

Chapter 36.17 RCW
SALARIES OF COUNTY OFFICERS

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Cemetery and morgue employees, salary of: RCW 68.52.020.

Compensation of county officials: State Constitution Art. 11 s 5 (Amendment 57).

*County commissioners, compensation and/or expenses determining towns boundaries: RCW 35.27.060.
flood control by counties jointly, duties: RCW 86.13.060.
metropolitan councilmember: RCW 35.58.160.
pest exterminator: RCW 17.12.060.*

Department of personnel to study salaries of elective county officials: RCW 43.03.028.

RCW 36.17.010 Salary full compensation—Compensation denied, when. The county officers of the counties of this state shall receive a salary for the services required of them by law, or by virtue of their office, which salary shall be full compensation for all services of every kind and description rendered by them. However, if the superior court issues a declaratory judgment under RCW 36.16.125 finding that a county officer has abandoned his or her duties, the county officer may not be paid compensation. [1999 c 71 s 2; 1991 c 363 s 51; 1963 c 4 s 36.17.010. Prior: 1890 p 312 s 32; RRS s 4210.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

RCW 36.17.020 Schedule of salaries. The county legislative authority of each county or a county commissioner or councilmember salary commission which conforms with RCW 36.17.024 is authorized to establish the salaries of the elected officials of the county. The state and county shall contribute to the costs of the salary of the elected prosecuting attorney as set forth in subsection (11) of this section. The annual salary of a county elected official shall not be less than the following:

(1) In each county with a population of one million or more: Auditor, clerk, treasurer, sheriff, members of the county legislative authority, and coroner, eighteen thousand dollars; and assessor, nineteen thousand dollars;

(2) In each county with a population of from two hundred ten thousand to less than one million: Auditor, seventeen thousand six hundred dollars; clerk, seventeen thousand six hundred dollars; treasurer, seventeen thousand six hundred dollars; sheriff, nineteen thousand five hundred dollars; assessor, seventeen thousand six hundred dollars; members of the county legislative authority, nineteen thousand five hundred dollars; and coroner, seventeen thousand six hundred dollars;

(3) In each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand six hundred dollars; assessor, sixteen thousand dollars; members of the county legislative authority, seventeen thousand six hundred dollars; and coroner, sixteen thousand dollars;

(4) In each county with a population of from seventy thousand to less than one hundred twenty-five thousand: Auditor, fourteen thousand nine hundred dollars; clerk, fourteen thousand nine hundred dollars; treasurer, fourteen thousand nine hundred dollars; assessor, fourteen thousand nine hundred dollars; sheriff, fourteen thousand nine hundred dollars; members of the county legislative authority, fourteen thousand nine hundred dollars; and coroner, fourteen thousand nine hundred dollars;

(5) In each county with a population of from forty thousand to less than seventy thousand: Auditor, thirteen thousand eight hundred dollars; clerk, thirteen thousand eight hundred dollars; treasurer, thirteen thousand eight hundred dollars; assessor, thirteen thousand eight hundred dollars; sheriff, thirteen thousand eight hundred dollars; members of the county legislative authority, thirteen thousand eight hundred dollars; and coroner, thirteen thousand eight hundred dollars;

(6) In each county with a population of from eighteen thousand to less than forty thousand: Auditor, twelve thousand one hundred dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve thousand one hundred dollars; sheriff, twelve thousand one hundred dollars; assessor, twelve thousand one hundred dollars; members of the county legislative authority, eleven thousand dollars; and coroner, \$11,000 or on a per case basis as determined by the county legislative authority;

(7) In each county with a population of from twelve thousand to less than eighteen thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; members of the county legislative authority, nine thousand four hundred dollars; and coroner, \$9,400 or on a per case basis as determined by the county legislative authority;

(8) In each county with a population of from eight thousand to less than twelve thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; members of the county legislative

authority, seven thousand dollars; and coroner, \$7,000 or on a per case basis as determined by the county legislative authority;

(9) In each county with a population of from five thousand to less than eight thousand: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; assessor, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; members of the county legislative authority, six thousand five hundred dollars; and coroner, \$6,500 or on a per case basis as determined by the county legislative authority;

(10) In each other county: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; assessor, nine thousand one hundred dollars; members of the county legislative authority, six thousand five hundred dollars; and coroner, \$6,500 or on a per case basis as determined by the county legislative authority;

