

- SUBJECT:** Local election to abolish salary grievance committee in Lubbock County
- COMMITTEE:** County Affairs — committee substitute recommended
- VOTE:** 6 ayes — Ramsay, G. Lewis, B. Brown, Chisum, Farabee, Shields
1 nays — Salinas
2 absent — Hilderbran, Krusee
- WITNESSES:** For — Jim Allison, County Judges and Commissioners Association of Texas
Against — Carey Boethel, Texas Association of Counties; Dana DeBeauvoir, County Clerks Legislative Committee; Bruce Elfant, Patricia Ott, Justices of the Peace and Constables Association of Texas; Sigi Gonzales, Jr.; Chris Kirk, Sheriffs' Association of Texas; Gary Newburn; Dolores Ortega Carter, Texas County Treasurers' Association
- BACKGROUND:** In 1971, the 62nd Legislature enacted Local Government Code, sec. 152.014 to require counties to create salary grievance committees to hear appeals from county-elected officials regarding their salaries or personal expenses. The committee consists of the county judge, who is a non-voting member, and nine other members. These other members can consist of either a group including the sheriff, county tax assessor-collector, county treasurer, county clerk, district clerk, county attorney or criminal district attorney, and enough public members to make nine members or a committee of nine public members. The public members, who must be county residents, are selected each January from a random draw of slips of paper listing the names of those who served as grand jury members.
- Local Government Code, sec. 152.015 allows elected county or precinct officers dissatisfied with salaries or personal expenses set by the commissioners' court to appeal to the salary grievance committee. The committee is required to hold a public hearing on the request. If six members vote in favor of the requested increase in salary or expenses, the recommendation is forwarded to the commissioners' court. A vote by six to eight members requires the commissioners' court to consider the

recommendation at its next meeting, and a vote by all nine to recommend the salary or personal expense increase requires that the raise be included in the county budget and that the higher salary or personal expenses take effect in the next budget year.

According to the 2000 census, Lubbock County has a population of 242,628, and Lubbock, the county seat, has a population of 199,564.

DIGEST:

CSHB 644 would amend ch. 152 of the Local Government Code to permit the commissioners' court in a county with a population of less than 245,000 and a county seat with a population of more than 195,000 to call an election to abolish the county's salary grievance committee.

CSHB 644 would allow the commissioners' court to hold the election on the first uniform election date after calling the election, and the ballot would allow voters to vote for or against the proposition: "Abolition of the county salary grievance committee." Under the bill, the county salary grievance committee would be abolished immediately, except if a county or precinct official had requested a hearing on or before the date of the abolition election. The committee would be eliminated once that grievance was resolved.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

**SUPPORTERS
SAY:**

CSHB 644 would take a step toward eliminating an anachronistic creature in state law that gave elected officials an avenue outside the budgetary process to raise their own salaries. No similar mechanism exists for cities or school districts. Elected state officials must abide by the Legislature's decisions on their salaries and personal expenses. The county salary grievance procedure may have been needed when it was enacted in 1971, but it now is outdated and should be abolished.

The process is one-sided in favor of the elected official, and the decisions are made with no reference to the overall budget. The nine-member board, especially if drawn from a grand jury list, is not accountable to county taxpayers for increasing expenditures as are the elected members of the

commissioners' court.

CSHB 644 would allow Lubbock County voters to address specific abuses of the county salary grievance committee process. In August, two constables appealed their 2.5 percent salary increase — the same pay raise granted to all county-elected officials. The salary grievance committee granted them 19 percent pay hikes, to \$32,000 per year.

OPPONENTS
SAY:

Salary grievance committees serve as a check and balance to protect the rights of independently-elected county officials and gives them recourse other than costly litigation. The process prevents arbitrary and capricious actions by the commissioners' court against county-elected officials such as zeroing out their salaries. Eliminating this process in even one county would set a bad precedent for the future treatment of all county-elected officials.

The current process offers a fair and complete hearing of the perspectives of both the aggrieved county official and the commissioners court. The standards for approving a request are rigorous, and committee members must reach an unanimous decision before the salary increase is binding.

HB 644 unnecessarily involves the Legislature in what is essentially a local dispute and an issue of personality conflict among elected officials in Lubbock County. County officials should be held accountable to county voters; citizens can make the appropriate decision at the ballot box.

OTHER
OPPONENTS
SAY:

HB 644 would not go far enough to address the abuses of the county salary grievance process. The option to abolish these committees should be offered in all 254 counties.

NOTES:

CSHB 644 differs from the original bill by adding the population bracket.