Travis County Commissioners Court Agenda Request

Meeting Date: August 12, 2014
Prepared By/Phone Number: Diana Ramirez, (512) 854-9694
Elected/Appointed Official/Dept. Head: Leroy Nellis, Acting County Executive, Planning and Budget DaRamirez for Leroy Nellis
Commissioners Court Sponsor: Judge Samuel T. Biscoe

AGENDA LANGUAGE: CONSIDER AND TAKE APPROPRIATE ACTION ON:

(A) SETTING FY 2015 SALARIES FOR ELECTED OFFICIALS
(B) THE FORM OF GRIEVANCE COMMITTEE
(C) PROPOSED CALENDAR

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:
Commissioners Court is required by law to set the salaries of elected officials and follow a grievance process.

STAFF RECOMMENDATIONS:

PBO recommends Commissioners Court approval of the staff recommendations discussed in the attached memo.

ISSUES AND OPPORTUNITIES: Please see attached documentation.

FISCAL IMPACT AND SOURCE OF FUNDING: There is no fiscal impact if no salary increases are approved.

REQUIRED AUTHORIZATIONS:
Leroy Nellis, Jessica Rio – Planning and Budget Office, (512) 854-9106
County Judge's Office, (512) 854-9555

PLANNING AND BUDGET OFFICE
TRAVIS COUNTY, TEXAS

700 Lavaca Street, Ste. 1560
Austin, Texas 78701

P.O. Box 1748
Austin, Texas 78767

MEMORANDUM

TO: Members of Commissioners Court

FROM: Diana A Ramirez, Assistant Budget Director

DATE: August 4, 2014

RE: Consider and take appropriate action regarding FY 2015 Salaries for Elected Officials

Background

Every year as required by law, Commissioners Court takes formal action to set the salaries of elected officials for the coming fiscal year. To prepare for this agenda item, PBO has worked with the County Attorney's Office to ensure that all legal requirements are met and with the County Clerk's Office on the selection of possible grievance committee members. In addition, the Planning and Budget Office (PBO) solicited input from the Auditor's Office and Human Resources Management Department (HRMD) on this item and has incorporated their comments where needed.

During the FY 2013 budget process, the Commissioners Court approved the following actions.

1. Tied any salary increases for elected officials who are not subject to a state-mandated salary cap to proposed salary increases for classified employees.
2. Discontinued the link of the salaries of the Justices of the Peace to salaries of District Judges. The salaries of District Judges have state-mandated salary caps, but Justice of the Peace salaries do not.
3. Adopted a new compensation methodology disassociating Associate and Magistrate Judges from the District Judges. These salaries cannot exceed 85% of the salaries of District Judges.

In FY 2014, Commissioners Court approved the following actions.

1. Increased the salaries for elected officials not subject to the state-mandated salary cap by 3%, to match the 3% salary increase for classified employees. The one exception is that the Commissioners Court did not increase the county portion of the District Attorney's salary at her request.
2. Increased the County portion of District Judges' salaries from $15,000 to the $18,000 maximum.

3. Increased the County Court-at-Law Judges' salaries by $16,973.14 to meet the statutorily required salary differential between a District Judge and County Court-at-Law Judge.

(A) Proposed elected officials' salaries

The FY 2015 Preliminary Budget does not include funding for salary increases for County employees. The County Judge indicated to employees at the end of the employee benefits and compensation hearing held on June 26th, a willingness to revisit employee compensation for FY 2015. On July 29, 2014, HRMD and PBO presented Commissioners Court with an update on benefits and compensation. Commissioners Court was informed that due to avoided cost increases realized in employee benefit programs, coupled with stronger than expected revenue projections for FY 2015, a special cost driver savings reserve of $4.3 million is included in the Preliminary Budget.

HRMD and PBO outlined two compensation options should the Court decide to use the cost driver savings reserve to fund targeted compensation increases for FY 2015. Both options include the provision of a one-step anniversary increase for POPS employees. The rationale for this recommendation is that the Peace Officer Pay Scale is a step scale driven by seniority. Resumption of step increases is vital to ease compression, especially at the entry steps.

For full-time regular classified employees, the compensation options include either a $750 or a $1,000 annual increase. As part of both options, HRMD and PBO recommend no compensation increases for employees who earn a base pay of $100,000 or more on an annual basis, elected and appointed officials, temporary employees, red-lined employees, and employees who were added to the County payroll after April 1, 2014. The rationale driving a flat dollar increase versus the traditional percentage increase is twofold. First, there are insufficient resources available to provide a meaningful percentage increase to all County employees. Second, inflationary pressures, particularly on the costs of food, housing and energy are impacting County employees and the flat dollar approach directs a greater proportion of the limited County resources to those regular employees earning less than the average salary of approximately $50,000.

