

COUNTY OF DEL NORTE
STATE OF CALIFORNIA
BOARD OF SUPERVISORS

RECEIVED
APR 11 2018
County Counsel

RESOLUTION NO. 2018-007

**A RESOLUTION ESTABLISHING BENEFITS FOR
THE DEPUTY COUNTY COUNSEL POSITION**

WHEREAS, the Meyers-Milias-Brown Act provides for the designation of confidential employees in Government Code Section 3507.5; and

WHEREAS, the County's local regulation, Resolution 76-176, defines a confidential employee as an employee who, in the course of his or her duties, has access to privileged and confidential information relating to the County's administration of employer-employee relations; and

WHEREAS, a Deputy County Counsel ("Deputy") is currently and properly defined as a confidential employee because such Deputy has access to privileged and confidential information relating to the County's administration of employer-employee relations and represents persons who exercise managerial functions in the field of labor relations; and

WHEREAS, the Deputy position was, prior to 2015, represented within the miscellaneous bargaining unit but was removed in 2015 due to the above stated confidential duties; and

WHEREAS, Government Code Section 3507.3 entitles professional employees to be represented separately from nonprofessional employees, and, as a licensed attorney, a Deputy may be properly considered a professional employee; and

WHEREAS, as an attorney, a Deputy owes a fiduciary duty of undivided loyalty to the client, the County of Del Norte; and

WHEREAS, for the above stated reasons the Deputy position is not placed in any bargaining unit of county employees for the purposes of establishing wages, hours and working conditions; and

WHEREAS, it is therefore necessary to establish such wages, hours and working conditions separate and apart from those created by memoranda of understanding for employees who are members of recognized bargaining units, and;

WHEREAS, nothing in this resolution is intended to restrict or enlarge any rights the parties may have under Federal or State law, and;

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors of the County of Del Norte hereby establishes the following benefits and working conditions for the Deputy County Counsel I, II, and III positions:

1. The following provisions of the current Memorandum of Understanding between the County of Del Norte and the Mid-Management Group shall apply to the Deputy positions, and are hereby incorporated by reference:
 - a. Article II: Definitions.
 - b. Article V: Authorized Absence
 - c. Article IX: Health and Welfare Benefits.
 - d. Article XI: Grievance Procedures, to the extent the procedures contained therein are not in conflict with generally applicable laws governing the attorney-client relationship.
2. The following provisions of the current Memorandum of Understanding between the County of Del Norte and the Miscellaneous and Professional Units shall apply to the Deputy positions, and are hereby incorporated by reference.
 - a. Article IV: Compensation and Hours of Employment, including, but not limited to, the salary schedule attached to the MOU as Attachment A.
 - b. Article VI: Evaluation
 - c. Article VII: Transfer, Promotion, Reassignment, and Demotion.
3. For the purposes of this Resolution, the "current Memorandum of Understanding" shall be the memorandum of understanding in effect at the time a particular benefit is provided, and is therefore subject to change if those memoranda change; the Resolution shall not be limited to the memorandum of understanding in effect on the date of passage of the Resolution.
4. Except as specified above, no article, term or provision of a current collective bargaining agreement between the County and a recognized employee organization shall apply to the Deputy positions. Instead, terms and conditions of employment not expressly provided for in this resolution shall be governed by general county employment policies and past practice, as that term is commonly construed in the field of labor law.
5. Benefits which are provided to employees as required by law are also provided to the Deputy positions, unless specifically exempted from such benefit by applicable law or regulation.
6. Benefits which are provided to the Deputy positions through this resolution and which are also provided to employees pursuant to memoranda of understanding shall be subject to the same procedural rules applicable to such employee's benefits.

BE IT FURTHER RESOLVED that this resolution replaces and supersedes all prior resolutions and policies, if any, on the subject of benefits for the Deputy County Counsel positions.


BE IT FURTHER RESOLVED that the Del Norte County Board of Supervisors does hereby assign the benefits described herein to the Deputy County Counsel positions.

PASSED AND ADOPTED this 10th day of April 2018, by the following polled vote of the Board of Supervisors of the County of Del Norte:

AYES: Supervisor Gitlin, Cowan, Howard, Hemmingsen, Berkowitz

NOES: None

ABSENT: None



Chris Howard, Chair
Board of Supervisors

ATTEST:


Kylie Heriford
Clerk of the Board of Supervisors
County of Del Norte

DATE: 04/10/18

I hereby certify that according to the Provisions of Government Code Section 25103, delivery of this document has been made.

Clerk of the Board

By: 