

ORDINANCE NO. 6448

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 21, ARTICLE I OF THE SONOMA COUNTY CODE – CIVIL SERVICE.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Authority and Findings. The Board has authority to approve amendments to Chapter 21, Article I of the Sonoma County Code, Civil Service, without voter approval, to update the list of positions in the unclassified service and to ensure compliance with the law.

The Sonoma County Board of Supervisors has received a recommendation from the Civil Service Commission to approve amendments to certain sections of Chapter 21, Article I of the Sonoma County Code, Civil Service, to remove language that is no longer legally compliant, to add language to bring sections into compliance with local, state, or federal law, and to update the list of positions in the unclassified service to ensure its accuracy; and from the County Director of Human Resources to add the Director of Sonoma Public Infrastructure to the Unclassified Service in the Civil Service System. The Board of Supervisors concurs with these recommendations and approves the amendments set forth in this ordinance.

Section II. Pursuant to the authority of the Board of Supervisors, section 21.-2., section 21.-3., section 21.-4., section 21.-5., section 21.-6., section 21.-12., section 21.-12.1, and section 21.-12.2 of Chapter 21, Article I of the Sonoma County Code, Civil Service, are hereby amended to read as follows:

“Sec. 21-2. - Civil service commission—Created—Composition—Appointment and terms of members.

There is hereby created a civil service commission. Such commission shall consist of five members appointed by the board of supervisors. The board of supervisors shall, within two weeks after the ordinance from which this article derives shall take effect, appoint five qualified electors of the county as members of such commission, to take office as soon as appointed and qualified.

The term of office of two members of the first commission shall be one year. The term of office of the other members shall be two, three and four years respectively. The members of such commission shall determine by lot the relative order of expiration of their terms. Thereafter, each member of such commission shall hold office for four years and until their successor is appointed and qualified.”

“Sec. 21-3. - Civil service commission—Qualifications, election, removal and compensation of members—Investigations, etc.

- (a) Qualification of members. The members of the civil service commission shall be selected from among the qualified electors of the county. No member of such commission shall be an employee of the classified or unclassified service.
- (b) Election and removal of members. A three-fifths vote of the entire board of supervisors shall be required to elect a member of the civil service commission. The board of supervisors by a four-fifths vote of all the members may remove a member of the civil service commission for cause, during their term of office, but only by stating in writing the reasons for such removal and allowing them an opportunity for a public hearing before the board of supervisors.
- (c) Compensation of members. Members of the civil service commission shall receive compensation for their actual and necessary expenses incidental to the proper execution of their duties and responsibilities. They shall be entitled to reimbursement for necessary traveling and other official expenditures necessitated by their official duties.
- (d) Investigations, etc. The civil service commission, for the purpose of carrying into effect the civil service system, shall have power to investigate the conduct and operation of any department or board, and to subpoena and require the attendance of witnesses and the production of records, books and papers, and to administer oaths.”

“Sec. 21-4. - Civil service commission—Chairperson—Meetings—Responsibilities of director of human resources.

Immediately upon appointment, the civil service commission shall elect one (1) of its members as chairperson, who shall call meetings of such commission as often as may be necessary, but at least once a month.

The director of human resources shall act as executive secretary of the civil service commission and shall perform and discharge under the direction and control of such commission, the powers, duties, purposes, functions and jurisdiction vested in the civil service commission and delegated to them by it. The director of human resources shall be responsible to the civil service commission for carrying out all procedures in the administration of the classified personnel in conformity with the provisions of this article and the rules of such commission. The director of human resources shall keep an official record of all actions taken by civil service commission and shall prepare, or cause to be prepared, an annual report that shall be amended or approved by the civil service commission and submitted to the board of supervisors.”

“Sec. 21-5. Classified and unclassified service generally.

The civil service system of the county is hereby divided into the unclassified and the classified service. The unclassified service shall consist of:

- a) All officers elected by the people and all confidential or special investigators employed by any of said elected officers;
- b) All appointive boards and commissions;

- c) Members of the civil service commission;
- d) All persons serving the county without compensation;
- e) Interns;
- f) Intermittently employed, hourly or seasonal employees;
- g) Persons employed under contract to supply expert professional or technical service in a temporary position;
- h) The Sonoma County Fair Manager and Sonoma County Fair or Fairgrounds employees employed by Sonoma County Fair and Exposition, Incorporated, or its successors;
- i) The director of economic development;
- j) The two (2) assistant sheriffs;
- k) The county administrator;
- l) The director of permit and resource management;
- m) The director of human services;
- n) The information systems director;
- o) The director of transportation and public works;
- p) The director of child support services;
- q) The director of regional parks;
- r) The director of health services;
- s) The LAFCO executive officer;
- t) The agricultural commissioner/sealer;
- u) The waste management agency executive director;
- v) The human resources director;
- w) The director of the office of law enforcement review and outreach;
- x) The director of emergency management;
- y) The county equity officer
- z) The public defender
- aa) The chief probation officer
- bb) The director of sonoma public infrastructure

The board of supervisors may amend this section to add to the unclassified service other positions or classifications that are of a high level, policy-making nature. Such positions or classifications shall be limited to department heads. Any such amendment shall specify the exact position or classification to be added to the list of exempt positions or classifications. No such amendment shall be applied to the incumbent of any affected position in a manner that would deprive them of any property rights protected by the constitution.

