



Item: Resolution No. 10095 – A Resolution Setting the Salary for the Municipal Court Judge

From: Sara R. Sexe, City Attorney

Presented By: Sara R. Sexe, City Attorney

Action Requested: Adopt Resolution 10095 setting the salary for the municipal court judge.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10095.”

2. Mayor calls for a second, discussion, public comment, and calls the vote.

Background: The City Commission has the authority pursuant to Mont. Code Ann. §3-6-203 and the Official Code of the City of Great Falls 2.14.030, to establish the salary of the Municipal Court judge. The Great Falls Municipal Court judge’s salary has historically been set as a part of the City Commission’s annual budgetary process and was not tied to any specific factors. In the past, this led to the Judge’s initially addressing salary increases through the City Manager’s office.

However, this process leads to a potential conflict between two of the three separate branches of the City Government, the Court (established set by Article V of the Charter of the City of Great Falls), and the administrative branch, (established by Article VI of the City’s Charter). In light of this potential conflict, before she retired last year, the prior municipal court judge suggested that the City consider a salary-setting process similar to that adopted by the City of Billings, which is based upon the State of Montana’s evaluation of salaries in our geographic area.

Like other elected officials, municipal court judges are subject to retention or replacement through the action of voters through the election process. These judges are salaried, and unlike other city employees, do not accrue sick or vacation time under the provisions of Mont. Code Ann. §2-18-601. The municipal court staff salaries, including that of the Court Supervisor, would not be affected by this Resolution.

The State of Montana has developed a process by which to determine salaries of State District Court judges and other elected officials. In 1995, the Montana State legislature passed Mont.

Code Ann. §2-16-403 and Mont. Code Ann. §2-16-405. This legislation requires that the Montana State Department of Administration to conduct periodic salary surveys of elected executive branch officials, justices, and chief justices for the states of North Dakota, South Dakota, Wyoming, Idaho and Montana. From this survey, the State then sets the various salaries of elected official and judges, including the Workers' Compensation Court Judge. This survey is conducted prior to June 30 of each even-numbered year. The effective date of the survey is July 1 of the following year. The current salary survey published by the State of Montana Human Resources Division is attached to this Agenda Report.

The Billings City Council has utilized this survey to set, by Resolution, its elected judges' salaries by tying them to a percentage of the salaries of State District Court judges. Missoula, Helena, and other cities (which have similar per judge caseloads) pay salaries comparable to those obtained through Billings' salary-setting procedure. If Great Falls also considers salary setting in a similar fashion, the independence of the Municipal Court Judge's position is furthered, plus the salaries would be determined by considering the salaries of other elected officials in the region. This allows for the position to be sufficiently compensated to attract and retain quality candidates willing to serve in this fundamental and necessary position.

The city attorney's office contacted various other cities to inquire about their respective salary-setting processes. Also, information regarding various cities' caseloads is compiled by the Montana Supreme Court. The caseload numbers for other cities for 2013 are set forth below. From information received from the Great Falls Municipal Court supervisor, Great Falls' caseload is shown to date for 2014.

Based upon information from the various cities listed below, the following information is provided for the Commission's review and comparison:

City	Civil Cases	Criminal Cases	Total	No. of Judges	Current Salary	Substitute judge pay
Billings	418	19,009	19,427	1 FT + 1PT (unfilled)	80% of 117,600 FT (\$94,080) and 75%/2 (\$44,100) for PT	\$50/ hour
Bozeman	369	7,381	7,750	1 FT + 1PT	\$81,136 - \$109,773 FT and \$45.89 per hr for PT	\$60/ hour for 1 st hour then \$30/ hour after
Great Falls	15	10,705	10,720	1 FT	\$85,260	\$40 /hour
Helena	618	8,245	8,863	1 FT	\$45 per hour or \$93,600/yr	\$50/ hour
Kalispell	108	5,386	5,494	1 FT	\$77,542	\$60/ hour
Missoula	359	20,571	20,930	1 FT + .85 PT	\$88,802 FT and \$63,524 PT	\$34.21/hour

The proposed Resolution calculates the salary for the first or partial first term at 75% of the amount set for a District Court judge. The current sitting Municipal Court judge receives around 72.5% of the State District Court judges' salaries. The Resolution allows for increased salary percentages for a municipal court judge who is retained by voters to serve multiple terms, up to a maximum of 90% of the State District Court judges' salaries. It also sets the procedure for increases in the municipal court judge's salary amount.

