

Independent Salary Commission
Meeting Minutes
July 31, 2024

PRESENT: Chair Lori McRea Keller, Vice Chair Kan Liang, Byron Rodriguez, Mona Shen, Claire Sumadiwirya

ABSENT: None.

1. Call to Order

The meeting was called to order at 4:30 p.m., with City Clerk Charmaine Arredondo presiding. She noted that the new commissioners would be electing their officers later in the meeting. She said the commission's meetings are open public meetings and the meeting agendas and minutes are provided on the City's web site.

2. Roll Call

City Clerk Arredondo called the roll and all commissioners were present.

3. Approval of Agenda

Commissioner Liang moved to approve the agenda. The motion was seconded by Commissioner Keller and carried by a vote of 5-0.

4. Roles and Responsibilities Overview

Ms. Arredondo introduced the staff who will be involved in the commission's process: Joy St. Germain, Director of the Human Resources Department; Matt Smith, Assistant Director, Human Resources Department; and Kathleen Kline, Assistant City Attorney.

Ms. Arredondo said the structure for the independent salary commission was created by the Council in 2016. The Council authorized a commission that year to review Councilmembers' salaries after they had not been reviewed for a substantial amount of time. That commission filed its final report in December 2016 and Council salaries have not been reviewed since that time. On November 20, 2023, the Council enacted a new independent salary commission to conduct an updated review.

The purpose of the commission is outlined in the city code. The commission will review and establish Councilmember salaries and staff will implement the salaries according to state law and the city code. Ms. Arredondo said the commission will elect a chair as well as a vice chair to preside over meetings if the chair is absent or participating remotely. The chair must attend meetings in person.

Ms. Arredondo said the commission would adopt its bylaws later in the meeting. The chair's role is to control the discussion and to ensure that the meeting follows the agenda. The chair should state the motions before voting and announce the outcome of the votes.

Ms. Arredondo highlighted the commission's responsibilities as outlined in the city code. The commission will study the relationship between the salaries of the Mayor, Deputy Mayor and Councilmembers and their duties and ultimately set the salaries going forward. Ms. Arredondo said the final report and decision will be filed with the City Clerk. While the Council cannot alter the decision, it is subject to a 30-day referendum period during which a member of the public could challenge the decision. The deadline for completing the commission's work is December 1.

Ms. Arredondo noted that a video regarding the Open Public Meetings Act and the Public Records Act was distributed to all of the commissioners.

5. Open Government Training

(a) Open Public Meetings Act and Public Records Act Review

Kathleen Kline, Assistant City Attorney, encouraged the commissioners to ask any questions they might have after they watch the video regarding the applicable state laws. The Open Public Meetings Act requires that all meetings of governing bodies of public agencies, including cities, counties and special purpose districts, be open to the public. Meetings in which City business is received, discussed and/or acted upon must include a quorum of the commission members (i.e., three of the five commissioners). Action is defined as the transaction of official business included but not limited to the receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations and final actions. No action may be taken except in a public meeting where a quorum is present.

Ms. Kline said that action taken by a quorum of commission members outside of a public meeting violates the Open Public Meetings Act. Members should be careful to not take action, whether intentionally or unintentionally, outside of a regularly scheduled public meeting or a properly constituted special meeting. Ms. Kline cautioned the commissioners to avoid meetings outside of the public meeting including site visits, dinners and social gatherings to the extent possible. Serial conversations between smaller groups may be treated as a meeting (see *Wood v. Battle Ground School District* in which the exchange of emails among school board members was deemed to be a meeting under the Open Public Meetings Act).

The Act's restrictions apply regardless of the form of communication (e.g., texts, online comments, emails, phone calls and in-person conversations). Ms. Kline said the receipt of an email or social media post is not automatically a meeting. However, responding to the email or otherwise engaging in conversation regarding the content could be considered a violation of state law.

Ms. Kline described the Public Records Act, which provides a mandate for the broad disclosure of public records (see *Green v. Pierce County*). The law requires the disclosure of all public records unless they fall within a specific exemption provided in RCW 42.56.070(1). Ms. Kline said the courts liberally construe the disclosure provisions and narrowly construe the exemptions, reflecting an interpretation in favor of disclosure.

Under the Public Records Act, a record is any writing containing information related to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by a state or local agency, regardless of the physical form or characteristics. Ms. Kline said a writing refers to handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation. A requester is entitled to all non-exempt records and may request that electronic records be produced in electronic format.

Ms. Kline encouraged the commissioners to avoid using their personal email accounts in connection with their work on the commission because their personal accounts could then be subject to a public disclosure request. She said electronic public records may include text messages, online communications and social media posts. Electronic records must be retained in electronic format and remain usable, searchable, retrievable and authentic for the length of the designated retention period, even if they are on personal devices such as phones and computers.

Ms. Kline advised the commissioners to observe best practices and to separate public and personal communications. She said they should ensure that City documents are separated from personal documents on personal devices. Emails and other electronic documents that are public records are to be transferred to an organized, secure and accessible filing system for retention in a manner that preserves the metadata.

