



# BOARD OF SUPERVISORS

## COUNTY OF BUTTE, STATE OF CALIFORNIA

Resolution No. 19-008

### RESOLUTION OF THE COUNTY OF BUTTE REGARDING SALARY AND BENEFITS OF BUTTE COUNTY ELECTED DEPARTMENT HEADS

**WHEREAS**, “elected officials” refers to elected Department Heads including the Assessor, Auditor-Controller, Clerk-Recorder, District Attorney, Sheriff-Coroner and Treasurer-Tax Collector; and

**WHEREAS**, Butte County elected officials are exempt from the Merit System and some employee benefits provisions of the Personnel Rules; and

**WHEREAS**, the Butte County Board of Supervisors grants benefits to elected officials that are the same as or equally comparable to those provided to classified employees; and

**WHEREAS**, it is the intent of the Board of Supervisors that elected officials’ benefits be standardized where allowed by law or this policy; and

**WHEREAS**, Resolution Number 18-128 formerly specified the salary and benefits entitled to Elected Department Heads; and

**WHEREAS**, this resolution provides for the standardization of benefits for elected officials and specifies the salary and benefits entitled to Elected Department Heads.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors that elected officials’ benefits shall be as follows:

**1. Vacation Leave Accrual and Use**

Elected officials do not accrue vacation.

**2. Sick Leave Accrual and Use**

a. Elected officials do not accrue sick leave.

b. If a regular employee of the County is elected into office as a Butte County Elected Official and there is no break in service by so doing, any sick leave on accrual as of the date that elected office is taken may be frozen at the option of the employee until such time as the elected official separates from County service. Upon separation from County service said individual may opt for California Public Employees Retirement System (“CalPERS”) service credit or cash out as outlined in Subsection c below.

c. On retirement or separation in good standing from County employment, the elected official may be paid for any sick leave over thirty (30) days at one-half the normal rate up to a maximum of three thousand dollars (\$3,000), or may apply the leave time to service credit for retirement purposes.

d. Thirty (30) days prior to retirement from County service, an elected official may opt to purchase back any sick leave accruals that were forfeited at the time of taking office so that the unused balance is restored.

3. **Holiday Leave**

Elected officials do not receive compensation for holidays.

4. **Administrative Leave**

Elected officials do not accrue paid administrative leave.

5. **Bereavement Leave**

Elected officials do not receive bereavement leave.

6. **Retirement Plan**

Elected officials are eligible to participate in the County retirement program as contracted through CalPERS. The retirement program is integrated with Social Security.

Participation in the retirement plan shall be consistent with the requirements of the California Public Employees' Pension Reform Act of 2013 as it is currently enacted and as it is amended in the future, and its implementing regulations, referred to hereinafter collectively as "PEPRA". To the extent PEPRA conflicts with any provision of this Resolution, PEPRA will govern.

a. **"New Members"** - For purposes of this section "New Member" is defined by PEPRA to be any of the following (statutory reference is to the California Government Code):

1. An individual who becomes a member of any public retirement system for the first time on or after January 1, 2013, and who was not a member of any other public retirement system prior to that date.
2. An individual who becomes a member of a public retirement system for the first time on or after January 1, 2013, and who was a member of another public retirement system prior to that date, but who was not subject to reciprocity under subdivision (c) of Section 7522.02.
3. An individual who was an active member in a retirement system and who, after a break in service of more than six months, returned to active membership in that system with a new employer. For purposes of this subdivision, a change in employment between state entities or from one school employer to another shall not be considered as service with a new employer.

Elected officials who are "New Members", as defined above, are eligible to participate in the County retirement program as contracted through the California Public Employees' Retirement System ("CalPERS"). The retirement program is integrated with Social Security and the retirement benefit is based on the highest average annual compensation over a three-year period and the 2% @ 62 formula (2.7% @ 57 safety formula for the Sheriff).

b. **"Classic Members"**: For purposes of this section "Classic Member" is defined as members who do not meet the definition of "New Members" as defined by PEPRA. Elected officials who are "Classic Members", as defined above, are eligible to participate in the County retirement program as contracted through the California Public Employees' Retirement System ("CalPERS"). The retirement program is integrated with Social Security and the retirement benefit is based on the highest single year of salary and on the 2% @ 55 formula (3% @ 50 safety formula for Sheriff).

c. **Retirement Contribution:**

**Non-Safety Classifications**

**"Classic Members"**: Effective the first full pay period including January 1, 2015, Elected officials will pay on a pre-tax basis seven percent (7%) of salary for the employee share of his/her CalPERS pension.

