

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 14-05

IN THE MATTER OF EXEMPTING ANY EMPLOYER LOCATED IN LANE COUNTY BUT OUTSIDE OF ANY CITY LIMITS FROM ANY OTHER UNIT OF LOCAL GOVERNMENT'S RESOLUTION, ORDINANCE, RULE, OR REGULATION THAT MANDATES, REGULATES, ORDERS, OR REQUIRES ANY CHANGE IN TERMS OR CONDITIONS OF EMPLOYMENT FOR THEIR COMMISSIONERS, DIRECTORS, MANAGERS, EMPLOYEES (INCLUDING FULL-TIME, PART-TIME, SEASONAL, TEMPORARY, REPRESENTED AND NON-REPRESENTED), AGENTS, VENDORS, OR CONTRACTORS .

WHEREAS, Lane County possesses the rights and legal authority of a home rule county as granted by Article VI, Section 10 of the Oregon Constitution and Section 203 of the Oregon Revised Statutes (2013); and

WHEREAS, the Board of Commissioners has the authority under Chapters II, IV and V of the Home Rule Charter for Lane County Oregon (1962) to regulate in matters of county concern, including internal administration and personnel matters; and

WHEREAS, the Oregon Legislature at ORS 431.480 has abolished city boards of health and instead at ORS 431.375(2) have designated the county government as the local public health authority at the city and county level; and

WHEREAS, Article 1, Section 21 of the Oregon Constitution provides that no law impairing the obligation of contracts shall ever be passed and the Oregon legislature expressed its intent to preempt local legislation in this area with the passage of ORS 657.017; and

WHEREAS, Lane County has spent significant taxpayer resources developing equitable and lawful rules and policies governing the terms and conditions of employment with Lane County commissioners, directors, managers, employees (including full-time, part-time, seasonal, temporary, represented and non-represented) or agents of Lane County; and

WHEREAS, Lane County has spent significant taxpayer resources negotiating mutually agreed upon collective bargaining agreements with seven recognized bargaining units in compliance with the Oregon Public Employees Collective Bargaining Act; and

WHEREAS, the Lane County Board of Commissioners supports a healthy workforce and community and would encourage all Lane County employers to adopt and develop policies that promote a healthy workforce, a living wage, and a healthy community; and

WHEREAS, the Board of Commissioners is aware that the City of Eugene has proposed to adopt an ordinance purporting to mandate that employers with employees that work within the city limits provide certain sick leave benefits and has not exempted other public entities; and

WHEREAS, work by staff in Lane County Human Resources, Budget and County Counsel have identified significant additional costs to Lane County not currently budgeted for in the next fiscal year, and unknown additional potential costs associated with the city's proposed ordinance because of the incomplete nature of the ordinance and supporting regulations, or in the alternative reduced levels of service to Lane County residents; and

WHEREAS, the Board of Commissioners finds that the city's proposed ordinance is scheduled to be adopted before the end of July 2014, and in order to protect the county's home rule rights immediate consideration and action on this ordinance is necessary.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as follows:

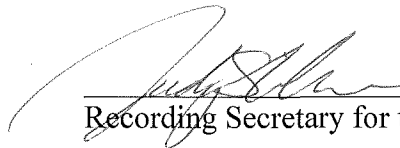
1. Any resolution, ordinance, rule, or regulation adopted or enacted by any unit of local government that mandates, regulates, orders or requires that any employer located in Lane County, but outside city limits make any change in the terms and conditions of employment of their commissioners, directors, managers, employees (including full-time, part-time, seasonal, temporary, represented and non-represented), agents, vendors or contractors, is without any legal force and effect.
2. For purposes of this ordinance, "unit of local government" shall have the same definition as that in ORS 190.003.
3. For purposes of this ordinance, "terms and conditions of employment" includes, but is not limited to, any written employment contract, collective bargaining agreement, any form of salary or wages, any form of insurance, any paid or unpaid sick leave, vacation, or holiday pay, retirement, or any other condition of employment mandated by state or federal law.
4. Nothing in this ordinance prohibits any unit of local government from mandating, regulating, ordering, or requiring any terms and conditions of employment of their own commissioners, directors, managers, employees (including full-time, part-time, seasonal, temporary, represented and non-represented), agents, vendors, or contractors or otherwise limits any powers granted by law.
5. For purposes of this ordinance, "employer" and "employee" shall have the same definitions as ORS chapter 659A.

6. For purposes of this ordinance "outside the city limits" shall be determined using the employer's address registered with the Oregon Secretary of State.
7. If any provision of any other ordinance adopted at the same time on this subject shall ever be declared defective, void or voidable, or otherwise struck down or invalidated, the invalidation shall have no effect on this ordinance.
8. An emergency is hereby declared to exist and this ordinance, being enacted by the Board in the exercise of its police power for the purpose of meeting such emergency and for the immediate preservation of the public peace, health and safety, takes effect immediately.

ENACTED this 21 day of JULY, 2014.



Pat Farr, Chair
Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date

7/8/14

LANE COUNTY OFFICE OF LEGAL COUNSEL

