal action against the administration for  
5 malfeasance. All the information they have is what the administration gives them. The  
6 Council can't be expected to go through every piece of paper. The Council is so beholden to  
7 the administration for its information and for following through with salary direction. She  
8 wants to file a legal action and get to the bottom of this. Something is really wrong here.  
9 They need to do more rather than less. Gibson stated lawsuits don't occur without litigants.  
10 They are audited by the State. He has no idea whether the State Auditor would be  
11 interested in an issue like this. If there is no disagreement between the Council and  
12 Executive, they don't have a lawsuit.

13  
14 Nelson asked how to fix this. He asked if Mr. McEachran had discussions with the  
15 Deputy Prosecutors regarding this salary increase and the resolution of 2007. Gibson stated  
16 he's not certain where the attorney for the Council was on this issue. He advises the  
17 Human Resources Division. At some point during late June or early July, he was asked what  
18 happens when the Prosecutor's Salary goes up. To the best of his recollection, he vaguely  
19 recalls a comment being made that the staff also discussed it with Mr. McEachran. That was  
20 after the June 17 meeting and may have been shortly before July 1. He talked with Mr.  
21 McEachran about it. He was aware that Mr. McEachran had been asked a similar question,  
22 and responded in a similar fashion. At this vantage point, he doesn't recall particular  
23 conversations with Mr. McEachran, but he was aware they both addressed the same  
24 question with the same answer.

25  
26 Nelson asked if Mr. Gibson had discussions with the Human Resources Division (HR)  
27 about the effect of the 2007 resolution on the Executive's salary. Gibson stated he did. The  
28 question asked him was what happens with the Executive's salary on July 1, in light of the  
29 101 percent clause in the resolution.

30  
31 Nelson asked if Ms. Goens recalls the conversations with the Prosecuting Attorney's  
32 Office about the Executive's salary.

33  
34 Karen Goens, Administrative Services Department, stated she was not involved. She  
35 talked with Dewey Desler.

36  
37 Wendy Wefer-Clinton, Administrative Services Department, stated she did talk to the  
38 Prosecuting Attorney's Office. She sent that question in an email.

39  
40 Nelson asked if Ms. Wefer-Clinton was aware that would have an impact on the  
41 separation of the Executive's salary that they discussed in executive session. Wefer-Clinton  
42 stated the Council indicated its desire to do that.

43  
44 Nelson asked (*inaudible*). Wefer-Clinton stated the information (*inaudible*) indicating  
45 that on July 1, the Executive's salary would go up as tied to the Prosecuting Attorney's  
46 salary. It was in a chart. On July 1 (*inaudible*) the Prosecuting Attorney's salary would go  
47 up.

48  
49 Nelson asked when Mr. Gibson talked to the Ms. Wefer-Clinton about the Executive's  
50 salary. Gibson stated he doesn't recall. He got an email on June 18. He was on vacation at  
51 that time. He did not speak with the Human Resources staff immediately upon returning  
52 from his vacation. His three colleagues were in Chelan at the summer conference for  
53 Prosecutors. To the best of his recollection, Ms. Wefer-Clinton was on vacation when he

1 spoke with the Executive's Office about the question of what happens on July 1. He recalled  
2 that when he addressed that question, the Executive's Office had previously spoken with  
3 Dave McEachran in the latter part of June. He recalls directly speaking to it on or about July  
4 1 or July 2.  
5

6 Nelson stated his concern is the culpability of the Prosecutor's Office. Mr. Gibson's  
7 attempt was to make sure everyone got the correct information. He doesn't know if the  
8 Council's legal efforts, given that they shared that information. The Council did not receive  
9 any information about this from the Council's legal counsel. He hopes that in the future, the  
10 Prosecutors will share with the Council any facts that have budgetary concerns. He also  
11 hopes that in the future the Human Resources staff share any information about salaries,  
12 budgetary concerns regarding salaries, and impacts to departments, including numbers and  
13 legal ramifications.  
14

