



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: County Counsel
Department No.: 013
For Agenda Of: March 31, 2020
Placement: Departmental
Estimated Tme: 5 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: County Counsel: Michael C. Ghizzoni (805) 568-2950
Contact Info: Rachel Van Mullem, Chief Assistant County Counsel (805) 568-2950
SUBJECT: Extra Help Services and Retirement Waivers for the Office of County Counsel

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

CEO, Human Resources:

Approved: 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 Martin McKenzie is necessary to fill a critical need in the Office of County Counsel before 180 days have passed from his date of retirement;
- b) Approve and authorize the Office of County Counsel to appoint retired employee, Martin McKenzie, as an Extra Help employee to provide assistance with specialized legal services on a part time basis not to exceed 960 hours of annual service;
- c) In accordance with California Government Code Section 7522.56(f)(1), certify that the appointment of retired County employee Jerry Czuleger is necessary to fill a critical need in the Office of County Counsel before 180 days have passed from his date of retirement;
- d) Approve and authorize the Office of County Counsel to appoint retired employee, Jerry Czuleger, as an Extra Help employee to provide assistance with specialized legal services on a part time basis not to exceed 960 hours of annual service; and
- e) Determine that the above actions are organizational and administrative activities of government that are not a project under the California Environmental Quality Act (CEQA) pursuant to section 15378(b)(5) of the CEQA Guidelines.

Summary:

Concerning retirees from County service, Governor Newsom's Executive Order N-35-20 made applicable to local governments the suspension of work hour limitations and time limitations that Executive Order N-25-20 previously suspended as to State retirees. After Executive Order N-35-20, Santa Barbara County Employees' Retirement System reported that they plan to roll out a streamlined process soon that would no longer require Board action, case-by-case, for recent County retirees to return to County employment to ensure adequate staffing for responses to the COVID-19 pandemic. Right now, though, we are recommending Board approval as to Mr. McKenzie and Mr. Czuleger to ensure compliance with State law.

Martin McKenzie has been with the Office of County Counsel for 35 years. Mr. McKenzie began serving as the Chief of Litigation in 2011. Currently, Mr. McKenzie is supervising the County's defense in employment litigation and actively working on litigation related to the Thomas Fire and resulting debris flow, and is the primary attorney for the civil grand jury. Jerry Czuleger has been with the Office of County Counsel for 35 years. Most recently, Mr. Czuleger's has been the County's lead advisory counsel for the Office of Emergency Services.

Background:

Mr. McKenzie provided advance notice of his retirement, and since that time the Office of County Counsel implemented a transition plan. This transition plan included hiring a new Division Chief that could work with Mr. McKenzie prior to his retirement. The Office of County Counsel requests Mr. McKenzie's continued legal services to assist with the ongoing litigation involving the Thomas Fire and debris flow, and to complete this year's civil grand jury report. For the above reasons, Mr. McKenzie is necessary to fill a critical need in County Counsel's Office.

Mr. Czuleger also provided advance notice of his retirement, and since that time the Office of County Counsel implemented a transition plan. This transition plan includes hiring a new Deputy County Counsel, and engaging current employees to train with Mr. Czuleger. Due to the recent declaration of the local emergency and local health emergency, the Office of County Counsel requests Mr. Czuleger's continued legal services to assist with the ongoing response to the COVID-19 pandemic. For the above reasons, Mr. Czuleger is necessary to fill a critical need in County Counsel's Office.

Fiscal Impacts:

It is anticipated that Mr. McKenzie and Mr. Czuleger will be provide legal services up to 960 hours at their current salary rate.

Authored by:

Rachel Van Mullem, Chief Assistant County Counsel