

W4G.1.

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER 08-) **IN THE MATTER OF ADOPTING THE**
) **RECRUITMENT AND HIRING**
) **PROCESS FOR COUNTY COUNSEL**

WHEREAS, In order to conduct the interviews for and hiring of the County Counsel in executive session, the Board needs to adopt the process in a public meeting after there has been an opportunity for public comment; and

WHEREAS, the Board has developed a recruitment and hiring process that is the "regularized procedure for hiring" and "standards, criteria and policy directives to be used in hiring" in accordance with ORS 192.660(2) and (7), and provided the public opportunity to comment through the "public comment" section of the Board meeting.

IT IS HEREBY RESOLVED AND ORDERED, that, the County Counsel materials and recruitment and hiring process attached to this order be adopted. These attachments are:

- A- County Counsel classification specification
- B- County Counsel recruitment brochure including Candidate Profile
- C- County Counsel posting supplemental questions
- D- County Counsel salary survey information
- E- County Counsel hiring process outline

Dated this _____ day of _____, 2008.

Faye Stewart, Chair

COUNTY COUNSEL

DEFINITION

To plan, direct and organize the Department of County Counsel in the provision of legal services to the Board of County Commissioners, County management and administrators including advice and counsel on legal rights and obligations and effective legal representation in the defense, prosecution or negotiation of legal matters to which the County is a party; and to perform related duties as assigned. Appointed pursuant to ORS 203 and the Lane County Charter.

CLASS CHARACTERISTICS

The County Counsel is appointed by the Board of County Commissioners and is the attorney assigned to head the Office of Legal Counsel of Lane County. The County Counsel serves as a County department director and as such, is responsible and accountable for proactively directing the Office of Legal Counsel, including its assets, personnel and resources to achieve the broad strategic goals and objectives established by the County's governing body. In addition to developing and directing department programs and initiatives, a Department Director sets the tone, climate and vision for the department and provides for a multi-jurisdictional approach. Incumbents serve as members of the executive management team providing leadership, and as such, participate in the accountability and efficiency of operations and success of the overall organizational goals and objectives.

SUPERVISION RECEIVED AND EXERCISED

Receives policy direction from the Board of County Commissioners and cooperates with the County Administrator in implementation of policies.

Exercises supervision over clerical, technical and professional personnel.

EXAMPLES OF DUTIES - Duties may include, but are not limited to the following:

Serves as primary legal advisor to the Board of County Commissioners. In that capacity:

- Defends County officers in any action for damages based on an alleged wrongful act or omission in performance of official duty; directs representation of County consistent with the County's Self Insurance Program;
- Prosecutes actions and suits to which the County is a party;
- Directs and manages the Claims Management Program;
- Advises the Board of County Commissioners on the method, effect and consequences of

LANE COUNTY
County Counsel Classification Specification (Continued)

proposed major policy or procedural changes and makes recommendations for or against such change;

- Attends Board of County Commissioners' and other County commissions and board meetings as requested to advise the Board on legal questions that may arise;
- Reviews Board of County Commissioners' agenda items and confers with appropriate personnel on questions or problems;
- Approves all formal ordinances, orders and actions of the Board of County Commissioners as to form;
- Directs the research and drafting of complex legal opinions and memoranda in response to requests from County executive personnel
- Advises County Administrator's office and other executive personnel on complex and sensitive legal questions; discusses policy implications and risks of presenting situations;
- Directs the drafting of County charter amendments, ordinances, orders, contracts, deeds and other formal documents; reviews documents with appropriate personnel;
- Directs the maintenance of the Lane Code and Lane Manual;
- Works with the professional and County associations and testifies before the Oregon Legislature as required;
- Administers the Lane County Law Library.

Develops plans and implements goals and objectives; recommends and administers policies and procedures.

Coordinates department activities with those of other County departments and various outside agencies and organizations; provides staff assistance to the County Administrator, Board of County Commissioners, elected and appointed department heads; prepares and presents staff reports and other necessary correspondence.

Directs and participates in the development of the department work plan; assigns work activities, projects and programs; monitors work flow; reviews and evaluates performance standards, work methods and procedures.

Supervises the preparation and execution of the Department of County Counsel budget; directs the forecasting of additional funds needed for staffing, equipment, materials and supplies; monitors and approves expenditures; implements mid-year adjustments.

Selects, trains, motivates and evaluates personnel; provides for staff training; works with employees to correct performance deficiencies; assumes responsibility for grievance resolution.

Other duties as may be directed by the Board of County Commissioners.