15 **Weimer moved** to approve the resolution. It interprets that the realignment clause  
16 needs to take place in the first quarter of the year. That didn't happen. The Council never  
17 legislatively approved an increase for the Executive's salary in any resolution.  
18

19 Caskey-Schreiber stated she's ready to move on. They all agree that the information  
20 was never brought forward. It bothers her that the administration says the information was  
21 distributed to the Council, and the Council knew about the Executive increase. Rarely does  
22 the Councilmembers agree on anything. All the Councilmembers agree that this information  
23 wasn't mentioned or brought forward. The fact that it was embedded on a chart shows how  
24 broken the system is. They put a bunch of numbers on a chart that aren't linked to any job  
25 titles, and the Council is supposed to know what everyone makes and how any increases  
26 affect those people. In the future, link salaries to job title and pay range. Also, pay  
27 increases are linked and spelled out. Everyone will know where they stand with increases.  
28 Last, vote on this as a separate item and not within the Consent Agenda. She will support  
29 the motion.  
30

31 Crawford stated the Executive indicated he is willing to resolve this with the Council.  
32 He asked if the Executive can voluntarily take a pay cut. Gibson stated that under the law,  
33 the check is cut, and the Executive gets the check. It's the Executive's business to decide  
34 what he does with the money. He encourages the Council to work it out with the Executive  
35 before setting themselves up for a Constitutional confrontation. The Executive can't elect to  
36 not receive a salary increase. The policy underlining Article 11, Section 8 of the  
37 Constitution is that disputes between elected officials should not find their way into salary  
38 discussions. The principle is to not increase salaries except through this method, and do not  
39 diminish salaries during the term of office. They do not want the salary to become a  
40 political weapon. People can play games with these matters. People can say they will  
41 reduce their salary for the sake of the taxpayer. The Constitution takes direct aim at that  
42 and doesn't allow that action. He would have to look at the provision to make sure.  
43

44 Crawford asked if Mr. Gibson would advise the Human Resources that reducing Mr.  
45 Kremen's salary, at his request, is not following the law. Gibson stated that is correct.  
46 When that salary is determined, if determined correctly, that's what a person gets and will  
47 pay taxes on. If that person wants to make contributions from that, it's that person's  
48 business.  
49

50 Crawford stated they need to move on. They need to look at 2009 through 2011,  
51 and do proactive things to address Executive Kremen's salary. Everything should be on the  
52 table. For 2008, what's done is done. Legal counsel advised that a pay reduction of the  
53 Executive, even voluntarily, would not be legal. He is opposed to the motion. In section

1 7.1.2, the first sentence excepts councilmembers and the County Executive from everything  
2 that follows. The language is muddy when it discusses the County Executive as if he's in  
3 this realignment umbrella. He understands Councilmember Weimer's interpretation, but  
4 agrees that the councilmembers and Executive are exempt from 7.1.2. He appreciates that  
5 this is not clear, but he doesn't agree with the interpretation. They can't rely on this to pass  
6 a resolution to ask the Executive to reduce his salary or make a proposal, based on that the  
7 raise wasn't qualified because it didn't occur in the first quarter.  
8

9 Brenner stated she is in favor of the motion. The process wasn't proper. An  
10 improper process contaminates the outcome. She has an opinion from the Assistant State  
11 Attorney General for Open Public Meetings. They all agree they never got that information.  
12 An administrator, who would directly benefit from the Council's action, is telling the Council  
13 that they did receive the information. She did ask that question of the Council's legal  
14 counsel. The Council needs its own special attorney. The Council's legal counsel disagrees  
15 with the State Attorney General on whether the Council should have even held those  
16 meetings. If they hadn't held those meetings in executive session, this information would  
17 have been public a lot sooner. They must find a way to allow everyone to gracefully walk  
18 away from this without taking it to the next level. If the Council and Executive get into an  
19 argument, the Council must have its own attorney and deal with the process that created  
20 this decision. According to the State Assistant Attorney General for Open Public Meetings,  
21 this was improper.  
22

