RESOLUTION - ACTION REQUESTED 2014-140

MEETING: April 1, 2014
TO: The Board of Supervisors
FROM: Kevin Cann, District IV Supervisor
RE: Salary Adjustment for Sheriff

RECOMMENDATION AND JUSTIFICATION:
Approve Increasing the Annual Salary of the Sheriff-Coroner-Public Administrator Position to $125,684 Effective April 1, 2014.

Effective January 1, 2014, the Sheriff's Management Association (SMA) received an eight-percent (8%) cost of living allowance (COLA). Three percent of this increase is an offset for an additional three percent the employees will contribute to their share of the retirement contribution. As an elected official the Sheriff is not included in this agreement and COLA. The Sheriff's annual salary is currently $105,684. With this new agreement the Undersheriff (second-in-command) will make $106,056 annually -- $89,459 in salary, +19% longevity pay and Peace Officers Standards and Training (POST) certificates, +8% COLA = $106,056. Next year with another 8% COLA, the annual salary of the Undersheriff will be $114,540. (These numbers are accurate to within a few dollars.) Additionally, by January 2015, a Captain’s position in the Department will make within $1,000 of the current Sheriff’s salary.

It is essential to establish a reasonable margin between the Sheriff and the Undersheriff and a minimum of $20,000 is recommended.

From an organizational management perspective this current situation is highly unacceptable. The Sheriff is an elected official subject to the vote of the people and consequently has no more than a four year tenure at any given time. The Undersheriff, being a represented position has full county government tenure job security and bargaining unit protection. While the Undersheriff has a significant slate of responsibilities, the Sheriff is the face of the Department and is clearly a 24/7 on duty position with full responsibility for every action within the Department.

This recommendation fully acknowledges that the County’s Human Resources Department is currently conducting a salary survey for all county employee classifications with other comparable counties. While it is appropriate to not make salary adjustments until this survey is completed and consideration is given to all county employee classifications, this is not the case with the Sheriff. The salary
compaction exists now and must be corrected. If the salary survey shows an even greater disparity, that can be considered later along with all the Department Head and Elected Official positions. For reference, below are the current salaries for surrounding rural county Sheriffs. The numbers come directly from the State Sheriff's Association and include longevity and POST pay where applicable.

Tuolumne   $142,479  
Amador     $120,720  
Mono       $143,616  
Calaveras  $131,199  
Colusa     $127,392  
Sutter     $151,722  
Mariposa   $105,684  

It is also recommended that the cost of this action be offset by utilizing AB 109 funds. The Community Correction Partnership Executive Committee that is Chaired by the Chief Probation Officer has been consulted on this recommendation and the Committee supports using this funding source because of the additional workload taken on by the Sheriff's Department due to the implementation of AB 109. AB 109 funds will be transferred into the Sheriff's operating budget that supports the realignment efforts, thus freeing up General Fund dollars that will be used for the salary adjustment. The necessary budget action will be brought for Board approval once the dollar amounts are known for this fiscal year, and will be included in the Requested Budget for Fiscal Year 2014-15.

The people of Mariposa County have repeatedly confirmed that effective law enforcement is their number one priority. The Sheriff's office performance impacts virtually every individual and household in Mariposa County from personal safety to real estate values. The Board acted to correct a serious salary shortfall with the line and supervisory staff through both the SMA and Deputy Sheriff Association (DSA) negotiated agreements. This action is simply to correct a long overdue disparity.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
There is no question that the Sheriff will perform his duties at the highest possible level no matter what action is taken today.

FINANCIAL IMPACT:
The additional cost will be funded with AB 109 funding, so there will be no impact on the General Fund.

ATTACHMENTS:
CAO RECOMMENDATION
Not Recommended

COMMENTS
An Adjustment of This Magnitude Cannot be Objectively Justified. If Approved, This Action Will Generate Significant Internal Equity Issues. Disparate and Arbitrary Treatment of Employee Salaries is a Non-Professional Business Practice that Damages the Organization and Should be Avoided Whenever Possible. It is Recommended that All Department Head Salaries be Addressed Simultaneously.

