

## **City of Carson City Agenda Report**

**Date Submitted:** December 7, 2017

**Agenda Date Requested:** December 21, 2017

**Time Requested:** 15 Minutes

**To:** Mayor and Supervisors

**From:** John Tatro, Justice of the Peace/Municipal Court Judge  
Maxine Cortes, Court Administrator

**Subject Title: For possible action:** Action to set Justice of the Peace/Municipal Court Judge Salary pursuant to Senate Bill 42 passed by the Legislature in 2017.

**Staff Summary:** Pursuant to the Nevada Revised Statutes and the Carson City Charter, the Board of Supervisors must set the salary of the Justice of the Peace. In 2017, the Legislature amended NRS 4.040 changing the month when the Board of Supervisors is required to set the Justice of the Peace salary from July to December of the preceding year in which an election of justices of the peace is held. The amendment became effective on May 18, 2017. Judge John Tatro announced his retirement and will complete his term in January of 2019. The next election for the Justice of the Peace will be held in 2018.

The Carson City Justice/Municipal Court's workload requires 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. Although, the Carson City Justice of the Peace are permitted by Nevada Revised Statutes to have a private practice, the work demands for these judicial positions does not make a private practice practical or realistic. 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, three 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 of the Peace base salary was increased in 2015 to \$125,000. The salary is significantly lower than salaries paid to judges in neighboring counties. Additionally, the Justice of the Peace base salary is also lower than the maximum salary for Carson City Department Heads which is currently \$159,349 and increases by 1.75% each fiscal year until July 2020.

In an effort to assist the Board of Supervisors to determine an equitable base salary, the Justice of the Peace base salaries from Douglas County (Tahoe/East Fork) and Washoe County (Sparks/Reno/Incline) were compiled. Please see the attached spreadsheet outlining the base salaries and other fringe benefits. Please note that some of the courts on the spreadsheet are not in court five days per week. A daily court rate has been computed for comparison as well.

**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 set the Justice of the Peace/Municipal Court Judge's base salary to \$145,000 beginning January 1, 2019.

**Explanation for Recommended Board Action:** The Nevada Revised Statute 4.040 was amended during the 2017 Legislative Session changing the month when the Board of Supervisors is required to set the Justice of the Peace salary from July to December of the preceding year in which an election of justices of the peace is held. Judge John Tatro announced his retirement and will complete his term in January of 2019. The next election for the Justice of the Peace will be held in 2018.

**Applicable Statue, Code, Policy, Rule or Regulation:** Nevada Revised Statute 4.040.

NRS 4.040 is hereby amended to read as follows: 4.040 1. The several boards of county commissioners of each county, at the regular meeting in ~~July~~ December of any year *immediately preceding a 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. Sec. 2. This act becomes effective upon passage and approval.

**Fiscal Impact:**

FY 2018-2019: \$1,870  
FY 2019-2020: \$21,891  
FY 2020-2021: \$24,791  
FY 2021-2022: \$27,208  
FY 2022-2023: \$33,080

**Explanation of Impact:** The base salary increase would be effective January 1, 2019.

**Funding Source:** General Fund.

**Alternatives:** Do not approve an increase to the base salary or increase at lower base salary.

**Supplement Material:** Salary Survey

**Prepared By:** Maxine Cortes, Court Administrator

**Reviewed By:**

\_\_\_\_\_ Date: \_\_\_\_\_  
(City Manager)

\_\_\_\_\_ Date: \_\_\_\_\_  
(District Attorney)

\_\_\_\_\_ Date: \_\_\_\_\_  
(Finance Director)

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

2) \_\_\_\_\_

Aye/Nay

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

Court	Court In-Session Days per Week	Base	Longevity Pay (2% per year/10 years max.)	Car / Other Pay	Total
Carson City (as of 7/1/2015)*	5	\$ 125,000.00	\$ 25,000.00	\$ 960.00	\$ 150,960.00
Sparks Justice Court	5	\$ 161,533.00	\$ 32,307.00	0	\$ 193,840.00
Reno Municipal Court (2016 Transparency NV)	5	\$ 159,980.00		\$ 10,900.00	\$ 170,880.00
Reno Justice Court	4 1/2	\$ 161,533.00	\$ 32,307.00	0	\$ 193,840.00
Sparks Municipal Court (as of 7/1/18)*	4	\$ 160,276.00		\$ 8,113.00	\$ 168,389.00
Incline Justice Court (as of 07/01/2017)*	4	\$ 145,392.00	\$ 29,078.00		\$ 174,470.00
Tahoe JC (as of 7/1/2018)*	3	\$ 119,304.00	\$ 23,860.80	0	\$ 143,164.80
East Fork Justice Court (as of 7/1/18)*	3	\$ 119,304.00	\$ 23,860.80	0	\$ 143,164.80
Average Base Salary		\$ 146,760.29	\$ 28,282.72	\$ 3,168.83	\$ 178,211.84
Proposed Carson City JOP Salary January 1, 2019		\$ 145,000.00	\$ 29,000.00	0	\$ 174,000.00

\* New Judges not entitled to Longevity until after 4 years of service.

	Court Days per year	Court Day Base	Percentage Higher than Carson City	Proposed Court Day Base	Percentage Higher than Carson City
Carson City	260	\$ 480.77		\$ 557.69	
Sparks Justice Court	260	\$ 621.28	+29.23%		+11.40%
Reno Municipal Court	260	\$ 614.96	+27.91%		+10.28%
Reno Justice Court	234	\$ 690.31	+43.58%		+23.78%
Sparks Municipal Court	208	\$ 770.56	+53.65%		+38.17%
Incline Justice Court	208				
Tahoe Justice Court	156	\$ 764.77	+59.07%		+37.13%
East Fork Justice Court	156	\$ 764.77	+59.07%		+37.13%
Average	218	\$ 672.49			

\$145,000 Court Day Base = \$557.69 per day