



Agenda Date: 3/11/2008
Agenda Placement: 10B

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Britt Ferguson for Nancy Watt - County Executive Officer
County Executive Office
REPORT BY: Maiko Klieman, Management Analyst II - 707-253-4180
SUBJECT: Discussion and possible action on compensation for an elected officer's Chief Deputy who temporarily discharges duties of the officer

RECOMMENDATION

County Executive Officer recommends that the Board choose one of the following in regards to the compensation for an elected officer's Chief Deputy who temporarily discharges duties of the elected officer pursuant to Government Code Section 24105:

1. Keep the Napa County Policy Part I: Section 37C-5 adopted by the Board on December 18, 2007 which allows for the Chief Deputy to be compensated at the level of the Elected official during the temporary assignment;
2. Amend the Napa County Policy Part I: Section 37C-5 to have the Chief Deputy receive 5% out of class pay during the temporary assignment; or
3. Amend the Napa County Policy Part I: Section 37C-5 to have the Chief Deputy compensated in the same manner as the chief deputy of an appointed department head when serving as the "Acting Department Head". This entails creating a salary step system for the elected officials solely for the purpose of compensating the Chief Deputy during the temporary assignment.

EXECUTIVE SUMMARY

On December 18, 2007, the Board of Supervisors approved a resolution amending the Napa County Policy Manual to add Part I: Section 37C-5, relating to compensation for a chief deputy, who temporarily discharges the duties of the elected officer due to the officer's vacating of office during a term and pending the filling of the vacancy pursuant to state law. The new policy provides that whenever a chief deputy temporarily discharges the duties of an elected officer during a vacancy, the chief deputy shall be compensated at the elected officer's current rate of pay.

The Board approved the policy at the meeting. But some of the Board members raised concerns about the method for setting compensation and requested that staff return to the board with further analysis at a later date. Staff has identified three different options the Board may choose from to compensate the chief deputy while temporarily acting as the elected official. The options are described in detail in the background.

PROCEDURAL REQUIREMENTS

1. Chair announces the agenda item.
2. Staff reports on the item.
3. Questions by the Board.
4. Chair invites public comments.
5. Member makes a motion.
6. Different member seconds the motion.
7. Board discussion and debate on the motion.
8. Chair calls for the vote.
9. If roll call vote requested by member, Clerk calls the roll.
10. Chair announces the result of the vote.

FISCAL IMPACT

| | |
|-----------------------------------|---|
| Is there a Fiscal Impact? | Yes |
| Is it currently budgeted? | No |
| What is the revenue source? | Depending on the choice the Board makes, the fiscal impact would be different. However, there is going to be some salary savings regardless of the Board's choice today from the elected officer's position being vacant. |
| Is it Mandatory or Discretionary? | Discretionary |
| Discretionary Justification: | It is recommended that the Board choose one of the options to provide for fair and equitable compensation. |
| Is the general fund affected? | Yes |
| Future fiscal impact: | This policy will take effect whenever a chief deputy temporarily discharges the duties of an elected officer during a vacancy. |
| Consequences if not approved: | Should the Board not accept any of today's recommendations, a chief deputy will be compensated at his/her salary rate although State law provides that the chief deputy functions as the elected officer during a vacancy until filled. |
| Additional Information: | |

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Government Code Section 24105 states if the office of any county officers enumerated in Section 24000 (including elected officials) is vacant, the duties of such office may be temporarily discharged by the chief deputy (assistant) who is next in authority to such county officer. The chief deputy discharges the office with like authority and subject to the same obligations and penalties as the county officer until the vacancy in the office is filled in

the manner provided by law.

The Board's decision to delay the filling of the vacant Treasurer-Tax Collector position brought to light a number of issues concerning succession planning for elected officials. These issues include the appropriate compensation for chief deputies who temporarily discharge the duties of elected department heads during a vacancy and how to deal with situations where there may be more than one "chief deputy or assistant" (this latter concern is not an issue with regard to the Treasurer-Tax Collector, but is an issue with other elected department head positions). To address these issues, on December 18, 2007, the County Executive Officer recommended that the Board of Supervisors adopt a policy to provide for succession planning in the event an elected officer (other than a member of the Board of Supervisor) vacates office during his term and pending the filling of the vacancy pursuant to state law. Such succession planning should provide for fair and equitable compensation.

The Board approved the resolution amending the Napa County Policy Manual to add Part I: Section 37C-5, relating to compensation for a chief deputy, who temporarily discharges the duties of an elected officer who vacates office during the term and pending filling of the vacancy as required by state law. The policy further specifies that in the case where an elected officer has more than one chief deputy or assistant who serves as next in authority to such elected officer, the elected officer shall designate which of his chief deputies or assistants shall be the "Chief Deputy" for purposes of this policy. The elected officer must notify the Board of Supervisors of the person designated to serve as "Chief Deputy" by filing a written notice with the Clerk of the Board.

Some of the Board members raised concerns about the compensation set by this policy and requested that staff return to the Board with further analysis at a later date. The concerns arose from the unique nature of the elected positions. Unlike the appointed department head positions, the elected officials have a flat salary (no steps). When a chief deputy is "acting" as the appointed department head, he/she starts at the step of the director salary that is at least 5% above the deputy's current salary. However, in the case of an elected official, under the recently adopted policy, the chief deputy temporarily acting as the director will receive a salary that is much more than 5% of his current salary.

In order to respond to the Board's concern, staff identified three different options the Board may choose from to compensate the chief deputy while temporarily acting as the elected official:

1. Keep the Napa County Policy Part I: Section 37C-5 adopted by the Board on December 18, 2007, which allows for the Chief Deputy to be compensated at the level of the Elected official during the temporary assignment; or
2. Chief Deputy to receive 5% out of class pay during the temporary assignment; or
3. Chief Deputy to be compensated in the same manner as the chief deputy of an appointed department head when serving as the "Acting Department Head"; this entails creating a step system for the Elected officials solely for the purpose of compensating the Chief Deputy during the temporary assignment.

Below is the salary schedule if we were to create a step system for the elected positions solely for the purpose of compensating chief deputies who temporarily discharge the duties of elected department heads during a vacancy. The schedule sets the elected official's flat salary as the top salary at Step 5, and goes down each step by 5% increments.

| Elected Officials | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 |
|------------------------------------|----------------|---------------|----------------|----------------|---------------|
| Assessor/Recorder/County Clerk/ROV | \$61.32 | \$64.41 | \$67.66 | \$71.07 | \$74.65 |
| Auditor Controller | \$60.70 | \$63.76 | \$66.98 | \$70.35 | \$73.90 |
| District Attorney | \$72.75 | \$76.42 | \$80.27 | \$84.32 | \$88.57 |
| Sheriff | \$69.72 | \$73.23 | \$76.93 | \$80.81 | \$84.88 |

| | | | | | |
|-------------------------|----------------|---------|---------|---------|---------|
| Treasurer-Tax Collector | \$58.98 | \$61.96 | \$65.08 | \$68.36 | \$71.81 |
|-------------------------|----------------|---------|---------|---------|---------|

Assuming that all of the chief deputies are at step 5 of their salary range, above in bold are the steps they each would be compensated at during the temporary assignment.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Maiko Kliemar