MARIPOSA COUNTY BOARD OF SUPERVISORS
CORRECTED MINUTE ORDER

TO: RICK BENSON, County Administrative Officer
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: Increase the Sheriff/Coroner/Public Administrator Salary to Ten-Percent (10%) Above that of the Undersheriff Classification’s Salary with all Eligible Longevity and Incentive Pay; Approve Budget Action Transferring Funding from the Public Administrator Fund to the Sheriff’s Budget ($12,447) (4/5ths Vote Required)

RESOLUTION 07-28

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on January 23, 2007

ACTION AND VOTE:

Supervisor Aborn;
Increase the Sheriff/Coroner/Public Administrator Salary to Ten-Percent (10%) Above that of the Undersheriff Classification’s Salary with all Eligible Longevity and Incentive Pay; Approve Budget Action Transferring Funding from the Public Administrator Fund to the Sheriff’s Budget ($12,447) (4/5ths Vote Required)

BOARD ACTION: Supervisor Aborn initiated discussion concerning the request. Supervisor Pickard asked if the request is retroactive. Rick Benson, County Administrative Officer, advised of an opinion he received from County Counsel that it could be difficult to make the increase retroactive as department heads typically receive increases on January 1st, and retroactivity could open a door to challenge. Thomas P. Guarino, County Counsel, advised of Article 11, Section 10A of the California Constitution prohibiting retroactive pay in this circumstance to the previous year as an increase was already given for 2006. Supervisor Fritz asked about the Public Administrator Fund being used to cover the increase. Rick Benson advised that there is money in the Fund for this fiscal year, but there is no assurance that the funds will be available in future years in this Fund. Chair Bibby called for input from the public and none was received. Supervisor Bibby asked the Auditor about the Public Administrator Fund. Chris Ebie, Auditor, advised that the funds exist as a result of the settlement of estates that were closed out and the Board could appropriate the funds in any manner it deems appropriate. Discussion was held. Supervisor Pickard commented on the survey method used for department heads and elected officials in 2005, and he stated he supports that policy. He requested that direction be given to staff to bring back as soon as possible consideration of a salary increase for department heads including up to a four percent increase. Chair Bibby noted that the matter on the agenda is specific to the Sheriff. County Counsel advised that it would be appropriate, if the Board wants to address this item, to give direction to staff for the department heads.

Jim Allen, Sheriff, advised that a four percent increase will still leave a compaction issue. He noted that he spoke with Supervisor Pickard about this situation in October and he asked him to wait until January and the issue still has not been resolved. He advised that the disparity is uncomfortable and he provided statistics relative to the salary differences in other counties between the Sheriff and the Undersheriff.
Further discussion was held. Supervisor Fritz expressed concern with using one-time funding for ongoing expenses. Rick Benson noted that the direction given in closed session dealt only with appointed department heads, and it is his intention to bring recommendations for appointed department heads and elected officials to the Board on February 6th. Supervisor Bibby noted that the MOU for MCMCO calls for a ten percent separation in pay to avoid salary compaction with managers and staff. She further stated that the compaction information was not known about at the time the salary survey was done, as the compaction resulted from the labor negotiations with the Sheriff’s Deputy Association.

Jim Allen stated he is okay with having the increase retroactive to January 1, 2007 versus October 2006. He advised that he is maxed out on his retirement and he will get penalized on his salary from PERS upon retirement. He provided information on the incentive pay that is available to staff.

(M) Aborn, (S) Bibby (who passed the gavel to the Vice-Chairman), to approve the salary increase as requested by Supervisor Aborn, effective January 1, 2007, failed. Discussion was held. Ayes: Aborn, Bibby; Noes: Turpin, Fritz, Pickard. The motion failed.

(M) Turpin, (S) Pickard, Res. 07-28 was adopted approving a four percent salary increase for the Sheriff retroactive to January 1, 2007, with a discussion of elected officials salaries to be scheduled on February 6th agenda. Chair Bibby questioned whether this action would be appropriate as only the Sheriff’s salary is on the agenda with a request for ten percent. County Counsel requested time to research this issue. Supervisor Pickard also requested that direction be given to the County Administrative Officer to bring back a recommendation for the first meeting possible, February 6th or as soon as possible, to adjust the salaries for elected officials and to correct the salary compaction.

3:24 p.m. Recess

3:34 p.m. County Counsel advised that he reviewed the agenda item and the Brown Act; and he advised that a motion of four percent for the Sheriff only is okay. However, he needs clarification of the intent of the discussion relative to the direction to bring the matter back for a comprehensive review. Supervisor Turpin clarified his motion to grant a four percent increase above the total salary of the Undersheriff, including longevity and incentive pay, to the Sheriff effective January 1, 2007, to help alleviate the compaction issue. Supervisor Pickard asked the County Administrative Officer how this action would impact the integrity of the salary survey policy, and Rick Benson responded that he did not feel that it would change the ranges as far as the departments, just the percentages. Supervisor Pickard stated he would prefer to look at this comprehensively and requested that the County Administrative Officer bring back information, including information on the budget status. Further discussion was held. Supervisor Pickard withdrew his second to the motion. Supervisor Aborn seconded the motion with the stipulation that there will be further consideration of the other elected officials and department heads. Supervisor Fritz asked the Auditor if the proposed action is clear for payroll purposes. Chris Ebie, Auditor, stated they would look at the total compensation for the Undersheriff as of this date and increase the Sheriff’s salary by four percent beyond that. Ayes: Aborn, Turpin, Bibby, Fritz; Noes: Pickard. (M) Aborn, (S) Turpin, Res. 07-29 was adopted approving the budget action transferring funds from the Public Administrator Fund, with revised recalculation based on the preceding action: Ayes: Aborn, Turpin, Bibby, Fritz; Noes: Pickard.

Cc: Mary Hodson, Deputy CAO
    Sandi Laird, Personnel
    Chris Ebie, Auditor
    Jim Allen, Sheriff
    File