Purpose: The purpose of this Resolution is to maintain the separation between the judicial and administration branches of City government and to allow for salary increases which correlate with other elected officials in the regions so that quality candidates for the position can be attracted and retained.

Fiscal Impact: If approved, the current sitting municipal court judge, who has been in office since January 1, 2014, will receive a pay increase for a salary of \$88,200, effective January 1, 2015. The judge currently receives \$85,260, which correlates to 72.5% of the District Court judges' salary of \$117,600.00.

Concurrences: Municipal Court Judge Steve Bolstad agrees with the methodology described in this report.

Alternatives: The Commission could alternatively:

1. choose not to adopt Resolution 10095 and have the municipal court judge review salary needs annually in the budget process;
2. choose not to adopt Resolution 10095 and continue to consider cost of living adjustments for the municipal court judge commensurate with other exempt city employees; or
3. adopt Resolution 10095 with alternative percentages from those proposed in the Resolution.

Attachments/Exhibits:

Resolution 10095

State of Montana Elected Officials Salary Survey, effective July 1, 2013 through June 30, 2015

RESOLUTION NO. 10095

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, SETTING THE SALARY FOR THE MUNICIPAL COURT JUDGE

WHEREAS, at each budget cycle the Great Falls City Commission sets the salary of the Municipal Court Judge, including increases; and

WHEREAS, the City Commission desires to set the Municipal Court Judge salary to relate to and coincide with the effective dates of District Court Judges' increases; and

WHEREAS, the effective date of the increases should be clarified; and

WHEREAS, it is in the best interests of the citizens that the position of Municipal Court Judge of Great Falls be sufficiently compensated to attract and retain quality candidates willing to serve in this fundamental position; and

WHEREAS, the City Commission has the authority pursuant to Mont. Code Ann. §3-6-203 and the Official Code of the City of Great Falls 2.14.030, to establish the salaries of the Municipal Court Judge.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

1. Effective January 1, 2015, the salary of a full-time appointed or elected Municipal Court Judge serving a first or partial first term in the City of Great Falls Municipal Court will be set at 75% of the salary of a District Court Judge as determined by the State of Montana in its elected state officials periodic salary survey conducted by the Department of Administration.
2. The salary of a full-time elected Municipal Court Judge serving a second term in the City of Great Falls Municipal Court will be set at 80% of the salary of a District Court Judge as determined by the State of Montana in its elected state officials periodic salary survey conducted by the Department of Administration.
3. The salary of a full-time elected Municipal Court Judge serving a third or subsequent term in the City of Great Falls Municipal Court will be set at 90% of the salary of a District Court Judge as determined by the State of Montana in its elected state officials periodic salary survey conducted by the Department of Administration.
4. Any increase in the Municipal Court Judge's salary that results from an increase in the State of Montana's compensation to District Court Judges will become effective on July 1 of every odd numbered year pursuant to Mont. Code Ann. §3-5-211.

PASSED AND ADOPTED by the City Commission of the City of Great Falls,
Montana, January 20, 2015.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney



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Elected Officials Salary Survey

In 1995 the legislature passed MCA 2-16-403 and MCA 2-16-405. This legislation requires that the department of administration conduct a salary survey of elected executive branch officials, justices, and chief justices for the states of North Dakota, South Dakota, Wyoming, Idaho and Montana. The Worker's Compensation Judge receives the same pay as District Judges (2-15-1707, MCA)

This survey is conducted prior to June 30 of each even-numbered year. The effective date of the survey is July 1 of the following year. The results of this salary survey are listed below:

