

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



ITEM
3.12
(ID # 6683)

MEETING DATE:
Tuesday, May 8, 2018

FROM : HUMAN RESOURCES:

SUBJECT: HUMAN RESOURCES: Adoption of Resolution No. 2018-066 for Exception to the 180-Day Wait Period for Dale A. Gardner per Government Code Sections 7522.56 and 21224, All Districts. [Total Cost \$39,744] [Source of Funds - County Counsel Budget]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2018-066 for exception to the 180-day wait period in compliance with Government Code Sections 7522.56 and 21224 (Attachment A);
2. Authorize the Chairperson to sign two (2) copies of the Resolution; and
3. Direct the Clerk of the Board to retain one (1) copy of the signed resolution and return one (1) copy to Human Resources Retirement Division for distribution.

ACTION: Policy



Michael Bowers, Interim HR Director

3/30/2018

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: May 8, 2018
xc: HR

Kepia Harper-Ihem
Clerk of the Board
By: 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 8,611	\$ 31,133	\$ 39,744	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: County Counsel Budget.			Budget Adjustment: No	
			For Fiscal Year: 17/18 & 18/19	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

In compliance with Government Code Section 7522.56, the County of Riverside is required to provide CalPERS with a certification and resolution when hiring a retiree before 180 days has elapsed since the retiree's retirement date. Government Code Section 7522.56 requires that a retiree's post-retirement employment cannot commence earlier than 180 days after the retirement date without a certification and resolution.

The County Counsel Office requests to appoint retiree Dale A. Gardner to work as a retired annuitant to perform the duties of a Deputy Counsel IV under Government Code Section 21224. The employment period shall be limited to 960 hours per fiscal year and the compensation paid cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties. Additionally, the retiree will not receive any other benefits, incentives, compensation in lieu of benefits, or any other form of compensation in addition to the hourly pay rate.

It is anticipated that Dale will provide legal training to our attorneys regarding public finance and related issues. The training will focus on state and federal laws governing borrowing and debt issuance, including federal securities regulation issues and federal tax matters and enforcement. Training will be provided on the issuance and refunding of various municipal securities, including, but not limited to certificates of participation, lease revenue bonds, tax and revenue anticipation notes, Teeter borrowings, Mello Roos Act Bonds, assessment district bonds, pension obligation bonds, successor agency refunding, flood district notes, conduit bonds, qualified private activity bonds, lease lines of credit, and lease financings. Related training will focus on post-issuance compliance and continuing disclosure obligations.

Additional training will be provided on special district financing of services and capital improvements from formation of various special districts to their ultimate dissolution. Related training will be provided concerning the levy and collection of taxes, fees, and assessments, including tax allocation and tax sharing agreements. Training will be provided on prohibitions on the use and investment of public funds, misuse of public funds and gift of public funds.

The training will also explore Tax Collector legal issues, including secured and unsecured collection, tax sales, excess proceeds, tax lien priority, penalty cancellations, tax deed

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rescissions, unclaimed money and escheated estates. In addition, the training will explore Auditor/Controller legal issues, including RDA Dissolution Act issues, misallocations, internal liquidity, revolving funds, property tax advances, and the enforcement of debt against government agencies.

This extra help is critically necessary for the County Counsel's Office to be able to train its recent hires in these complex and specialized areas of law to ensure competency and the ability to serve the Board of Supervisors and client departments. Without this extra help in these areas, the County Counsel's Office would have to retain special counsel to perform the work at a higher cost to the County.

Impact on Residents and Businesses

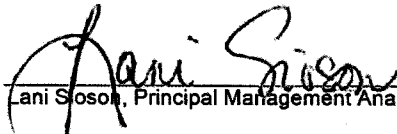
There is no direct impact on residents or businesses in the County of Riverside.

Additional Fiscal Information

This position will be funded by the County Counsel Office. There are sufficient appropriations in the FY 2017/2018 and 2018/2019 budgets and no new County funds are required.