MINIMUM QUALIFICATIONS

Knowledge of (position requirements at entry):

LANE COUNTY

County Counsel Classification Specification (Continued)

- Principles and practices of Oregon government law, applicable local laws, ordinances, and County policies and procedures.
- Principles and practices of civil, contract, land use, elections, real property, employment, labor and municipal finance law.
- Principles and practices of risk management.
- Principles and practices of litigation
- Principles, practices and theories of negotiation, mediation and conflict resolution.
- Principles and practices of legal writing, judicial procedure and rules of evidence.
- Leadership and management principles;
- Culturally competent practices;
- The role that culture plays in work relationships, operations and dynamics;
- Public administration principles and practices;
- Financial accounting principles;
- Budgeting principles;
- Principles and practices of grant and/or contracts administration.

Skills in (position requirements at entry):

- Analyzing problems, identifying alternative solutions, projecting consequences of proposed actions and implementing recommendations in support of goals.
- Conducting litigation, including judicial, administrative and appellate forums.
- Applying a high level of creative and developmental thinking in advising top level decision makers in the development and implementation of major changes in policy or procedures.
- Developing response strategies for policy makers.
- Establishing and maintaining effective working relationships with independently elected officials, especially in accordance with legal and government ethics principles.
- Organizing, interpreting and applying complex legal principles.
- Properly interpreting, evaluating and making decisions in accordance with the law
- Monitoring and evaluating subordinates;
- Preparing and presenting reports and information;
- Reading, comprehending, and reviewing financial information;
- Making program decisions based on financial considerations;
- Solving problems;
- Implementing strategic goals, objectives and performance measures;

LANE COUNTY
County Counsel Classification Specification (Continued)

- Creating a culturally inclusive work environment;
- Mediating and resolving conflict;
- Working effectively with clients, co-workers, employees and supervisors from diverse backgrounds;
- Gathering, interpreting and behaviorally adapting to cultural contexts;
- Communication, both verbal and written, sufficient to exchange or convey information and to receive work direction;
- Conducting and/or overseeing negotiations;
- Preparing and administering budgets;
- Using computers and related software applications.

Experience and Training:

- A Juris Doctorate from an accredited law school.
- Seven years of experience in the practice of law, at a level equivalent to or greater than an assistant city or county counsel, including a minimum of four years municipal law experience.
- Two years experience in a management capacity.
- An equivalent combination of experience and training that will demonstrate the required knowledge and abilities is qualifying.

Special Requirements:

- Member of the Oregon State Bar in good standing at time of appointment.
- Ability and willingness to apply for and obtain admittance to practice before all Oregon Courts and the U.S. District Courts for the State of Oregon.



County Counsel Lane County - Eugene, Oregon

***\$104,471-\$118,053 annually
Salary to be determined by candidate's qualifications***

The Area:

Lane County extends from the Pacific Ocean to the Cascade Mountains, encompassing over 4,600 square miles. The county seat is Eugene, a city of approximately 148,000 and adjacent to it is the city of Springfield, with a population of approximately 58,000. The Eugene-Springfield metropolitan area is centrally located in the beautiful Willamette Valley - an area known for its scenic beauty and recreational opportunities. The area offers ample and affordable housing, educational opportunities at all levels, and a world-class performing arts center. For more information on Lane County, please visit www.lanecounty.org.

The Organization:

Lane County's mission is to effectively provide essential government services for all Lane County citizens, and we recognize diversity as a critical component of providing quality service to a changing community. To that end, the successful candidate for this position will be able to demonstrate skills in creating a culturally inclusive work environment, mediating and resolving conflict, working effectively with clients, co-workers, employees and supervisors from diverse backgrounds, and gathering, interpreting and behaviorally adapting to cultural contexts;

Lane County Government has 11 officials elected by the public. This includes the Sheriff, District Attorney, County Assessor, three Justice Court judges, and five County Commissioners (one from each Lane County District). The Board of County Commissioners legislates and administers county government within the limits of its authority granted in the Lane County Home Rule Charter. The charter grants legislative and administrative power to the full-time, paid five-person board. Individually, board members may seek to address the needs of constituents and carry out special assignments as the full board may direct.

The 14 departments of Lane County provide essential government services to more than 340,000 citizens. The Office of Legal Counsel, through the County Counsel, serves as the primary legal advisor to the Board of County Commissioners, to whom the position reports. The incumbent is retiring after 30 years with Lane County, the last 14 of which were as County Counsel. The County Counsel serves as a County department director and as such, is responsible and accountable for proactively directing the Office of Legal Counsel, including its assets, personnel and resources to achieve the broad strategic goals and objectives established by the County's governing body. In addition to developing and directing department programs and initiatives, a department director sets the tone, climate and vision for the department and provides for a multi-jurisdictional approach. The County Counsel serves as a member of the executive management team, providing leadership, and as such, participates in the accountability and efficiency of operations and success of the overall organizational goals and objectives.



