AGENDA COVER MEMO

Memorandum Date: October 30th, 2023

First Reading Date: December 5th, 2023

Second Reading/Public Hearing Date: January 23rd, 2024

TO:	Board of County Commissioners
DEPARTMENT:	Human Resources
PRESENTED BY:	Alana Holmes, Chief Human Resources Officer Eliza Kashinsky, Sr. Classification and Compensation Analyst
AGENDA ITEM TITLE:	FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/ Ordinance 23-09/ In the Matter of Amending Lane Code Chapter 2 to Create Consistency with the Lane Manual and Current Practice as Relates to the Assistant County Administrator Classification and the Delegation of Authority to the Fair Board to Adopt a Separate Personnel Administration System

I. MOTION

First Reading: Move to approve the first reading and to set the second reading and public hearing for January 23rd, 2024, at 1:30 p.m. time certain.

Second Reading: Move to approve Ordinance No. 23-09 as presented.

II. AGENDA ITEM SUMMARY

The Board is being asked to approve changes to the Lane Code to remove language that has been superseded by later Board actions in order to create consistency with the Lane Code, the Lane Manual, and current responsibilities. This includes a change to section 2.010.005(D)(2)(e) to remove the Assistant County Administrator classification from the list of positions where the Board directly completes performance evaluations, in order to create consistency with the Lane Manual. The Board is also being asked to remove section 2.020.005(A) to 2.020.005(C) and make changes to section 2.020.010 and 2.020.005 to reflect the fact that the Board revoked the delegation of authority to the Fair Board to adopt a separate system of personnel administration in 2008.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Assistant County Administrator Classification

The Board established the Assistant County Administrator Classification July 24th, 2007, through Board Order 07-07-24-4. On August 14th, 2007, the Board amended Chapter 3 of the Lane Manual and Chapter 2 of the Lane Code to describe the functions of the Assistant County Administrator (BO 07-8-14-1 and Ordinance PA 8-07.) The classification was designated to report to the Board directly and was included in section 2.010.005(D)2(e) along with the County Counsel and the Performance Auditor as a classification where salary adjustments were made in accordance with the Board's performance evaluations of the position.

The Board appointed an Assistant County Administrator on October 17th, 2007 (BO 07-10-17-14.) The position was vacated in mid-December of 2007, and the Board did not initiate a recruitment process to refill the position. There have been no positions or FTE assigned to the Assistant County Administrator classification between 2008 and July of 2023.

On June 6th, 2017, the Board adopted Order No. 17-06-06-06, which amended Lane Manual Chapter 3. As part of these amendments, it was specified that the Assistant County Administrator would be appointed by the County Administrator (LM 3.055.025(A)). On October 2nd, 2018, the Board adopted Order No. 18-10-02-02, which amended the Lane Manual to specify that the "Board of County Commissioners has three direct report employees, the County Administrator, the County Counsel, and the Performance Auditor" (LM 3.010.020(A)).

On July 18th, 2023, the Board adopted Order No. 23-07-18-08, which established a salary grade for the Assistant County Administrator position. The County Administrator appointed an Assistant County Administrator in July of 2023.

Event Center Employees Personnel Management System

Section 26 of the Lane County Charter requires the Board of County Commissioners to maintain a system of personnel administration for all offices and positions in the classified service at the County.

On September 9th, 1998, the Board of County Commissioners adopted Ordinance No. 5-98, which amended the Lane Code to delegate authority to the Fair Board to adopt a separate system of personnel administration for employees of the Lane Events Center and Fairground. The Board reserved the right to revoke the delegation at any time.

On June 25th, 2008, the Board adopted Order No. 08-06-25-14, in which the Board of Commissioners assumed full control and authority of the Lane County Events Center and Fairgrounds for all purposes except the planning and production of the annual Lane County Fair, thus revoking their delegation of authority to the Fair Board to maintain a separate system of personnel administration.

B. Policy Issues

These changes would ensure consistency between the Lane Manual and the Lane Code, and between the Lane Code and current authorities and responsibilities.

C. Financial and/or Resource Considerations

There are no financial implications to this action.

D. Health Implications

There are no health implications to this action.

E. Analysis

Assistant County Administrator

The Board of County Commissioners is responsible for the appointment, dismissal, and administration of annual performance evaluations for the three positions that directly report to them: the County Administrator, the County Counsel, and the Performance Auditor (LM 3.010.020). The County Administrator holds these responsibilities for all other non-elected Department Directors (LC 2.010.005(D)2a-d, LM 3.015.005).

