

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



ITEM
3.13
(ID # 6707)

MEETING DATE:

Tuesday, May 8, 2018

FROM : HUMAN RESOURCES:

SUBJECT: HUMAN RESOURCES: Adoption of Resolution No. 2018-065 for Exception to the 180-Day Wait Period for Karin Watts-Bazan per Government Code Sections 7522.56 and 21224, All Districts. [Total Cost \$54,893] [Source of Funds - County Counsel Budget]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2018-065 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

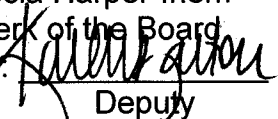

Michael Bowers, Interim HR Director

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

Kecia 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	\$ 11,893	\$ 43,000	\$ 54,893	\$ 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 Karin Watts-Bazan to work as a retired annuitant to perform the duties of an Assistant County Counsel 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 Karin will train several of the County Counsel's Office land use attorneys on MSHCP (Multiple Species Habitat Conservation Plan) issues, development of an implementing resolution for payment of SKR (Stephens' Kangaroo Rat) development mitigation fees, preparation of an opinion from County Counsel concerning MSHCP implementation issues, oversight of Flood District litigation and will continue to work with our attorney on complex Code Enforcement litigation. Karin will also assist with administrative matters including but not limited to development of a standard MOU with County Departments regarding the services County Counsel provides and payment for their services, revising the standard personnel evaluations for all positions in the County Counsel Office, and any other administrative matters as assigned by the County Counsel.

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

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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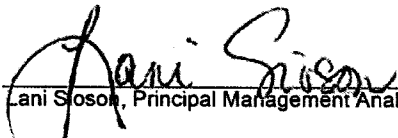
There is no direct impact on residents or businesses in the County of Riverside.

Additional Fiscal Information

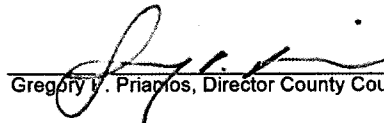
This position will be funded through the County Counsel Office. There are sufficient appropriations in the FY 2017/2018 and 2018/2019 budgets and no new County funds are required.

ATTACHMENTS

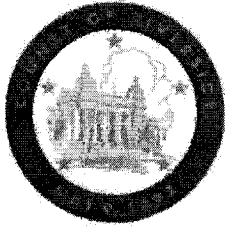
- A. **Resolution No. 2018-065 for Exception to the 180-day Wait Period for Karin Watts-Bazan (Government Code Sections 7522.56 and 21224).**



Lani Sison, Principal Management Analyst 4/30/2018



Gregory L. Priaplos, Director County Counsel 4/27/2018



ASSISTANT COUNTY COUNSEL

Class Code:
78517

Bargaining Unit: Management Resolution -
Management

COUNTY OF RIVERSIDE
Established Date: Jan 1, 1991
Revision Date: Apr 28, 2008

SALARY RANGE

\$78.62 - \$114.36 Hourly
\$13,627.07 - \$19,821.76 Monthly
\$163,524.82 - \$237,861.10 Annually

CLASS CONCEPT:

Under general direction, to assist County Counsel in planning, organizing, and directing the activities of the Office of the County Counsel; to direct and coordinate the activities of the County Counsel Management Team; to administer, supervise, and participate in the most difficult and demanding legal work in the field of civil law; to act for County Counsel during absences; and to do other work as required.

The incumbent of this single position class directs and participates in two major areas of responsibility. The Assistant County Counsel assists County Counsel in the day-to-day management of the office through directing and coordinating the activities of the County Counsel Management Team. The Management Team consists of the Assistant County Counsel and Principal Deputy County Counsel positions. Additionally, this class performs the most difficult legal work characterized by complex legal issues having significant legal or policy implications on County policies. The Assistant County Counsel is also responsible for office administration in the absence of County Counsel.

This class has been designated At-Will by the Board of Supervisors, in accordance with the provisions provided under Article 6, Section 601E (2), (5) and (6) of the County Management Resolution and serves at the pleasure of the Agency/Department Head.

REPRESENTATION UNIT:

Management Resolution - Management

EXAMPLES OF ESSENTIAL DUTIES:

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

- Coordinates with members of the County Counsel Management Team to direct, plan, organize, assign, and balance the work load among the various sections of the office.
- Through the Management Team, directs and evaluates the work of subordinate deputies in the practices of the Office of the County Counsel.
- Gives advice and recommendations to other deputies on the most difficult and complex legal problems; assists deputies in the development and refinement of skills and talents.

- Serves as advisor to various boards and commissions whose legal problems are the most complex and exacting; confers with and advises County and district officers and employees on the more complex legal questions pertaining to their respective powers, duties, functions, and obligations.
- Represents the County in all State and Federal Courts; studies and interprets laws, court decisions, ordinances, and other legal instruments.
- Prepares written opinions and renders informal opinions on the most complex legal questions; prepares correspondence and reports.
- Assists County Counsel in preparing the budget; acts for County Counsel during absences.

RECRUITING GUIDELINES:

Experience: Five years of experience as a journey level attorney providing legal counsel to governmental agencies or departments, including at least one year of supervisory or managerial experience.

