

AGENDA ITEM

17

FORT BEND COUNTY FY 2009 COMMISSIONERS COURT AGENDA REQUEST FORM

Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: 04/29/2009

Submitted By: Ed Sturdivant

Court Agenda Date: 05/05/2009

Department: County Auditor

Phone Number: 281-341-3769

SUMMARY OF ITEM: This is a request to amend the policy dated June 22, 2004 for paying visiting Judges serving as magistrates on weekends and holidays. The requested rate change is an increase from \$300/day to \$359.68/day (65% of the daily rate of a District Judge) with an increased maximum annual fiscal impact of \$6,922.88.

RENEWAL AGREEMENT/APPOINTMENT YES NO

REVIEWED BY COUNTY ATTORNEY'S OFFICE: YES NO

List Supporting Documents Attached: *Memorandum from Judge Culver.
Policy to be executed if approved.*

FINANCIAL SUMMARY:

BUDGETED ITEM: YES NO

FUNDNG SOURCE: Accounting Unit: 100555101 Account Number: 61100
Activity (If Applicable):

DESCRIPTION OF LAWSOM ACCOUNT: PROFESSIONAL SERVICES

Instructions to submit Agenda Request Form:

- Completely fill out agenda form: incomplete forms will not be processed.
- Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
- All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.

DISTRIBUTION:

Original Form Submitted with back up to County Judge's Office X (✓ when completed)

If by E-Mail to ospindon@co.fort-bend.tx.us

If by Fax to (281) 341-8609

Distribute copies with back-up to all listed below. If by fax, send to numbers below:

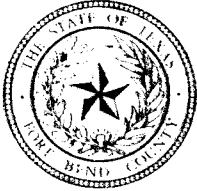
X	Auditor	(281-341-3774)	X	Comm. Pct. 1	(281-342-0587)
X	Budget Officer	(281-344-3954)	X	Comm. Pct. 2	(281-403-8009)
X	Facilities/Planning	(281-633-7022)	X	Comm. Pct. 3	(281-242-9060)
X	Purchasing Agent	(281-341-8642)	X	Comm. Pct. 4	(281-980-9077)
X	Information Technology	(281-341-4526)	X	County Clerk	(281-341-8697)
<input type="checkbox"/>	Other:		X	County Atty	(281-341-4557)

RECOMMENDATION / ACTION REQUESTED:

Take all necessary action to revise weekend/holiday magistration policy to set the daily rate at 65% of the daily rate of a District Judge effective May 5, 2009.

Special Handling Requested (specify):

56-04 orig. ret. to Ed S. at Auditor



240th Judicial District Court

FORT BEND COUNTY COURTHOUSE
RICHMOND, TEXAS 77469

THOMAS R. CULVER, III
DISTRICT JUDGE

TELEPHONE: (281) 341-8600
FACSIMILE: (281) 341-8604

M E M O R A N D U M

To: County Judge Bob Hebert
Commissioner Richard Morrison
Commissioner Grady Prestage
Commissioner Andy Myers
Commissioner James Patterson

From: Thomas R. Culver, III
Judge, 240th Judicial District Court
Local Administrative District Judge

Date: April 29, 2009

RE: Amendment of the Weekend/Holiday Magistrate Pay Calculation as Previously
Approved by Commissioners on June 22, 2004

I am requesting that the weekend/holiday magistration daily rate for visiting Judges be set at 65% of a Fort Bend County District Judge's daily total salary. The calculation is as follows:

$\$140,000$ (annual salary) / 253 (annual work days) x 65% = $\$359.68$ daily rate

The current daily rate, set during the Consent Agenda of Commissioners' Court on June 22, 2004, is $\$300$ per day. The purpose of this request is to ensure the continued availability of retired Judges to serve each weekend and every holiday at the Fort Bend County Jail. Daily magistration is required to comply with state statutes for processing all arrested individuals - felony and misdemeanor - within 24 hours of the arrest date. Due to the volume of arrested individuals, that magistration process is typically taking longer than one-half day.

As an important note, we have been able to secure funding from the Second Administration Region over the past three years which funding has reduced the county's total annual expense by more than half. The requested rate will be a total increase of $\$6,922.88$ annually.

At the recommendation of the Fort Bend County Auditor, I am also requesting that the policy for payment of weekend/holiday magistrates include directing the payments for visiting judges to be processed through the Fort Bend County payroll due to the nature of the service those judges perform. Specifically, that the time records be processed through the Payroll Division of the Fort Bend County Treasure's Office, after such time records and dates of service are first approved by the Local Administrative District Judge, with payments calculated at the daily rate outlined in this policy.

Fort Bend County

Weekend and Holiday Magistration Policy

Effective May 5, 2009

Description:

Magistration within 24 hours of the arrest date is statutorily required for processing all arrested individuals (felony and misdemeanor). There is an average of 116 days per year that fall on weekends or holidays that require supplemental coverage to ensure statutory compliance. The 2nd Administrative Judicial District Judge assigns a visiting Judge to serve in this capacity. The magistration process averages between 4 and 6 hours per day. The State currently provides funds to cover a portion of the cost of this supplemental service. The County must fund any amount not paid by the State.

Rate:

The magistration daily rate shall be 65% of the daily rate of a District Judge serving in Fort Bend County. The District Judge daily rate calculation includes the State salary (currently \$125,000) and the County supplement (currently \$15,000). The magistration daily rate calculation as of the date of this policy is:

$$\$140,000 / 253 \text{ (work days)} = \$553.36 \times 65\% = \$359.68$$

Process:

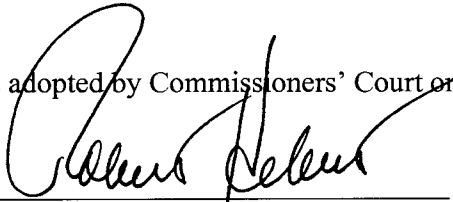
The daily work records shall be approved by the Administrative District Judge of Fort Bend County and submitted to the Payroll division within the County Treasurer's Office for processing on the next bi-weekly payroll. The amount of compensation will be calculated as follows:

$$\# \text{ of days served} \times \text{daily rate} = \text{gross compensation}$$

Budget:

The budget shall be funded within the Courts Administration-Indigent Defense temporary part-time lineitem (100555101-61100) and payroll taxes lineitem (100555101-62000). No other benefits are included in the compensation for magistration service. The County budget shall be set at the gross amount of compensation and payroll taxes less estimated State funding.

As adopted by Commissioners' Court on May 5, 2009.



Robert Hebert, Fort Bend County Judge

Date: May 5, 2009

Attest: 

Dianne Wilson, Fort Bend County Clerk

