



January 9, 2019, Meeting Minutes
Oxford Suites, 9550 NW Silverdale Way, Silverdale

The meeting of the Washington Citizens' Commission on Salaries for Elected Officials was brought to order by Chair, Melissa O'Neill Albert, at 6:00 p.m.

Commission Members Present:

Melissa O'Neill Albert, Chair

Jon Bridge

Greg Dallaire, Vice Chair

Libby Hart

Sandi LaPalm

Andrew Malidore

Linda Peterson

Anastasia Potapova – Phoned in

Gary Ratterree – Phoned in

Don Robinson

Gerry Sherman

Steven Starkovich

Larry Turner – 7:08 p.m.

Karen White

Commission Members Excused:

Kozen Sampson

LeAnna Chauvin

Staff Present:

Teri Wright, Executive Director

Lindsay Matthews, Executive Assistant

Melissa read the meeting opening statement.

Lindsay went over the meeting folder contents.

Steven moved to approve the December 12, 2018 meeting minutes. Greg seconded.

The motion was approved by a unanimous voice vote.

Public Testimony

After reading the procedure for public testimony, Melissa welcomed John Worthington who had signed up for public testimony. Mr. Worthington referenced the last salary setting meeting in Vancouver. He still disputes the Willis Study arguing that it doesn't take into consideration the elected officials' performance. He referenced e-mails that had been sent to the Commission regarding a court case in which he is involved. Mr. Worthington contends that the judicial branch is not run independently and that they do not deserve a raise.

The next speaker was Kitsap County Superior Court Judge Jennifer Forbes. Judge Forbes thanked the Commission for the work they do and expressed support for the 2019-2020 proposed salary schedule. She spoke briefly about her work history. She said there are high rates of turn-over on the bench. For example, after six years on the bench, she is the fourth most senior judge. When she started, three judges had been on the bench for 20 years. She talked about how longevity on the bench is very important, and how it can help new judges with guidance and advice. She believes the proposed salary schedule is in line with being able to attract the best candidates to the bench.

Melissa welcomed King County Superior Court Judge Mike Diaz. Judge Diaz echoed Judge Forbes' thanks to the Commissioners for their volunteer service. He spoke briefly about his work history. He also expressed concern about high rates of turn-over on the bench. Since his appointment in December 2017, eight new vacancies arose in King County. Judge Diaz explained how competitive salaries can be helpful in recruiting the best individuals to public service.

Linda asked Judge Diaz if he had experienced anything as a judge that he had not had to deal with previously as an attorney. Judge Diaz replied affirmatively saying his first year in Kent was typical but when he shifted to the juvenile division, there were challenges and decisions well beyond his prior legal experience. He has to deal with tough decisions affecting a juvenile's future.

Greg added that a recent op-ed piece in the Seattle Times from a King County judge who is retiring supports Judge Diaz's remarks. The article emphasizes the difficulties of being a judge in the juvenile court system.

Jon added that changes continue to take place within the juvenile court and children's court systems. Also Washington State will have a unified family court. Jon said the changes will be very beneficial to the citizens' but there will also be a lot of work for judges and other court officers that come along with it.

There being no other requests to speak, the Commissioners moved into a work session.

Commissioners discussed changes to the Auditor's position. Sandi mentioned that she doesn't believe that the Auditor was able to well explain the expanded scope of work in the Auditor's Office. She pointed out how in-depth performance audits are, and how much work goes into being able to do a performance audit. Sandi said any time the state changes something the Auditor's office is responsible for auditing it. She noted that at one point in past years, the Auditor's salary was aligned with the Treasurer. In her opinion, the Auditor's position is as complex, broad, and impactful as the Treasurer's position.

Greg agreed with Sandi that the presentation by the Auditor didn't get into the scope of work for performance audits and explain how they impact the Auditor's Office. Greg thought the salary should be adjusted to reflect the expanded scope of work. Jon voiced his agreement with both Greg and Sandi.

Gerry added that he would like to see something quantifiable. What are the differences in the audits?

Greg reminded the Commissioners that, during her presentation, Auditor McCarthy was asked if she chose to start new projects or if she was mandated to do so, and she replied, "Both". Greg referenced McCleary. It has not been determined how the work will be split between the Auditor and the Superintendent of Public Instruction or if they will be working together. Jon added that the Affordable Care Act will fall into the same area with the Insurance Commissioner and the Auditor. Sandi offered the Family Leave Act and paid sick leave as more examples. Sandi said that all of this information shows an expanded scope of work for the Auditor's Office.

