

June 30, 2009

To: Williamson County Commissioner's Court  
Attn: Honorable Judge Gattis (County Judge)  
Commissioner Birkman (Precinct 1)  
Commissioner Long (Precinct 2)  
Commissioner Covey (Precinct 3)  
Commissioner Morrison (Precinct 4)

Subject: Proposed changes to policy regarding Outside Employment of Off Duty Peace Officers

The purpose of this letter is to summarize my understanding of the proposed changes and to share with the court some thoughts and ideas regarding the fairness and appropriateness of these changes given the beneficial services they provide.

I understand the county is considering a revision to the policy that will include the required financial administration of off duty employment through the county which will include (a) a 12.65% fringe to cover employment taxes, (b) a \$2.00 per hour administrative fee, and (c) a \$10.00 per hour vehicle usage fee.

It has been explained to me the 12.65% fringe is not an additional fee to be paid by the outside employers of the officers (i.e. MUD districts, etc.) but rather will be deducted from the pay currently being received in order to cover anticipated employment taxes. Since the officers are already required to pay taxes on the income they receive from such employment, I assume the only substantial change to the districts will be in their end of year reporting (i.e. 1099s, etc.) with no substantial financial impact expected. However, the \$2.00 per hour administrative fee and the \$10.00 per hour vehicle usage fee will represent a significant increase in the cost of services currently provided. It is these two proposed rate changes that I would like to address.

#### General Information about the Services Currently Provided

- 1) The combined population of the MUDs currently paying off duty officers for additional patrols represents approximately half of the total population of the county.
- 2) More than half of the patrol officers in the county take advantage of this secondary employment. Many of these officers have been patrolling the same neighborhoods in the same capacity for many years. This illustrates the type of outside employment is highly sought after and valued by the officers.
- 3) The county acknowledges the 'employee benefit' of officers working in outside employment for MUDs. This implies the county endorses such employment opportunities and realizes an intangible benefit by allowing such employment for its officers.
- 4) The work is 'at the sole option of the employee'. This work is voluntary and not mandatory or assigned as part of their traditional officer duties.
- 5) MUD contracts provide officers with secondary employment opportunities that are far more desirable than the traditional extra work offered (i.e. construction duty, special events, etc.) which can be intermittent and unreliable. MUD contracts are consistent, reliable, guaranteed, provide significant volume and offer flexible scheduling.
- 6) Off duty officers are enforcing county laws while being paid by the MUDs.
- 7) The county will provide 'only administrative' services. Yet the \$2.00 per hour charge for this service seems disproportionate to the actual cost of providing the service.

## Potential Negative Impact of Proposed Changes

- 1) The substantial increase in fees may force districts to reduce the number of hours contracted.
  - a. Reducing the added income earned by the officers
  - b. Reducing their neighborhood presence and visibility to the residents
- 2) Districts might be forced to consider other, less costly methods of providing added security patrols including other off duty peace officers (outside of Williamson County) or private firms. In past practice, this has actually proven to be an increased burden on the county in increased calls to respond for duties outside of their authority or jurisdiction. A financial burden fully born by the county. In the event alternate sources are considered, the county and its off duty officers will both lose the benefits they currently enjoy.
- 3) Districts and the county may see an increase in crime leaving residents and voters feeling unsafe and reducing home values in the areas.
- 4) Residents will be asking why the level of service has been reduced or conversely, why their own rates/fees/taxes have been increased to maintain the level of service they have been provided.
- 5) Residents may feel 'abandoned' or 'ignored' by their local law enforcement agency and county officials.

## Benefits to the County as a result of Outside Employment of Off Duty Peace Officers

- 1) Officers are given the opportunity for extra service allowing them to make additional income to supplement their pay for the work they do directly with the county. This results in a substantial benefit to the officers that could be reduced or even eliminated as a result of the proposed rate changes.
- 2) The patrols provide outstanding additional, positive visibility and public relations for the county while being paid by the MUDs. Residents are much more aware of the value of the officers and the department in general and feel safer in their own neighborhood.
- 3) The consistency of having the same officers in the neighborhood significantly improves their local knowledge and efficiency in preventing and investigating crimes.
- 4) The increased presence significantly reduces crime in the neighborhoods which reflects positively on the county wide crime statistics. This further reduces the burden the county would be expected to bear in the investigation of crimes currently being prevented.
- 5) Consistent, regular officers know the area and the residents and provide additional insight into crime in the areas through coordination with School Resource Officers and familiarity with the neighborhood and known offenders.
- 6) The officers and the valuable service they provide produce relationships that result in benefits like the Sheriff's substation recently installed at the community center in NAMUD. This resource made available to the county, produces additional visibility and greatly reduces commute time for officers for reporting and processing which further increases the amount of time they are available for performing direct duties.
- 7) All fees collected from citations/tickets written in the district are paid directly to the county and provide additional revenue to the county.
- 8) The resulting reductions in crime and high visibility protect home and property values, preserving the tax base which benefits the county as a whole.
- 9) There is a recognized political benefit in county neighborhoods (i.e. not in incorporated cities) where residents feel more connected with their county officials and feel like the services they are getting are valuable.

My sincere hope is these comments will be considered in the context in which they were presented if and when a decision is made by the court. The idea being that the county realizes a tremendous, yet intangible benefit far in excess of any cost burden born by the county in administering these services or providing assets for their use.

As an elected official in a much smaller capacity, I am keenly aware of my responsibility to represent my residents to the best of my ability. This includes understanding and managing the impact of decisions made that affect us directly. We will no doubt have to answer questions about these changes and the resulting impact to our neighborhoods should they take effect.

I welcome the opportunity to discuss this matter further with anyone interested so we might all better understand the issues, the costs and benefits to all parties involved.

If there is anything in my notes that appears to be incorrect or invalid, I would respectfully request that someone from the court contact me to help me better the issues I have raised.

Thank you for your time and thoughtful consideration.

Sincerely,

Donald Conklin  
Director – North Austin MUD #1  
13022 Muldoon Dr.  
Austin, TX 78729  
512-965-6294