Rick Benson, County Administrator

RESULT: ADOPTED AS AMENDED [UNANIMOUS]
MOVER: John Carrier, District V Supervisor
SECONDER: Lee Stetson, District I Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

KEVIN CANN, CHAIR
MERLIN JONES, VICE-CHAIR
LEE STETSON
JANET BIBBY
JOHN CARRIER

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: SUPERVISOR CANN
FROM: RENE’ LaROCHE, Clerk of the Board

SUBJECT: Approve Increasing the Annual Salary of the Sheriff-Coroner-Public Administrator Position to $125,684 Effective April 1, 2014

RES. 14-140

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on April 1, 2014

ACTION AND VOTE:

2. Board of Supervisors RES-2014-140

Approve Increasing the Annual Salary of the Sheriff-Coroner-Public Administrator Position to $125,684 Effective April 1, 2014

Supervisor Cann gave the staff report.
Rick Benson responded and urged that the item not be approved. He noted that the Sheriff’s salary is below other counties, which is consistent for all positions within the county. He discussed the salaries of other department heads relative to other counties, noting that they all lay within similar percentages; and urged the Board to wait until the results of the salary study are completed. He also discussed compaction, noting that it does need to be addressed, but that this item is excessive; and that in 2007 it was determined by the Board that a 7% rate is acceptable. Mr. Benson: referred the Board to handouts, noting that Chart C illustrates the total compensation; discussed the 2007 Board action, and the need for an objective basis to determine salaries; discussed past pay raises for the Sheriff’s Department; and urged the Board to consider the formula. He also discussed recent salary negotiations, and the potential effects.

Board Clarification

Supervisor Bibby required clarification regarding the incentive and longevity pay of comparable counties, and recommended that the Board consider creating a Safety Department Head. Supervisor Cann noted that the salary information that he provided includes the salary and POST (Peace Officer Standards and Training) certification. Supervisor Bibby remarked that the compaction issue will keep resurfacing, and the creation of a Safety Department Head will also solve Probation and Fire. She also urged that this should be paid out of the General Fund, and not
AB-109. Supervisor Bibby discussed with CAO the incentives and base rates. Supervisor Jones inquired as to when the compensation study will be completed. Tessa Pritchard responded that it should be available May 31st. Supervisor Carrier inquired if CAO could list out all the differentials that the safety members receive. CAO responded. Supervisor Carrier noted his agreement that compaction will continue to be an issue. Supervisor Bibby required clarification regarding a percentage rate, and requested Human Resources to weigh in regarding POST Certificates. Ms. Pritchard responded off mic that she would have to review the MOU.

**Public comment opened.**

Ruth Sellers spoke in favor of the increase. She remarked that what is being requested is too little, but that the Sheriff’s salary should at least equal Tuolumne County. She also discussed using the CAO’s salary as the base to compute salaries, and expressed her displeasure with same.

Bob Brown/former Mariposa County District Attorney provided some history regarding the development of the salary formula. He noted that, in 2002, the setting of all salaries was arbitrary, and the creation of the methodology was developed using the CAO’s salary as the point of comparison; and remarked that despite urging Rich Inman, the CAO at the time, would not request that the CAO salary be raised to one matching the average of other CAOs. Mr. Brown also discussed efforts to establish a methodology in Mono County; noted that the Board has already taken arbitrary action in regard to other department heads; and urged the increase.

Jim Allen/retired Sheriff and former District V Supervisor spoke in favor of the increase. He remarked that Sheriff Binnie was an outstanding sheriff and he discussed the Sheriff’s involvement in the community; discussed his experiences in 2007 when the issue of compaction last arose; remarked that a suggested flat figure of 19% only works when it is an internal candidate and doesn’t work when there is an outside candidate; remarked that he didn’t agree with setting the formula up to tier off of the CAO’s salary; remarked that the CAO was opposed to the increase for County Counsel which occurred in December, 2012; and urged the Board to support the Sheriff, and take care of the other department heads when the salary survey is finished.

Brad Aborn discussed his recollections from 2006; noted that the Sheriff is on duty 365 days per year; and urged the salary increase.

Lester Bridges spoke in favor of the salary increase. He noted that the Sheriff works 24 hours per day, 365 days per week; and discussed the low turnout at the Public Safety Meeting the other night, remarking that it means that people are not concerned with the community’s safety because of the efforts of the Sheriff and his department.

Lt. Codie Hart/Sheriff’s Management Association (SMA) President urged the salary increase; noted that the office is better trained, better prepared, and more effective than before; remarked that it is good business practice to make sure that the department head is making more than his subordinates; and remarked that this action is crucial to address internal equity issues.

