



**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:** CEO/Human Resources  
**Department No.:** 064  
**For Agenda Of:** 9/15/09  
**Placement:** Administrative  
**Estimated Time:**  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Susan Paul, Assistant CEO/HR Director, 568-2817   
**Contact Info:** Joseph Pisano, Employee Relations Manager, 568-2839

**SUBJECT:** *Deputy District Attorney, Senior - Retirement Incentive Program*

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**County Counsel Concurrence**

As to form: Select\_Concurrence

**Other Concurrence:** Select\_Other

As to form: Select\_Concurrence

**Auditor-Controller Concurrence**

As to form: Select\_Concurrence

**Recommended Actions:**

In accordance with County Ordinance Number 3829, that the Board of Supervisors adopt a resolution authorizing two (2) years additional retirement service credit as part of a Retirement Incentive Program for employees in the Deputy District Attorney, Senior classification who are otherwise eligible to retire and who retire between October 5, 2009, and October 30, 2009.

**Summary Text:**

The recommended action implements a Retirement Incentive Program that the Board of Supervisors approved on August 25, 2009 for employees in the Deputy District Attorney, Senior classification in the District Attorney's Office.

**Background:**

Government Code Section 31641.04 provides the Board of Supervisors the authority to offer additional service credit, not to exceed two (2) years, to eligible employees when the Board determines that it is to the benefit of the County "because of an impending curtailment of service or change in the manner of performing service, savings of money, or other economic benefit resulting to the county."

The Government Code also requires the Board of Supervisors to adopt the provision by Ordinance prior to offering additional service credits. Government Code Section 31641.04 was adopted by Ordinance No. 3829 on February 27, 1990. Additionally, as required, the County must transmit to the retirement fund an amount equal to the actuarial equivalent of the difference between the allowance the employee receives after the additional service credit and the amount he/she would have received without the additional service credit.

A retirement incentive offered to employees in the Deputy District Attorney, Senior classification will assist the Office in rebalancing its attorney staffing and achieving greater operational and financial efficiencies. It is estimated that five (5) employees in the Deputy District Attorney, Senior classification will participate in the Retirement Incentive Program. Positions vacated through the Retirement Incentive Program will remain vacant for approximately six months and will later be filled at the Deputy District Attorney I classification level.

**Fiscal Analysis:**

The cost of five employees in the Deputy District Attorney, Senior classification participating in this Retirement Incentive Program is estimated to be approximately \$480,018, which will be recouped by holding the positions vacant for at least six (6) months. Once employees have decided to participate in the incentive program, the Retirement System will provide the County with the estimated costs prepared by their actuary based on the actual individuals who elect to participate in the incentive program.

**Special Instructions:** Return one signed copy of the resolution to Susan Kean in CEO/Human Resources and an additional signed copy to Lila Deeds at SBCERS.

**Attachment:** Resolution

cc: County Executive Officer  
Auditor Controller  
County Counsel  
District Attorney  
CEO, SBCERS



**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA  
BARBARA, STATE OF CALIFORNIA**

In the Matter of Implementing Retirement Service            )  
Credits for Certain County Employees Pursuant to        ) Resolution No. 09-\_\_\_\_\_  
Government Code § 31641.04                                    )  
\_\_\_\_\_)

**WHEREAS, Government Code § 31641.04 provides that when the Board of Supervisors, by resolution, determines that because of an impending curtailment of service or change in the manner of performing service, savings of money, or other economic benefit resulting to the county, the best interests of the county would be served, a member shall be eligible to receive additional service credit; and**

**WHEREAS, the Board of Supervisors has by Ordinance 3829 (Santa Barbara County Code § 27-50), effective March 29, 1990, adopted the provisions of Government Code § 31641.04; and**

**WHEREAS, due to the significant Fiscal Year 2008-2009 and Fiscal Year 2009-2010 budget challenges facing the County of Santa Barbara, the District Attorney's Office has cut programs, eliminated positions, and now seeks to rebalance attorney staffing for increased efficiency; and**

**WHEREAS, offering additional retirement service credit to incumbents in the classification of Deputy District Attorney, Senior who are eligible for retirement will assist the District Attorney's Office in rebalancing attorney staffing and operating more effectively within its budget and will mitigate the effects of budget cuts; and**

**WHEREAS, the Board of Supervisors has determined to offer two years of credited service, as allowed by the Government Code; and**

**WHEREAS, the service credit shall not be applicable to any member otherwise eligible if such member receives any unemployment insurance payments during the period six month prior to the effective date of that member's retirement; and**

**WHEREAS, the service credit shall not be applicable to any member if the member is not eligible to retire without the additional service credit available pursuant to this resolution; and**

**WHEREAS, any member who qualifies for the additional service credit and who subsequently re-enters County employment shall forfeit the service credit acquired pursuant to this resolution unless the re-entry is a result of a temporary callback limited to a maximum of 960 hours of service in any one year.**

NOW THEREFORE, BE IT AND IT IS HEREBY ORDERED AND RESOLVED, that the Board of Supervisors hereby adopts the following:

1. Eligible incumbents in the Deputy District Attorney, Senior classification who choose to retire with an effective date no earlier than October 5, 2009, but no later than October 30, 2009, shall be granted a two-year retirement service credit pursuant to Government Code § 31641.04. There are 19 members eligible to be granted the two year service credit.
2. The County shall transmit to the County Retirement Fund an amount determined by the Board of Retirement which is equal to the actuarial equivalent of the difference between the allowance an eligible member receives after receipt of service credit pursuant to Government Code § 31641.04 and the amount he/she would have received without such credit. The transfer to the County Retirement Fund shall be made in a manner and time period acceptable to the County and the Board of Retirement.

PASSED AND ADOPTED by the Santa Barbara County Board of Supervisors, State of California, this 15th day of September 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Joseph Centeno  
Chair, Board of Supervisors

ATTEST  
Michael F. Brown  
Clerk of the Board

By \_\_\_\_\_

Approved as to Form:  
Dennis Marshall  
County Counsel

By 

Approved as to Accounting Form  
Robert W. Geis, C.P.A.  
Auditor-Controller

By 