23 Kelly asked if this proposed resolution conflicts with the Constitution. It seems  
24 they're trying to do something in direct disagreement with section 7.1.2. Gibson stated that  
25 according to his interpretation of the resolution in effect at the time, reducing the salary at  
26 this time would be contrary to the Constitution. Councilmember Weimer's interpretation  
27 was that they don't reach that point because it never should have occurred under County  
28 law. Councilmember Weimer's interpretation, if one accepts it, does not run afoul of the  
29 Constitution. He believes that is an incorrect interpretation. With the correct interpretation,  
30 the proposed resolution would run afoul of the Constitution. He advises the Council to  
31 check with the Council's legal counsel.  
32

33 Kelly asked if Mr. Gibson is prepared to give the Council advice today. Gibson stated  
34 he is not the Council's legal counsel. He can only indicate the advice he's given to the client  
35 he has.  
36

37 Kelly stated the Council isn't going to get any legal advice on this prior to making a  
38 decision. It's someone's job, but he doesn't know who, to provide the Council with legal  
39 counsel. The fact that the Council doesn't have adequate staff to help the Council make  
40 informed decisions about very important issues is concerning. He can't believe that. Most  
41 elected officials don't make decisions without a staff attorney present to guide them through  
42 this, and ask questions. It seems a number of people, perhaps as many as 20 people, knew  
43 what the situation was, yet the Council didn't. He doesn't understand why not one of those  
44 people thought to inform the Council that what they are doing isn't consistent. Regarding  
45 the motion, he doesn't want to make another dumb mistake.  
46

47 *(Clerk's Note: End of tape one, side A.)*  
48

49 Kelly continued to state that he's not comfortable making a decision without getting  
50 a legal opinion about whether or not they are setting themselves up for a Constitutional  
51 battle of some sort. Generally he supports the resolution. He doesn't know if it will create  
52 more problems.  
53

1 Fleetwood stated he is torn. He likes the idea of doing something that isn't likely to  
2 be challenged and moving on. He leans towards Mr. Gibson's interpretation. However, he  
3 agrees that it's unclear enough to be subject to a different interpretation. He asked if the  
4 administration would actually take steps to correct the problem if the Council were to  
5 approve this proposed resolution. Gibson stated occasionally they are confronted with the  
6 question of whether the money is an overpayment or a unilateral mistake that results in a  
7 contracted fact. It's an analysis they must go through empirically, given the facts of the  
8 situation. Good advice was given in good faith. Life operated based on the premises that  
9 were embedded with that advice and action. He can't predict how people should change it.

10  
11 Fleetwood asked if the administration can create a fix, based on the Council's  
12 direction expressed in the proposed resolution.

13  
14 Dewey Desler, Deputy Administrator, stated they would design a fix that meets the  
15 legal advice of the Prosecutor. It's a question that must be answered again by the  
16 Prosecutor and the Executive. The administration is prepared to assist them in carrying out  
17 any mechanism that they determine to be appropriate and legal.

18  
19 Weimer stated he has no disagreement with Mr. Gibson's legal interpretation that the  
20 Council can't take away any raise it gives to the Executive. That's clearly in the  
21 Constitution. That's not what he's arguing. He's arguing that the legislative branch, under  
22 the Constitution, sets the Executive salary. The Council has never done anything to change  
23 the Executive's salary, since it passed the 2006 resolution. The realignment clause that ties  
24 into the Prosecutor's salary is specific that it has to take place during the first quarter. That  
25 never happened. The Council didn't do anything else to change the Executive's salary. It  
26 was a mistake when that salary was changed on July 1. There was never Council direction  
27 to change the Executive's salary.

28  
29 Brenner stated it's not up to the Prosecutor and Executive. The contract is between  
30 the Council and the Executive. If both agree that it was a mistake, then it was a mistake.  
31 This resolution has no force of law, but it has the Council's statement of what it believes.