In Board Orders 17-06-06-06 and 18-10-02-02, the Board modified the Lane Manual so that the Assistant County Administrator classification reports directly to the County Administrator but did not remove the language from the Lane Code which includes the Assistant County Administrator as one of the positions where the Board had responsibility for conducting annual performance appraisals. This amendment to the Lane Code creates consistency between the Lane Manual and Lane Code.

Event Center Employees Personnel Management System
The Board of County Commissioners is responsible for maintaining a system of personnel administration for persons employed in the classified service of the County. In 2008, as described in section 2.020.010(C) of the Lane Code, the Board revoked the delegation to the Fair Board to adopt a separate personnel administration system and assimilated the employees into the County's personnel administration system.

Amending the Lane Code to remove refences to the delegation of authority to the Fair Board which was revoked 15 years ago creates consistency between the Lane Code and the current authorities and responsibilities to maintain a personnel administration system for Lane County employees working at the Lane Events Center and Fairgrounds and reduces the chances of confusion about which body currently holds those authorities.

F. Alternatives/Options

1. Move to set a second reading and public hearing for January 23, 2024, as necessary to amend the Lane Code for clarity and consistency.

2. Decide not make changes to the Lane Code at this time.

IV. RECOMMENDATION

The Human Resources Department recommends the Board set the second reading and public hearing for January 23rd, 2024.

V. TIMING/IMPLEMENTATION

If the Board approves the Ordinance as presented after the second reading, the revisions become effective 30 days after the enactment.

VI. ATTACHMENTS

A. Board Ordinance 23-09 with LC 2.010.005, 2.020.005, and 2.020.010

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 23-09	In the Matter of Amending Lane Code Chapter 2 to Create Consistency with the Lane Manual and Current Practice as Relates to the Assistant County Administrator Classification and the Delegation of Authority to the Fair Board to Adopt a Separate Personnel Administration System (LC 2.010.005, LC 2.020.005, LC 2.020.010)

WHEREAS, the Board of Commissioners established the Assistant County Administrator classification on July 24th, 2007, and at that time designated the classification to report directly to the Board of Commissioners in both the Lane Code and Lane Manual; and

WHEREAS, the Board of Commissioners amended the Lane Manual in 2017 to specify that the Assistant County Administrator reports directly to the County Administrator as opposed to the Board of Commissioners, and amended the Lane Manual in 2018 to specify those positions that report directly to the Board of Commissioners and did not include the Assistant County Administrator position; and

WHEREAS, it is desirable to have consistency between the Lane Code and the Lane Manual as relates to the responsibilities, authorities, and reporting structures for the various positions at the County; and

WHEREAS, the Board of Commissioners adopted language in the Lane Code to delegate authority to the Lane County Fair Board to adopt a separate system of classification and compensation management for employees at the Lane County Fairgrounds on September 9th, 1998; and

WHEREAS, the Board of Commissioners assumed full control and authority for the administration and operation of the Events Center and the Fairgrounds for all purposes except for the planning and production of the annual Lane County Fair effective June 30th, 2008, revoked the delegation to the Fair Board, and assimilated the employees of the Lane County Fairgrounds into the County's Merit System of personnel administration on December 10th, 2008; and

WHEREAS, it is desirable to have consistency between the Lane Code and current practice and authority as relates to the applicability of systems of personnel administration to Lane County employees;

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as follows:

Lane Code Chapter 2 is hereby amended by removing, substituting and adding new sections as follows:

REMOVE THESE SECTION	**INSERT THESE SECTIONS**
2.010.005	2.010.005
2.020.005	2.020.005
2.020.010	2.020.010

These sections are attached hereto and incorporated herein by this reference. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

Nothing herein is intended to, nor acts to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.

ENACTED this ___ day of_____, 2023

_____
Pat Farr, Chair
Lane County Board of Commissioners

_____
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date_____

_____
LANE COUNTY OFFICE OF LEGAL COUNSEL

2.010.005 - County Administrator.

A. The County Administrator shall be the Chief Administrative Officer of the County and shall be responsible only to the Board of Commissioners.

B. All previous delegation in effect at the time of enactment of this Ordinance shall remain in effect and any future delegation of the authority from the Board to the County Administrator shall be in writing.