ATTACHMENTS

- A. **Resolution No. 2018-066 for Exception to the 180-day Wait Period for Dale A. Gardner (Government Code Sections 7522.56 and 21224).**



Lani Sosol, Principal Management Analyst 4/30/2018



Gregory V. Priamos, Director County Counsel 4/27/2018

2
3 RESOLUTION NO. 2018-066

4 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE

5 APPROVING AN EXCEPTION TO THE 180-DAY WAIT PERIOD FOR

6 DALE GARDNER

7 (GOVERNMENT CODE SECTIONS 7522.56 & 21224)

8
9 **WHEREAS**, in compliance with Government Code Section 7522.56 (“Section 7522.56”) the County
10 of Riverside must provide CalPERS this certification resolution when hiring a retiree before 180 days has
11 passed since his or her retirement date; and

12 **WHEREAS**, Dale Gardner (CalPERS ID [REDACTED]) retired from the Riverside County Counsel
13 Office in the position of Deputy County Counsel IV, effective March 15, 2018; and

14 **WHEREAS**, Section 7522.56 requires that post-retirement employment commence no earlier than
15 180 days after the retirement date, which is September 11, 2018, without this certification resolution; and

16 **WHEREAS**, Section 7522.56 provides that this exception to the 180 day wait period shall not apply
17 if the retiree accepts any retirement-related incentive; and

18 **WHEREAS**, the Board of Supervisors, the County of Riverside and Dale Gardner certify that Dale
19 Gardner has not and will not receive a Golden Handshake or any other retirement-related incentive; and

20 **WHEREAS**, the Board of Supervisors hereby appoints Dale Gardner as an extra help retired
21 annuitant to perform the duties of the Deputy County Counsel IV for the County of Riverside under
22 Government Code section 21224, effective May 24, 2018; and

23 **WHEREAS**, the entire employment agreement, contract or appointment document between Dale
24 Gardner and the County of Riverside has been reviewed by this body and is attached hereto; and

25 **WHEREAS**, no matters, issues, terms or conditions related to this employment and appointment have
26 been or will be placed on a consent calendar; and

27 **WHEREAS**, this extra help is critically necessary for the County Counsel’s Office to be able to train
28 its recent hires in these complex and specialized areas of law to ensure competency and the ability to serve

1 the Board of Supervisors and client departments and without this extra help in these areas, the County
2 Counsel's Office would have to retain special counsel to perform the work at a higher cost to the County;
3 and

4 **WHEREAS**, the employment shall be limited to 960 hours per fiscal year; and

5 **WHEREAS**, the compensation paid to retirees cannot be less than the minimum nor exceed the
6 maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333
7 to equal the hourly rate; and

8 **WHEREAS**, the maximum base salary for this position is \$14,351.48 monthly and the hourly
9 equivalent is \$82.80, and the minimum base salary for this position is \$9,107.02 monthly and the hourly
10 equivalent is \$52.54; and

11 **WHEREAS**, the hourly rate paid to Dale Gardner will be \$82.80; and

12 **WHEREAS**, Dale Gardner has not and will not receive any other benefit, incentive, compensation
13 in lieu of benefit or other form of compensation in addition to this hourly pay rate;

14 **NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED THAT** the Board
15 of Supervisors hereby certifies the nature of the appointment of Dale Gardner as described herein and detailed
16 in the attached employment agreement/contract/appointment document and that this appointment is
17 necessary to fill the critically needed position of Deputy County Counsel IV for the County of Riverside by
18 May 24, 2018. Mr. Gardner will provide legal training to attorneys regarding public finance and related
19 issues, including but not limited to state and federal laws governing borrowing and debt issuance, federal
20 securities regulation issues, federal tax matters and enforcement, post-issuance compliance, continuing
21 disclosure obligations, and issuance and refunding of various municipal securities such as lease revenue
22 bonds, tax and revenue anticipation notes, successor agency refunding and qualified private activity bonds.
23 Additional training will be provided on special district financing of services and capital improvements from
24 formation of various special districts to their ultimate dissolution. Training will also include Tax Collector
25 legal issues such as excess proceeds and unclaimed money and Auditor-Controller legal issues such as
26 revolving funds and property tax advances.

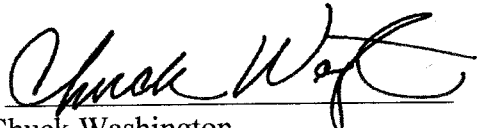
27 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** by the Board of Supervisors
28 of the County of Riverside assembled in regular session on May 8, 2018, at or after 9:00 a.m. or soon

1 thereafter, in the meeting room of the Board of Supervisors located on the 1st floor of the County
2 Administrative Center, 4080 Lemon Street, Riverside, California, as follows:

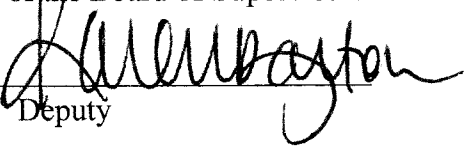
- 3 1. The Board hereby finds and declares that the above recitals are true and correct.
- 4 2. The Board hereby designates Chuck Washington, Chair of the Board of Supervisors, to sign for and
5 execute documents pertaining to Resolution No. 2018-066.