32  
33 Nelson stated he is very uncomfortable with this, but he understands both  
34 arguments. Mr. Desler's comments assures him that the administration will try to remedy  
35 this situation so they continue with the working relationship they've had over the years. He  
36 will support the resolution with that intent in mind. The administration would like to rectify  
37 the situation. Desler stated it is a decision of the Executive and Prosecutor, as legal  
38 counsel.

39  
40 ***Motion carried 5-2 with Caskey-Schreiber and Crawford opposed.***

41  
42 Weimer stated they must decide the direction for the future unrepresented  
43 resolution. They must put parameters on what they write.

44  
45 ***Crawford moved*** to request the administration bring back a 2009 unrepresented  
46 resolution with elected official salaries removed from the resolution. It would be the same  
47 as the 2009 resolution the Council recently passed and subsequently rescinded.

48  
49 ***Caskey-Schreiber suggested a friendly amendment*** to advocate for a 2.75  
50 salary increase across the board increase, not a 2.88 increase and an additional step for  
51 department heads.

52  
53 ***Crawford stated he does not accept*** the friendly amendment.

1  
2       **Caskey-Schreiber suggested a friendly amendment** to have the job titles linked  
3 to the salaries or position ranges.  
4

5       **Crawford did not accept** the friendly amendment. He is not opposed to that for  
6 2010, but make this a clean resolution that is simple and timely. He is concerned about the  
7 complexity of things that would make this more complicated and time-consuming. If the  
8 Human Resource Division has proposed appropriate changes, he's open to them.  
9

10       Wefer-Clinton stated the elected officials received an increase of 6.68 percent, which  
11 was a 3.8 percent step and an increase of 2.88 percent across the board.  
12

13       Crawford stated don't deal with elected officials as part of the unrepresented  
14 resolution.  
15

16       Brenner stated she didn't want the resolution to be the same. She won't support the  
17 motion as it is.  
18

19       **Caskey-Schreiber moved** to amend the motion to give an across the board 2.75  
20 raise only, with no step increase. Times have changed since they first negotiated all the  
21 other salaries. She likes the fact they are going to treat all employees equally.  
22

23       Crawford stated he is opposed to the motion to amend because it sends the message  
24 to the employees that the Council will go over something it has already passed, because of  
25 a disagreement with the Executive's salary. He asked if this creates a disparity between the  
26 union and nonunion agreements.  
27

28       Wefer-Clinton stated it does create a disparity with the nursing group.  
29

30       Crawford stated he doesn't agree with the motion because it says they will give a  
31 handful of union employees more than the nonunion employees. That's not good at all.  
32 The Council policy has always been to treat all employees equally. It's not a good  
33 precedent to redo something and make the employees feel like they are caught in the  
34 middle.  
35

36       **Brenner** stated they've always given different pay steps and ranges. It's not equal.  
37 She **suggested a friendly amendment** to Councilmember Caskey-Schreiber's  
38 amendment, to freeze all salaries above \$100,000.  
39

40       **Caskey-Schreiber did not accept** the friendly amendment. She is eliminating the  
41 step increase.  
42

43       **Nelson** stated he doesn't support the motion. He understands that the reasoning  
44 behind the step increase was because of retention and their ability to fill positions. He  
45 understands that reasoning. It's worth a discussion about a cost of living adjustment  
46 (COLA) for everyone. He **suggested a friendly amendment** to Councilmember Caskey-  
47 Schreiber's amendment to not eliminate the step increase.  
48

49       **Caskey-Schreiber did not accept** the friendly amendment.  
50

51       (Clerk's Note: The Council did not vote on Councilmember Caskey-Schreiber's  
52 amendment.)  
53

1 Brenner stated there is an abundance of qualified people in Whatcom County. Look  
2 internally for the problems with retention. Don't just throw money at it. She's not  
3 convinced that is the solution to get qualified people in the jobs.  
4