**“New Members”:** Effective the pay period including January 1, 2015, Elected officials shall pay an amount that is equal to one half (1/2) the normal cost of his/hers CalPERS pension, or the current contribution rate of similarly situated employees, whichever is greater.

#### Safety Classifications

**“Classic Members”:** Effective the first full pay period including January 1, 2015, Elected officials will pay on a pre-tax basis nine percent (9%) of salary for the employee share of his/her CalPERS pension.

**“New Members”:** Effective the pay period including January 1, 2015, Elected officials shall pay an amount that is equal to one half (1/2) the normal cost of his/hers CalPERS pension, or the current contribution rate of similarly situated employees, whichever is greater.

#### 7. Unemployment Insurance

Elected officials are not covered by unemployment insurance.

#### 8. Health, Dental, Vision and Life Insurance

##### a. Participation.

Elected officials are entitled to participate in a County sponsored Health Plan under the County’s CalPERS contract and including dental, vision, and life insurance elements. All elected officials assigned to a (1/2) one-half time or more position and the elected officials’ dependents shall be entitled to participate in the county-sponsored group health plan. Within thirty (30) days of employment, eligible elected officials must elect or decline health coverage. If an election is not made, the elected official will be presumed to have declined coverage and will be eligible at the next open enrollment or in conjunction with a qualifying event. The effective date of coverage will be the first of the month following thirty (30) days of regular help employment. Coverage will terminate on the last day of the month following the employment termination month. The County must be notified of a Qualifying Event within thirty (30) days of the date of the event, or otherwise, as required by law. All documentation/verification must accompany the request for coverage.

##### b. Premium.

Elected officials shall pay their share of the total monthly premium for employee and dependent coverage to be paid through a payroll deduction as calculated by subtracting the monthly County contribution (stipulated in section d below) from the monthly premium rate.

##### c. Description.

The Butte County Flexible Benefits Plan (hereafter "Cafeteria Plan") is available to all elected officials. There will be two (2) participation levels, identified as Option "A" and Option "B" as per Section 9. d) below. Once the selection is made, it will remain in force until the following plan year, unless a qualifying event, as defined by the IRS, occurs. The fee for a third party administrator will be paid by the County.

##### d. Participation Levels

###### Option A - CORE PLAN

Elected officials who elect Option A to participate in the County sponsored medical plan will receive the County health benefits flex contribution (as specified below) to be utilized to purchase their selected medical plan and cannot be cashed out. In the event that an elected official selects a medical plan that results in an excess County contribution, that excess contribution will be deemed a non-health flex contribution that may be taken as taxable income or applied to pre-tax dental, vision or other alternative approved benefits. Should

an elected official decline County sponsored medical coverage, such elected official will receive a cash-in-lieu payment if the elected official complies with the requirements outlined in Option B below.

The County will pay to the elected officials' Flexible Benefit Account the following amounts for elected officials who elect Option A:

|                   |            |
|-------------------|------------|
| Employee only     | \$462.78   |
| Employee plus one | \$921.30   |
| Family            | \$1,207.41 |

The above amounts include the PEMHCA minimum which is paid outside of the County's Section 125 plan.

Elected officials, regardless of medical plan participation status, are eligible to enroll in the County's dental and/or vision programs. Elected official contributions for dental and vision will be deducted from elected official's regular payroll on a pre-tax basis. Elected officials that have elected Option A can also elect to participate in optional benefits. If the elected official has any surplus Flexible Benefit Account credits after making all elections required to participate in the health insurance, the elected official can use that surplus toward the Flexible Benefit Options. Elected officials that wish to participate in the optional benefits in the plan, with the exception of the cash back option, but do not have any surplus credits, can elect to have pre-tax payroll deductions in an amount to cover the cost of their elections.

