

- 1. Call to Order and Roll Call**
- 2. Approve Agenda**
- 3. Public Comments Update**
- 4. Public Comment**

The City Council welcomes public attendance at Council meetings. This meeting is for the conduct of regular City business. With very few exceptions, RCW 42.17A.555 prohibits government agencies from allowing the use of public facilities, directly or indirectly, for campaign purposes. At this time, citizen comments and inquiries about agenda business or general City matters are encouraged. If you wish to address the City Council, please stand or raise a hand so you can be called upon. After you are recognized, please come forward to the lectern and state your name for the public record. Your remarks must be limited to three minutes or less. Please use the microphone.

- 5. Presentation**
 - a. AB 26-31: Discussion on Salary Waiver Ordinance.**
- 6. Adjournment**

Next Council Meeting Will Be Held on April 13, 2026.

City Council meetings are accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (509) 865-6754, 24 hours in advance.

Meeting Date: April 6, 2026
Subject: AB 26-31: Discussion on Salary Waiver Ordinance.
Attachments: 1. Salary Waiver Letter
2. TMC 2.05.065 Waiver & Election - waiver of salary
3. RCW 49.48.100
Presented By: Daniel Heid, City Attorney
Approved for Dan Ford, City Manager
Agenda By:

Discussion:

As to the question whether or not elected city officials may voluntarily choose to waive or not accept all or some of their salary, there are several factors that need to be considered.

Article XI, Section 8 of the Washington State Constitution indicates that the salary of any elected city official cannot be increased or diminished after the elected official's election or during the official's term of office.

Rather than waiving receipt of their salary, city elected officials could donate back to the city all or a portion of their salary. However, such donated-back salary monies would still have been received as salary/earned income, and would likely have income tax implications.

While some special service district officials are given expressed "statutory" authority to wave all or a part of their salaries, no such statutory authority exists for elected city officials. Nevertheless, elected city officials may choose to forgo receipt of some or all of their salaries.

The generally accepted procedure for such purposes for cities recommended by the Municipal Research and Services Center of Washington (MRSC), is that any such salary waiver would need to be captured in writing and done in accordance with an adopted policy of the city. In this regard, the proposed Ordinance setting forth a new section 2.05.065 of the Toppenish Municipal Code is intended to provide such a policy.

Additionally, any such salary waiver would need to be voluntary and in writing and signed by the mayor/council member choosing to forgo salary payments, and similarly signed by the mayor's/council member's spouse, as per RCW 49.48.100.*

The Salary Waiver Letter included herewith is a sample form that could be used to evidence the written, voluntary, signed salary waiver.

The waiver of salary would be effective for the term identified in the written waiver or until the waiver is withdrawn in writing and provided to the City Clerk. Such written withdrawal would also need to be signed by the official and spouse.

* RCW 49.48.100 Written consent of spouse required.
No assignment of, or order for, wages to be earned in the future shall be valid, when made by a married person, unless the written consent of the other spouse to the making of such assignment or order is attached thereto.

Fiscal Impact:

Recommendation:

Alternatives:

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF TOPPENISH,
WASHINGTON CREATING A NEW SECTION 2.05.065 OF
THE TOPPENISH MUNICIPAL CODE ALLOWING ITS
ELECTED OFFICIALS TO WAIVE ALL OR A PORTION OF
THEIR SALARY COMPENSATION**

WHEREAS, RCW 35A.12.070 authorizes the payment of Council and Mayor salaries; and

WHEREAS, Article XI, Section 8 of the Washington Constitution restricts the ability of cities to diminish the salaries of their municipal officers; and

WHEREAS, Toppenish Municipal Code (TMC) Section 2.05.060 establishes the salaries to be paid to City Councilmembers and the Mayor of Toppenish; and

WHEREAS, Councilmembers and the Mayor may wish to decline or waive the salary established by ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TOPPENISH DO ORDAIN AS FOLLOWS:

SECTION 1. New Section. The Toppenish Municipal Code is hereby amended by the addition of a new Section 2.05.065, to read as follows:

2.05.065 Councilmember and Mayor waiver and election not to receive salary compensation.

Any Councilmember or the Mayor may voluntarily waive and elect not to be paid all or any portion of the salaries set forth in Section 2.05.060 TMC, as applicable, during their term(s) of office.

Notice of waiver and election must be:

A. In writing and delivered to the Finance Director prior to the effective date of such waiver; and

B. Signed by the waiving Councilmember or Mayor and signed by their spouse, if married, as required by RCW 49.48.100. Signature(s) shall be before a notary public.

The waiver shall be effective for all salary earned following the effective date of the waiver, and shall continue to be in effect until the termination date identified in the signed notice of waiver and election, or until withdrawn by written document signed by the Councilmember or Mayor and their spouse, if married, and delivered to the City Clerk.

Salaries or portions of salaries that are declined or waived pursuant to this Section shall be available for use by the City for general government purposes, unless the waiving Councilmember or the Mayor directs in writing that his or her waived salary earned after such signed directive be utilized for a different City purpose.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this Ordinance.

SECTION 3. Corrections. Upon approval by the City Attorney, the City Clerk is authorized to make necessary corrections to this Ordinance, including scrivener's errors or clerical mistakes; reference to other local, state, or federal laws, rules, or regulations; or numbering or referencing of Ordinances or their sections and subsections.

SECTION 4. Effective Date. This Ordinance shall take full force and effect five (5) days after approval, passage and publication as required by law.

PASSED by the City Council of the City of Toppenish, Washington, and approved as provided by law this ___ day of _____, 2026.

ELPIDIA SAAVERDRA, Mayor

Attest:

Heidi Riojas, CMC, City Clerk

Approved as to Form:

Daniel B. Heid, City Attorneys

PUBLISHED: _____

RCW 49.48.100

Written consent of spouse required.

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