(11) The state of Washington shall contribute an amount equal to one-half the salary of a superior court judge towards the salary of the elected prosecuting attorney. Upon receipt of the state contribution, a county shall continue to contribute towards the salary of the elected prosecuting attorney in an amount that equals or exceeds that contributed by the county in 2008. [2021 c 127 s 6; 2008 c 309 s 2; 2001 c 73 s 3; 1994 sp.s. c 4 s 1; 1991 c 363 s 52; 1973 1st ex.s. c 88 s 2; 1971 ex.s. c 237 s 1; 1969 ex.s. c 226 s 1; 1967 ex.s. c 77 s 2; 1967 c 218 s 3; 1963 c 164 s 1; 1963 c 4 s 36.17.020. Prior: 1957 c 219 s 3; prior: (i) 1953 c 264 s 1; 1949 c 200 s 1, part; 1945 c 87 s 1, part; 1937 c 197 s 3, part; 1933 c 136 s 6, part; 1925 ex.s. c 148 s 6, part; 1919 c 168 s 2, part; Rem. Supp. 1949 s 4200-5a, part. (ii) 1921 c 184 s 2; RRS s 4203.]

Effective date—2021 c 127 ss 4 and 6: See note following RCW 36.16.030.

Findings—2008 c 309: "The legislature finds that an elected county prosecuting attorney functions as both a state officer in pursuing criminal cases on behalf of the state of Washington, and as a county officer who acts as civil counsel for the county, and provides services to school districts and lesser taxing districts by statute.

The elected prosecuting attorney's dual role as a state officer and a county officer is reflected in various provisions of the state Constitution and within state statute.

The legislature finds that the responsibilities and decisions required of the elected prosecuting attorney are essentially the same in every county within Washington state, from a decision to seek the death penalty in an aggravated murder case, to the decision not to prosecute but refer an offender to drug court; from a decision to pursue child rape charges based solely upon the testimony of the child, to a decision to divert juvenile offenders out of the justice system. Therefore, the legislature finds that elected prosecuting attorneys need to exercise the same level of skill and expertise in the least populous county as in the most populous county.

The legislature finds that the salary of the elected county prosecuting attorney should be tied to that of a superior court judge. This furthers the state's interests and responsibilities under the state Constitution, and is consistent with the current practice of several counties in Washington state, the practices of several other

states, and the national district attorneys' association national standards." [2008 c 309 s 1.]

Effective date—2008 c 309: "This act takes effect July 1, 2008." [2008 c 309 s 3.]

Findings—Intent—Severability—2001 c 73: See notes following RCW 35.21.015.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Severability—1971 ex.s. c 237: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 237 s 4.]

Effective date—1971 ex.s. c 237: "This act shall take effect on January 1, 1972." [1971 ex.s. c 237 s 5.]

Counties with populations of less than five thousand, combined office of auditor and clerk, salary: RCW 36.16.032.

RCW 36.17.024 County commissioner and councilmember salary commissions. (1) Salaries for county commissioners and councilmembers may be set by county commissioner and councilmember salary commissions established by ordinance or resolution of the county legislative authority and in conformity with this section.

(2) Commissions established under subsection (1) of this section shall be known as the (Insert name of county) county citizens' commission on salaries for elected officials. Each commission shall consist of members appointed by the county commissioner or executive with the approval of the county legislative authority, or by a majority vote of the county legislative authority if there is no single county commissioner or executive, as provided in this section.

(3)(a) For charter counties, six of the ten commission members shall be selected by lot by the county auditor from among those registered voters eligible to vote at the time persons are selected for appointment to full terms on the commission under (c) of this subsection. The county auditor shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, those for notifying persons selected and for providing a new selection from a commissioner's district if a person selected from the district declines appointment to the commission or if, following the person's appointment, the person's position on the commission becomes vacant before the end of the person's term of office.

(b) The remaining four of the ten commission members must be residents of the county and shall be appointed by the county commissioner or executive with approval of the county legislative authority, or by a majority vote of the county legislative authority if there is no single county commissioner or executive. The persons selected under this subsection shall have had experience in the field of personnel management. Of these four members, one shall be selected

from each of the following four sectors in the county: Business, professional personnel management, legal profession, and organized labor.

(c) If there is a single county commissioner or executive, the county auditor shall forward the names of persons selected under (a) of this subsection to the county commissioner or executive who shall appoint these persons to the commission.

