

**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"/>

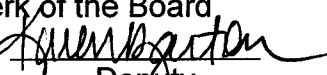
C.E.O. RECOMMENDATION: RECEIVE AND FILE

County Executive Office Signature 

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is received and filed as recommended.

Ayes: Buster, Stone, Benoit and Ashley
 Nays: None
 Absent: Tavaglione
 Date: September 14, 2010
 xc: EO

Kecia Harper-Ihem
 Clerk of the Board
 By: 
 Deputy

Policy Policy
 Consent Consent
 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

Date September 8, 2010

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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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Judgezellerbach4da.com

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, appearing to read "Paul Zellerbach", with a long, sweeping horizontal line extending to the right.

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

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: SALVADOR SANTANA

Address: 3993 10th St. 1314
(only if follow-up mail response requested)

City: Riverside CA **Zip:** 92501

Phone #: 536-6437 About Report Pacheco-Jellerbach

Date: 9-14-10 **Agenda #** 2.47

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support Oppose Neutral

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support Oppose Neutral

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. **Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.**

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.