DEPARTMENT: Board of Supervisors

RECOMMENDED ACTION AND JUSTIFICATION:
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 retroactive to October 1, 2006; Approve budget action transferring funding from the Public Administrator fund to the Sheriff’s budget. The Undersheriff classification is eligible to receive Peace Officers Standards and Training (POST) incentive pay (up to ten-percent (10%)) if the appropriate training is completed and is also eligible to receive longevity pay (up to nine-percent (9%)) if the employee has been employed by the County for twenty-years (20). The Sheriff/Coroner/Public Administrator does not receive this additional pay, and because of this it is now possible for this elected official to make less than the Undersheriff. This is currently the situation because the incumbent Undersheriff has completed the POST certificates and has been an employee with the County for twenty-years.

It is the general practice to maintain a minimum of ten-percent (10%) between a Department Head salary and their assistant’s salary.

The Sheriff/Coroner/Public Administrator’s current monthly salary is $7,354 and the Undersheriff classification’s monthly salary with all eligible POST and longevity is $7,523. Increasing the Sheriff/Coroner/Public Administrator’s monthly salary by the recommended level would result in a $922 month increase to $8,276/month. The total cost of the recommendation for Fiscal Year 2006-07 is $12,447 including benefits. The total annual cost of the recommended action including benefits is $16,596. Funding is available in the Public Administrator’s fund (#382) to fund the recommended action for Fiscal Year 2006-07.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
Elected official’s salary must be reviewed and approved by the Board of Supervisors in open session.

Elected and appointed department heads last received a Cost of Living Allowance of two-and-a-half percent (2 1/2%) on January 1, 2006, and the remainder of the salary survey implementation on July 1, 2006.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not adjust the Sheriff/Coroner/Public Administrator’s salary. The Elected Official will continue to make less salary than their immediate subordinate.
Financial Impact? (X) Yes ( ) No ( ) Partially Funded
Budgeted In Current FY? ( ) Yes (X) No ( ) Partially Funded
Amount in Budget: $132,375
Additional Funding Needed: $12,477

Source:
Internal Transfer
Unanticipated Revenue _____ 4/5's vote
Transfer Between Funds X 4/5's vote
Contingency _____ 4/5's vote
( X ) General ( ) Other

CLERK’S USE ONLY:  COUNTY ADMINISTRATIVE OFFICER:

Res. No. 2-20  Ord. No.
Vote – Ayes: ___ N o s e s: ___
Absent: ___
( ) Approved
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: ________________
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: __________________
Deputy

Requested Action Recommended
✓ No Opinion
Comments:

CAO: ___________

Revised Dec. 2002
## BUDGET ACTION FORM

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<tr>
<th>FUND</th>
<th>DEPT/DIV</th>
<th>ACCOUNT</th>
<th>DESCRIPTION</th>
<th>PROJECT</th>
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<td>0416</td>
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<td>1090</td>
<td>GENERAL CONTINGENCY</td>
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<td><strong>TOTAL</strong></td>
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### TRANSFER BETWEEN FUNDS

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### TOTALS

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**ACTION REQUESTED:** (Check all that apply)

( X ) Budget appropriation by Board of Supervisors (4/5ths Vote Required): Amending the total amount available in the county budget, or in any one fund of the budget, or appropriating Reserve for Contingencies;

( ) Transfer by Board of Supervisors (3/5ths Vote Required): Moving existing appropriations from one budget to another, or between categories within a budget unit;

**JUSTIFICATION:** To fund an increase in salary/benefits for the Sheriff/Coroner/Public Administrator position per Board direction on 1-23-07.

**DEPT HEAD SIGNATURE:**

**DATE:** 1-24-07

**APPROVED BY RES NO.:**

**CLERK:**

**DATE:** 1-23-07

**APPROVED.**

**SHERIFF & PUBLIC ADMINISTRATOR**

**AUDITOR'S USE ONLY**

**BA #**

Budget Revision Form Revised 11/95
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

JANET BIBBY, CHAIR
LYLE TURPIN, VICE CHAIR
BRAD ABORN
DIANNE A. FRITZ
BOB PICKARD

MARIPOSA COUNTY BOARD OF SUPERVISORS

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.

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