(d) No person may be appointed to more than two terms. No member of the commission may be removed by the county commissioner or executive, or county legislative authority if there is no single county commissioner or executive, during his or her term of office unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of residence.

(e) The members of the commission may not include any officer, official, or employee of the county or any of their immediate family members. "Immediate family member" as used in this subsection means the parents, spouse, siblings, children, or dependent relatives of the officer, official, or employee, whether or not living in the household of the officer, official, or employee.

(f) Upon a vacancy in any position on the commission, a successor shall be selected and appointed to fill the unexpired term. The selection and appointment shall be concluded within thirty days of the date the position becomes vacant and shall be conducted in the same manner as for the original appointment.

(4) For noncharter counties, commission members must be registered voters eligible to vote at the time persons are selected for appointment to full terms on the commission.

(a) The county auditor must select, by lot, at least one commission member living in each commissioner's district. The county auditor must establish policies and procedures for conducting the selection by lot. The policies and procedures must include, but not be limited to, those for notifying persons selected and for providing a new selection from a commissioner's district if a person selected from the district declines appointment to the commission or if, following the person's appointment, the person's position on the commission becomes vacant before the end of the person's term of office.

(b) By majority vote of the county legislative authority, additional commission members may be appointed. These additional commission members must be residents of the county. The persons selected under this subsection must have experience in the field of personnel management or a related field.

(c) The number of salary commission members selected by lot must constitute the majority of commission members.

(d) No person may be appointed to serve more than two terms. No member of the commission may be removed by the county legislative authority during his or her term of office unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of residence.

(e) The members of the commission may not include any officer, official, or employee of the county or any of their immediate family members. For purposes of this subsection, "immediate family member" means the parents, spouse, siblings, children, or dependent relatives of the officer, official, or employee, whether or not living in the household of the officer, official, or employee.

(f) Upon a vacancy in any position on the commission, a successor must be selected and appointed to fill the unexpired term. The selection and appointment must be concluded within 30 days of the date

the position becomes vacant and must be conducted in the same manner as for the original appointment.

(g) Commissions established by ordinance or resolution of the county legislative authority in existence prior to the effective date of an increase in the number of board of commissioners from three to five under either RCW 36.32.052 or 36.32.055 may retain their composition for one year after the start of the terms of the newly created county commissioner positions or until changed in accordance with this section, whichever occurs first.

(5) Any change in salary shall be filed by the commission with the county auditor and shall become effective and incorporated into the county budget without further action of the county legislative authority or salary commission.

(6) Salary increases established by the commission shall be effective as to county commissioners and all members of the county legislative authority, regardless of their terms of office.

(7) Salary decreases established by the commission shall become effective as to incumbent county commissioners and councilmembers at the commencement of their next subsequent terms of office.

(8) Salary increases and decreases shall be subject to referendum petition by the people of the county upon filing of such petition with the county auditor within 30 days after filing of the salary schedule.

(a) For a charter county, the petition must be subject to referendum in accordance with the charter.

(b) For a noncharter county, the petition must be subject to referendum as follows: Within 10 days of the date of the petition, the county auditor or their designee must confer with the petitioner concerning form and style of the petition, issue an identification number for the petition, and the prosecuting attorney must write a ballot title for the measure. The ballot title must be posed as a question so that an affirmative answer to the question and an affirmative vote on the measure results in the change in salary and a negative answer to the question and a negative vote on the measure results in no change. The petitioner must be notified of the identification number and ballot title within this 10-day period. After this notification, the petitioner has 30 days in which to secure on petition forms the signatures of not less than 15 percent of the registered voters of the county at the last general election, and to file the signed petitions with the county auditor. Each petition form must contain the ballot title and the full text of the measure to be referred. The county auditor must verify the sufficiency of the signatures on the petitions and determine the validity of the referendum petition.

(9) In the event of the filing of a valid referendum petition, the salary increase or decrease shall not go into effect until approved by vote of the people. If the county auditor determines the number of verified signatures insufficient or the referendum petition invalid, the salary change takes effect on the date specified for the salary change filed by the commission in subsection (5) of this section.

(10) Referendum measures under this section shall be submitted to the voters of the county at the next following general or municipal election occurring after the signatures are verified by the county auditor and after the filing deadline established in RCW 29A.04.321(3). If the filing deadline for the following general or municipal election has passed, the legislative authority of the county may call for a special election on the first election date provided

for in RCW 29A.04.321(2). The referendum shall be otherwise governed by the provisions of the state Constitution and laws generally applicable to elections consistent with Title 29A RCW. If the referendum is approved by an affirmative vote, the salary change takes effect on the date specified for the salary change filed by the commission in subsection (5) of this section.