If no increases are proposed for elected officials' salaries, then the Commissioners Court is not required to publish an advertisement of the proposed FY 2015 salaries or hold a hearing on the matter. However, the Commissioners Court does have to vote to set elected officials' salaries for FY 2015.

After Commissioners Court votes to set the salaries, the County Judge's Office is required to notify elected officials of their FY 2015 salaries. This notification triggers the grievance process.

<u>Staff Recommendation</u>

As presented to Commissioners Court on July 29, 2014, PBO recommends no increase in the salaries of elected officials. A chart detailing FY 2015 proposed salaries for all elected officials is attached. The chart shows no proposed salary increases and includes the legal footnotes as revised by the County Attorney's Office. If the staff recommendation is

approved, the Commissioners Court Order Setting Salaries for Elected Officials for Fiscal Year Ending September 30, 2015 will need to be signed. The order is attached.

(B) Form of Grievance Committee

Section 152.014 of the Local Government Code requires that the grievance committee take one of two forms. One option is that the committee is comprised of the County Judge, Sheriff, County Tax Assessor-Collector, County Treasurer, County Clerk, District Clerk, County Attorney or Criminal District Attorney, and a sufficient number of public members to provide nine voting members. The second option, and the one that the Commissioners Court has chosen in the past, is a committee of nine public members, with the County Judge serving as the non-voting chairman of the committee. Under item 31 on the June 24, 2014 Commissioners Court voting session, the Court drew names from the Grand Jury pool for this purpose. However, the Court has not taken a specific vote, which is required, on the committee form the Court will use.

Elected officials have a deadline of five business days after receiving notice from the County Judge to file a grievance with the County Judge's Office. The Grievance Committee must be convened by the County Judge within 10 days after a grievance is received to hear the grievance and make a recommendation. Once a recommendation is made, the Commissioners Court takes action. A unanimous committee recommendation requires the Commissioners Court to accept the recommendation. If the committee recommends a change, but not unanimously, Commissioners Court is only required to consider the recommendation, but may choose not to accept it.

Staff Recommendation

PBO recommends Commissioners Court approval of option two, a committee of nine public members, with the County Judge serving as the nonvoting chairman of the committee.

(C) Proposed Calendar

The calendar for the salary setting process is as follows if Commissioners Court approves the staff recommendations and sets the salaries of elected officials on August 12, 2014.

Proposed Calendar	
Tue, Aug 12	Commissioners Court sets elected officials salaries at the same rates as FY 2014
Tue, Aug 12	County Judge provides Notice of Salary to elected officials
Mon, Aug 18	Last date for elected officials to submit written request for hearing on salary (due to County Judge's Office by 5pm)
Aug 18-28	Grievance Committee may meet with sufficient public notice
Mon, Aug 25	Last date for Open Meeting notice of grievance hearing by Committee if held on August 28
Thu, Aug 28	Last date for hearing by Committee and written report for Commissioners Court to be prepared and submitted to Commissioners Court
Tues, Sep 2, 9, 16, or 23	Commissioners Court may consider the written report prepared and submitted by the Grievance Committee

Proposed Calendar	
Tue, Sep 23	Last date for hearing on budget and order approving budget Last date to amend budget before approval

If Commissioners Court chooses to increase the salaries of elected officials, Commissioners Court must publish notice of the proposed increase and hold a public hearing. Therefore, if Commissioners Court does not take the staff recommendation and chooses instead to increase the salaries of elected officials for FY 2015, the calendar changes as follows.

Calendar if Commissioners Court Increases Salaries of Elected Officials for FY 2015	
Tue, Aug 12	Commissioners Court considers whether to advertise an increase in elected officials' salaries
Fri, Aug 15	"Proof" of advertisement for proposed increase to elected officials' salaries due to The Austin Chronicle
Tue, Aug 19, by noon	Elected officials' salary ad finalized
Thu, Aug 21	Publication of ad in The Austin Chronicle (this complies with Aug 23 deadline to post notice of hearing)
Tue, Sep 2	Last date for Public Hearing and Order to Set Elected Officials Salaries
Tue, Sep 2	County Judge provides Notice of Salary to elected officials
Mon, Sep 8	Last date for elected officials to submit written request for hearing on salary (due to County Judge's Office by 5pm)
Sep 8-18	Grievance Committee may meet with sufficient public notice
Mon, Sep 15	Last date for Open Meeting notice of Grievance Hearing by Committee
Thu, Sep 18	Last date for hearing by Committee and written report for Commissioners Court to be prepared and submitted to Commissioners Court
Tue, Sep 23, unless the report is delivered earlier than the last date possible	Commissioners Court may consider the written report prepared and submitted by the Grievance Committee
Tue, Sep 23	Last date for Hearing on Budget and Order approving budget Last date to amend budget before approval

Staff Recommendation

No action required on the calendar.