Commissioners discussed salary history, they looked at how the Auditor and the Treasurer were at one time aligned but no longer are. It was changed after a Willis Study analysis separated the two positions by awarding many more points to the Treasurer. Sandi suggested that the Willis Study was completed before performance audits were added to the scope of work for the Auditor's Office.

Reviewing a hand out from the Auditor's office, Steven noted that it reports 2,200 audits in 2017. There were 471 financial audits; 365 Federal audits; 113 other audits; 61 special engagement audits; 31 whistleblower audits; 12 fraud audits; and only 6 performance audits. He pointed out that the handout doesn't describe the workload per audit. For example the 6 performance audits could be just as much work as the 471 financial audits. He would like to know what is really involved for each type of audit. Jon suggested the Commission ask how many number of staff are assigned to each type of audit to give some kind of idea as to the workload each type of audit carries. Melissa asked if the Commissioners would like to continue the discussion about the auditor at the next meeting, hopefully with more information. Commissioners voiced agreement.

Teri passed out the full 2004 Willis Study on the legislators and the judiciary. Also handed out was a new Willis Study summary information sheet to correct some misinformation in the materials. She pointed out a change to the judicial branch section from the summary that had been in the Commissioners' salary binders. The previous summary contained a sentence that read:

"Judicial Branch – Judges on the federal bench. The position of Supreme Court Justice is benchmarked to the judges on the U.S. Circuit Court of Appeals."

Teri's research revealed the benchmark was an early recommendation from the American Bar Association. It was superseded by the 2004 Willis Study. It now reads, "Judicial Branch – Judges on the federal bench. The report states in part that, "A reasonable course of action for the Commission to follow is to move *toward* a degree of parity."

Greg mentioned that he and Teri had reviewed meeting minutes from when the Commission was established, Greg noted that the first Chair of the Commission expressed the opinion that state court judges did more than the federal judges, in other words that their work load was higher.

Steven read from the 2004 Willis Study: "The table, University of Washington Law School Salaries and the table Salaries of Washington State Law School Deans provide comparisons with the state judicial salaries. Although these tables afford interesting contrasts in salaries, they are not recommended as the basis for setting judicial salaries." He said it is strong language. This makes the other language in the Willis Study compelling. Jon added that it would be nice to be able to look at geographic assignment pay, but also acknowledges the Commission doesn't have the resources to implement something like that, nor the authority.

Commissioners then considered the Job Value Assessment Chart (JVAC) versus Willis. Teri reported she had followed up the State Human Resources (HR) to learn more about JVAC and how it compared to the Willis Study. HR advised that the Willis Study is still the gold standard for agency heads, and JVAC is used more for mid-managers. HR said it may be useful to have a legislative JVAC study, but as for the other branches the Willis Study is still the most effective.

At the December meeting, Steven had asked if the Commission were to request a Willis Study update, could the Commissioners make a list of items that the study would particularly emphasize. Teri said that was possible and that the Commissioners should start to work on the list of items that they would like to see in the next Willis Study. She said requested items can be brought to the February salary meeting or emailed to her by July 1, 2019.

Greg suggested that the Commission request a Willis Study be regularly conducted on a biennial basis rotating through the three branches allowing the Commissioners to have the most up-to-date information on the positions. He said this process should be built into the Commission's budget. Many Commissioners voiced agreement. Commissioners discussed how much a Willis Study would cost and who conducts the Willis Study. Melissa asked if the Commission could get a couple quotes. Teri replied yes.

Teri then talked about the next meeting in Olympia on Monday February 4, 2019. She said if any Commissioner needs a sleeping room to contact her or Lindsay for a reservation.

Commissioners moved onto other business. Anastasia added the remainder of the elected officials to her previous graph and chart. Gary made a table with data from 2008-2018 comparing all elected officials actual salary with social security flat rate and Seattle consumer price index (CPI). Greg made a 2008-2018 chart of the Governors salary, it takes the Governors 2008 salary and adds the social security adjustment through 2018 to show that the actual salary has not kept up with social security adjustments. Steven made note that he believes that Anastasia's chart was not compounding the difference on percentage (salary change in the last 10 years), it was close but with compounding it adds about 2%. Discussion ensued. Steven asked if the Commission would be getting an update from the Economic and Revenue Forecast council. Teri replied yes and a budget update from the Office of Financial Management (OFM).

Teri explained where all other additions went in the Salary setting binders.

Jon moved to adjourn at 7:50 p.m., Andrew seconded.

The vote was unanimous and the meeting adjourned at 7:50 p.m.



Melissa O'Neill Albert, Chair

February 4, 2019

Date