



ORDINANCE NO. 5069

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1. The Board of Supervisors finds and determines that amendments to Chapter 2.06 of Title 2 are necessary to update the El Dorado County Ordinance Code to reorganize provisions of the Ordinance Code related to the conduct of the business of the Board of Supervisors by including the salary provision and the expense reimbursement provision in this Chapter.

Section 2. Chapter 2.06 of the El Dorado County Ordinance Code is hereby amended as follows:

BOARD OF SUPERVISORS-CONDUCT OF BUSINESS, COMPENSATION

2.06.010 Purpose.

The purpose of this chapter is to provide the rules for the conduct of all business, except judicial and quasi-judicial hearings, of the board of supervisors of the county to the end that matters can be effectively, fairly and expeditiously processed; and to establish the compensation for members of the board of supervisors.

(Prior Code, § 1201; Code 1997, § 2.06.010)

2.06.020 Board of Supervisors Salary Provisions.

A. Members of the board of supervisors shall receive the monthly salary as set forth below:

Board of Supervisors (5) effective January 6, 2007 - \$6,406.40.

B. Members of the Board of Supervisors shall receive the following benefits:

1) **Optional Benefit Credits:** A contribution of \$6,000 per fiscal year, prorated over 24 pay periods, toward the purchase of benefits included within the County's Optional Benefit Plan (OBP),

2) **Health/Dental/Vision Plan:**

a) **Coverage:** Board members and their families are eligible for the benefits specified in the governing plan document, as approved by the Board of Supervisors, to the extent that such document does not conflict with state or federal law

b) **Contributions:** Health plan premiums are established by the Board of Supervisors annually for each plan year, which runs on a calendar year basis (January 1 – December 31). Premiums are based on total program costs, including vendor premiums and County costs for administering the program. Published rates for each year shall become effective the first paycheck issued in December preceding the plan year.

The County shall pay 65% of the premium for the health/dental/vision plan chosen by a Board Member. The Member shall pay the remaining 35% of the premium. Member contributions are deducted over 24 pay periods. No regular contributions are deducted from the third paycheck issued in any month. The Member's contribution may be offset in whole or in part, by the Optional Benefit Credits described above, in accordance with the Terms of the OBP.

3) **Life Insurance:** The County shall provide a group term life insurance plan for each Board Member in the amount of \$60,000. Accidental Death & Dismemberment coverage is included in this Plan. Members may purchase additional life insurance at their own cost, subject to the provisions of the Optional Benefits Plan and respective life insurance plans.

4) **Employee Assistance Plan (EAP):** Members shall be eligible for the benefits available to all employees through the EAP.

5) **Deferred Compensation Contribution:** In January of each year, the County will make a contribution to deferred compensation (457 Plan) accounts on behalf of participating Board Members in the amount of 10% of the amount contributed by the Member during the prior calendar year, not to exceed \$800.

6) **CalPERS (PERS) Retirement Plan Benefits:** Board Members who choose to participate in PERS shall be eligible for the following:

- a) Non-Safety Tier 1 – Retirement benefits for Classic member employees hired prior to October 5, 2012, shall be calculated using the retirement formula of 2% at age 55 with Single-Highest Year Final Compensation (as determined by CalPERS).
- b) Non-Safety Tier 2 – Retirement benefits for Classic member employees hired on or after October 5, 2012 shall be calculated using the retirement formula of 2% at 60, with Average of Three-Year Final Compensation (as determined by CalPERS).
- c) Non-Safety Tier 3 – New members to the CalPERS system hired on or after January 1, 2013, shall have retirement benefits calculated using the retirement formula of 2% at age 62, with Average of Three-Year Final Compensation (as determined by CalPERS).

7) CalPERS Contribution:

- a) Board Members subject to Tier 1 and 2 shall pay the entire 7% employee portion of the CalPERS contribution.
- b) Board Members subject to Tier 3 shall pay 50% of the total normal cost rate of their pension benefits, as determined by CalPERS and required by law.

The County agrees to continue the employer pick-up of the employee portion of the CalPERS contribution pursuant to provisions contained in Section 414(h)(2) of the Internal Revenue Code concerning the tax treatment of employee retirement contributions to CalPERS.

- 8) Survivor Benefits: The County will provide the “Level III” tier of the 1959 Survivors’ Benefits Board Members shall contribute ninety-three cents (\$.93) per pay period plus any additional employee contribution required by CalPERS regulations.

