

City of Carson City Agenda Report

Date Submitted: December 20, 2013

Agenda Date Requested: January 2, 2014

Time Requested: 10 Minutes

To: Mayor and Supervisors

From: Maxine Cortes, Court Administrator

Subject Title: For possible action: Actions to approve an equity adjustment to the base salary of the Carson City Justice of the Peace positions effective July 1, 2014 to \$115,000 and effective July 1, 2015 to \$125,000 and to approve longevity pay for Judge Thomas R. Armstrong effective July 1, 2015. Judge John Tatro's longevity pay to remain at current percentage.

Staff Summary: Pursuant to the Carson City Charter, the Board must set the salary of the Justice of the Peace. The last salary increase was in 2008 when the Board approved a 3% Cost of Living Adjustment (COLA). Unlike other Carson City elected officials such as the Clerk/Recorder, Treasurer, District Attorney, Sheriff, and Assessor, the Legislature sets their annual salary which includes longevity pay. Salaries for the District Court Judges who serve in Carson City are set by the Legislature as well and are currently set at a base salary of \$160,000 per year in addition to longevity pay. The District Court judicial positions are paid for by the State of Nevada.

Since Carson City is a consolidated municipality, the Justices of the Peace are responsible for Justice Court and Municipal Court matters. Unlike, judges in the majority of Nevada counties, where a Justice of the Peace is only responsible for adjudicating Justice Court matters. The Cities in those counties pay for additional judges to adjudicate Municipal Court matters. For example, in Sparks, two Justices of the Peace preside over matters at the Sparks Justice Court Courthouse and two Municipal Court Judges preside over matters at the Sparks Municipal Court Courthouse.

The Carson City Justice/Municipal Court's workload require the Justices of the Peace to conduct court five days per week and be available after hours and weekends for warrants, protection orders, and probable cause findings. According to the Administrative Office of the Courts' Limited Jurisdiction Court Judicial Salaries Survey as of March 15, 2012, the Justice of the Peace in Elko County, Douglas County (Tahoe/East Fork), Washoe County (Sparks/Reno) are paid \$9,018 to \$52,124 annually more than Carson City Justice of the Peace.

In Douglas County (Tahoe), court is not in session five days per week and the Justice of the Peace had a private law practice which is permissible by statute. Douglas County Justices of the Peace salaries were included because the county is often used as a comparison to Carson City.

Although, the type of work performed by the Justices of the Peace is very different than unclassified employees paid by Carson City, in comparing current annual salaries approved by the Board of

Supervisors for the City Manager, Assistant City Manager, and City Directors, an equity adjustment to the Justices of the Peace base salary is reasonable and not exorbitant.

Judge John Tatro has been serving as Justice of the Peace/Municipal Court Judge since 1995 (19 years). Judge Thomas R. Armstrong has been serving as Justice of the Peace/Municipal Court Judge since May 2, 2011. Currently, the base salary for Judge John Tatro is \$103,032.48 and the base salary for Judge Thomas Armstrong is \$105,257.36. The difference in base salaries is due to the Judges being in different PERS plans which have not had the same PERS retirement rate adjustments. Additionally, longevity pay is currently paid only to Judge Tatro as the requirement for longevity pay is after 4 years of service. Judge Tatro's base salary plus longevity pay is \$123,638.98.

During the 2013 Legislative Session, the Legislature voted unanimously in the Assembly and Senate to increase court filing fees pursuant to Nevada Revised Statutes 4.060 for all Justice Courts in the state. The filing fees had not been increased for 20 years. Although the courts generate revenue for the City and the State, the primary function of the Judicial Branch is to adjudicate justice. In Fiscal Year 2013, the Carson City Justice/Municipal Court generated approximately, \$1,289,267 to the Carson City General Fund from court fines and fees and anticipates revenues to increase due to the civil filing fees being raised on July 1, 2013.

Type of Action Requested: (check one)

Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to approve an equity adjustment to the base salary of the Carson City Justice of the Peace salaries to \$115,000 effective on July 1, 2014 and \$125,000 effective July 1, 2015 and to approve longevity pay for Judge Thomas R. Armstrong effective July 1, 2015. Judge John Tatro's longevity pay to remain at current percentage.

Explanation for Recommended Board Action: The Carson City Charter requires that Carson City Justice of the Peace salary be set by the Board; therefore the Board must take action to provide any salary increase.

Applicable Statue, Code, Policy, Rule or Regulation: Nevada Revised Statute 4.040 and Carson City Charter 4.030.

NRS 4.040 Salaries and compensation of justices of the peace.

1. The several boards of county commissioners of each county, at the regular meeting in July of any year in which an election of justices of the peace is held, shall fix the minimum compensation of the justices of the peace within their respective townships for the ensuing term, either by stated salaries, payable monthly, semimonthly or at regular 2-week intervals, or by fees, as provided by law, or both, and they may thereafter increase or change such compensation during the term but shall not reduce it below the minimum so established.

2. If it becomes necessary to appoint a justice of the peace at any time, the board of county commissioners in the county in which such appointment is made shall fix the compensation, either by salary or by fees, as provided by law, or both, for the term for which the justice of the peace is appointed.

[Part 1:12:1929; A 1953, 202] + [Part 2:12:1929; NCL § 2202] + [Part 3:12:1929; NCL § 2203]—
(NRS A 1973, 291)

Carson City Charter Sec. 4.030 Municipal Court: Judges.

1. The justices of the peace of Carson City are ex officio judges of the municipal court of Carson City which consists of at least two departments.

2. The board of supervisors may by ordinance establish a third department of the municipal court. The judge of this department must be:

(a) A resident of Carson City for a continuous 6-month period immediately preceding his election.

(b) A qualified elector.

3. If a third department of the municipal court is established, the municipal judge elected for that department serves for a term of 6 years.

4. The board may appoint a municipal judge for a part-time or temporary position. The board shall establish the hours of service for this position.

5. The salary of the judges of the municipal court must be fixed by the board and be paid in the same manner as provided for other elected officers.

(Ch. 213, Stats. 1969 p. 304; A-Ch. 517, Stats. 1979 p. 1000; Ch. 313, Stats. 1983 p. 756; Ch. 118, Stats. 1985 p. 477; Ch. 96, Stats. 1997 p. 182)

Fiscal Impact: Judge John Tatro \$ 17,857 (FY 2015) and \$15,264 (FY 2016).

Judge Thomas R. Armstrong \$11,370 (FY 2015) and \$14,405 (FY 2016).

Total fiscal impact for FY 2015 (\$29,227). Total fiscal impact for FY 2016 (\$29,669).

Explanation of Impact: The base salary increase would be effective July 1, 2014 and July 1, 2015.

Funding Source: General Fund.

Alternatives: Approve the base salary to \$125,000 effective July 1, 2014 without the two year increments.

Supporting Material: Administrative Office of the Courts, Limited Jurisdiction Court Judicial Salaries Survey as of March 15, 2012.

Prepared By: Maxine Cortes, Court Administrator