6 **THIS RESOLUTION NO. 2018-066 WAS ADOPTED** by the Board of Supervisors of the County of
7 Riverside at a regular meeting thereof on May 8, 2018, by the following vote:

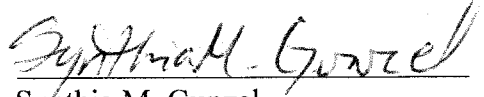
8 AYES: Jeffries, Tavaglione, Washington, Perez and Ashley
9 NAYS: None
10 ABSENT: None

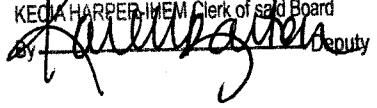
Signed: 
Name: Chuck Washington
Title: Chairman, Board of Supervisors
Date: 5/8/18


12 ATTEST:
13 Kecia Harper-Ihem
14 Clerk of the Board of Supervisors

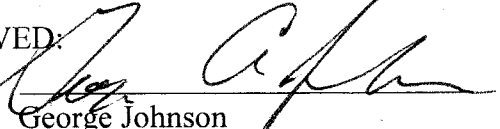
15 By: 
Deputy

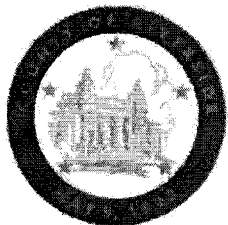
16 APPROVED AS TO FORM:
17 Gregory P. Priamos, County Counsel

18 Signed: 
19 Name: Synthia M. Gunzel
20 Title: Chief Deputy County Counsel
21 Date: 4-27-18

The foregoing is certified to be a true copy of a
resolution duly adopted by said Board of Super-
visors on the date therein set forth.
KECIA HARPER-IHEM Clerk of said Board
by:  Deputy

22 APPROVED: 
23 Signed: Michael Bowers
24 Name: Michael Bowers
25 Title: Assistant Human Resources Director
26 Date: 4-30-18

27 APPROVED: 
28 Signed: George Johnson
Name: George Johnson
Title: County Executive Officer
Date: 5/1/18



DEPUTY COUNTY COUNSEL IV

Class Code:
78514

Bargaining Unit: DDAA - Deputy County
Counsel

COUNTY OF RIVERSIDE
Established Date: Jan 1, 1991
Revision Date: Mar 3, 2016

SALARY RANGE

\$52.54 - \$82.80 Hourly
\$9,107.02 - \$14,351.48 Monthly
\$109,284.24 - \$172,217.76 Annually

CLASS CONCEPT:

Under direction, performs the more demanding and difficult to complex professional legal work in the field of civil law; prepares and presents cases before any court or administrative body, board or commission; and performs other related duties as required.

The Deputy County Counsel IV is the advanced journey-level of the Deputy County Counsel class series and reports to a Deputy County Counsel IV-S, Principal Deputy County Counsel, or Assistant County Counsel. This class is assigned difficult to complex legal work requiring expert knowledge of the organization, powers, and limitations of County governmental functions, and of the California Constitution and the principles of civil law, and their application to governmental subdivisions. Incumbents are subject to rotation of assignments according to business needs. The Deputy County Counsel IV class is distinguished from positions in the lower Deputy County Counsel classifications by assignments which may involve a mentoring role over a few subordinate attorneys or section, as well as more difficult to complex assignments, projects and litigation as assigned by County Counsel or the County Counsel Management Team.

REPRESENTATION UNIT:

DDAA - Deputy County Counsel

EXAMPLES OF ESSENTIAL DUTIES:

(Depending on the area of assignment, duties may include, but are not limited to, the following)

- Provide guidance and advice to Deputy County Counsel attorneys in matters of law and trial tactics, ordinance drafting and interpretation, preparation of contracts and other legal instruments, legal research, preparation of legal briefs and opinions, and trial and appellate practices.
- Provide responsive, high quality service to County employees and representatives of outside agencies by providing accurate, complete, and up-to-date information, in a courteous, efficient, and timely manner and may interact with members of the public.
- Consult with subordinate deputies on points of law, evidence, and legal procedures and policies and practices of the County Counsel's Office; counsel and make recommendations to subordinate deputies on the more difficult and complex legal problems.

