



Evelyn Minor-Lawrence
Director

DEPARTMENT OF HUMAN RESOURCES

PUBLIC SERVICES BUILDING
2051 Kaen Road | Oregon City, OR 97045

To: Board of County Commissioners

From: Evelyn Minor-Lawrence, Director of Human Resources

CC: Heather Pedersen, Classification and Compensation Manager
Jared Haddock, Recruitment Manager

RE: County Counsel Salary Range and Classification Specification

Date: November 28, 2023

REQUEST: To get approval from the Board to use an established salary range for the County Counsel recruitment and gather any feedback the Board may have regarding the classification specification for County Counsel.

BACKGROUND: In 2021, the BCC adopted a flat rate compensation method for the County Administrator and County Counsel positions based on a recommendation from Human Resources. As we initiate a recruitment for the County Counsel position, the County needs to provide Prothman with a salary range which can be included in the position profile and other recruitment materials. This will help to provide interested parties with a reasonable and competitive salary range they can expect to be offered by the BCC. Based on local market comparables, staff recommends using a salary range of \$195,472 - \$263,842 in recruitment materials.

RECOMMENDATION: Staff recommends a starting salary range of \$195,472 - \$263,842 and the use of the provided classification specification for the County Counsel recruitment.

ATTACHMENTS: Memo regarding flat-rate compensation for the County Administrator and County Counsel, current market information related to the recruitment range recommendation, the County Counsel Classification Specification, and County Counsel description language from the County Code.

Respectfully Submitted,

Evelyn Minor-Lawrence
Director of Human Resources



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TO: Board of County Commissioners

FROM: Evelyn Minor-Lawrence, Director of Human Resources
Heather Pedersen, Classification & Compensation Manager

DATE: August 10, 2021

SUBJECT: Compensation Method for County Administrator and County Counsel

In July 2021, Human Resources conducted the annual market study for the positions of County Administrator and County Counsel. In reviewing the compensation of these key County positions, the Compensation Manager reviewed salary and deferred compensation for all of the Clackamas County comparators, which consist of Clark, Multnomah and Washington Counties, Cities of Portland and Vancouver, and Metro. As in previous years, it was noted that several jurisdictions, including Washington County, pay their comparable positions a flat rate rather than within established salary grades. This means incumbents negotiate their starting salary at their time of appointment and then have their performance and compensation reviewed/negotiated annually. Over the years, this has made it difficult for Human Resources to accurately benchmark the compensation for these classifications as salaries can fluctuate depending on who is in the position.

Historically, Clackamas County's County Administrator and County Counsel classifications have been assigned to salary grades. The salary grade assigned to County Administrator (NRP 44) has been in place since 2007 while the salary grade assigned to County Counsel (NRP 43) has been updated in recent years due to market. The Board of County Commissioners (BCC) recently asked Human Resources to provide a recommendation related to the compensation practices for County Administrator and County Counsel. These two single-incumbent positions report directly to the Board of County Commissioners and are unique from other County classifications.

In reviewing the practices of comparable jurisdictions, it is recommended the County adopt the practice of using a flat rate compensation method for County Administrator and County

Counsel. Assigning a flat rate provides the BCC flexibility to adjust the incumbents' salary according to performance and remain competitive in order to retain and attract as needed.

With a flat rate method, Human Resources would continue to conduct annual market studies for the BCC's consideration and reference. It would also be recommended that any Cost of Living Allowance (COLA) approved for the Non-Represented employee group be applied to the flat rates paid to County Administrator and County Counsel in order to avoid compression with those positions reporting to these executives.

As per the Personnel Ordinance, the department of Human Resources, under the direction of the County Administrator, shall maintain the County's compensation plan. If the BCC is in agreement with this flat rate method, Human Resources will draft a staff report to provide a formal recommendation to the County Administrator for final adoption.