5 *(Clerk's Note: End of recording midway through tape one, side B. Skip tape two,*  
6 *side A, due to audiotape recording malfunction. Begin tape two, side B. )*  
7

8 Caskey-Schreiber stated she will propose budget cuts to cut back the workweek of  
9 every county employee by one hour. It could save the County \$500,000. That is  
10 something they should consider. That's why she wouldn't mind a higher across the board  
11 salary increase.  
12

13 Kelly stated he doesn't want to reopen what they agreed on earlier. However, he's  
14 very interested in Councilmember Caskey-Schreiber's budget amendment. Don't do  
15 anything that precludes them from getting there. It's just not fair to the employees to  
16 reopen these issues. Most of these positions are specialized. They must create an  
17 atmosphere to recruit the best people possible. Most of these people have to relocate here  
18 from other places. They aren't going to find people locally to fill some of these positions.  
19 They will come from other places.  
20

21 Caskey-Schreiber stated it's a morale issue when they continually treat one sector of  
22 the unrepresented employee group better than the other. That is a practice that is wrong.  
23

24 Wefer-Clinton stated the Human Resources staff didn't ask the Council to add steps  
25 to any matrices. It's was done in July. They are only asking for 2.88 across the board for  
26 those two groups.  
27

28 ***Caskey-Schreiber withdrew her motion.***  
29

30 Brenner stated the resolution just rescinded included extra steps that would get  
31 someone more money on top of the increase. Wefer-Clinton stated they added the  
32 recognition and retention (R&R) premium to the managers in 2009 and to the department  
33 heads in 2010. That's why the steps were added. The support and professional supervisors  
34 have a lot more steps than the other groups because the R&R premium was already added  
35 into their matrix in 2008. The Council voted in July to add steps to the department head  
36 and management group matrices.  
37

38 ***Brenner*** stated in 2009, don't include the additional steps. She ***moved*** to approve  
39 just a 2.88 percent salary increase across the board.  
40

41 *(Clerk's Note: the motion was not voted on.)*  
42

43 Caskey-Schreiber stated there was a step increase equal to six percent for  
44 department heads, plus the 2.88 percent increase. She asked if that isn't true. Wefer-  
45 Clinton stated those additional steps were added in July 2008. If the employees have been  
46 at their step for a year, they can move up with a certain level of performance, just like  
47 everyone else. That's only the people who were at the top steps.  
48

49 Caskey-Schreiber asked if the lower tier staff who are not management would have  
50 gotten another step added, if they were at the top step. Wefer-Clinton stated they got a  
51 percent added to the top step. They got a portion of a step added.  
52

1 Caskey-Schreiber stated that's a different standard they're holding those non-  
2 manager employees to.  
3

4 **Weimer restated the motion** to request the administration bring back a 2009  
5 unrepresented resolution with elected official salaries removed from the resolution. It would  
6 be the same as the 2009 resolution the Council recently passed and subsequently  
7 rescinded.  
8

9 **Brenner moved** to amend to freeze all salaries over \$100,000.  
10

11 **Motion failed 1-6 with Brenner in favor.**  
12

13 **Caskey-Schreiber moved** to amend to add one step to the positions not considered  
14 department heads or managers, just like what happened with managers and department  
15 heads.  
16

17 Crawford stated he is opposed for the same reasons as before. It is not going to  
18 create parity with the unions.  
19

20 **Motion failed 2-5 with Caskey-Schreiber and Brenner in favor.**  
21

22 Wefer-Clinton asked about implementation changes in the motion.  
23

24 Crawford stated it would be appropriate to bring back the identical wording, and the  
25 Council can adjust the wording based on Human Resource Division recommendations. He  
26 suggests that the wording be identical, and any recommendations to change the wording be  
27 brought forward.  
28

29 **Caskey-Schreiber** asked the cost of living adjustment (COLA). She **moved to**  
30 **amend** to approve a COLA of 2.88 percent across the board, not 2.75 percent for one group  
31 and 2.88 percent for the other.  
32