- Attend meetings of various boards and commissions as legal advisor; confer with and advise County and district officers and employees on legal questions pertaining to their respective powers, duties, functions, and obligations; represent the County in all State and Federal Courts.
- Study and interpret laws, court decisions, ordinances, and other legal authorities.
- Draft contracts, deeds, leases, ordinances, resolutions, and other legal instruments; prepare written opinions and render informal opinions on legal questions; prepare correspondence and prepares pleadings and handles depositions, interrogatories, pretrial motions, and pretrial and settlement conferences.
- Analyze, research, and resolve difficult and complex legal problems.
- Prepare, present, and manage difficult to complex trial and appellate cases under minimal to moderate supervision.
- May also be required to perform the functions of the lower level Deputy County Counsel classification.

RECRUITING GUIDELINES:

Experience:

OPTION I

One year at the Deputy County Counsel III level with the Office of County Counsel of Riverside County, or as a county counsel attorney or city attorney at an equivalent level with another California county or city.

OPTION II

Four years in the practice of civil law providing professional legal counsel to governmental agencies or departments.

OPTION III

Four years of civil law experience in at least one of the following areas: eminent domain, labor and employment, civil litigation, business transactional, environmental, finance, healthcare, probate and conservatorships, bankruptcy, juvenile dependency, juvenile delinquency, land use, Native American gaming and land use, public works, real estate, and utilities.

Knowledge of: Legal principles, legal research, and trial techniques; rules of evidence and the conduct of court proceedings; current case law, legislation, and trends in the areas of practice; State and Federal statutory and case law applicable to public entities in California; rules and procedures for California and Federal Courts; principles, practices, methods, and techniques of leadership and training; Riverside County policies, ordinances and related authorities; telephone, office and online etiquette; County customer service objectives and strategies; basic computer operation and software programs such as legal research, word processing, and electronic mail.

Ability to: Read, understand, interpret and communicate legal issues to both attorneys and lay people; advocate the interests of the County and other clients in meetings, court and administrative hearings; communicate effectively orally and in writing, in a clear, concise,

sound, logical, and thorough manner when preparing opinions, briefs, reports, ordinances, correspondence, or other written communications of a legal nature; communicate effectively with a variety of individuals representing diverse cultures and backgrounds and function calmly in stressful situations, which require a high degree of sensitivity, tact and diplomacy; thoroughly analyze and research legal issues and take all facts and findings into consideration; interpret and apply cases, statutes, regulations, legal principles, and government policies and practices; prioritize and organize workload and complete a large number of work assignments that have strict timelines; treat County employees, representatives of outside agencies, and members of the public with courtesy and respect; assess the customer's immediate needs and ensure customer's receipt of needed services through personal service or making appropriate referral; provide responsive, high quality service to County employees and representatives of outside agencies by providing accurate, complete and up-to-date information, in a courteous, efficient and timely manner and may interact with members of the public; exercise appropriate judgment in answering questions and releasing information; analyze and project consequences of decisions and/or recommendations; establish effective working relationships with management, employees, employee representatives and the public.

REQUIRED COMPETENCIES:

Job Competencies/Desirable Traits:

- Leadership qualities that promote team building, coaching and developing of resources.
- Make sound and accurate decisions under pressure.
- Maintain an environment of teamwork and collaboration conducive to expanding knowledge and expertise.
- Communicate clearly and concisely in both written and verbal forms, persuasively communicate your findings and recommendations to a variety of audiences and possess superior negotiation skills.
- Successfully prioritize conflicting timelines ensuring that each project receives appropriate time and consideration.
- Effectively maintain expertise in all areas of responsibility and seek opportunities to increase personal knowledge in areas of responsibility.
- Take independent actions after carefully analyzing and interpreting the associated risks.
- Customer focused, meeting obligations and commitments.
- Demonstrate ethical behavior and integrity even when challenged with highly stressful or crisis situations.
- Skillfully gain and maintain credibility with superiors, co-workers, public, and managers.
- Exhibit values and respect of others in all undertakings.
- Encourage creative problem solving, collaboration and analysis techniques.
- Driven to excel, supportive of change and seeks continuous learning.

OTHER REQUIREMENTS:

License: A valid California Driver's License may be required at the time of appointment.

Active membership in the State Bar of California.

PRE-EMPLOYMENT:

All employment offers are contingent upon successful completion of both a pre-employment physical exam, including a drug/alcohol test, and a criminal background investigation, which involves fingerprinting. (A felony or misdemeanor conviction may disqualify the applicant from County employment.)

PROBATIONARY PERIOD:

As an Approved Local Merit System, all County of Riverside employees, except those serving "At Will," are subject to the probationary period provisions as specified in the applicable Memorandum of Understanding, County Resolution, or Salary Ordinance. Temporary and Per Diem employees serve at the pleasure of the agency/department head.