



LANE COUNTY

HUMAN RESOURCES DEPARTMENT / 125 East 8th Ave. / Eugene, OR 97401
Phone: (541) 682-3665/ Fax: (541) 682-4290

W.S.G.I.

AGENDA COVER MEMO

Memorandum Date: December 23, 2009
Order Date: January 6, 2010

TO: Board of County Commissioners
DEPARTMENT: Human Resources
PRESENTED BY: Hector Rios, Sr. Human Resources Analyst
AGENDA ITEM TITLE: ORDER/IN THE MATTER OF REVIEWING AND
ADJUSTING THE SALARY OF THE COUNTY COUNSEL

I. MOTION

MOVE APPROVAL OF ORDER 10 -- _____ IN THE MATTER OF
REVIEWING AND ADJUSTING THE SALARY OF THE COUNTY COUNSEL.

II. AGENDA ITEM SUMMARY

Effective on December 1, 2009, the County Clerk functions (Elections, Deeds and Records, BOPTA) that previously resided with the Management Services department were transferred to the Office of Legal Counsel Department, under the direction of Liane Richardson. All staff from the County Clerk Division has now moved or is in the process of moving into the County Counsel Department. This move has had the direct effect of increasing the responsibilities and complexity of the work performed by our County Counsel. This action has also increased the number of staff directly or indirectly reporting to our County Counsel, as well as the budget responsibilities (an additional 13 FTE positions and an additional budget of \$1,103,382).

In light of these changes, the Human Resources department reviewed the compensation for the County Counsel, to determine what adjustments if any needed to be made to the compensation. Since this position is unclassified positions and not part of the County's graded compensation plan, compensation increases must be specifically reviewed and adjusted by the Board of County Commissioners.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Over the past year, the Board has reviewed nearly all of the County's non-represented positions and has adopted a new compensation plan that is market-based. For classified employees (those holding positions reflected on the County's classification plan), increases in compensation come about as a result of successful performance, equity adjustments, exceptional merit increases. These changes result in progressive movement on the pay grade, or movement up the "steps" of the plan. For unclassified employees, the Board sets the salary and there is no graded step plan.

Unclassified County positions include the elected officials, the County Administrator, the County Counsel, the Internal (Performance) Auditor and the Assistant County Administrator. On December 12 of 2007, the Board approved an adjustment to Lane County's former County Counsel's salary setting it at \$113,095. When our current County Counsel was hired, she was hired at \$104,471.

B. Policy Issues

Section 28 (4) of the Lane County Charter requires that "the board of county commissioners shall maintain a system of personnel administration in which each person in that service shall receive equitable compensation fixed on the basis of:

- (i) competence in the position with the county,
- (ii) record of service there and elsewhere,
- (iii) the range of compensation paid others by public and private employers for comparable service
- (iv) the county's financial condition and policies, and
- (v) other factors relevant to the determination of what is fair compensation for the individual."

In addition, Lane Manual Section 2.235, Rule IV-3(a) states that "the compensation plan for County personnel shall provide reasonably competitive ranges of pay for each classification of employment. The Board may make adjustments in a salary range or ranges as necessary to attract and hold competent personnel and to provide equity between the various classifications. Such salary range adjustments are to be distinguished from merit increases in that they are not intended to give recognition to length or quality of service but are to be based solely on prevailing rates of pay in private business and other public jurisdictions in our market area for positions comparable to the various classes of work in the County service."

C. Board Goals

The County's Strategic Plan outlines specific objectives for our personnel programs, which include how we compensate (reward and encourage) our employees. Section A2 states in part that we will "strive for a flexible classification and compensation system;" we will "ensure that the system supports and does not inhibit excellent performance in the deliver of County services;" and that "County personnel policies will encourage job-related training and career development support." Section B3 of the Strategic Plan goes on to describe the requirements of the Human Resources Plan, stating that it should assess both current and future workforce needs and capabilities, identify actions to assure that workforce capabilities meet future needs, and specify policies and practices to encourage training and development supports so employees have the knowledge, skills, and abilities to perform well.

D. Financial and/or Resource Considerations

Should the Board approve the staff recommendation, it will cost the County approximately \$13,842 over a full Fiscal Year in salary and benefit increases. For the current Fiscal Year, it would cost the county \$2,651.

E. Analysis

In the spring of 2008, the Board was presented with a survey Human Resources staff conducted of counties throughout the State to determine average compensation as of July of 2008. The surveyed agencies were Clackamas, Washington, Deschutes, Jackson, and Marion Counties. Effective July 1, 2008, the minimum, mid, and maximum steps were on average: \$120,427, \$122,083, and \$123,738 respectively. At that time and based on the compensation paid to our former County Counsel (\$113,110), Lane County was 6.77% below market at the minimum; 7.93% below market at the midpoint, and 9.67% below market at the maximum. Because our current County Counsel currently receives an annual salary of \$104,471, there is a greater discrepancy in the actual figures. Furthermore, a glance at the current compensations for some of the other counties indicated that, since July of 2008, some counties have increased the compensation for similar positions.

