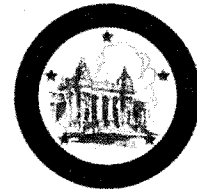


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 3.28
(ID # 11295)

MEETING DATE:

Tuesday, December 10, 2019

FROM : HUMAN RESOURCES:

SUBJECT: HUMAN RESOURCES: Adoption of Resolution No. 2019-246 Appointing Thomas B. Mullen as Interim Executive Director for the Western Riverside County Regional Conservation Authority pursuant to Government Code Section 21221(h). All Districts. [Total Cost - \$100,000]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2019-246 appointing retired annuitant Thomas B. Mullen CalPERS ID XXXXXX8553, as an interim appointment to the vacant position of Executive Director, RC for the Western Riverside County Regional Conservation Authority pursuant to Government Code section 21221(h) (Exhibit A); and
2. Authorize the Chairperson to sign three (3) copies of the Resolution; and direct the Clerk of the Board to retain one (1) copy of the signed resolution and return two (2) copies to Human Resources for distribution.

ACTION: 4/5 Vote Required

Brenda Diederichs

Brenda Diederichs, Assistant CEO / Human Resources Director

11/10/2019

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: December 10, 2019
xc: HR

Kecia R. Harper
Clerk of the Board
By: *Karl Washington*
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	\$ 85,000	\$ 15,000	\$ 100,000	N/A
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: 51633-935201-510040 (RCA funds)			Budget Adjustment: No	
			For Fiscal Year: 19/20, 20/21	

C.E.O. RECOMMENDATION:

BACKGROUND:

Summary

Pursuant to Government Code Section 21221(h), the County of Riverside is required to provide CalPERS with a resolution that permits the governing body to appoint a CalPERS retiree to a vacant position requiring specialized skills during recruitment for a permanent appointment, and provides that such appointment will not subject the retired person to reinstatement from retirement or loss of benefits so long as it is a single appointment that does not exceed 960 hours in a fiscal year. Appointments made pursuant to Gov. Code section 21221(h) shall only be made once and therefore this appointment will end on December 30, 2020.

The County of Riverside requests to appoint retiree Thomas B. Mullen as an interim appointment retired annuitant to the vacant position of Executive Director, RC (Class Code 74225). Per Gov. Code section 21221(h) 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.

The need for this appointment is necessary to provide the specialized skills necessary to manage the Western Riverside County Regional Conservation Authority efforts pending the recruitment, selection, and employment of a permanent Executive Director, RC.

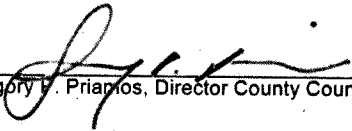
Impact on Residents and Businesses

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

ATTACHMENT:

Exhibit A: Resolution 2019-246 Appointing Thomas B. Mullen as an Interim Executive Director, RC for County of Riverside pursuant to Government Code Section 21221(h)

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


Gregory P. Priamos, Director County Counsel 11/13/2019

2
3 RESOLUTION NO. 2019-246

4
5 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE
6 APPOINTING THOMAS B. MULLEN AS AN INTERIM EXECUTIVE DIRECTOR, RC
7 PURSUANT TO GOVERNMENT CODE SECTION 21221(h)
8

9 **WHEREAS**, Government Code section 20000 et seq. (the "Public Employees' Retirement Law")
10 at Section 21221(h) permits the governing body to appoint a CalPERS retiree to a vacant position requiring
11 specialized skills during recruitment for a permanent appointment, and provides that such appointment will
12 not subject the retired person to reinstatement from retirement or loss of benefits so long as it is a single
13 appointment that does not exceed 960 hours in a fiscal year; and

14 **WHEREAS**, the position of Executive Director, RC will become vacant on December 31, 2019;
15 and

16 **WHEREAS**, the County of Riverside desires to appoint Thomas B. Mullen CalPERS ID
17 XXXXXX8553 as an interim appointment retired annuitant to the vacant position of Executive Director,
18 RC pursuant to Government Code section 21221(h), effective December 31, 2019; and

19 **WHEREAS**, the County of Riverside and Thomas B. Mullen certify that Thomas B. Mullen has
20 not and will not receive a Golden Handshake or any other retirement-related incentive; and

21 **WHEREAS**, an appointment under Government Code section 21221(h) requires the retiree is
22 appointed into the interim appointment during recruitment for a permanent appointment; and

23 **WHEREAS**, the governing body has authorized the search for a permanent appointment on October
24 30, 2019; and

25 **WHEREAS**, Government Code section 21221(h) appointment shall only be made once and
26 therefore will end on the date immediately preceding the date on which the permanent replacement for the
27