Ms. Kline noted that although staff coordinates and oversees compliance with the Public Records Act, all commissioners should be aware of and comply with established procedures and records requests. A request for records directed to a commissioner or staff is considered a valid request.

6. Future Meeting Schedule

Ms. Arredondo said that, due to the difficulty in setting a regular meeting schedule, the commission will have a series of special meetings. She asked everyone to submit preferred and non-preferred dates and/or days of the week for meetings.

7. Commission Bylaws Discussion and Adoption

Ms. Kline provided an overview of the commission's bylaws, which are similar to those adopted by every City Council-created board and commission. She said the commission is not authorized to speak on behalf of the City or City Council, except where specifically authorized. The bylaws address the roles and responsibilities of the chair and vice chair, the requirements of the Open Public Meetings Act and Public Disclosure Act, and rules regarding public comment and behavior during meetings. Commissioners are expected to attend all meetings, preferably in person. However, the bylaws do allow for remote participation by no more than two members

per meeting. The presiding officer must attend the meeting in person. Ms. Kline encouraged the commissioners to contact staff with any questions regarding the bylaws. Additional topics addressed in the bylaws include communications, records, compensation, and reimbursements related to authorized travel or other expenses associated with serving on the commission. Commissioners should seek pre-authorization for any proposed expense.

Commissioner Liang moved to adopt the bylaws. The motion was seconded by Commissioner Keller and carried by a vote of 5-0.

8. Election of Officers

Ms. Arredondo described the process for the election of officers. Nominations do not require a second and they are voted one at a time in the order in which they were presented. The votes are taken via a roll call vote conducted by the City Clerk. As soon as a nominee receives a majority vote, no votes are taken on the remaining nominees.

Commissioner Keller nominated herself to serve as chair.

Commissioner Liang suggested that everyone introduce themselves.

Commissioner Rodriguez said this is his first time serving on a board or commission. He moved to Bellevue two years ago and works at Microsoft.

Commissioner Liang said he is a retired history professor at Seattle University. He noted his interest in becoming involved with local government and his community.

Commissioner Keller said she works at Bellevue College as the Associate Director of Policies and Special Projects and has also served as a dean. She noted her 18-year career in higher education and her recent completion of the City's Bellevue Essentials course.

Commissioner Shen said she works as a hardware engineer and moved to this area in 2016 following college. She noted her interest in local government and community involvement.

Commissioner Sumadiwiryra said she is a first generation immigrant to Bellevue, a single mom and a business owner. She has lived in Bellevue for more than 30 years.

Hearing no additional nominations, Ms. Arredondo called for a vote.

Commissioner Keller was elected to serve as chair by a vote of 5-0.

Chair Keller opened the floor for nominations for vice chair.

Commissioner Liang nominated Commissioner Shen, who was thankful for the nomination but declined.

Ms. Keller nominated Commissioner Liang to serve as vice chair.

Hearing no additional nominations, Chair Keller called for a vote.

Commissioner Liang was elected to serve as vice chair by a vote of 5-0.

9. Study Session

(a) Staff Introductions and Salary Study Process Overview

Joy St. Germain, Director, Human Resources Department, introduced Assistant Director Matt Smith.

Ms. St. Germain said Gallagher, a national consulting firm, was selected through a competitive request for proposal (RFP) process to conduct a comprehensive salary study and assist the commission through its review. The selection criteria included applicants' timing/availability, workload capacity, cost, approach and methodology, and industry experience. City staff will function as a liaison through the process.

Mr. Smith said staff anticipates three or four additional meetings to finalize the commission's decision. The consultant will attend the next meeting to provide an overview and identify the information needed by the commission. The third meeting will involve a review of the results of the salary study and data collection. A review of the proposed salary updates is anticipated for the fourth meeting, with a decision to occur during that meeting or a fifth meeting.

Ms. St. Germain said staff anticipates meetings approximately every three weeks.

Responding to Mr. Rodriguez, Ms. Arredondo said meeting materials will be provided to the commission approximately one week prior to the meetings.

Responding to Mr. Liang, Mr. Smith said the consultant will present their process and plan and offer recommendations or proposals for consideration. The commission is encouraged to ask questions and raise issues and will ultimately make the final decision.

Chair Keller requested a copy of the 2016 Independent Salary Commission's report.

Responding to Ms. Shen, Mr. Smith said the consultants will provide their schedule and the anticipated information and discussion topics for each meeting.

The group discussed dates and availability for the next meetings of the commission.

10. Oral Communications

Ms. Arredondo said oral communications are accepted for a total of 30 minutes and all topics must relate to the work of the commission. Each person is allowed to speak for three minutes.

Alex Tsimerman said Councilmembers make approximately \$3,000 per month. He noted that he regularly attends City Council, Board and Commission meetings. He said most of the

commission members are minorities, while minorities make up half of Bellevue’s population. He said Councilmembers are served dinner before every meeting.

11. Adjournment

Commissioner Shen proposed meeting before August 21, and Mr. Smith said he would check with the consultant regarding their availability. The commissioners indicated they would be available on August 14.

Ms. Shen expressed an interest in information regarding the previous salary commission.

At 5:35 p.m., Chair Keller declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

/kaw