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TULARE COUNTY GRAND JURY REPORT 2014-2015

FINDINGS

Instructions are provided to all entities from which responses are required. Not all entities responded by the response date, however with subsequent requests to do so all but one entity responded. All entities responding to a report must do so in accordance with California Penal Code §933.05.

RESPONSES

2013 - 2014 Responses and 2013 – 2014 Final Report can be found on the Tulare County Grand Jury Website:

<http://tularecounty.ca.gov/grandjury>

2014 – 2015 Response and 2014 – 2015 Final Report can be found on the Tulare County Grand Jury Website:

<http://tularecounty.ca.gov/grandjury>

Click on reports heading

ADMIN

BOARD OF SUPERVISORS' SALARIES

BACKGROUND:

The 2008-2009 Tulare County Grand Jury prepared a report in response to a citizen's complaint, prompted by an article published in the Visalia Times-Delta. The article pertained to an increase in the Tulare County Board of Supervisors' (BOS) Salaries. Due to an apparent lack of transparency in this process, the BOS has since implemented procedures relative to the way the BOS enacts their raises.

Many counties within California have enacted pay raise procedures as opposed to the BOS directly voting on salary increases. These procedures aide in transparency and lessen negative reactions by the public. The BOS salaries are governed by Tulare County Code Part 1, Article 3, Chapter 7, Section 1-07-1060. (See Attachment).

REASON FOR INVESTIGATION:

The 2014-2015 Tulare County Grand Jury received a citizen's complaint concerning the procedures by which the BOS and personnel salaries are determined.

METHOD OF INVESTIGATION:

The Grand Jury interviewed the complainant and a Tulare County Official. The Grand Jury reviewed past reports, Tulare County Ordinances, various surrounding official county government websites, news websites, and other documents.

FACTS:

1. The Ordinance Code specifies the process for determining the BOS salaries. This Ordinance Code Section was adopted on September 22, 1998, at a regularly scheduled BOS meeting in public session. This ordinance was amended twice: October 22, 1998, and February 16, 2013.
2. Fresno, Merced and Madera Counties BOS salaries are linked to their Superior Court Judges' salaries.
3. Kern and San Joaquin Counties BOS salaries are linked to a formula of employee groups' negotiations.
4. Stanislaus County BOS salary is linked to a percentage of an average of Fresno, Kern, Kings, Madera, Merced, San Joaquin and Tulare Counties BOS salaries.
5. Tulare County BOS salary is linked to four County elected officials: Sheriff/Coroner, District Attorney, Assessor/Recorder, and Auditor/Controller.
6. The majority of Tulare County Rank and File employees receive raises through the collective bargaining process.

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7. The Current Tulare County BOS salaries ranked fourth out of the nine Southern San Joaquin Valley counties researched, based on BOS salaries.

Table 1, Comparison of Relevant Data from the Nine County Region

<i>Southern San Joaquin Valley Data</i>				
<i>County Name</i>	<i>County Population*</i>	<i>Median Income (\$)*</i>	<i>Budget (\$Millions)</i>	<i>Base BOS Salary (\$)</i>
Fresno	955,272	45,761	2,040	110,766
Kern	864,124	47,727	2,210	105,107
Merced	263,228	43,565	468	98,261
<i>Tulare</i>	<i>454,143</i>	<i>43,803</i>	<i>1,009</i>	<i>95,678</i>
San Joaquin	685,306	53,764	1,349	95,439
Stanislaus	525,491	49,866	945	74,776
Madera	152,389	47,937	215	71,515
Kings	150,960	48,761	269	55,932
<i>Median Data</i>	<i>489,817</i>	<i>47,832</i>	<i>977</i>	<i>95,559</i>

*County Population and Median Income table based on 2010 Census Data
 County Budget shown current 2013-2014 budget or proposed 2014-15 budget available at time of research.

Base Board of Supervisor Pay current information available and does not reflect benefits packages or any additional pay.

ATTACHMENTS

Attachment 1

Tulare County Code, Part 1, Article 3, Chapter 7

1-07-1060 COMPENSATION OF SUPERVISORS:

- (a) As of October 21, 2012, each member of the Board of Supervisors shall receive three thousand four hundred seventy six dollars and nineteen cents (\$3476.19) per pay period as payment for all services. This amount is intended to be and is the full salary for the member's service as a member of the Board of Supervisors, and as a member of the board of any other entity for which the Board of Supervisors sits as the governing body.
- (b) In addition to the salary set forth in subdivision (a) of this section, the Chairman of the Board of Supervisors shall receive an additional amount of eight per cent of base salary for all services performed as Chairman.

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- (c) In addition to the salary set forth in subdivision (a) of this section, the Vice-Chairman of the Board of Supervisors shall receive an additional amount of four percent of base salary for all services performed as Vice Chairman.
- (d) The Board of Supervisors and County elected officers may receive salary increases, if any, only one time yearly, at the adoption of the annual budget. These increases will be done via Action items on the Board of Supervisors agenda, not on the consent portion. Any increase to the salary of the Board of Supervisors will be effective sixty (60) days after the adoption of the annual budget. Any increase to the salary of all other elected officials will be effective at the adoption of the annual budget.
- (e) If the other County elected officers receive cost of living salary adjustments, or any salary adjustment other than an adjustment based upon merit or performance, during any calendar year, then the members of the Board of Supervisors shall receive the average adjustment of these other elected officers effective sixty (60) days after the date of the elected officers' adjustment.

(Amended by Ord No. 3211, effective October 22, 1998; amended by Ord. No. 3444, effective 2-16-13)

CONCLUSION:

1. Tulare County BOS salaries are comparable to the other nine Southern San Joaquin Valley counties.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).