Bill Yale spoke in favor of the salary increase; noted that public safety is the county’s most important asset; and remarked that he thinks an increase can be objectively justified as the Sheriff is on-call 24/7, and has to strap on a gun to go to work.

Karen Smith urged the increase in salary, noting that she thinks it is overdue.

Kris Casto urged the increase in salary; discussed the Sheriff’s leadership and the need for his leadership to be recognized; argued that a raise is past due; and suggested that the arbitrariness might be taken out of the issue by basing the sheriff’s salary off of the undersheriff’s salary.
Alison Tudor/Alliance with Community Transformations urged the increase in salary; discussed the leadership and support under Sheriff Binnewies.

Ron Ludice urged the increase in salary; took exception with the CAO’s comments; and remarked that the Sheriff is due this raise.

Wes Smith/Deputy Sheriff’s Association (DSA) President urged the increase in salary; remarked that he thinks the Board needs to be proactive with this issue; noted that a survey which included the Sheriff was presented by the DSA during negotiations, and this proposed salary is very low; urged the Board to consider the 19% suggestion; and discussed that the issue of incentives dissolving upon election as Sheriff needs to be revisited.

Marvin Wells spoke in favor of the salary increase. He discussed his service on different commissions and the Grand Jury through the years, noting that he has never heard any negative comments regarding Sheriff Binnewies; and noted that the Sheriff’s responsibilities has increased due to the adoption of the recent marijuana cultivation ordinance.

Cathi Boze/Agricultural Commissioner spoke in favor of the salary increase. She noted her disagreement with the CAO; discussed having to hire a Deputy for her department at a Trainee level; and urged that the Sheriff be compensated at an appropriate level.

Pete Judy/Chief Probation Officer spoke in favor of the salary increase, remarking that it takes more courage to do the right thing.

Tom Cooke/Mariposa County District Attorney spoke in favor of the salary increase. He noted that the Sheriff is the head of the department that protects the citizens of the county; remarked that the Sheriff has done more with less; noted his agreement with previous speakers; noted the effectiveness of the Sheriff and the Sheriff’s Department; noted that the Sheriff should not be paid less than the undersheriff; and concluded that this is important for public safety.

Public comment closed.

Deliberation.

Board members discussed: incentive pay; potential funding sources; potential salary ratios; the consideration of the creation of Safety Department Heads; the compensation study; and the difficulty that will present in filling the Agricultural Commissioner position under current salaries.

Supervisor Stetson noted that no one has any problem with Sheriff Binnewies’ performance or character; and remarked that he feels that the CAO is properly presenting his case and that his job revolves around the budget. Supervisor Cann required clarification regarding Supervisor Carrier’s suggestion; and reiterated that the CAO is doing his job, and should not be the focus of too much of the discussion.

CAO discussed the 19% formula; noted that department head increases were not brought forward because he did not think it was proper to do so until the rank and file had been addressed; remarked that he believes there are some areas that need to be considered further; and noted that the Safety department heads do not receive the EPMC.

Discussion ensued between Board members regarding incentives. Supervisor Cann inquired if the Executive POST could be considered separately. Supervisor Carrier responded affirmatively. Supervisor Jones discussed funding concerns. Supervisor Bibby urged that AB-109 would be better directed to deputies for limited terms, but that this should be paid for from the General Fund. Supervisor Cann noted that the Sheriff’s Department has inherited a tremendous amount of work due to AB-109 which was why it was suggested as the funding source. Supervisor Bibby discussed AB-109, and expounded on her concerns regarding utilizing it.
Action was taken to allow the Sheriff’s position to be given a ten percent (10%) POST incentive, as well as two eight percent (8%) cost of living increases mirroring what the Sheriff’s Management Association received; with funding for the increases to come from the General Sheriff’s operating budget.

Carrier [M]; Stetson [S]; Passed unanimously.

CAO requested direction regarding the other department head salaries, noting that elected department heads cannot be made retroactive, and remarking that a majority of the department heads indicated they could wait until after the salary survey. Discussion ensued. Chair Cann inquired if the Board is comfortable with waiting for the study. The Board indicated their concurrence.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: John Carrier, District V Supervisor
SECONDER: Lee Stetson, District I Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier

Cc: File