C: Gary Schmidt, County Administrator
Stephen Madkour, County Counsel

2023/24 County Counsel Recruitment

Jurisdictions	Min	Max	Spread	Current Incumbent
Clackamas County	Flat Rate	\$ 271,656		12 years \$ 271,656 \$ 288,689 w/DC
Multnomah County	\$ 192,033	\$ 307,255	60%	11 years \$ 280,336
City of Portland	\$ 183,934	\$ 273,770	49%	\$ 256,381
Metro	\$ 209,052	\$ 303,149	45%	4 years \$ 265,963
City of Vacouver	\$ 180,325	\$ 243,969	35%	4 years \$ 243,969
Washington County	\$ 245,575	\$ 245,575	Flat Rate	2 years \$ 245,575
Average	\$ 202,184	\$ 274,744		\$ 258,445

Existing County Grades	Min	Max	
NRP 43	\$ 186,164	\$ 251,278	
Formerly assigned to Co Counsel	\$ 197,836	\$ 267,033	w/DC
NRP 44	\$ 195,472	\$ 263,842	
Formerly assigned to Co Admin	\$ 207,728	\$ 280,385	w/DC

Recent County Counsel Recruitments/Advertised Rates	Min	Max	Spread
Shasta County	\$ 179,316	\$ 228,876	28%
Orange County	\$ 214,969	\$ 333,203	55%
N Wasco County	\$ 183,855	\$ 216,300	18%
Average	\$ 192,713	\$ 259,460	

Prepared 11/2023 HP



CLASSIFICATION NO. 089

Established: 12/76

Revised: 1/93, 12/07, 9/23

FLSA: Exempt

EEO: 1

COUNTY COUNSEL

CLASS CHARACTERISTICS

Under policy direction, to plan, organize, direct and manage all civil legal personnel and activities for the County; to provide legal advice and guidance to the Board of County Commissioners, other County elected officials, and departments; and to do other work as required.

DISTINGUISHING CHARACTERISTICS

The Office of County Counsel provides legal representation and advice to the Board of County Commissioners, County departments, elected officials and other authorities in relation to their official duties.

The County Counsel directs the Office of County Counsel and oversees all legal matters of a civil nature involving the County and any of its special service districts. The incumbent reports to the Board of County Commissioners. Within broad objectives established by the Board of County Commissioners, the incumbent develops and implements goals, objectives, policies and priorities. The roles and responsibilities of the County Counsel are set forth in Chapter 2.12 of the Clackamas County Code.

TYPICAL TASKS

Duties may include but are not limited to the following:

1. Provides legal counsel to the Board of County Commissioners, County officers, County Administrator, department directors, service districts, and various boards and commissions; attends public meetings and work sessions; approves legal form of all official ordinances, orders and actions of the Commissioners; advises on legal rights and responsibilities and other legal issues.
2. Provides or oversees legal representation in all civil matters on behalf of the County and its service districts; prosecutes, defends and appeals legal actions, suits and other proceedings; prepares and presents cases at trials or hearings; evaluates and negotiates out of court settlements; represents the County in state and federal courts and before administrative tribunals.
3. Advises County departments on appropriate action for a variety of legal problems and issues, particularly those involving county-wide policies or politically sensitive issues; interprets Federal, State and local legislation, statutes, rules and regulations; reviews and makes recommendations on proposed policy or procedural changes.

4. Directs the research and preparation of legal opinions, memoranda, ordinances, resolutions, contracts, agreements, deeds and other legal documents; reviews and analyzes court decisions and pending legislation.
5. Develops and implements new and revised policies and procedures for the Office of County Counsel; establishes goals, standards and objectives; establishes annual work plans; coordinates services with other departments and government agencies.
6. Develops annual and supplemental budgets for the Office of County Counsel; presents budget proposals to the County budget committee and Board of County Commissioners; monitors revenues and expenditures.
7. Hires and directs Office of County Counsel professional and supervisory staff to provide quality service to County staff; prepares performance evaluations; administers progressive discipline; conducts and/or facilitates staff training and development programs; promotes cooperative team efforts among staff and with other County departments.

REQUIRED KNOWLEDGE AND SKILLS

Considerable knowledge of: Principles and practices of municipal law, litigation and labor relations law; principles and techniques of negotiation, mediation and conflict resolution; principles and techniques of legal writing, judicial procedure and rules of evidence; Federal, State and local statutes, regulations, rules and ordinances applicable to County activities and functions, including municipal liability, public meetings, torts, land use, public records and public financing; organization of County government; County ordinances, rules and policies; department policies and procedures; civil trial and appellate procedures in state and federal courts and administrative tribunals; legal terminology; principles of public administration, including budget administration and personnel management; participative management theories.