The Successful Candidate:

An energetic and politically astute attorney with experience in Oregon and local government law is needed in the role of County Counsel, with a track record of proven success in advising elected and appointed officials on their legal rights and obligations and in providing effective legal representation in the defense, prosecution or negotiation of the type of legal matters to which the County may be a party. Exceptional interpersonal and analytical skills are critical in advising the Board of potential risks they may encounter without censuring their ability to make policy decisions. The County Counsel must develop a strong relationship with the County's management team, act as a partner in developing legal review of options intended to meet the needs of the County, and have the strength to address difficult issues and stand by opinions even if they may not be popular.

Identifying patterns in actions by the Board of Commissioners to determine common-denominator interests is essential in developing legal and ethical opinions regarding potential solutions so the barriers to forward progress are removed. The successful candidate for Lane County Counsel is a collaborative leader who can see the "big picture" and apply a high level of creative thinking in developing response strategies for policy makers, is highly skilled in coping with ambiguity, and is willing to work with a wide variety of personalities and perspectives in a highly political environment.

The ideal candidate will have the skill to give legal opinions regarding of emerging issues and in a rapid change environment, and to see the organization as a complex system of interacting variables that must be considered when advising policy makers who are planning for the future.

This position requires seven years of experience in the practice of law, at a level equivalent to or greater than an assistant city or county counsel, including a minimum of four years local government law experience, and two years of experience in a management capacity. Candidates must be members of the Oregon State Bar in good standing at time of appointment, and be able and willing to apply for and obtain admittance to practice before all Oregon Courts and the U.S. District Courts for the State of Oregon.

Compensation and Benefits

- \$104,471 – \$118,053 annually
- Oregon Public Employees Retirement System (PERS)
- Choice of two fully paid medical plans; both provide coverage for employee and family
- Dental and vision insurance fully paid by County for employee and family
- Group term-life insurance, in an amount equal to salary
- Long-term disability insurance premium totally County paid
- Time management to be used for vacation and sick leave
- Nine paid holidays
- Deferred compensation
- Cell phone stipend
- Transportation allowance

How to Apply

For more information and the required application and supplemental questionnaire, please visit our website at www.lanecounty.org/jobs, or if no online access, contact Lane County Human Resources, 125 East 8th Avenue, Eugene, Oregon 97401, (541) 682-3665. For questions regarding the position, contact:

Greta Utecht, Human Resources Director, 541-682-3689, greta.utecht@co.lane.or.us or
Jan Wilbur, Personnel Manager, 541-682-2367, jan.wilbur@co.lane.or.us .

All materials must be received in our office by 5:00 pm, Pacific Time, on July 21, 2008. EOE/ADA.

County Counsel

Final Supplemental Questionnaire Questions

Please answer the following questions. **Limit answers to each of the questions to two hundred (200) words or less.** Use a separate sheet of paper if necessary:

1. This position will require demonstrated skill in advising the Board of County Commissioners and County departments regarding retaliation and hostile work environment complaints and situations. These may well involve racial, gender, sexual orientation or disability issues. Explain how your training and experience has prepared you for this type of work.
2. Assume that you are County Counsel and the Board has directed staff to place a measure on the November general election ballot. Describe three major functions you will perform in implementing the Board's directive.
3. As County Counsel, you will be asked to regularly advise the Board in public meetings about options they are considering towards a decision. How do you advise them of the risks involved without informing a party who will seek to challenge the decision of the potentially successful strategies to do so?
4. In addition to serving as the primary legal advisor to the Board, this position is a department director responsible for budgeting, planning and managing other employees. Explain how your training and experience has prepared you for this type of work.
5. Lane County is self-insured and the Office of Legal Counsel is charged with investigating and managing tort claims against the County, including dealing directly with unrepresented claimants. Explain how your training and experience has prepared you for this type of work.

County Counsel Compensation Survey June 2008

COUNTY	SALARY	INS?	PERS PD	SALARY ADJUSTMENTS 7/1/08	W/ COLA	PERS/DC Adj	COMMENTS
Clackamas	\$120,408	Yes	Yes	3.8% COLA	\$124,984	\$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	\$115,171	Yes	Yes	4.3% COLA	\$120,123	\$120,123	Incumbent is at the top step, which is the figure listed.
Jackson	\$102,086	Yes	Yes	2.83% COLA	\$104,975	\$104,975	Step 1 of the salary plan; position currently vacant;
Jackson	\$110,136	Yes	Yes	2.83% COLA	\$113,253	\$113,253	Mid-point of salary range; position currently vacant
Jackson	\$118,186	Yes	Yes	2.83% COLA	\$121,531	\$121,531	Top step of salary plan; position currently vacant
Marion	\$103,355	Yes	Yes 7/08	Equivalent to 4.08% COLA and county will begin picking up PERS (see comments)	\$111,303	\$119,651	Legal Counsel currently receives 5 wks comp credits (equiv. to 9.62% of salary). Eff 7/08 non-reps will give up 1 week comp credits & County will pick 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	\$139,658	Yes	Yes	3% merit inc & 2.5% -3% COLA	\$143,848	\$143,848	For information only, did not use in average calculations
Washington	\$136,519	Yes	No	3.1% COLA (7/12/08)	\$140,751	\$132,306	This is a contracted position, which also receive \$355 auto & \$123.50 computer allowance/month

