

TAYLORSVILLE CITY COUNCIL MEETING AGENDA SUMMARY

MEETING DATE: 17 July 2013

AGENDA ITEM: Public Hearing regarding salary (or compensation) adjustments to City of Taylorsville Justice Court Judges. Following the public hearing, the City Council will consider Ordinance 13-16, reaffirming Ordinance 12-02 with a revised compensation schedule exhibit creating a new grade range entitled Judges' Range.

PUBLIC HEARING REQUIRED – Yes.

RESOLUTION/ORDINANCE REQUIRED

ORDINANCE Yes **RESOLUTION**

PRESENTER: John N. Brems

ISSUE SUMMARY:

The public hearing and consideration of Ordinance 13-16 complies with UCA 10-3-118 and reaffirms the compensation of the Taylorsville Justice Court Judges as adopted in the 2013-2014 fiscal year budget.

CITY ATTORNEY (Approved as to form):

ATTACHMENTS:

Draft Ordinance 13-16.

Exhibit 1 – Notification from the Utah State Administrative Office of the Court dated 01 April 2013 regarding compensation requirements for Municipal Justice Courts.

Exhibit 2 -- City Administrator's response to the Administrative Office of the Court 01 April 2013 notice, and positive affirmation of compliance.

Exhibit 3 – The Supplement to the Compensation Schedule for the period beginning 01 July 2013. Please note that the range for Municipal Court Judges had been changed from that which corresponds to the City Compensation schedule, Grade 18, to a new range labeled Judges Range to be in compliance with the notice of the Administrative Office of the Court.

ACTION REQUIRED: Consideration of Public Comments and Consideration of Ordinance 13-16.

**TAYLORSVILLE, UTAH
ORDINANCE NO. 13-16**

AN ORDINANCE OF THE CITY OF TAYLORSVILLE REAFFIRMING ORDINANCE 12-02 WITH A REVISED COMPENSATION SCHEDULE EXHIBIT CREATING A NEW GRADE ENTITLED JUDGES RANGE AND CHANGING THE TOTAL COMPENSATION OF A JUDGE (RECOGNIZING THAT THE JUDGE HAS CHANGED FROM PART TIME TO FULL TIME WITHOUT ANY CHANGE IN THE JUDGE'S RATE OF PAY-- THE PURPOSES FOR THIS ORDINANCE ARE FOR TRANSPARENCY AND CLARIFICATION PURPOSES AND NOT FOR A CHANGE TO OTHER ELECTED OFFICIALS' COMPENSATION)

WHEREAS, the Taylorsville City Council (the "Council") met in regular meeting on July 17, 2013, to consider, among other things, reaffirming Ordinance 12-02 with a revised compensation schedule exhibit creating a new grade entitled judges and changing the total compensation of a judge (recognizing that the judge has changed from part time to full time without any change in the judge's rate of pay--the purpose for this ordinance is for transparency and clarification purposes and not for a change to other elected officials' compensation); and

WHEREAS, confusion has resulted regarding the salary paid to a judge that changes from part time to full time; and

WHEREAS, the purpose of this ordinance is for transparency and clarification purposes; and

WHEREAS, pursuant to the requirements of Utah Code Ann. § 10-3-118, notice and hearing are required with respect to compensation offered to elective, statutory, and appointive officials; and it has been determined that a judge is an elective and/or an appointive official; and

WHEREAS, on July 1, 2013, a notice of public hearing regarding the salary (or compensation) adjustments to the City of Taylorsville Justice Court Judges was published in the *Deseret News* and *Salt Lake Tribune*; and

WHEREAS, on July 1, 2013, a notice of public hearing regarding the salary (or compensation) adjustments to the City of Taylorsville Justice Court Judges was posted on the Utah Notice Website; and

WHEREAS, on July 17, 2013, a public hearing was held, to consider salary (or compensation) adjustments to City of Taylorsville Justice Court Judges; and

WHEREAS, this ordinance does not change the compensation of any other elective, statutory, and appointive officials.

NOW, THEREFORE, BE IT ORDAINED by the Council that Ordinance 12-02 be reaffirmed with a revised compensation schedule exhibit creating a new grade entitled judges and changing the total compensation of Judge Thomas reflecting a change from part-time to full-time duties without a change in her rate of pay.

This ordinance, assigned Ordinance No. 13-16, shall take effect as soon as it shall be published or posted as required by law, deposited and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this _____ day of _____, 2013.

TAYLORSVILLE CITY COUNCIL

By: _____
Dama Barbour, Chairman

VOTING:

Dama Barbour	Yea	___	Nay	___
Ernest Burgess	Yea	___	Nay	___
Larry Johnson	Yea	___	Nay	___
Kristie Overson	Yea	___	Nay	___
Brad Christopherson	Yea	___	Nay	___

PRESENTED to Mayor of Taylorsville for his approval this _____ day of _____, 2013.

APPROVED this _____ day of _____, 2013.