#### Option B - FLEXIBLE BENEFIT OPTIONS

Elected officials who decline County sponsored medical coverage and elect Option B must provide the following in order to receive the cash-in-lieu:

(1) proof that the elected official and all individuals for whom the elected official intends to claim a personal exemption deduction ("tax family"), have or will have minimum essential coverage through another source of group health insurance (coverage not obtained in the individual market or through Covered California) for the plan year to which the opt out arrangement applies ("opt out period"); and

(2) the elected official must sign an attestation that the elected official and his/her tax family have or will have such minimum essential coverage for the opt out period. An elected official must provide the attestation every plan year at open enrollment or within 30 days after the start of the plan year. The opt-out payment cannot be made and the County will not in fact make payment if the County knows that the elected official or tax family member doesn't have such alternative coverage, or if the conditions in this paragraph are not otherwise satisfied.

Elected officials initially elected on or before December 31, 2016, will receive an employer flex credit contribution of one hundred eighty-six dollars and sixteen cents (\$186.16) per pay period for elected officials who elect and satisfy the requirements outlined above for Option B. Elected officials initially elected on or after January 1, 2017, will receive an employer flex credit contribution of ninety-two dollars and thirty-one cents (\$92.31) per pay period for elected officials who elect and satisfy the requirements outlined above for Option B.

Elected officials may elect a pre-tax deduction (through regular payroll or cash-in-lieu) to purchase any of the Flexible Benefit Options. Should an elected official receive cash-in-lieu that is not utilized for Flexible Benefit Options, the amount will be included as taxable income.

#### e. Administration

- No benefits will be paid to employees in Option B until all requirements outlined in the Flexible Benefits – Option B section have been met.

- All elected officials and the elected official's dependents including registered domestic partner pursuant to Family Code Section 297.5 shall be entitled to participate in the County's Flexible Benefits Plan.
- Any money deposited in the Flexible Spending Account of an elected official must be used during the plan year (with the exception of \$500 which may be carried over to the following plan year); otherwise, the remaining balance reverts to the County.

f. Retired Employee Options.

Elected officials initially sworn into office prior to January 1, 2010, retiring in good standing before age 65 from the County of Butte under the provisions of the county's contract with CalPERS, who are eligible under PEMHCA and who enroll in health care, may continue to cover themselves and eligible dependents under the health plan as provided in Personnel Rules section 12.9. The county shall pay the full premium for such coverage until the retiree becomes 65 years of age or is covered by another governmental or employer-paid health plan. The contribution shall include the PEMHCA statutory minimum contribution. Application for post-retirement health coverage shall be made to the Director-Human Resources, prior to the official termination date of county service, in a manner and form prescribed by the Director.

Elected officials initially sworn into office after December 31, 2009, with five (5) years or more of cumulative service with Butte County, retiring in good standing before age 65 from the County of Butte under the provisions of the county's contract with the CalPERS, who are eligible under PEMHCA and who enroll in health care, may continue to cover themselves and eligible dependents under the health plan. The county shall pay a premium contribution at the rate of the HMO, Delta DPO, and Vision Service Plan premiums for such coverage until the retiree becomes 65 years of age or is covered by another governmental or employer-paid health plan. The contribution shall include the PEMHCA statutory minimum contribution. Elected officials initially sworn into office after December 31, 2009, who have less than five (5) years of service, who are eligible under PEMHCA and who enroll in health care, shall receive the PEMHCA statutory minimum contribution. Application for post-retirement health coverage shall be made to the Director-Human Resources, prior to the official termination date of county service, in a manner and form prescribed by the Director.

g. Life Insurance.

Life Insurance is provided for elected officials in the amount of \$25,000. Purchase of supplemental life insurance is also available at group rates.

9. Deferred Compensation Plan

Elected officials may participate in an IRS Section 457 Deferred Compensation Plan up to the maximum allowed by the law.

10. Travel Allowance and Mileage Reimbursement

- a. Monthly Mileage Allowance. Elected officials shall be provided a monthly mileage allowance of six-hundred and twenty dollars (\$620.00) per month for all within-County travel. Additionally, all elected officials shall be reimbursed at the current IRS allowable rate for all work related travel in his or her private vehicle outside of the County. Elected officials who have County assigned emergency vehicles which are available for their use during non-business hours are not eligible for this allowance.

- b. Travel Policy and Meal reimbursement. Elected officials shall comply with the Travel Policy contained in the Personnel Rules and may be reimbursed for meal expenses incurred while traveling pursuant to Butte County policy.

**11. Cell Phone Allowance**

- a. Elected officials may opt to be provided a County-owned cell phone for business purposes. Any personal charges incurred while using the County-provided cell phone must be reimbursed to the County Auditor-Controller on a monthly basis; or
- b. Elected officials may opt to receive a monthly cell phone allowance of seventy dollars (\$70.00) for use of a privately owned cell phone to conduct County business.