Attachment

cc: Leroy Nellis, Jessica Rio, Travis Gatlin, PBO
The Honorable Dana Debeauvoir, Travis County Clerk
Brenda Rodriguez, Denise Bell, County Clerk's Office
Debbie Maynor, Todd Osburn, HRMD

Barbara Wilson, County Attorney's Office
Melissa Velasquez, County Judge's Office
Nicki Riley, Bernadette Gutilla, Ryan Harris, Patti Smith, Auditor's Office
Travis County Elected Officials

TRAVIS COUNTY, TEXAS
PROPOSED FY 2015 SALARIES

Elected Official[1]	Budgeted FY 2014 Salary	Proposed Change	Proposed FY 2015 Salary
District Judge (State Salary) [2,3]	$140,000.00	$0	$140,000.00
District Judge (County Salary) [4]	$18,000.00	$0	$18,000.00
District Judge	$158,000.00	$0	$158,000.00
Court-at-Law Judge (County Salary)[5]	$157,000.00	$0	$157,000.00
District Attorney (State Salary)[2]	$140,000.00	$0	$140,000.00
District Attorney (County Salary)	$35,298.00	$0	$35,298.00
District Attorney	$175,298.00	$0	$175,298.00
Probate Judge (County Salary)[6]	$158,000.00	$0	$158,000.00
Justice of the Peace 1-5	$111,936.00	$0	$111,936.00
County Attorney	$164,734.00	$0	$164,734.00
County Judge[7]	$118,373.00	$0	$118,373.00
County Commissioner 1,2[8],3[8],4	$98,463.00	$0	$98,463.00
Constable 1-4	$92,310.00	$0	$92,310.00
Constable 5	$96,091.00	$0	$96,091.00
Sheriff	$135,903.00	$0	$135,903.00
District Clerk	$119,741.00	$0	$119,741.00
County Clerk	$119,741.00	$0	$119,741.00
Tax Assessor-Collector	$119,741.00	$0	$119,741.00
County Treasurer	$95,248.00	$0	$95,248.00

1. Travis County pays for health care coverage for every county employee and elected official. If a county employee or elected official had and continues to have other health coverage and has continuously declined this county coverage since September 30, 2003, that person may receive an additional $184.86 per month. This amount may, at that person's option, be added to their total annual Fiscal Year 2015 salary or placed in an IRS approved flexible spending account for the reimbursement of health care or dependent care expenses.

2. The State Salary is the least state compensation received by any of these officials. If these officials have been employed by the state continuously since August 31, 1995, they also receive $1,026.86 as a "benefit replacement pay" supplement. The Legislature specifically said that this supplement is not "salary," but it is included in the total amount received by these officials for purposes of comparing the salaries of other elected officials. The state salary was last increased for these officials in Fiscal Year 2014.

3. Effective September 1, 2007, if these officials have been an active judge and a member of the Judicial Retirement System of Texas Plan One or Two for at least 16 years, they also receive $4,340.00 as "judicial longevity pay" from the state. Effective September 1, 2009, if these officials have been active as a County Court-at-Law or District Judge for a combined total of at least 16 years but are **not** eligible for state judicial longevity pay, they receive $4,340.00 as "judicial longevity pay" from the county.

4. Effective October 1, 2010, the District Judge elected as Administrative Judge for Criminal Courts can be and has been compensated up to $5,000 for the additional administrative duties involved.

5. The County Salary is the least compensation received by any of these officials. If these officials have been an active County Court-at-Law Judge in Travis County continuously since August 31, 1995, they also receive $1,026.86 because their salary must total $1,000 less than a District Judge of similar tenure who receives this amount as "benefit replacement pay." If

these officials have been an active County Court-at-Law Judge in Travis County for at least 16 years, a supplement of $4,340.00 based on judicial longevity is added to and part of their salary.

6. In addition to County Salary, Government Code § 25.023(b) says the Commissioners Court must pay the Probate Judge $1,026.86 as a "benefit replacement pay" supplement because he has continuously served as a Probate Judge since August 31, 1995 and $4,340.00 as judicial longevity because he has been an active Probate Judge in Travis County for at least 16 years. Since January 1, 2006, the Probate Judge has been elected and serving as the Presiding Judge of the Statutory Probate Judges of Texas. For the additional duties as Presiding Judge, he has received $33,000 each year.

7. This includes $4,800 paid for service on the Travis County Juvenile Board.

8. Pursuant to Texas Local Gov't Code § 152.052, the Commissioner of Precinct 3 has requested that his compensation for Fiscal Year 2015 remain the same as the Fiscal Year 2010 salary of $90,109. The compensation of Commissioner of Precinct 2 for the fiscal year beginning October 1, 2014 and ending September 30, 2015 is set at $98,463.00 payable in twenty four equal installments but for the portion of the fiscal year beginning October 1, 2014 and ending December 31, 2014, Commissioner Bruce Todd has indicated his intention to accept only $1 as his compensation.