(8) [(11)] The action fixing the salary of a county commissioner or councilmember by a commission established in conformity with this section shall supersede any other provision of state statute or county ordinance related to municipal budgets or to the fixing of salaries of county commissioners and councilmembers.

(9) [(12)] Salaries for county commissioners and councilmembers established under an ordinance or resolution of the county legislative authority in existence on July 22, 2001, that substantially complies with this section shall remain in effect unless and until changed in accordance with such charter provision or ordinance. [2023 c 49 s 1; 2001 c 73 s 5.]

Findings—Intent—Severability—2001 c 73: See notes following RCW 35.21.015.

RCW 36.17.031 Reimbursement for travel allowances and allowances in lieu of actual expenses. See RCW 42.24.090.

RCW 36.17.040 Payment of salaries of officers and employees. The salaries of county officers and employees of counties other than counties with a population of less than five thousand may be paid twice monthly out of the county treasury, and the county auditor, for services rendered from the first to the fifteenth day, inclusive, may, not later than the last day of the month, draw a warrant upon the county treasurer in favor of each of such officers and employees for the amount of salary due him or her, and such auditor, for services rendered from the sixteenth to the last day, inclusive, may similarly draw a warrant, not later than the fifteenth day of the following month, and the county legislative authority, with the concurrence of the county auditor, may enter an order on the record journal empowering him or her so to do: PROVIDED, That if the county legislative authority does not adopt the semimonthly pay plan, it, by resolution, shall designate the first pay period as a draw day. Not more than fifty percent of said earned monthly salary of each such county officer or employee shall be paid to him or her on the draw day. If officers and employees are paid once a month, the draw day shall not be later than the last day of each month. The balance of the earned monthly salary of each such officer or employee shall be paid not later than the fifteenth day of the following month.

In counties with a population of less than five thousand salaries shall be paid monthly unless the county legislative authority by resolution adopts the foregoing draw day procedure. [2016 c 126 s 1; 1991 c 363 s 53; 1988 c 281 s 9; 1963 c 4 s 36.17.040. Prior: 1959 c 300 s 1; 1953 c 37 s 1; 1890 p 314 s 37; RRS s 4220.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

RCW 36.17.042 Weekly or biweekly pay periods. In addition to the pay periods permitted under RCW 36.17.040, counties may pay county officers and employees using the following methods:

(1) The legislative authority of any county may establish a weekly or biweekly pay period where county officers and employees receive their compensation not later than seven days following the end of each pay period for services rendered during that pay period, except as authorized under subsection (3) of this section.

(2) In a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW, the county legislative authority may establish a weekly or biweekly pay period where the county officers and employees receive their compensation not later than thirteen days following the end of each pay period for services rendered during that pay period.

(3) The legislative authority of any county that currently uses a semimonthly pay period under RCW 36.17.040 may adopt a biweekly pay period. In such counties, county officers and employees shall receive their compensation not later than thirteen days following the end of each pay period for services rendered during that pay period. [2009 c 239 s 1; 1995 c 38 s 3; 1994 c 301 s 5; 1977 c 42 s 1.]

Acts of municipal officers ratified and confirmed—1995 c 38: See note following RCW 3.02.045.

RCW 36.17.045 Deductions for contributions, payments, and dues authorized. Employees of the counties shall have the right to voluntarily authorize the monthly deduction of their pledges to the United Good Neighbor or its successor, monthly payment to a credit union as defined in RCW 31.12.005, and monthly dues to a labor union, from their salaries or wages. When such written authorization is received by the county auditor, he or she shall make such monthly deduction. [2009 c 337 s 1; 1963 c 164 s 3.]

RCW 36.17.050 Salary withheld, when authorized. If the superior court issues a declaratory judgment under RCW 36.16.125 finding that a county officer has abandoned his or her duties, the county officer may not be paid a salary. [2009 c 337 s 2; 1999 c 71 s 3; 1963 c 4 s 36.17.050. Prior: 1890 p 314 s 38; RRS s 4221.]

RCW 36.17.055 Salary adjustment for county legislative authority office—Ratification and validation of preelection action. See RCW 36.40.205.

RCW 36.17.900 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521. For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or

invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 s 81.]