**12. Reimbursement for Professional Designations**

- a. Elected officials who are in one of the following groupings shall be eligible to be reimbursed for or have paid on their behalf, 100% of the professional license and certification fees required as a prerequisite to their position:
- Attorneys
  - Certified Public Accountants
- b. Dues for all elected officials to a local service club may be reimbursed 100% for said dues.

**13. Employee Assistance Program**

Elected officials and eligible family members are entitled to participate in County’s Employee Assistance Program in accordance with the terms of the agreement between the County and the vendor. Services available to Board Members and eligible family members include but are not included to the following:

- Marital and family problems
- Alcohol Abuse
- Financial and credit concerns
- Child care
- Pre-retirement planning
- Legal issues and questions
- Relationship issues
- Drug dependency
- Emotional problems and stress
- Elder care
- Federal taxpayer problems
- Interpersonal conflicts

**14. Long Term Disability Insurance**

Elected officials are covered by Long Term Disability Insurance, which provides for disability income protection with a guarantee replacement of 60% of the monthly earning up to a maximum of five thousand dollars (\$5,000) per month, beginning on the 91<sup>st</sup> day of disability with benefits payable for illness or accident to age 65. This policy provides for a ninety (90) day waiting period.

**15. Salary Plan for Elected Officials (Department Heads)**

**Salary shall be established as follows:**

- a. Effective October 10, 2017, the salary plan contained in the salary ordinance for Appointed and Elected Department Heads is hereby amended.
- b. Effective October 10, 2017, incumbent Elected Officials shall be compensated at the range associated with the office that he or she holds in accordance with the Elected Department Head Salary Plan as follows:

| Classification Title | Class Code | Salary Plan Range |
|----------------------|------------|-------------------|
| Assessor             | 210        | Median            |
| Auditor-Controller   | 215        | Maximum           |
| Clerk-Recorder       | 230        | Maximum           |

|                         |     |         |
|-------------------------|-----|---------|
| District Attorney       | 235 | Maximum |
| Sheriff-Coroner         | 225 | Median  |
| Treasurer-Tax Collector | 220 | Median  |

- c. Effective with the term of office beginning with calendar year 2019 and each term thereafter, newly Elected Department Heads entering his or her first term of office shall be placed in the salary range at the minimum range of the salary plan of the respective office. Incumbent Elected Department Heads who are elected to a subsequent term of office shall be moved from his or her existing range to the next progressive range of the salary plan to a range not to exceed the maximum range.
- d. Effective upon the adoption of this resolution and each year thereafter, Elected Department Heads shall receive any non-merit increases provided to Appointed Department Heads on the same effective date and at the same percentage.

**16. POST Incentive**

The Sheriff-Coroner shall be eligible for the following POST incentives:

- a. Advanced POST Certificate  
Possession of the Advanced POST Certificate shall result in a four and one-half percent (4.5%) increase salary as indicated in the salary ordinance including any adjustments pursuant to Section 15 above for elected officials.
- b. Supervisory POST Certificate  
Possession of the Supervisory POST Certificate shall result in a two and one-half percent (2.5%) increase salary as indicated in the salary ordinance including any adjustments pursuant to Section 15 above for elected officials.
- c. Management POST Certificate  
Possession of the Management POST Certificate shall result in a two and one-half percent (2.5%) increase salary as indicated in the salary ordinance including any adjustments pursuant to Section 15 above for elected officials.
- d. Executive POST Certificate  
Possession of the Executive POST Certificate shall result in a three and one-half percent (3.5%) increase in salary as indicated in the salary ordinance including any adjustments pursuant to Section 15 above for elected officials.

**PASSED AND ADOPTED** by the Butte County Board of Supervisors this 29<sup>th</sup> day of January, 2019, by the following vote:

**AYES:** Supervisors Connelly, Ritter, and Chair Lambert

**NOES:** None

**ABSENT:** Supervisor Teeter

**NOT VOTING:** Supervisor Lucero

\_\_\_\_\_  
**Steve Lambert**, Chair  
 Butte County Board of Supervisors

**ATTEST:**

**Shari McCracken**, Chief Administrative Officer  
 and Clerk of the Board of Supervisors

By:   
 Deputy