



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** District Attorney  
**Department No.:** 021  
**For Agenda Of:** December 10, 2019  
**Placement:** Departmental  
**Estimated Time:** 5 minutes  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Director Joyce E. Dudley, District Attorney, x82306  
Contact Info: Michael Soderman, Chief Financial & Administrative Officer,  
x82303  
**SUBJECT:** Approve Contractor-on-Payroll Services and Retirement Waiver for District  
Attorney's Office

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence:** Human Resources

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- a) In accordance with California Government Code Section 7522.56(f)(1), certify that the appointment of retired County employee Lee Carter, Deputy District Attorney Senior, is necessary to fill a critical need in the District Attorney's Office before 180 days have passed from his date of retirement; and
- b) Approve and authorize the Chair to execute an Agreement for Services of Contractor on Payroll with Lee Carter for Deputy District Attorney services, for the period of December 16, 2019 through June 30, 2020, in an amount not to exceed \$37,500; and
- c) Determine that the above actions are not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15378(b)(4) and 15378(b)(5) because they consist of government administrative or fiscal activities that will not result in direct or indirect physical changes in the environment.

**Summary Text:** The purpose of this item is to request your Board to certify that there is a critical need to allow retired Deputy District Attorney Senior, Lee Carter, to be hired as a Contractor-on-Payroll to assist the District Attorney's Office with asset forfeiture cases, and provide training to his replacement.

Lee Carter retired as a Deputy District Attorney Senior on October 18, 2019. While the Department was aware that Mr. Carter was planning to retire, the exact timeframe was unknown. Mr. Carter provided a one month notice of his retirement, which was not enough time to train another Deputy District Attorney to cover this complex area. As an asset forfeiture specialist in California, Mr. Carter possesses unique expertise in dealing with these cases. He has expressed interest in returning to the District Attorney’s Office as a Contractor-on-Payroll, to assist with asset forfeiture cases and to train the Deputy District Attorney who will replace him in the asset forfeiture assignment, as part of a succession plan. The District Attorney’s Office anticipates that he will be needed in this role for approximately six months to one year, for no more than 960 hours. Should Lee Carter’s services be required past June 30, 2020, the contract will be renewed as part of the annual contract renewal process.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

The position is budgeted as part of the District Attorney’s contractors-on-payroll budget.

<b><u>Funding Sources</u></b>	<b><u>Current FY Cost:</u></b>	<b><u>Annualized On-going Cost:</u></b>	<b><u>Total One-Time Project Cost</u></b>
General Fund	\$37,500		
State			
Federal			
Fees			
Other:			
<b>Total</b>	<b>\$ 37,500.00</b>	<b>\$ -</b>	<b>\$ -</b>

**Key Contract Risks:**

This contract is considered low risk. Lee Carter will be continuing to provide the same Deputy District Attorney services that he previously provided as an employee.

**Staffing Impacts:** The contractor-on-payroll position is currently budgeted.

**Special Instructions:**

Please return one (1) minute order and one (1) copy of the fully executed Contractor on Payroll Agreement to Nicole Lee-Rodriguez, DA Business Manager.

Please also return one (1) minute order and one (1) copy of the fully executed Contractor on Payroll Agreement to Stefan Brewer, Senior Workforce Planning Analyst, Human Resources Department, at [SBrewer@sbcountyhr.org](mailto:SBrewer@sbcountyhr.org).

**Attachments:**

- a) Carter COP Contract

**Authored by:**

Danielle Spahn, Team Project Leader (EXH)