



# COUNTY OF SONOMA

575 ADMINISTRATION  
DRIVE, ROOM 102A  
SANTA ROSA, CA 95403

## SUMMARY REPORT

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**Agenda Date:** 9/19/2023

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**To:** Sonoma County Board of Supervisors  
**Department or Agency Name(s):** Human Resources  
**Staff Name and Phone Number:** Spencer Keywood, 707-565-3568  
**Vote Requirement:** Majority  
**Supervisorial District(s):** Countywide

**Title:**  
Civil Service Ordinance Updates

**Recommended Action:**

Adopt a resolution introducing, reading the title of, and waiving full reading of a proposed Ordinance amending specific sections of Chapter 21, Article I of the Sonoma County Code, Civil Service, as identified by and at the request of the Civil Service Commission, and placing the Director of Sonoma Public Infrastructure in the Unclassified Service in the County's Civil Service System. (First Reading)

**Executive Summary:**

This Board item requests the Board to adopt a resolution introducing, reading the title of, and waiving full reading of a proposed ordinance to amend Chapter 21, Article I of the Sonoma County Code, Civil Service. The proposed revisions to Sonoma County's Civil Service ordinance are needed to remove language from sections that are no longer legally compliant or to add language to bring sections in compliance with current local, state, or federal law, and to ensure the list of classified and unclassified positions are accurate. Changes to the Civil Service ordinance generally require voter approval, unless the ordinance specifically permits changes without voter approval (Section 21-5), or a provision is not legally compliant. In those instances, the Board has authority to approve amendments to the ordinance. The amended ordinance will be presented to the Board for final adoption on October 3, 2023.

**Discussion:**

The County of Sonoma has a Civil Service Ordinance which was adopted in 1950 by initiative. The Ordinance provides for a Civil Service Commission which establishes rules to implement the procedures of the Ordinance. The Civil Service Rules set out procedures that must be followed regarding classification, recruitment and examination, appointments, probation, discipline, layoffs, etc. that apply to employees in the classified service. Changes to the Civil Service Ordinance generally require voter approval, unless the Ordinance specifically permits changes without voter approval (Section 21-5), or a provision is not legally compliant. In those instances, the Board has authority to approve amendments to the Ordinance.

Between September 2020 and June 2022, an Ad Hoc of the Civil Service Commission and Human Resources Department staff met to review the Civil Service Ordinance with the purpose of reconciling the Ordinance with the Civil Service Rules and Human Resources' practices. During that process, several edits were identified to remove language from sections that are no longer legally compliant or to add language to bring sections in compliance with current local, state, or federal law. Further, the Commission identified edits to the list of

positions in Section 21-5, which specifies what is in the classified and unclassified service. These include the deletion of several positions that are no longer in use or are duplicative, the addition of positions which are outside of the classified service yet unlisted, and to add the newly established Director of Sonoma Public Infrastructure. The Board has authority to approve edits to this section as the result of a voter approved amendment to the Ordinance in 1994. Throughout the process, Human Resources worked with County Counsel to ensure the edits being considered fall within the Board of Supervisors' approval authority.

In February 2023, the full Civil Service Commission reviewed the edits to the Ordinance proposed by the Ad Hoc. Later that same month, Human Resources offered all employee organizations the opportunity to meet and confer regarding the proposed edits. In March 2023, the meet and confer process concluded, with no concerns having been raised from labor organizations. At their April 6, 2023, meeting, the Civil Service Commission approved the proposed edits to the Ordinance and directed staff to request the Board of Supervisors update the Ordinance on their behalf.

Following is a summary of the edits recommended by the Civil Service Commission, organized by section.

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

Summary of Edit: The proposed edits to this section update gender-specific language to gender-neutral language.

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

Summary of Edit: The language marked for deletion is inconsistent with Government Code 3203. The right to hold public office is considered a fundamental constitutional right. Therefore, a provision calling for forfeiture of an existing office and disqualification from holding public office should be removed. The section is unenforceable as currently written. Additional edits to this section update gender-specific language to gender-neutral language.

**Sec. 21-4. - Civil service commission-Chairman-Meetings-Responsibilities of director of human resources.**

Summary of Edit: The proposed edits to this section update gender-specific language to gender-neutral language.

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

Summary of Edit: Section 21-5 gives the Board authority to amend positions in the classified/unclassified service. The positions identified for deletion are either no longer in use (e.g. Casual patient and inmate employees at county institutions, the county sanitation engineer, the general services director), duplicative (e.g. item j) - director of Sonoma County Health Services and item v) - the director of health services), or currently part of the unclassified service but unlisted (i.e. chief probation officer and public defender). Further edits serve to add the newly established Director of Sonoma Public Infrastructure to the Unclassified Service and update gender-specific language to gender-neutral language.

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

Summary of Edit: The Civil Service Ordinance cannot stipulate parameters for recommendations regarding rates of pay for job classifications and positions. Doing so is inconsistent with the Meyers-Milias-Brown Act and therefore, unenforceable.

**Sec. 21-12. - Discrimination prohibited.**

Summary of Edit: Section 21-12 is outdated and does not include all protected classes under current Federal and State anti-discrimination laws. The proposed edits prohibit discrimination in the Civil Service system in alignment with current laws.

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

Summary of Edit: The proposed edits to this section update gender-specific language to gender-neutral language.

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

Summary of Edit: The Sonoma County Library became a separate public entity through a joint powers agreement in 1975. As a result, references to the Library are no longer applicable or enforceable due to the Library's changed legal status. Edits have been proposed to remove the Library from the list of agencies in the unclassified service whose positions could be transferred to the classified service through Board action.

Updating the Civil Service Ordinance involves a two-part process in which there is a first reading and the introduction of the ordinance (Attachment 1) on September 19, 2023, and at a subsequent Board meeting, the Ordinance will be officially approved. Technically, the effective date of the ordinance change will be 30 days from the date of the Board's final approval.

Approval of today's action will serve as the first reading to amend the Civil Service Ordinance.

**Strategic Plan:**

N/A

**Racial Equity:**

**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

No

**Prior Board Actions:**

August 1994, Board of Supervisors approved a Civil Service Ordinance revision, which allows for the exemption of department head positions from the Civil Service System.

**FISCAL SUMMARY**

**Narrative Explanation of Fiscal Impacts:**

None.

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

1. Resolution introducing, reading the title of, and waiving full reading of a proposed ordinance to amend Chapter 21, Article I of the Sonoma County Code, Civil Service
2. Proposed ordinance amending Chapter 21, Article I of the Sonoma County Code, Civil Service Attachment
3. Redline of proposed changes to amend Chapter 21, Article I of the Sonoma County Code, Civil Service
4. Pre-adoption summary

**Related Items “On File” with the Clerk of the Board:**

None.