FORM APPROVED COUNTY COUNSEL
BY:  DAVID M. MCCARTHY
DATE: 12/10/2019

1 vacant position of Executive Director, RC commences his or her employment, or, if earlier, the date that
2 this appointment is terminated by the County of Riverside or Thomas B. Mullen not later than December
3 30, 2020; and

4 **WHEREAS**, it is understood by the County of Riverside and by Thomas B. Mullen that the
5 combined total hours to be served by Thomas B. Mullen in any fiscal year for all CalPERS employers
6 combined shall not exceed the 960 hour limitation set forth in Government Code section 21221(h) and
7 section 7522.56(d); and

8 **WHEREAS**, the entire employment agreement, contract or appointment document between
9 Thomas B. Mullen and the County of Riverside has been reviewed by this body and is attached hereto; and

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

13 **WHEREAS**, the maximum monthly base salary for this position is \$23,066 and the hourly
14 equivalent is \$133.07; the minimum monthly base salary for this position is \$12,810 and the hourly
15 equivalent is \$73.91; and

16 **WHEREAS**, the hourly rate paid to Thomas B. Mullen will be \$73.91; and

17 **WHEREAS**, Thomas B. Mullen has not and will not receive any other benefit, incentive,
18 compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate;

19 **THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of
20 Supervisors of the County of Riverside, assembled in regular session on November 19, 2019 at 9:30 a.m.
21 or soon thereafter, in the meeting room of the Board of Supervisors, located on the first floor of the County
22 Administrative Center, 4080 Lemon Street, Riverside, California, as follows:

23 **Section 1.** The above recitals are true and correct.

24 **Section 2.** Thomas B. Mullen is hereby appointed as Executive Director, RC effective
25 December 31, 2019, until the date immediately preceding the date on which the permanent replacement,
26 for the vacant position of Executive Director, RC commences his or her employment, unless earlier
27
28

1 terminated pursuant to the authority provided under Government Code sections 21221(h) and 7522.56
2 pending the recruitment, selection and employment of a permanent Executive Director, RC.

3 **Section 3.** The need for this appointment is necessary to provide the specialized skills necessary
4 to manage the Western Riverside County Regional Conservation Authority pending the recruitment,
5 selection and employment of a permanent Executive Director, RC.

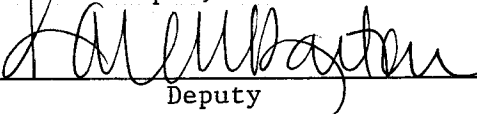
6 **Section 4.** This resolution shall take effect immediately upon its adoption.

7
8
9 ROLL CALL:

10 Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
11 Nays: None
12 Absent: None

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

15 Kecia R. Harper, Clerk of said Board

16 By 
17 Deputy

RIVCO HR

putting people first

EXHIBIT 1
December 31, 2019

To: Thomas B. Mullen

Re: Offer of Temporary Employment

Thomas B. Mullen:

On behalf of the Temporary Assignment Program, I am pleased to offer you a temporary short-term employment as a Temporary Assistant- Interim Executive Director, RC.

As we discussed, the pay rate for the position will be \$73.9054 an hour. This position will be considered a non-exempt for the purposes of Federal Wage Hour law, which means that you will be eligible for overtime pay for hours worked in excess of 40 hours in a given work week as defined by the County of Riverside. As a CalPERS retired annuitant, we are unable to offer any other benefits, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate stated above.

Temporary assignments typically last from 3 to 6 months, although all assignments are "At-Will" and may be subject to end earlier. This offer of temporary, short-term employment, if not previously accepted by you, will expire seven (7) days from the date of this letter. If you wish to accept the offer, please sign below and return the letter to me within the given deadline.

The offer described above is contingent upon the results of you successfully passing a reference/background check, which will include at minimum, a criminal record check through the California Department of Justice. In addition, this offer is contingent upon receipt of results of a satisfactory drug and alcohol screening test and a physical examination designed solely to determine your physical ability to perform the duties of the position being offered to you. The physical examination and drug test must be completed prior to employment commencing.

We recognize that you retain the option, as does the Temporary Assignment Program, to end your employment with the Temporary Assignment Program at any time, with or without notice and with or without cause. As such, your employment with the Temporary Assignment Program is At-Will. This letter nor any other oral or written representations should be considered a contract of any kind.

Should you have any questions, please do not hesitate to contact me (951) 955-3782 or (951) 955-1112.

Sincerely,
Armida Miramontes, Human Resources Technician II

I agree to the terms of employment as stated and set forth above.

Signature

Date



Brenda L. Diederichs
Assistant CEO/HR Director

Michael Bowers – Assistant HR Director
Sarah Franco – Assistant HR Director
Brande Hune - Assistant HR Director
Jennifer Fuller – Deputy HR Director
Mylene Daniels – Deputy HR Director