B. Members of the Board of Supervisors shall not be eligible for the following benefits (as defined in the Personnel Rules and the Salary and Benefits Resolution for Unrepresented Employees):

- 1) State Disability Insurance
- 2) Long Term Disability
- 3) Floating Holiday, Sick Leave, or Vacation Accruals
- 4) Management Leave
- 5) Longevity Pay
- 6) CPA Differential

- 7) Tahoe Differential
- 8) Bi-Lingual Pay
- 9) POST Pay

(Code 1997, § 2.57.030; Ord. No. 4675)

2.06.025 Expenses Reimbursement for Members of the Board of Supervisors.

The reimbursement of travel and other expenses incurred by the members of the Board of Supervisors in the conduct of the official business of the county shall be governed by policies adopted by the Board of Supervisors.

(Prior Code, § 3401; Code 1997, § 2.57.040)

Sec. 2.06.030. - Agenda items in writing.

Agenda items shall be in writing and shall specifically set forth both the matter to be discussed and the action requested of the Board, along with copies of the request and documentary information or supporting material.

(Prior Code, § 1203; Code 1997, § 2.06.030)

Sec. 2.06.040. - Approval by County Counsel.

All contracts, proposed ordinances and resolutions not prepared by the County Counsel's office shall be referred to that office for approval as to form.

(Prior Code, § 1204; Code 1997, § 2.06.040)

Sec. 2.06.050. - Order of business.

The regular order of business of the Board shall be:

- A. Approval of minutes of previous meeting;
- B. Agenda of the Board;
- C. Adjournment.

(Prior Code, § 1206; Code 1997, § 2.06.050)

Sec. 2.06.060. - Addressing the Board.

Any person desiring to address the Board shall, when recognized by the Chair, step to the podium and give his or her name to the Clerk. The Chair may, in the interest of facilitating the business of the Board, and avoidance of repetition, limit the amount of time which a person may use in addressing the Board.

(Prior Code, § 1207; Code 1997, § 2.06.060)

Sec. 2.06.070. - Referrals.

Any matter coming before the Board may, if deemed necessary, be referred to the officer, department or agency concerned therewith. Such referrals may be placed on a succeeding agenda and responsible officers, agents or department heads will respond to those matters in accordance with the direction provided by the Board.

(Prior Code, § 1208; Code 1997, § 2.06.070)

Sec. 2.06.080. - Appointive positions.

The Chair shall, with the consent of the Board, appoint fellow members to those committees, commissions, agencies, associations, districts, boards, councils or other organizations on which the Board desires representation or which is required by law.

(Prior Code, § 1209; Code 1997, § 2.06.080)

Sec. 2.06.090. - Voting.

Unless otherwise required by law, all votes upon any measure before the Board of Supervisors may be by simultaneous voice voting at the discretion of the Chair, unless any member of the Board calls for a roll call vote, in which case a roll call vote will be taken. Every Board member present shall vote for or against any measure put before it unless that member has declared a possible conflict of interest or abstains from voting. The Clerk shall announce the results of the vote. A roll call vote shall be taken by the Clerk of the Board upon the request of a Board member and the presiding officer shall vote last unless a random vote is called. Any member of the Board may call for a random vote. When a call for a random vote is made, the Clerk shall first determine the order in which the members of the Board who are present shall vote by lot, and then proceed to call for the vote of each Board member present in the order so determined. The manner in which each member voted on each measure voted upon shall be recorded in the minutes of the Board. Except as otherwise provided by law, three votes of the Board members present and constituting a quorum shall be sufficient for the adoption of any measure.

(Prior Code, § 1210; Code 1997, § 2.06.090; Ord. No. 4317, 1993; Ord. No. 4359, 1995)

Sec. 2.06.100. - Request for advance copies of agendas.

- (a) Any person may submit a written request to the Clerk of the Board to receive advance copies for agendas for all regular meetings and all special meetings which are called at least one week prior to the hearing date. These agendas may be mailed, emailed or otherwise transmitted in accordance with the parties' written request.

(b) The Board may, by resolution, establish a fee for transmittal of these advance copies not to exceed the actual cost of providing them.

Section 3. Chapter 2.15, titled Personnel and Salary Regulations, is repealed in its entirety.

Section 4. Sections 2.15.202 (Definitions), 2.15.210 (Sheriff Deputy Salaries), 2.15.230-2.15.250 (Peace Officer Training Standards and Recruiting), 2.15.310 (Residence Requirement for Deputy Sheriffs), 2.15.330 (Uniform Allowance) and 2.15.330 (Payroll Records) have been superseded by changes in State law, changes in the El Dorado County Charter, adoption of the Personnel Rules by the Board of Supervisors, and negotiated provisions in memoranda of understanding with bargaining units.

