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Teton County Clerk

Memo Regarding Personnel Increase Request from the Prosecutor

Memo to: Board of County Commissioners

From: Clerk Kim Keeley

This memo is in response to the request by an Elected Official to increase their staff mid year, outside the annual budget process. As the Budget Officer for the County, I strongly recommend against this action.

In general, adding personnel outside the budget process is a very bad practice. In order to create a new ongoing expense, a revenue source needs to be identified. If there is no new revenue source a corresponding cut needs to be made in a current ongoing expense. Making a budget cut outside the budget process does not allow the Board to weigh all the requests presented by all Elected Officials and Department Heads in the budget process. This creates a giant equity issue across County departments and doesn't allow the Board to consider their own priorities.

In this particular case, the Prosecutor is requesting another full time Deputy Prosecutor (criminal) to replace the current contract criminal attorney (\$70K/year, approximately 14 hours/week). With benefits, this position will require approximately \$145,000 more annually than what is currently budgeted. A new FT Deputy Prosecutor (criminal) was added for FY25 and the existing contract attorney was retained with the understanding that the contract position would not be renewed after the new Deputy was onboarded. The intent was that the full-time salaried Deputy Prosecutor approved for FY25 would replace the 14 hour/week contract attorney by mid FY25. The fiscal impact on FY26 would be approximately \$149K.

For your information, a chart with the history of the Prosecutor's salary and contract labor from 2018 is attached. By explanation, prior to 2021 all contract labor (criminal, civil and litigation) was lumped into one line item. In 2021, it was separated out by civil, criminal, and litigation. The salary data includes only attorney salaries (does not include administrative salaries) and does not include the contract attorney costs for the Jeremy Best case. The total expenses increased from \$149,000 in 2018 to \$555,000 in 2025, an increase of +272%.

Also attached is a chart covering 2018 to 2024 with cases filed by type - infraction, juvenile, misdemeanor and felony. The total cases filed decreased from 1496 to 1291 or -

14%. For more detail, I have attached just misdemeanor and felony cases filed in the same years. The total misdemeanor and felony cases filed decreased from 438 to 361, or -17%.

Also attached is the court data on cases filed from 2000 to 2024 for your information.

The Prosecutor asserted that Fremont and Madison have similar case loads and compared the number of deputies prosecutors that they have. Per the attached court statistics data sheet, both have over double the case load of Teton County. Per the Clerks of both counties, Fremont currently has one full time Deputy Prosecutor and one part time and Madison has two full time. Neither has contract criminal attorneys.

The Clerk strongly recommends against adding a full time Deputy Prosecutor for FY26. The Board could consider using remaining cash to increase the contract attorney budget.