

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

160



FROM: Executive Office

SUBMITTAL DATE:
September 8, 2010

SUBJECT: District Attorney Transition Office

RECOMMENDED MOTION: Receive and File

BACKGROUND:

On August 31, 2010, the Board directed the County Executive Officer to:

- review concerns presented in the attached letter filed by District Attorney-Elect Paul E. Zellerbach, and
- consider the need and location for a transition office.

The issues presented in the letter are summarized in **bold**, and my responses follow.

(continued)

Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: RECEIVE AND FILE

County Executive Office Signature

Consent Policy
 Consent Policy

Dep't Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.: | **District:** | **Agenda Number:**

3.47

TRANSITION:

Leadership of the District Attorney's Office has been ordered not to assist in transition efforts; therefore, a County Transition Team is required.

Whether cooperation can be improved between the incumbent District Attorney and the District Attorney-Elect will be based on their transition from political rivals to county statesmen. We have high expectations that will occur.

The incumbent District Attorney has sole responsibility for the orderly operation of that Department; however, providing access to the District Attorney-Elect to understand the elements of the county systems and access to the county bureaucracy is also essential. I have met with Judge Zellerbach and have offered him immediate use of an office on the Fourth Floor. I will arrange for continued briefings by budget staff, human resources, and provide access to county systems so that he can execute a successful transition.

PERSONNEL:

Twenty attorneys and several investigators are being hired; promotions are being made.

Any new offers of employment or promotions made by the incumbent District Attorney will result in a probationary period. The chart below shows the number of new hires and promotions since June 2010. Also included for each position is the corresponding probationary period.

	Probationary New Hires	#	Probationary Promotions	#
• attorneys:	18 months	0	6 months	4
• investigators:	12 months	2	6 months	0
• staff:	12 months	0	6 months	3
• TAP law clerks		6		

(TAP law clerks are customarily offered attorney positions upon passing the bar exam.)

The incoming District Attorney, while inheriting these personnel actions, is not bound by them to the extent that the probationary period has not elapsed. He can take appropriate personnel actions during this period. Conversely, those who are recently hired or promoted must also be aware that personnel decisions made during this period could put them at risk of demotion or termination. Under county policy, at-will employees (17 positions) hold their positions at the pleasure of the Department Head.

The Board should impose a moratorium on hiring and promotions.

The District Attorney, as a constitutional officer, has the authority to hire Deputy District Attorneys and Law Clerks to meet operational needs of his department. The Board could freeze the decision on whether an employee has met the requirements for the next level of seniority, however, this would not be recommended as it would involve the Board in the daily operation of that office.

RE: District Attorney Transition Office

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BUDGET:

Current Year (2010/2011) Budget is not being controlled.

We are 60 days into the new fiscal year, and expenses are tracking higher than the same period last year. Revenue estimates require closer examination and will be reported in detail in the First Quarter budget report. The data does not support any corrective action at this time, however, all department heads, elected and appointed, are expected to maintain budget discipline.

However, preliminary data provided from the close of the Fiscal Year 2009/2010 indicates the District Attorney budget ended the year out of balance, due to under collected revenue, and retirement payouts. There are also an additional 12 retirement payouts which will be paid during the early part of the current fiscal year.



August 30, 2010

Supervisor Marion Ashley, Chairman
Riverside County Board of Supervisors
County Administrative Center
4080 Lemon Street – 5th Floor
Riverside, CA 92501

Dear Supervisor Ashley:

I am writing this letter to the Board of Supervisors to express my concern over the budget of the District Attorney's office. As I am sure you know, as the District Attorney Elect, I will be taking over the office on January 3, 2011. Since my election on June 8, 2010, I have met with several members of the County's Executive office and have been provided with all the budgetary information concerning the District Attorney's office. I have been advised that the District Attorney's budget has been reduced almost 10%, which amounts to approximately a 9 million dollar reduction.

Over the past 2 months, I have met with and spoken to many members of the District Attorney's office. I have been lead to believe that the current administration in their office has not been taking the appropriate fiscal budgetary measures over the past few months in light of the Board's reduction of their budget. I have been informed that the District Attorney's Office will be hiring over 20 new attorneys and several new investigators over the next few months. There have also been numerous promotions made throughout the office. This conduct is irresponsible and may severely jeopardize the budget that I will assume in January.

Therefore, I have serious concerns regarding how much money will be left in the District Attorney's budget when I assume that office on January 3, 2011. It is also not fair to those new employees who will still be on probation, and not hired by me, when I take office in January. Due to this lack of fiscal responsibility on behalf of the current administration, I feel that I have no choice but to ask the Board to seriously consider imposing a moratorium on any hiring or promotions within the District Attorney's office for the remainder of this year. I regret even having to make this request but feel that I must to maintain the fiscal integrity of that office and protect the current employees.

I have further been informed that Mr. Pacheco has ordered his Assistant Chiefs, Chief Deputy, D.A.'s and his Chief Investigator to not assist in any transition

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efforts over the next four months. That is why I am also asking the Board to assist me in this transition period by assembling a County Transition Team. Hopefully, with the assistance of this Transition Team, the change in the leadership of the District Attorney's office will be as seamless as possible so as to benefit both the employees of that office and the citizens of this wonderful county. If any of the Board members should have any further questions, please feel free to contact me at any time.

Very truly yours,

A handwritten signature in black ink that reads "Paul Zellerbach". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right from the end of the name.

Paul Zellerbach
District Attorney Elect

cc: Supervisor John Tavaglione
Supervisor Bob Buster
Supervisor John Benoit
Supervisor Jeff Stone
Executive Officer Bill Luna
Assistant Executive Officer Jay Orr