The attached document (*Attachment # 2 County Counsel Compensation Salaries as of July 1, 2008*) provides information as to how Lane County's position compared with those in other counties in July of 2008.

The average base salary for County Counsels in the counties most similar to Lane County as of July 2008 was \$122,083. Our County Counsel's salary is currently set at \$104,471, which is at least 17% lower than market. The average salary at the midpoint of Lane County's directors is \$112,299. The average annual compensation at the top step is \$116,262. In addition, from all those 7 department directors who are listed on our compensation plan, only one of them is currently at step 9; the rest of them are not yet at step 9. Human Resources staff recommends that the base salary for our County Counsel be adjusted to \$116,478.40. This adjustment would bring County Counsel by 11.15%, closer to market.

F. Alternatives/Options

1. Approve the attached Board Order increasing the salary of the County Counsel.
2. Amend the Board Orders by decreasing the recommended percentage.
3. Reject the recommendation; do not approve the Board Order, and direct staff to return with additional options.

IV. TIMING/IMPLEMENTATION

If approved, the salary increase will take effect the first full pay period following December 1, 2009, when the County Clerk functions became part of the County Counsel department.

V. RECOMMENDATION

Human resources recommends that the Board approve option one above.

VI. FOLLOW-UP

The approved Board Order will be forwarded to County payroll for implementation. No other follow-up is required.

VII. ATTACHMENTS

1. Board Order: In the Matter of Reviewing and Adjusting the Salary of the County Counsel
2. Comparable Lane County Salaries for County Counsel

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

RESOLUTION AND
ORDER 10-

)
) IN THE MATTER OF REVIEWING AND
) ADJUSTING THE SALARY OF THE
) COUNTY COUNSEL
)
)

WHEREAS, The Board of County Commissioners recently authorized the transfer of the County Clerk's Office from the Management Services Department to the Office of Legal Counsel; and

WHEREAS, County Counsel will assume responsibility for 13 additional FTE positions and an additional budget of \$1,103,382; and

WHEREAS, the County Clerk's Office includes elections and document recordings that are a critical government service with unique statutory requirements requiring timeliness and accuracy; and

WHEREAS, the County Counsel will assume full responsibility for these positions, staff, budget, and statutory requirements in addition to her current responsibilities;

NOW THEREFORE, IT IS HEREBY RESOLVED AND ORDERED, that effective December 1, 2009, County Counsel Liane Richardson, receive a salary of \$116,478.40, and all other benefits accorded to non-elected department directors.

Dated this _____ day of _____, 2010.

Bill Fleenor, Chair
Board of County Commissioners

APPROVED AS TO FORM
12/22/09

OFFICE OF LEGAL COUNSEL

County Counsel Compensation Salaries as of July 1, 2008

COUNTY	SALARY	INS?	PERS/DC Adj	COMMENTS
Clackamas	\$124,984	Yes	\$132,820	The incumbent is at the top of the salary range, which is the figure listed. Also receives 6.27% deferred comp. Position is on contract, and the ee is eligible for performance bonuses at the discretion of the CAO. Bonuses are not a set figure & may vary.
Deschutes	\$120,123	Yes	\$120,123	Incumbent is at the top step, which is the figure listed.
Jackson	\$104,975	Yes	\$104,975	Step 1 of the salary plan; position currently vacant
Jackson	\$113,253	Yes	\$113,253	Mid-point of salary range; position currently vacant
Jackson	\$121,531	Yes	\$121,531	Top step of salary plan; position currently vacant
Marion	\$111,303	Yes	\$119,651	Legal Counsel currently receives 5 wks comp credits (equiv. to 9.62% of salary). Eff 7/08 non-reps gave up 1 week comp credits & County picked up PERS. Range for Legal Counsel as of 7/08 is \$77,126 - 103,355. Adding remaining 4 comp credits (equiv to 7.69%) brings range to \$83,057 - 111,303. Legal Counsel also gets 7.5% 401k contribution. Incumbent is at top of salary range.
Multnomah	\$143,848	Yes	\$143,848	For information only, did not use in average calculations
Washington	\$140,751	Yes	\$132,306	This is a contracted position, which also receive \$355 auto & \$123.50 computer allowance/month

AVERAGE:	\$120,427		\$121,975	Calculated w/ Jackson County at Minimum
	\$122,083		\$123,281	Calculated w/ Jackson County at Midpoint
	\$123,738		\$125,286	Calculated w/ Jackson County at Maximum

Lane	\$113,110	Yes	\$114,241	<i>Includes 1% def comp. Also receives \$585 in allowances/stipends (car, cell phone)</i>
Percentage	6.47%		6.77%	Calculated w/ Jackson County at Minimum
Below	7.93%		7.91%	Calculated w/ Jackson County at Midpoint
Average	9.40%		9.67%	Calculated w/ Jackson County at Maximum

Note: calculations were based on the compensation for former County Counsel (\$113,110).

Current County Counsel annual salary is \$104,471, which puts salary lower than what market pays.