Section 5. Sections 2.15.030 (A) and (B) relating to salary of members of the Board of Supervisors have been amended to remove the automatic pay increase, and moved to Title 2.06, Section 2.06.020. Section 2.15.040 relating to reimbursement of expenses for members of the Board of Supervisors has been moved to Title 2.06, Section 2.06.025.

Section 6. The Board of Supervisors finds and determines that amendments to Chapter 2.16 of Title 2 entitled “Civil Service System” are necessary to update the El Dorado County Ordinance Code to reflect updated practices and Personnel Rules adopted by the Board of Supervisors.

Section 7. Chapter 2.16 of Title 2 of the El Dorado County Ordinance Code is hereby amended as follows:

CHAPTER 2.16. - CIVIL SERVICE SYSTEM

Sec. 2.16.010. - Title.

This chapter shall be known and may be referred to in all proceedings as the County Civil Service Ordinance.

(Prior Code, § 4201; Code 1997, § 2.60.010)

Sec. 2.16.020. - Purpose.

The ordinance from which this chapter is derived is enacted pursuant to the provisions of the County Civil Service Enabling Law (Government Code § 31100 et seq.) for the purpose of enacting a limited civil service system for the County.

(Prior Code, § 4202; Code 1997, § 2.60.020)

2.16.025 Application of Chapter.

This chapter shall apply to all positions within the classified service, as defined in the Charter or by the board of supervisors consistent with the Charter.

Sec. 2.16.030. - Commission—Established.

There is established a Civil Service Commission (hereafter “Commission”) for the County. The Commission shall consist of five members appointed by the Board of Supervisors from among those qualified electors of the County who are not employees or officers of the County.

(Prior Code, § 4203; Code 1997, § 2.60.030)

Sec. 2.16.040. - Same—Meetings and Compensation.

A. The Commission may for organizational purposes during the first quarter of each year, and shall meet at such times as shall be necessary to conduct hearings required by section 2.16.080, and shall hold meetings as may be determined by the Commission and the Department of Human Resources. The Commission shall recommend for adoption by the Board of Supervisors such rules of procedure as it deems advisable for the orderly conduct of its business.

B. Members of the Commission shall receive the sum of \$100 per meeting attended in person, and \$25 for meetings attended by telephone. Members shall also be provided lunch for meetings that are scheduled over the normal lunch period. Members shall also be reimbursed for reasonable traveling expenses from their place of residence to the place of meeting of the Commission and return, upon submission of such documentation as may be reasonably required by the County Auditor’s Office.

(Prior Code, § 4204; Code 1997, § 2.60.040)

Sec. 2.16.050. - Length of service required to qualify.

Civil service status shall not attach to any County employee with respect to any particular classification unless or until he or she has been continuously employed for the total period of time equal to the probationary period specified in the applicable memorandum of understanding or Board-approved resolution for the employee’s original classification. In the event a County employee is promoted, voluntarily demotes, or voluntarily transfers to a related classification, his or her civil service status shall attach to his or her original classification when he or she has been

continuously employed in the original classification and the subsequent classification for the total period of time equal to the probationary period specified in the applicable memorandum of understanding or Board-approved resolution for the employee's original classification.

(Prior Code, § 4205; Code 1997, § 2.60.050)

Sec. 2.16.060. Exclusions.

Except as otherwise provided by law, the following persons are part of the unclassified service and are not subject to the provisions of this chapter:

- A. Elected County officers;
- B. Appointed department heads;
- C. All appointed boards, committees, and commissions;
- D. All persons serving without compensation;
- E. Casual patient and inmate employees at County institutions;
- F. The Undersheriff, provided that employees in this position who have previously held classified positions in the Sheriff's Department with the County have the right to return to the classified service as provided by Article V, Section 502.1 of the El Dorado County Charter;
- 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;
- K. Persons otherwise excluded by operation of law.

(Prior Code §4206; Code 1997, § 2.60.060; Ord. No. 4549, 2-1-2000; Ord. No. 4996, § 2(2.60.060), 4-30-2013)

Sec. 2.16.065. - Return to civil service status; Undersheriff, ~~Assistant Sheriff.~~

- A. An employee in the classified service who is appointed to the exempt position of Undersheriff shall, in the event the current Sheriff at such time leaves office or determines the services of the incumbent no longer meets the need of the department, have a right of return to the classified service subject to the following:
 - 1. A request for return to a former classified civil service position must be made in writing to the Chief Administrative Officer within 15 regular County business days from the date the Sheriff leaves office or determines the services of the incumbent no longer meets the needs of the department. If no timely written request is made, the right to return is lost and the employee shall be separated from service.