Knowledge of: Legal principles and their application with an emphasis on administrative law; organization, powers, and limitations of County governmental functions and the California Constitution; methods and problems of administering the work of a governmental law office; principles of personnel management and supervision; methods, procedures, and practices used in the conduct of litigation and the preparation of legal instruments.

Ability to: Analyze the most complex legal problems and apply legal principles and practices; research and draft opinions; analyze and draft ordinances and other regulations; prepare, present, and conduct cases of law, equity, and resulting appeals effectively; present facts, arguments and laws clearly and logically in written and oral form; work cooperatively with others.

OTHER REQUIREMENTS:

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

2 RESOLUTION NO. 2018-065

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

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

5 KARIN WATTS-BAZAN

6 (GOVERNMENT CODE SECTIONS 7522.56 & 21224)

7
8 **WHEREAS**, in compliance with Government Code Section 7522.56 (“Section 7522.56”) the County
9 of Riverside must provide CalPERS this certification resolution when hiring a retiree before 180 days has
10 passed since his or her retirement date; and

11 **WHEREAS**, Karin Watts-Bazan (CalPERS ID [REDACTED]) retired from the Riverside County Counsel
12 Office in the position of Assistant County Counsel, effective March 15, 2018; and

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

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

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

20 **WHEREAS**, the Board of Supervisors hereby appoints Karin Watts-Bazan as an extra help retired
21 annuitant to perform the duties of the Assistant County Counsel 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 Karin
24 Watts-Bazan 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 \$19,821 monthly and the hourly equivalent
9 is \$114.36, and the minimum base salary for this position is \$13,627.07 monthly and the hourly equivalent
10 is \$78.62; and

11 **WHEREAS**, the hourly rate paid to Karin Watts-Bazan will be \$114.36; and

12 **WHEREAS**, Karin Watts-Bazan has not and will not receive any other benefit, incentive,
13 compensation 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 Karin Watts-Bazan as described herein and
16 detailed in the attached employment agreement/contract/appointment document and that this appointment is
17 necessary to fill the critically needed position of Assistant County Counsel for the County of Riverside by
18 May 24, 2018. Ms. Watts-Bazan will train several land use attorneys on Multiple Species Habitat
19 Conservation Plan (MSHCP) issues, develop an implementing resolution for payment of Stephens' Kangaroo
20 Rat development mitigation fees, prepare legal opinion concerning MSHCP implementation, oversee Flood
21 Control and Water Conservation District litigation, and continue to work with code enforcement attorneys
22 on complex litigation. Ms. Watts-Bazan will also assist with administrative matters such as developing a
23 standard Memorandum of Understanding with County departments regarding the services provided by
24 County Counsel's Office and payment for such services, and revising the standard personnel evaluations for
25 all positions in County Counsel's Office.

26 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** by the Board of Supervisors
27 of the County of Riverside assembled in regular session on May 8, 2018, at or after 9:00 a.m. or soon
28 thereafter, in the meeting room of the Board of Supervisors located on the 1st floor of the County

1 Administrative Center, 4080 Lemon Street, Riverside, California, as follows:

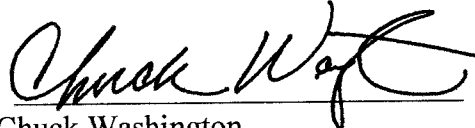
- 2 1. The Board hereby finds and declares that the above recitals are true and correct.
3 2. The Board hereby designates Chuck Washington, Chair of the Board of Supervisors, to sign for and
4 execute documents pertaining to Resolution No. 2018-065.

5 **THIS RESOLUTION NO. 2018-065 WAS ADOPTED** by the Board of Supervisors of the County of
6 Riverside at a regular meeting thereof on May 8, 2018, by the following vote:

7 AYES: Jeffries, Tavaglione, Washington, Perez and Ashley

8 NAYS: None

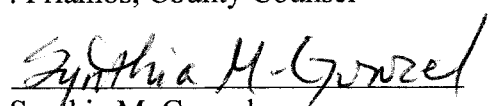
9 ABSENT: None

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

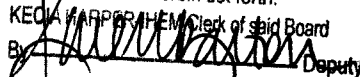
14 ATTEST:
15 Kecia Harper-Ihem
16 Clerk of the Board of Supervisors

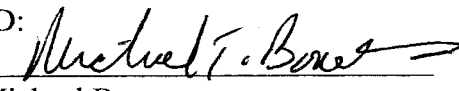
17 By: 
18 Deputy

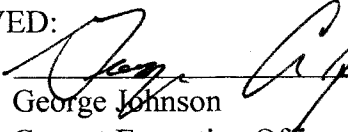
19 APPROVED AS TO FORM:
20 Gregory P. Priamos, County Counsel

21 Signed: 
22 Name: Synthia M. Gunzel
23 Title: Chief Deputy County Counsel
24 Date: 4-27-18

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

KECIA HARPER-IHEM, Clerk of said Board
By:  Deputy

25 APPROVED:
26 Signed: 
27 Name: Michael Bowers
28 Title: Assistant Human Resources Director
Date: 4-30-18

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