

T. S. A.

Memorandum Date: November 4, 2004

Order Date: November 23, 2004

**TO:** Board of County Commissioners  
**DEPARTMENT:** District Attorney's Office  
**PRESENTED BY:** Alex R. Gardner, District Attorney

**AGENDA ITEM TITLE:** ORDER/IN THE MATTER OF AMENDING BOARD ORDER NO. 04-7-21-8 TO CHANGE THE LIMITED DURATION 1.0 FTE DEPUTY DISTRICT ATTORNEY 1 (DDA1) IN THE DISTRICT ATTORNEY'S OFFICE TO A REGULAR UNLIMITED DURATION POSITION.

**I. PROPOSED MOTION**

MOVE TO APPROVE THE AMENDMENT TO CHANGE THE LIMITED DURATION 1.0 FTE DEPUTY DISTRICT ATTORNEY 1 (DDA1) IN THE DISTRICT ATTORNEY'S OFFICE TO A REGULAR UNLIMITED DURATION POSITION.

**II. ISSUE OR PROBLEM**

Should Lane County change the 1.0 FTE limited duration Deputy District Attorney 1 (DDA1) position in the District Attorney's Office to a regular unlimited duration position?

**III. DISCUSSION**

**A. Background**

Over the past few years the District Attorney's Office has had to cut five attorney positions due to budget reductions. This has left the office extremely understaffed. Board Order No. 04-7-21-8 used the lapse from a Senior Prosecutor's position (created when Alex Gardner was appointed as District Attorney) to fund the 1.0 FTE Deputy District Attorney 1 (DDA1) limited duration position through June 30, 2004.

The District Attorney's Office has recently experienced restructuring which has resulted in under-filling several more senior attorney positions. The under filled positions will create approximately \$105,000 in available lapse for FY05-06 to fund the 1.0 FTE Deputy District Attorney 1 (DDA1) position at a regular unlimited duration status at a cost of approximately \$75,000 to \$85,000.

District Attorney Alex Gardner has identified the funds with which to pay for this amendment. The change in position status will assist the office in the prosecution of crimes, by bringing the office from it's present status of nine lawyers short to only eight lawyers short during the next year.

**B.     Analysis**

There is no cost to Lane County to adopt the proposal, as it uses lapse from already authorized positions.

**C.     Alternatives/Options**

1.     Adopt the Order.
2.     Reject the Order.

**D.     Recommendation**

The District Attorney recommends alternative one.

**E.     Timing and Implementation**

There is no specific information regarding timing and implementation.

**IV. ATTACHMENTS**

Order  
Lapse Worksheet

THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDER )  
 )  
 ) IN THE MATTER OF AMENDING BOARD ORDER  
 ) NO. 04-7-21-8 TO CHANGE THE LIMITED DURATION  
NO. ) DEPUTY DISTRICT ATTORNEY 1 (DDA1) POSITION  
 ) IN THE DISTRICT ATTORNEY'S OFFICE TO A  
 ) REGULAR UNLIMITED DURATION POSITION.

WHEREAS, the Lane County District Attorney's Office has identified savings within the District Attorney's Office budget to change the 1.0 FTE limited duration Deputy District Attorney 1 position to a 1.0 FTE regular unlimited duration Deputy District Attorney 1 position; and

WHEREAS, there is no adverse impact to the general fund of Lane County; and

WHEREAS, the Board of Commissioners supports the District Attorney in his efforts to prosecute crime committed in Lane County.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Board of County Commissioners approves this amendment to Board Order No. 04-7-21-8 to change the status of the limited duration 1.0FTE Deputy District Attorney position to a regular unlimited duration position.

APPROVED this 23rd day of November, 2004.

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Bobby Green, Sr.  
Chair, Lane Board of County Commissioners

APPROVED AS TO FORM  
Date 11/15/04 Lane County  
[Signature]  
OFFICE OF LEGAL COUNSEL

In the Matter of AMENDING BOARD ORDER NO. 04-7-21-8 TO CHANGE THE LIMITED DURATION 1.0 FTE DEPUTY DISTRICT ATTORNEY 1 (DDA1) IN THE DISTRICT ATTORNEY'S OFFICE TO A REGULAR UNLIMITED DURATION POSITION.

**LANE COUNTY DA'S OFFICE  
FY05-06 UNDERFILLS  
11/3/2004**

<b>Position #</b>		<b>Salary + 2% COLA</b>	<b>Bene's Statutory 36.09% Health 13,677.62</b>	<b>Total Cost</b>
<b>25511</b>	Budgeted DDA3/5	67821.84	38,154.52	105,976.36
	Underfill DDA1/3	47887.98	30,960.39	78,848.37
	<b>LAPSE</b>			<u>27,127.99</u>
<b>27320</b>	Budgeted SP1/7	91090.08	46,552.03	137,642.11
	Underfill DDA1/3	47297.4	30,747.25	78,044.65
	<b>LAPSE</b>			<u>59,597.46</u>
<b>27330</b>	Budgeted SP3/7	100514.9	49,953.44	150,468.32
	Underfill DDA4/3	70192.32	39,010.03	109,202.35
	<b>LAPSE</b>			<u>41,265.97</u>
<b>Total LAPSE</b>				127,991.42
<b>Less Risk Payment</b>				<u>22,500.00</u>
<b>Remaining LAPSE</b>				<u><u>105,491.42</u></u>