Jerry Rechtenbach, Mayor

ATTEST:

Cheryl Peacock Cottle, Recorder

Exhibit 1



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
1111 Court Administration
Madison Utah Judicial Council

Daniel J. Becker
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

April 1, 2013

Mayor Jerry Rechtenbach
1000 W. Jacksonville Blvd.
Taylorsville, UT 84115

Dear Mayor Rechtenbach:

The Administrative Office of the Courts is required to provide each court with an updated salary range for its judges every year. C.A. 786-7-206 states that a full-time justice court judge's salary must not be less than, nor more than 90% of a district court judge's annual salary, which with this year's legislatively approved 1% increase will be **\$134,800**. Therefore, the full-time judge's salary in the Taylorsville City Justice Court must be between \$67,400 and \$121,320. The salary of your part-time judge must be between \$33,700 and \$60,660.

Please keep the following in mind when determining the actual salary of your judge:

- The range merely provides for an advisory parameter. Each judge's salary determination should be conducted with all the facts in accordance with experience, assigned service and the vast array of services that a judge provides to the community.
- Judges must receive an annual salary adjustment or tier equal to the average salary adjustment for all county or municipal employees for the jurisdiction served by the judge.
- Unlike fluctuations in workman, a judge's salary cannot be lowered during his/her term in office.
- Judges employed by more than one entity as a judge may not receive a total salary for all entities any judge greater than the salary of a district court judge.

Exhibit 2



CITY OF
TAYLORSVILLE

April 3, 2013

Daniel J. Becker
State Court Administrator
Administrative Office of the Courts
P.O. Box 140241
Salt Lake City, Utah 84114-0241

Dear Mr. Becker,

This letter is in response to your communication with Mayor Rechtenbach dated April 1, 2013 regarding Municipal Justice Court Judge's salaries.

The City of Taylorsville employs two Justice Court Judges; the Honorable Marsha C. Thomas, who was designated as the City's Presiding Judge on December 19, 2013 and the Honorable Michael Kwan. Both Judges are currently compensated at the fulltime annual salary of \$107,625.73. Judge Kwan received a three percent increase on July 1, 2012, which is the average pay-for-performance increase awarded to non-exempt Taylorsville City employees for the 2012-2013 fiscal year.

Judge Thomas received a three percent increase as a part-time Judge on July 1, 2013; she was appointed as the Presiding Judge over the Taylorsville Municipal Court on December 19, 2012, and subsequently was moved to full-time status at a pay rate of \$107,625.73 in annual compensation. Judge Thomas received a 35.34 percent increase over her previous year compensation.

Please contact me should you have any questions.

Sincerely,

John Inch Morgan
City Administrator/ City Treasurer

cc: Honorable Mayor Jerry Rechtenbach
Honorable Michael Kwan
Honorable Marsha C. Thomas

JIM/pik

Cc: file
enclosure

Exhibit 3

Supplement to Exhibit "A"

Ordinance 12-02

Expires June 30, 2014

City of Taylorsville Compensation Schedule

<u>Grade</u>	<u>Minimum</u>	<u>Midpoint</u>	<u>Maximum</u>	
4	\$16,031	\$18,436	\$20,841	
5	\$17,668	\$21,201	\$24,735	
6	\$20,318	\$24,382	\$28,445	
7	\$23,366	\$28,039	\$32,712	
8	\$26,322	\$32,245	\$38,167	
9	\$30,271	\$37,081	\$43,892	
10	\$34,115	\$42,644	\$51,172	
11	\$39,232	\$49,040	\$61,102	
12	\$45,117	\$56,396	\$67,676	
13	\$50,867	\$64,856	\$78,844	
14	\$58,497	\$74,584	\$90,671	
15	\$65,978	\$83,133	\$105,330	
16	\$75,875	\$95,602	\$115,330	
17	\$85,610	\$109,902	\$134,193	
18	\$98,451	\$126,387	\$154,322	
Judges'	\$67,400	\$94,360	\$121,320	New

Compensation Ranges represent the wage range for full time employees using 2080 hours (eight hours per day, five days per week) as the definition of full time employment.

The City Administration is proposing changes to the grade of two job positions. The City received a notification from the Administrative Office of the Court, with an updated salary range for Judges based on UCA 78A-7-206 (Please see Exhibit 4 and 5). The statute states that a fulltime justice court judge's salary must not be less than 50% or more than 90% of a district court judge's annual salary of \$134,800 for the current year. Given this statute the Administration is proposing that the Judges compensation range be removed from the previously adopted compensation range for City of Taylorsville employees; and a new range for Municipal Justice Court Judges be created to mirror UCA 78A-7-206.

The second position to be changed is the Accounting Clerk grade 9 to Accounting Clerk I / Payroll Administrator, grade 10. With the elimination of the Human Resource Manager position, grade 14, the duties and job tasks have been reassigned to four other employees, with the greatest burden being shifted to the position described above. The grade ranges for all other positions remain the same as those reported in the notice to the City Council following the adoption of the 2012-2013 fiscal year budget.