

Wierson, C. Ray

From: Vargas, Rita A.
Sent: Thursday, March 27, 2008 2:24 PM
To: Wierson, C. Ray; Hancock, Jim
Cc: Huber, Sherlyn
Subject: deputy salary

Ray and Jim,

In 2007 Section 2 of SFG 212 passed the Iowa Legislature allowing for an increase in the salary cap for first and second deputies.

In accordance to Iowa Code 331.904, I submit to you my request to increase the base salary of Second Deputy Recorder, Sherlyn Huber, to 85% beginning fiscal year July 1, 2008 and all subsequent fiscal years.

Sherlyn is a 30 year employee of the county with all but a few months spent in the Recorder's office. She is an extraordinary employee who assists with managing the Recorders Office with grace, expertise, and excellence people skills. Her current pay does not reflect the value we in the county receive from her dedication and knowledge and now that this opportunity has presented, I would like to compensate her work accordingly.

Thank you in advance for your assistance with getting this request added to the March 6, 2008 board minutes that listed the Second Deputy Recorder's position at the current rate of 75% instead of the increase rate of 85%.

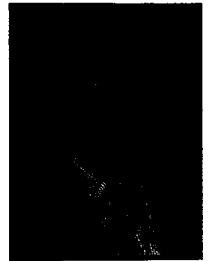
Sincerely,

Rita Vargas, Scott County Recorder

Confusion Abounds on Change in Salary Law

By: David Vestal

ISAC General Counsel



Deputy Salaries: There still seems to be a lot of confusion out there about the change in the law regarding deputy salaries. Section 2 of SF 212, passed in 2007, makes two major changes in the law, which is Iowa Code §331.904(1).

First, it changes the focus to the “base salary.” Prior to this change, when the law set a salary cap, that was the most that the deputy could earn from the county, including money for overtime, shift differential pay, longevity, etc. So the salary cap included all supplemental pay. Under SF 212, that is no longer true. The salary cap now only limits the “annual base salary” of deputies. That annual base salary must be under the cap limit, but if a deputy exceeds the cap when you add in overtime, longevity or shift differential, that’s now okay. The exact terminology in the law is that the “base salary” affected by the salary cap now “means the basic compensation excluding overtime pay, longevity pay, shift differential pay, or other supplement pay and fringe benefits.” So now all deputies’ salaries are treated the same way that deputy sheriffs’ salaries have been treated for years.

The second change, which has been sought in the Legislature for years, is that the salary caps are increased. The annual “base salary” of the first and second deputy officers in each elected county office, the deputy in charge of the motor vehicle registration and title division, and the deputy in charge of drivers licenses can now “be an amount not to exceed 85 percent” of the elected official’s annual salary. It had been 80 percent. In offices with more than two deputies, each additional deputy can be paid a “base salary” of 80 percent. It had been 75 percent.

These provisions of SF 212 apply to county budgets for the fiscal year beginning July 1, 2008 and all subsequent fiscal years.

How does the process for setting deputies’ salaries work? According to Iowa Code §331.904(1), the amount of the annual base salary of each deputy is certified by the elected official to the board of supervisors, and if the amount of the annual base salary does not exceed the statutory salary cap “the board shall certify the annual base salary to the auditor.” As the statute says, the elected official sets the deputy’s salary and as long as it does not exceed the salary cap, the board of supervisors must approve that salary. In other words, the board has no discretion in the matter.

One question I’ve gotten is what effect this change in the law has on the salaries of clerks. The answer is that it has absolutely no effect whatsoever. Under Iowa Code §331.904(4), clerks’ salaries are set by the board of supervisors and there is no mention in that statute of salary caps.

Emergency Repairs: In 2006, the Iowa Legislature passed a

new competitive bidding law for counties, which is Iowa Code chapter 26. That chapter explains the bidding procedures that counties need to use if they want to, for instance, put a new roof on the courthouse. But what if the courthouse roof was blown off in a tornado? Does the county still have to use the same lengthy procedures which involve published notice in the newspaper and public hearings? No. But the problem is, the emergency repair procedures are a little hard to find. Especially if you are already a little upset because the roof has just been blown off the courthouse.

The problem was that chapter 26 was adopted without including a provision regarding county emergency repairs. Cities already had such a provision, but counties did not.

Working with Senate Local Government Committee Chairman Herman Quirnbach, ISAC got that problem solved last year. But the solution is a little complicated. Last year’s bill, which was HF 2713, amends Iowa Code §331.341, regarding county contracting. The amendment says that in emergencies counties shall follow the city emergency contract letting procedures in Iowa Code §384.103.

That Iowa Code section provides that if it is emergency work, which is defined as work where a delay might cause serious loss or injury to the county, then you do not have to use competitive bidding. But you do have to do two things: 1) Pass a resolution making a finding of necessity to institute emergency procedures under Iowa Code §384.103; and 2) Procure a certificate from a registered professional engineer or architect, not regularly employed by the county, certifying that emergency repairs are necessary.

If you think the roof may blow off your courthouse some day, you may want to keep this information handy.

Parting Ponderable: A guy in a bar leans over to the guy next to him and says, “Wanna hear a good Iowa State Cyclone joke?”

The guy next to him replies, “Well before you tell that joke, you should know something. I’m 6’ tall, 200 lbs., and I am an Iowa State grad. The guy sitting next to me is 6’ 2” tall, weighs 225, and he’s an Iowa State grad. And the fella next to him is 6’ 5” tall, weighs 250, and he’s an Iowa State grad. Now, you still wanna tell that joke?”

The first guy says, “No, not if I’m gonna have to explain it three times.”

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES
THAT THIS RESOLUTION HAS BEEN FORMALLY
APPROVED BY THE BOARD OF SUPERVISORS ON

DATE

SCOTT COUNTY AUDITOR

RESOLUTION

SCOTT COUNTY BOARD OF SUPERVISORS

April 17, 2008

APPROVING THE SALARY OF THE SECOND DEPUTY RECORDER FOR THE RECORDER'S OFFICE

BE IT RESOLVED BY the Scott County Board of Supervisors as follows:

- Section 1. The annual salary of the Second Deputy Recorder in the Recorder's office is \$63,070 (85%) of the Recorder's salary.
- Section 2. It is understood that in this position is considered full-time salaried (not paid by the hour). However, for payroll purposes an hourly rate can be determined by dividing the annual salary by 2,080 hours.
- Section 3. This resolution amends section 2 of the March 6, 2008 resolution approving the salary of the Second Deputy Recorder at \$55,650 (75%).
- Section 4. This resolution shall take effect July 1, 2008.