AVERAGE:	\$115,508	4.26% is average COLA differential	\$120,427	Calculated w/ Jackson County at Minimum
		4.24% is average COLA differential	\$122,083	Calculated w/ Jackson County at Midpoint
	\$118,728	4.22% is average COLA differential	\$123,738	Calculated w/ Jackson County at Maximum

Lane	\$113,110	Yes	Yes	\$114,241	Includes 1% def comp.
Percentage Below Average	2.12%			6.77%	Calculated w/ Jackson County at Minimum
	3.54%			7.91%	Calculated w/ Jackson County at Midpoint
	4.97%			9.67%	Calculated w/ Jackson County at Maximum

Base Salary Appointment Range Options

	Min	Mid	Max
Option 1:	\$113,565	\$122,083	\$130,600

15% range between min and max; based on July 08 average base salaries using Jackson Cnty mid (\$122,083)

Pros: Mid-point is at market; W/d be attractive recruitment salary.

Cons: Creates internal inequity even if COLA applied to other positions;
W/d place CC at midpoint significantly above Chief Dep DA & large dept directors at max

Option 2:	\$108,900	\$115,979	\$123,057
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13% range between min and max; 5% below July 08 average base salaries using Jackson Cnty mid (\$122,083)

Pros: Recognizes that Lane County can't pay at market & places mid-point 5% below

Cons: Creates internal inequity UNLESS 4.24% COLA applied to other positions.

W/ COLA, would place CC in same relationship w/ other director level pzs as current

Option 3:	\$108,947	\$117,118	\$125,289
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15% range between min and max; based on *current* average base salaries using Jackson Cnty mid (\$117,118)

Pros: Mid-point is at market only until July 08; W/d still be attractive recruitment salary.

Cons: Creates internal inequity if CC appointed at or above midpoint;

C/d place CC significantly above Chief Dep DA & large dept directors at max

Option 4:	\$104,471	\$111,262	\$118,053
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13% range between min and max; 5% below *current* average base salaries using Jackson Cnty mid (\$117,118)

Pros: Recognizes that Lane County can't pay at market & places mid-point 5% below;

does not assume COLA; does not create internal inequity

Cons: May not attract sufficient qualified applicants

STAFF RECOMMENDATION: Option 4, with caveat that if other non-represented positions are granted a COLA, this position would receive the same consideration.

ISSUES: Highlights how CPI is driving compensation in other comparable jurisdictions and agencies.

Attachment E

Recruitment and Hiring Process for County Counsel

Human Resource (HR) Staff meets with Board for discussion of process on June 3, and June 11, 2008,. In collaboration with the Board:

- HR reviews County Counsel classification for any needed updating to the language of the existing classification specifications.
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- HR compiles survey information and discusses proposed salary range for County Counsel.
- HR prepares supplemental questionnaire questions for initial posting process.
- HR develops County Counsel brochure with Candidate Profile
- HR presents plan for regional advertising outreach for the County Counsel. It will also be posted on the County website.
 - HR will prepare and send brochures to candidate sources and prospective candidates for County Administrator.
 - HR develops posting timelines and initial durations.
 - County Counsel recruitment opens June 16 and tentatively closes on July 21. HR to report back to Board on July 23 regarding number of applicants meeting minimum requirements. Supplemental questionnaire scoring process to be conducted by Board members by end of July. Interviews tentatively planned for early - mid August, 2008. Goal is to have new County Counsel in position by early to mid September, 2008.
- HR will initially screen applicants for minimum qualifications, coordinate the applicant scoring process, and complete any further screening/reference checking processes, as requested by the Board.
- HR will assist the Board in preparing for the interview and selection processes.
- HR will recommend list of candidates for interview to the Board.
- Board conducts interview of candidates in Executive Session. Other additional activities may also occur for the County Counsel position such as a luncheon, and panel interviews with staff and management.
- Background checks will be conducted by designated staff.
- If decisions aren't initially clear, a second round of interviews may occur.
- An onsite visit of the candidate may be an optional activity for finalists.
- After the conclusion of the selection process the Chair and Human Resources will discuss the terms and conditions of employment for finalist candidate.
- In public session the Board will approve the appointment of the County Counsel.