



# County of El Dorado

## Chief Administrative Office

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October 10, 2017

TO: The Honorable Board of Supervisors

FROM: Don Ashton   
Chief Administrative Officer

**SUBJECT: OCTOBER 10, 2017, AGENDA – ITEM NO. 34 (LEGISTAR NO. 17-1110)**

At the October 10, 2017, meeting, the Board will be receiving an update from the Charter Review Committee as well as considering any additional direction to the Charter Review Committee. As your Chief Administrative Officer one of my overall philosophies is to make recommendations that provide the Board of Supervisors with flexibility to not only set policy, but to also change policy over time. The primary reason for this approach is that over time our environment changes, so allowing the Board the flexibility to revise policy to address those changes as easily and efficiently as possible provides an overall benefit to the community.

The current language in Charter Section 502.1 limits the ability of the Board of Supervisors to identify additional positions as 'at-will' positions, beyond elected county officers, appointed department heads, all appointed boards, committees and commissions, persons serving without compensation, casual patient and inmates at county institutions, and the Deputy Welfare Director and Undersheriff. The specific changes for consideration are attached (*Attachment I*), which if ultimately approved by the voters, would provide the Board with the flexibility to identify other positions as 'at-will' employees.

In this regard, I am recommending the Board provide direction to the Charter Review Committee to review Section 502.1 – Classified and Unclassified Employees, and return to the Board with a recommendation to either (1) add these changes to a future election for voter approval, (2) leave the Charter as is, or (3) propose alternative language for consideration by the Board of Supervisors.

The following are three reasons for this recommendation:

- 1) There may be circumstances in which a position has a very broad scope of responsibility and a high level of authority either through delegation of the department head or through State law. Their decisions, if not appropriate, could have a significant negative impact on the County as a whole, but due to the current language in the Charter these individuals have civil service protection thus adding procedural burdens to the imposition of appropriate discipline. This recommendation attempts to align responsibility and accountability.

**Honorable Board of Supervisors**

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- 2) These changes will allow the Board to establish consistency throughout the organization. For example, the Charter currently identifies the Undersheriff as an unclassified position serving at the pleasure of the Sheriff. However, the District Attorney and Assessor, both of which are also constitutionally elected officers like the Sheriff, do not have the same flexibility that is provided to the Sheriff in regard to identifying their second in command.
- 3) Of lesser importance, the County no longer has a position titled Deputy Welfare Director so that portion of the Charter language is not relevant.

If the Charter Review Committee agrees with this recommendation, the County will need to discuss the impact this could have on classified/represented employees in the event an 'at-will' employee is removed from their position and has rights back to a former position. Lastly, if these changes are approved by the voters, it will not impact any existing employee who has already achieved civil service status in a position that the Board may desire to be 'at-will'.

I appreciate the Board's consideration of this recommendation and will be happy to answer any questions you may have in this regard.

**Attachment**

- c. Clerk of the Board  
County Counsel

## 502.1 Classified and Unclassified Employees

The classified service consists of all positions in which employees have achieved civil service status except those positions designated as unclassified below.

The unclassified service consists of:

- a. elected county officers;
- b. appointed department heads;
- c. all appointed boards, committees and commissions;
- d. all persons serving without compensation (compensation does not include incidental fees and expenses);
- e. casual patient and inmates at county institutions;
- f. the following administrative personnel charged with making policy decisions:  
~~Deputy Director of Welfare; Undersheriff~~ and any other unrepresented position as determined by resolution of the Board of Supervisors, all of whom ~~The Undersheriff~~ shall have the right to return to a former classified position in accord with county ordinance;
- g. any person holding a confidential position to each member of the Board of Supervisors;
- h. persons employed to render professional, scientific, technical or expert services on a temporary basis for a specific project;
- i. persons covered under State Merit Systems;
- j. persons employed as independent contractors pursuant to contracts, as authorized by the Board of Supervisors.
- k. persons otherwise excluded by operation of law.

The Board of Supervisors shall have the right for good cause and after written notice to affected parties, to make "de minimis" changes which amend the foregoing list.