STATE OF MONTANA 2012 ELECTED STATE OFFICIALS SALARY SURVEY SALARIES OF MONTANA ELECTED OFFICIALS EFFECTIVE JULY 1, 2013 - JUNE 30, 2015 PUBLISHED BY STATE HUMAN RESOURCES DIVISION JUNE 2012								
	Salaries June 2012						Difference Between Current and New Salaries	
ELECTED OFFICIALS	MT	IDAHO	ND	SD	WY	New MT Salaries 7/1/13	Dollars	%
GOVERNOR	\$108,167	\$115,348	\$113,591	\$98,031##	\$105,000	\$108,167	\$0	0.0%
LIEUTENANT GOVERNOR	\$86,362	\$64,220	\$88,182	\$61,800##	\$92,000	\$86,362	\$0	0.0%
ATTORNEY GENERAL*	\$99,712	\$103,984	\$134,135	\$97,928	\$143,328	\$115,817	\$16,105	16.2%
SECRETARY OF STATE	\$86,018	\$93,756	\$90,360	\$78,363	\$92,000	\$88,099	\$2,081	2.4%
SUPT OF PUBLIC INSTRUCTION	\$104,635	\$93,756	\$102,868	\$103,500##	\$92,000	\$104,635	\$0	0.0%
STATE AUDITOR	\$86,018	\$93,756	\$90,360	\$78,363	\$92,000	\$88,099	\$2,081	2.4%
PSC CHAIR	\$95,651	\$92,167	\$92,826	\$91,390	\$118,592	\$98,125	\$2,474	2.6%
PSC - MEMBER	\$94,531	\$92,167	\$92,826	\$91,390	\$118,985	\$97,980	\$3,449	3.6%
SUPREME CT CHIEF JUSTICE	\$122,678	\$121,006	\$137,987	\$118,173	\$131,500	\$126,269	\$3,590	2.9%
SUPREME CT JUSTICE	\$121,431	\$119,506	\$134,135	\$118,173	\$131,500	\$124,949	\$3,518	2.9%
CLERK, SUPREME COURT	\$87,110	\$98,851	\$111,624	\$71,192	\$79,077#	\$89,571	\$2,461	2.8%
DISTRICT JUDGE	\$113,922	\$112,043	\$126,460	\$110,377	\$125,200	\$117,600	\$3,679	3.2%
*Elected Official declined raise during previous biennium. #Wyoming reports the Clerk of the Supreme Court Salary decreased this year. ##South Dakota reports the Governor, Lt. Governor, and Superintendent Salaries decreased this year. Note: Data compiled from a survey of similar titles in the contiguous states conducted June 2012 (2-16-403 and 2-16-405, MCA).								

STATE OF MONTANA 2014 ELECTED STATE OFFICIALS SALARY SURVEY SALARIES OF MONTANA ELECTED OFFICIALS EFFECTIVE JULY 1, 2015 - JUNE 30, 2017								
ELECTED OFFICIALS	Salaries June 2014						Difference Between Current and New Salaries	
	MT	IDAHO	ND	SD	WY	New MT Salaries 7/1/2015	Dollars	% Increase
GOVERNOR	\$108,167	\$119,000	\$121,679	\$104,002	\$105,000	\$111,570	\$3,403	3.1%
LIEUTENANT GOVERNOR	\$86,362	\$74,212	\$94,461	\$63,654	\$92,000	\$86,362	\$0	0.0%
ATTORNEY GENERAL	\$115,817	\$107,100	\$143,685	\$103,892	\$147,000	\$123,499	\$7,682	6.6%
SECRETARY OF STATE	\$88,099	\$101,150	\$96,794	\$83,135	\$92,000	\$92,236	\$4,137	4.7%
SUPERINTENDENT OF PUBLIC INSTRUCTION	\$104,635	\$101,150	\$110,192	\$109,933	\$92,000	\$104,635	\$0	0.0%
STATE AUDITOR	\$88,099	\$101,150	\$96,794	\$83,135	\$92,000	\$92,236	\$4,137	4.7%
PSC CHAIR	\$98,125	\$94,010	\$99,435	\$96,956	120,336	\$101,772	\$3,647	3.7%
PSC MEMBER	\$97,980	\$94,010	\$99,435	\$96,956	115,716	\$100,819	\$2,839	2.9%
SUPREME COURT CHIEF JUSTICE	\$126,269	\$123,400	\$147,812	\$125,370	\$165,000	\$137,570	\$11,301	9.0%
SUPREME COURT JUSTICE	\$124,949	\$121,900	\$143,685	\$125,370	\$165,000	\$136,181	\$11,232	9.0%
CLERK OF THE SUPREME COURT	\$89,565	\$106,050	\$122,780	\$80,339	\$84,557	\$96,658	\$7,093	7.9%
DISTRICT JUDGE	\$117,600	\$114,300	\$131,661	\$117,099	\$150,000	\$126,132	\$8,532	7.3%
#The Workers' Compensation Judge receives the same pay as District Judges (2-15-1707, MCA). #The Water Court Judges receives the same pay as District Court Judges (3-7-222, MCA). Data compiled from a survey of similar titles in the contiguous states conducted June 2014 (2-16-403 and 2-16-405, MCA). Published by State Human Resources Division July 2014								

Legislator Salaries

Legislator salaries are set according to MCA 5-2-301. Statute indicates that legislators are paid \$10.33 per hour, which is the equivalent of \$82.66 per day.

*The salaries listed on this page simply reflect the results of the biennial survey. Because elected officials may decline all or part of the listed salary increase, some officials' actual pay may differ from the salaries reported above.