

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 22-1487, FOR THE PURPOSE OF AMENDING METRO CODE SECTION 2.02.010

Date: December 15, 2022
Meeting Date: January 26, 2023

Prepared by: Carrie MacLaren, Metro
Attorney and Joyce Wan, Senior Attorney

ISSUE STATEMENT

Code Section 2.02.010 requires that the Metro Council approve all written employment agreements. In 2014, the Metro Code was amended to delegate authority to perform this function to the Chief Operating Officer (COO) in certain situations. While this approach has worked well, certain ambiguous terms in the Code now require clarification to ensure employment agreements at Metro remain consistent with the Code.

The amended language clarifies the following:

1. Employment agreements may be entered into for “Executive-level” positions (such as the Deputy Chief Operating Officer and General Manager of Visitor Venues, as well as directors). There was some question whether the existing description of “director level” was adequate to include venue directors or positions in classifications above a department director (e.g., Deputy Chief Operating Officer).
2. Any resolution delegating authority to the COO to execute employment agreements for a group of Executive-level positions must clearly identify the specific positions for which the delegation has been granted, as well as what specific compensation-related provisions the COO has authority to negotiate. For example, the resolution must state if the COO may only negotiate salary, or if the COO may negotiate other compensation-related items such as vacation as well as salary. This must be clearly stated in the resolution delegating authority to the COO.
3. Employment agreements may only be amended if approved and authorized by resolution by the Metro Council.
4. The terms of Executive-level employment agreements must be identical except for compensation (rather than salary).

As described, the purpose of the proposed amendments is to clarify ambiguities in the Code, not to change the meaning. Therefore, the COO may continue to seek the authority to execute employment agreements for either an individual Executive-level position, or a group of Executive-level positions. Such authority must be delegated by the Metro Council by resolution specifying the positions to which it applies.

In addition, the Office of Metro Attorney has reviewed the particular Code sections amended by Ordinance No. 22-1487 for plain and inclusive language best practices. The

intent and purpose of these amendments is to make the Code easier to read and understand, not to change the meaning. For example, passive voice has been removed, and legalese has been replaced with plain language words (e.g., “must” used in place of “shall”).

ACTION REQUESTED

Approve Ordinance No. 22- 1487 which amends code language as reflected in attached Exhibit “A.”

IDENTIFIED POLICY OUTCOMES

The COO would continue to have flexibility to negotiate and execute employment agreements for Executive-level positions using a form of agreement approved by the Metro Council. The COO would continue to also have the option to seek approval of employment agreements for an individual Executive-level position. Clarifies that any amendments to such agreements must be approved by Metro Council.

POLICY QUESTION(S)

None

Known Opposition: None

Legal Antecedents: Metro Code Section 2.02.010; Ordinance No. 14-1350

POLICY OPTIONS FOR COUNCIL TO CONSIDER

Approve Ordinance No. 22- 1487

Reject Ordinance No. 22- 1487

ATTACHMENTS

Ordinance No. 22-1487

Exhibit A to Ordinance No. 22-1487