The classified service shall comprise all positions not specifically included by this section in the unclassified service, provided, however, that in the event of the creation of a new position or in case of a vacancy in any position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competitive examinations to qualify applicants for said position are impracticable, and that the position can best be filled by the selection of a person of recognized attainments, competitive examinations may be suspended by the commission, but no such suspension shall be general in its applications to such position and all such cases of suspension shall be reported, together with the reasons therefore to the board of supervisors. This section will not apply to positions in the social service department for

which there is federal or state reimbursement. At all times, at least one (1) of the assistant sheriff positions must be filled by appointment from within the Sonoma County sheriff's department."

"Sec. 21-6. - Civil service commission—Duties and obligations of members.

The civil service commission shall prescribe, amend and enforce rules for the classified service; shall keep minutes of its proceedings and records of its examinations and shall, as a commission or through a single commission member, make investigations concerning the enforcement and effect of this article and of the rules and efficiency of the service. Such rules shall, among other things, provide:

- a) For the standardization and classification of all positions in the classified service as contained in Sections 21-16 to 21-26;
- b) For competitive examinations to test applicants for entrance to and promotion in the civil service system;
- c) For creation of employment list upon which shall be entered the names of successful candidates in the order of their standing in examinations;
- d) For provisional appointments where there is no employment list;
- e) For appointments to vacant positions from employment lists;
- f) For publicity advertising all examinations;
- g) For emergency appointments without reference to employment lists, when such appointments are found necessary to prevent stoppage of public business, loss of life or damage to persons or property;
- h) For certification of eligibles in order of priority lists;
- i) For rejection of applications or eligibles who fail to comply with the requirements of such commission;
- j) For the number of standings on an employment list that may be certified to department heads, boards or officers possessing appointive power for their consideration; however in no event shall the number of standings that may be certified in connection with a promotional examination exceed three standings for one vacancy
- k) For a probationary period of not less than six months but not to exceed one year;
- l) For separation from the service of employees through layoffs and for reemployment of the employees laid off;
- m) For leaves of absences;
- n) For promotion, demotion, transfer and reinstatement;
- o) For the holding of hearings on the adoption and amendment of rules and other personnel matters;
- p) For health, welfare and safety of employees."

"Sec. 21-12. - Discrimination prohibited.

No person in the civil service system, or seeking admission thereto, shall be appointed, reduced or removed, or in any way favored or discriminated against, because of their race, color, ancestry, national origin, religious creed, belief or grooming, sex, gender (including but not limited to gender identity and gender expression), marital status, age, medical

condition, physical or mental disability, genetic information, military or veterans status, political opinions or affiliations, or any other legally protected category.”

“Sec. 21-12.1. - Dismissals, suspensions and reductions in rank or compensation.

Any officer or employee of the classified civil service may be dismissed, suspended or reduced in rank or compensation by the appointing authority after appointment or promotion is complete by a written order, stating specifically the reason for the action. The order shall be filed with the clerk of the board of supervisors and a copy thereof shall be furnished to the person to be dismissed, suspended or reduced.

The officer or employee may reply in writing to the order within ten days from the date of its filing with the clerk of the board of supervisors. The officer or employee may within five days after presentation to them of the order appeal through the clerk of the board of supervisors to the civil service commission from the order. Upon the filing of the appeal, the clerk of the board of supervisors shall forthwith transmit the order and appeal to the civil service commission for hearing.

Within twenty days from the filing of the appeal, the civil service commission shall commence a hearing and either affirm, modify or revoke the order. The appellant may appear personally, produce evidence, and have counsel and a public hearing.

The findings and decision of the civil service commission shall be certified to the department head or officer whose action was the subject of the hearing and forthwith enforced and followed by them.”

“Sec. 21-12.2. - [Transfer of employees holding permanently allocated positions.]

Employees holding permanently allocated positions with the Sonoma County Water Agency, Community Development Commission, or the Sonoma County Fair whose positions are transferred to the Sonoma County service by the Sonoma County Board of Supervisors, shall be granted Sonoma County Civil Service status. For these employees service with the agency or organization shall be deemed to be service with the county for purposes of accrual, accumulation and use of paid vacation and sick leave, seniority credit, entitlement to salary step, and such other benefits to which the employees would be entitled to had the employees been continuously employed by the county of Sonoma.

Employees holding permanently allocated positions transferred to the classified service, as set forth in paragraph 1 above, who have not served a period of time equivalent to the probationary period shall be considered probationary employees. These employees must serve out any remaining balance of what the county service would deem to be the employee's probationary period for the job classification to which the employee has been assigned within the county service. Employee will be given credit towards completion of the probationary period for all time served in the permanently allocated position with the previous county organization or agency.

Employees of any agency or organization, identified in paragraph 1 above, may transfer (by way of a lateral transfer or promotion), pursuant to the Sonoma County Civil Service Rules, to a position within the county service. Whenever such employees transfer to the

County service without a break in pay status with the other agency or organization greater than two (2) working days, service with the agency or organization shall be deemed to be service with the county for purposes of accrual, accumulation and use of paid vacation and sick leave, seniority credit, entitlement to salary step, and such other benefits to which the employees would be entitled to had the employees been continuously employed by the county of Sonoma.”

Section III. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section IV. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 19th day of September, 2023, and finally passed and adopted this 3rd day of October, 2023, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Aye Rabbitt: Aye Gore: Aye Hopkins: Aye Coursey: Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

M. Christina Rivera,
Clerk of the Board of Supervisors