2. The right to return shall be to the same department and to the same classification from which the employee was promoted.
- B. Nothing in this section modifies or alters the power of the appointing authority to terminate an employee from the position of Undersheriff at any time with or without notice or cause as an "at-will employee."

(Code 1997, § 2.60.065; Ord. No. 4562, 8-22-2000)

Sec. 2.16.070. Hiring Procedures.

Procedures for hiring county employees and for review of their qualifications shall be as set forth in personnel rules adopted by the Board of Supervisors.

Sec. 2.16.080. - Dismissal, suspension and demotion procedures.

- A. Any officer or employee in the classified civil service may be dismissed, suspended without pay or reduced in rank or compensation by the appointing authority after appointment or promotion is completed by giving notice and proceeding in accordance with the provisions of this section.
- B. The officer or employee shall be provided a written notice not less than ten working days prior to the effective date of the intended action notifying the officer or employee of the proposed action and the effective date thereof, stating specifically the reasons for the action and advising the employee the location of all written materials, reports, and documents relating to the matter, and that the documents are available to the employee or his or her representative for inspection. Within the ten-day period, the employee has the right to respond to the department head about the allegations contained in the notice.
- C. After the ten-day period provided in Subsection B of this section, if the employee has failed to respond, or if the department head determines to proceed with the intended action or some further action, after having considered the response by the employee, the department head shall issue an order sustaining the action to be taken and the specific reasons therefor. The order may refer to the notice of intended action. The order shall be filed with the Director of Human Resources and a copy thereof shall be provided to the person subject to the action.
- D. Within ten (10) working days after presentation of the order to the officer or employee, the officer or employee may appeal from the order through the Director of Human Resources to the Civil Service Commission. Upon the filing of the appeal, the Director of Human Resources shall forthwith transmit the order and appeal to the Civil Service Commission for hearing.
- E. Within 20 days from the filing of the appeal, the Commission shall commence a hearing and either affirm, modify or revoke the order. The appellant may appear personally, produce evidence and have counsel. The appellant may have a public hearing.
- F. The findings and decision of the Commission shall be certified to the department head or officer whose action was the subject of the hearing and forthwith enforced and followed by him or her.

- G. When a department head determines that an act or omission of an employee warrants immediate removal of the employee from his or her assigned duties, the employee may be suspended immediately and without pay for three working days or less according to the provisions of this section, except that the written notice required in Subsection B of this section shall be provided during the suspension or within five working days thereafter. Otherwise, all provisions of this section shall apply.

(Prior Code, § 4208; Code 1997, § 2.60.080; Ord. No. 3807, § 1, 1988)

Secs. 2.16.090, 2.16.100. - Reserved.

Sec. 2.16.110. - Amendment and repeal.

No ordinance repealing or amending this chapter which nullifies the basic principles of the civil service system contemplated by this chapter and the County Civil Service Enabling Law shall be effective unless a proposition of such repeal or amendment shall have been submitted to an election and approved by a majority vote of the electors voting on the proposition.

(Prior Code, § 4211; Code 1997, § 2.60.110)

Sec. 2.16.120. - Subpoenas.

- A. The Commission shall have the power to issue subpoenas and subpoenas duces tecum and compensate persons subpoenaed.
- B. This power shall be exercised and enforced in the same manner as the power granted in Article 9 of Chapter 1 of Part 2 of Division 2 of the Government Code (Government Code § 25170 et seq.), except that the power shall extend only to matters within the Commission's lawful jurisdiction, and that committees of the Commission shall not have this power.
- C. Witnesses subpoenaed by the Commission shall be paid fees in the same amount and in the same manner as provided for in Government Code § 68094.
- D. Subpoenas shall be signed by the Chair or Secretary of the Commission.
- E. Any member of the Commission or any member otherwise so empowered may administer oaths to, or take affirmations from, witnesses before the Commission.

(Prior Code, § 4212; Code 1997, § 2.60.120)

Sec. 2.16.130. – Reserved.

Section 8. This ordinance shall become effective thirty (30) days following adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2017 by the following vote of said Board:

Ayes:

ATTEST
JAMES S. MITRISIN
Clerk of the Board of Supervisors

Noes:

Absent:

By _____
Deputy Clerk

Chair, Board of Supervisors

APPROVED AS TO FORM
MICHAEL J. CICCZZI, County Counsel

By _____

I CERTIFY THAT:
The foregoing instrument is a correct copy
of the original on file in this office

Date _____
ATTEST: JAMES S. MITRISIN,
Clerk of the Board of Supervisors of the
County of El Dorado, State of California.