C. The County Administrator shall be Budget Officer of Lane County and perform the functions assigned to such officer under general State law.

D. The County Administrator shall be responsible to the Board for the following functions.

1. Coordinating the activities of all other County Departments.

2. The direction of the activities of all other administrative Departments.

   a. Recruitment, appointment, corrective action and dismissal of administrative Department Directors.

   b. Preparation and administration of annual Department Director performance evaluations.

   c. The setting and adjusting of salaries of administrative Department Directors in annual merit adjustments within the ranges approved by the Board.

   d. Before taking final action on appointment or dismissal of department directors, the Administrator shall advise the Board of the cause and process used in such action.

   e. The adjusting of salaries of the ~~Assistant County Administrator,~~ County Counsel~~,~~ and the Performance Auditor in accordance with the Board's performance evaluations and within the salary ranges approved by the Board.

3. The preparation and recommendation of the annual budget and compensation plan.

4. Preparation and administration of a management compensation plan.

5. Planning, directing and evaluation of the development of internal management systems and procedures.

6. The preparation of administrative regulations and policies to carry out the efficient operation of the County.

7. Enforcement of ordinances, orders, rules, regulations, procedures and policies adopted by the Board.

8. Preparation and submission of an annual report on the status of County operations.

9. Performance of other duties as the Board directs.

(Ordinance 13-83, 5.27.83; Ordinance 17-83, 10.1.83; Ordinance 17-90, 1.18.91; Ordinance 12-92, 10.14.92; Ordinance 8-07, 9.14.07)

2.020.005 - Merit System.

The intent of LC 2.020.005 to LC 2.020.050 is to provide a Merit System of personnel administration, including: the appointment and promotion of County employees on the basis of merit and fitness; a classification plan for positions in the classified service; an equitable compensation plan; and a system to facilitate the handling of other personnel matters on the basis of merit. ~~"Merit System" does not include the system adopted by the Fair Board as described in LC 2.020.010A.~~

(Ordinance 7-74, 7.5.74; Ordinance 5-98, 9.9.98)

2.020.010 - Application.

The provisions of LC 2.020.005 to LC 2.020.050 and the rules adopted pursuant thereto shall apply only to the classified service of the County as established in Section ~~28~~ 26 of the Charter, unless expressly provided therein ~~and except as hereby delegated to the Fair Board~~.

~~A. The Board of Commissioners delegates authority to the Lane County Fair Board to adopt a separate merit system of personnel administration, to include all elements required by the Charter, which system, classification plan, compensation plan and all implementing personnel rules shall apply to employees at the Lane County Fairgrounds.~~

~~B. The employees at the fairgrounds shall be governed by the merit system as adopted and implemented by the Fair Board pursuant to LC 2.020.010A, and not by LC 2.020.010 through LC 2.020.050 or provisions implementing them.~~

~~C. The Board of Commissioners reserves the right to revoke the delegation to the Fair Board described in LC 2.020.010A at any time it deems doing so is prudent, at which time the employees shall be governed by the Merit System described in LC 2.020.005 and all implementing rules and regulations. Assimilation of these employees into the County Merit System shall be done in an equitable manner, recognizing that their employment by the Fair Board has been pursuant to the Home Rule Charter.~~

(Ordinance 7-74, 7.5.74; Ordinance 5-98, 9.9.98)

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    b. Preparation and administration of annual Department Director performance evaluations.

    c. The setting and adjusting of salaries of administrative Department Directors in annual merit adjustments within the ranges approved by the Board.

    d. Before taking final action on appointment or dismissal of department directors, the Administrator shall advise the Board of the cause and process used in such action.

    e. The adjusting of salaries of the County Counsel and the Performance Auditor in accordance with the Board's performance evaluations and within the salary ranges approved by the Board.

3. The preparation and recommendation of the annual budget and compensation plan.

4. Preparation and administration of a management compensation plan.

5. Planning, directing and evaluation of the development of internal management systems and procedures.

6. The preparation of administrative regulations and policies to carry out the efficient operation of the County.

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2.020.010 - Application.

The provisions of LC 2.020.005 to LC 2.020.050 and the rules adopted pursuant thereto shall apply only to the classified service of the County as established in Section 26 of the Charter, unless expressly provided therein.

(Ordinance 7-74, 7.5.74; Ordinance 5-98, 9.9.98)