Skill to: Provide accurate and practical legal advice; interpret and apply complex legal principles; effectively present legal positions to judges, juries, hearings officers and the public; analyze problems and identify alternative solutions; establish findings of fact and decisions in concise written form; communicate effectively, both orally and in writing; direct staff in continuous efforts to improve quality, productivity and effectiveness; incorporate team participation in decision making; respond to changes desired by citizens and County staff; establish and maintain effective working relationships with elected officials, government agencies, court system personnel, private and public attorneys, County employees and the public; prepare and administer a budget; supervise professional and paraprofessional legal personnel; draft legal documents and provide legal opinions in response to client requests in a timely manner; determine the county's legal liability when claims are filed; efficiently and effectively resolve the claims through settlement or litigation; assist the county in preventing liability, as well as vigorous defense of claims; continuously upgrade practice skills of staff and meet professional standards for continuing legal education.

MINIMUM QUALIFICATIONS

Minimum qualifications are used as a guide for establishing the minimum experience, education, licensure, and/or certifications required for employment in the classification. The following minimum qualifications are established for this classification. Additional minimum qualifications

and special conditions may apply to a specific position within this classification and will be stated on the job announcement.

Experience: A minimum of seven (7) years of related experience that would provide the required knowledge and skills to perform the responsibilities of this position.

Licenses/Certifications:

The following licensure/certifications are required at the time of hire.

- Active member of the Oregon State Bar.
- Admission to practice in the United States District Court
- Admission to practice in the United States Court of Appeals for the Ninth Circuit

PRE-EMPLOYMENT REQUIREMENTS

Must successfully pass a criminal history check which may include national or state fingerprint records check.

Driving is required for County business on a regular basis or to accomplish work. Incumbents must possess a valid driver's license, and possess and maintain an acceptable driving record throughout the course of employment.

Chapter 2.12

2.12 COUNTY COUNSEL

2.12.010 Appointment of County Legal Counsel

- A. The Board of County Commissioners may appoint a person licensed to practice law in the State of Oregon as the County Counsel. The Office of County Counsel represents the County, and is authorized to provide legal advice and representation to the Board and other County officers, to render services in connection with legal questions of a civil nature arising in the discharge of their functions, to prosecute violations of County law as defined by statute, and to provide such additional services as the Board determines. The County Counsel is the chief legal officer of the County and serves at the pleasure of the Board as an unclassified employee under an employment agreement.
- B. The County Counsel will be chosen without regard to political considerations and solely with reference to legal and administrative qualifications. The County Counsel shall serve full-time as the director of the Office of County Counsel, and reports directly to the Board of County Commissioners. Compensation and benefits shall be fixed in an amount determined by the Board of County Commissioners.

[Adopted by Ord. 01-2009, 2/5/09]

2.12.020 Authority

- A. The County Counsel shall be the chief legal officer of the County, and oversees all legal matters of a civil nature involving the County. Within broad objectives established by the Board of County Commissioners, the County Counsel will plan, organize, direct and manage all civil legal personnel and activities for the county, work closely with the County Administrator, and keep the Board informed of pertinent matters.
- B. When a person licensed to practice law in the State of Oregon has been appointed pursuant to this Chapter they shall have the same civil authority and responsibilities as are otherwise provided for the District Attorney when acting as advisor to the Board of County Commissioners and County officers.

[Adopted by Ord. 01-2009, 2/5/09]

2.12.030 Duties

The County Counsel shall perform all day-to-day functions necessary for the administration and management of the Office of County Counsel. Such duties include but are not limited to the following:

- A. Develops and implements policies and procedures for the Office of County Counsel.

- B. Provides or oversees legal representation as determined by the Board in civil matters on behalf of the County.
- C. Provides legal counsel to the Board of County Commissioners, County officers, the County Administrator, department directors, County employees and various boards and commissions, on matters pertaining to official County operations.
- D. Advises County departments on appropriate action for a variety of legal problems and issues.
- E. Provides legal advice and analysis of proposed state and federal legislation affecting County operations.
- F. Directs the research and preparation of legal opinions, memoranda, ordinances, resolutions, contracts, agreements, deeds and other legal documents.
- G. Selects, appoints, supervises, disciplines and dismisses all Office of County Counsel staff and assistant county counsel, including, but not limited to, Legal Counsel and Legal Counsel, Senior. The County Counsel has the authority to sign employment contracts for such employees, as unclassified employees, consistent with other employment contracts. The County Counsel shall consult the Board on these matters.
- H. Hires outside legal counsel on behalf of the County, subject to applicable law and County policy, upon such terms and conditions as may be approved by the Board.
 - I. Conducts such other activities and assignments as may be required by the Board. [Adopted by Ord. 01-2009, 2/5/09]