COMMISSIONERS COURT ORDER
SETTING SALARIES FOR ELECTED OFFICIALS
FOR FISCAL YEAR ENDING SEPTEMBER 30, 2015

TRAVIS COUNTY, TEXAS

RECITALS

In accordance with the TEX. LOC. GOV'T CODE ANN., §152.013, the Commissioners Court is adopting an order approving the Salaries of the Elected Officials.

ORDER

The Commissioners Court of Travis County, Texas, makes the following orders for the fiscal year beginning October 1, 2014 and ending September 30, 2015:

1 The salaries of the elected officials are set at amounts shown in Attachment A.
2. The allowances described in the End Notes to Attachment A are authorized for each elected official named in the End Notes for the fiscal year beginning October 1, 2014 and ending September 30, 2015.

This order is adopted at an open meeting of Commissioners Court of Travis County, Texas, held on August 12, 2014,

on motion made by _____,

and seconded by _____.

Those voting in favor of the motion have signed their names below.

_____
Samuel T. Biscoe, County Judge

_____
Ron Davis
Commissioner, Precinct 1

_____
Bruce Todd
Commissioner, Precinct 2

_____
Gerald Daugherty
Commissioner, Precinct 3

_____
Margaret Gómez
Commissioner, Precinct 4

ATTACHMENT A

Elected Official[1]	Total FY 2015 Annual Salary
District Judge (County Portion)[2,3]	$ 18,000.00
Probate Judge[4]	$158,000.00
County Court at Law Judge[5]	$157,000.00
Justice of the Peace 1-5	$111,936.00
District Attorney (County Portion)	$ 35,298.00
County Attorney	$164,734.00
County Judge[6]	$118,373.00
County Commissioner 1-4[7]	$ 98,463.00
Constable 1-4	$ 92,310.00
Constable 5	$ 96,091.00
Sheriff	$135,903.00
District Clerk	$119,741.00
County Clerk	$119,741.00
Tax Assessor-Collector	$119,741.00
County Treasurer	$ 95,248.00

END NOTES TO ATTACHMENT A

1. If an elected official had and continues to have other health care coverage and has continuously declined this county coverage since September 30, 2003, that person may receive an additional $184.86 per month which may, at that person's option, be added to their annual salary for the fiscal year ending September 30, 2015 or placed in an IRS approved flexible spending account for the reimbursement of health care or dependent care expenses.

2. During the fiscal year beginning October 1, 2014 and ending September 30, 2015, Judge Brenda Kennedy, Judge Orlinda Naranjo, and Judge David Crain each receive $4,340 annually in equal semi-monthly installments as "judicial longevity pay" because they have each been active in a judicial position as a County Court at Law Judge or District Judge for a combined total of at least 16 years and are **not** eligible for state judicial longevity pay. The Legislature specifically said that this pay is not "salary."

3. The District Judge elected as Administrative Judge for Criminal Court receives $5,000 annually in equal semi-monthly installments for the additional administrative duties involved.

4. During the fiscal year beginning October 1, 2014 and ending September 30, 2015, Probate Judge Guy Herman receives

   - $1,026.86 annually in equal semi-monthly installments as "benefit replacement pay" because he has continuously served as Probate Judge since August 31, 1995,
   - $4,340 annually in equal semi-monthly installments as "judicial longevity pay" because he has been an active Probate Judge in Travis County for at least 16 years, and

- $2,750 per month in equal semi-monthly installments for each month during which he is elected and servicing as Presiding Judge of the Statutory Probate Judges of Texas for the additional administrative duties involved as Presiding Judge.

5. During the fiscal year beginning October 1, 2014 and ending September 30, 2015, Judge J. David Phillips receives

   - $1,026.86 annually in equal semi-monthly installments as "benefit replacement pay" because he has been employed by Travis County continuously since August 31, 1995 and
   - $4,340.00 annually in equal semi-monthly installments as judicial longevity pay because he has been an active county court at law judge or a justice of the peace and held an elected judicial position in Travis County for at least 16 years.

6. This includes $4,800 payable for service on the Travis County Juvenile Board.

7. At his request, the compensation of Commissioner Precinct 3, Gerald Daugherty, for the fiscal year beginning October 1, 2014 and ending September 30, 2015 is set at $90,109. The compensation of Commissioner Precinct 2 for the fiscal year beginning October 1, 2014 and ending September 30, 2015 is set at $98,463.00 payable in twenty four equal installments but for the portion of the fiscal year beginning October 1, 2014 and ending December 31, 2014, Commissioner Bruce Todd has indicated his intention to accept only $1 as his compensation.