33 Brenner stated she would support an across the board increase of 2.75 percent, but  
34 not 2.88 percent.  
35

36 **Caskey-Schreiber amended her motion and moved** to amend to approve a 2.75  
37 percent COLA across the board.  
38

39 Crawford stated he would not support the motion because of the disparity between  
40 the unrepresented employees and union employees.  
41

42 Fleetwood stated he agrees with Councilmember Crawford.  
43

44 **Motion failed 3-4 with Weimer, Brenner, and Caskey-Schreiber in favor.**  
45

46 **Caskey-Schreiber moved** to amend to approve a COLA of 2.88 percent across the  
47 board.  
48

49 **Motion failed 2-5 with Nelson and Caskey-Schreiber in favor.**  
50

51 **Main motion to separate the elected officials carried unanimously.**  
52

1 **Crawford moved** to request that the administration bring forward a resolution for  
2 the elected officials with the Auditor, Treasurer, and Assessor salaries at the same 2009  
3 salary as recently passed in October, the Sheriff salary at \$110,000, and the Executive at  
4 the same salary as 2008, with no COLA or other increase. Since the Council passed that  
5 resolution, he has done some research. Small city police chiefs are earning salaries in the  
6 high \$90,000. The Bellingham Police Chief salary is around \$120,000. Western Washington  
7 University's law enforcement officer salary is approximately \$105,000. They need to  
8 consider what the Sheriff is doing and his responsibility to manage an organization that is as  
9 big or bigger than any of these other organizations.

10  
11 Brenner stated she is not in favor of motion. She is a big fan of the Sheriff, but  
12 public officials aren't in public service for the money. This is not a good time to make  
13 increases like that. She will support the same increase as originally proposed. Approve a  
14 2.75 percent salary increase for all elected officials.

15  
16 **Crawford amended his motion and moved** to request that the administration  
17 bring forward a resolution for the elected officials with the Auditor, Treasurer, and Assessor,  
18 and Prosecutor at the same 2009 salary as recently passed in October, and the Executive  
19 salary at the same level as 2008, with no COLA or other increase.

20  
21 Brenner stated she can't support a six percent raise for elected officials in this  
22 economy.


23  
24 Nelson stated the motion is for the administration to bring forward a resolution. The  
25 Council doesn't have to agree with these recommendations at this time.

26  
27 **Crawford** stated that is a good point. He **amended his motion and moved** his  
28 original motion to request that the administration bring forward a resolution for the elected  
29 officials with the Auditor, Treasurer, Assessor, and Prosecutor at the same 2009 salary as  
30 recently passed in October, the Sheriff's salary at \$110,000, and the Executive salary at the  
31 same level as 2008, with no COLA or other increase.

32  
33 **Motion carried 6-1 with Brenner opposed.**

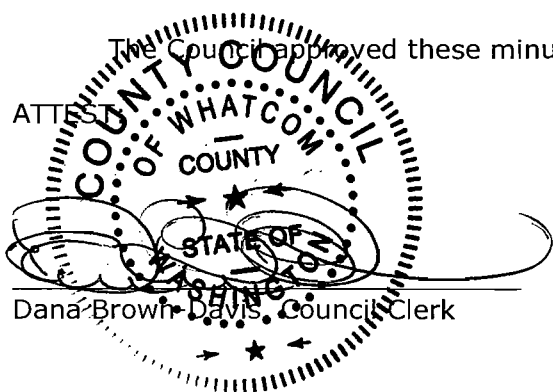
34  
35  
36 **ADJOURN**

37  
38 The meeting adjourned at 10:50 a.m.

39  
40  
41   
42 Jill Nixon, Minutes Transcription

43  
44 The Council approved these minutes on July 7, 2009.

45  
46 ATTEST



47  
48  
49  
50  
51 Dana Brown-Davis, Council Clerk

52  
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Carl Weimer, Council Chair

