



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
Department No.: 012
For Agenda Of: September 15, 2020
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: Department: Mona Miyasato, County Executive Officer
Director(s): Michael Ghizzoni, County Counsel
Contact Info: Jeff Frapwell, Budget Director

SUBJECT: Additional staff positions related to COVID-19 and cannabis

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: NA

Other Concurrence: Human Resources

As to form: Yes

Recommended Actions:

That the Board of Supervisors

- a) Adopt the attached Salary Resolution (Attachment A), which allocates two additional full-time (2.0 FTE) Deputy County Counsel positions (job class 2215/16/17/18/19) to County Counsel, effective September 21, 2020; and which allocates two additional full-time (2.0 FTE) Enterprise Leaders (job class 8015) to the County Executive Office, effective September 21, 2020, and;
- b) Approve Budget Revision Request #0007214 (Attachment B) to Establish Appropriations of \$375,400 in County Counsel for Salaries and Benefits and \$350,000 in CEO for Salaries and Benefits, funded by the CARES Act funding and cannabis revenue, and;
- c) Determine pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4) that the above action is a government fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and therefore is not a project subject to environmental review.

Summary

Since March 2020, County Counsel and the County Executive Office have dedicated significant staff time to the COVID response and recovery. To continue this level of response and also fulfill other Board priorities, additional resources are needed. County Counsel is requesting two Deputy County Counsel III positions, and an extra help Legal Office Professional, for a cost of \$375,400 this fiscal year. The County Executive Office is requesting two Fiscal and Policy Analysts, and extension of the Management Fellow program, for a cost of \$350,000 this fiscal year.

Discussion

Additional County Counsel attorney support for the County’s COVID-19 response averaged about 2.8 FTE from April 2020 through August 2020. This legal support frequently was both time-sensitive and at odd hours, and is expected to continue for at least another year. In addition to attorney support for the County’s COVID-19 response, four other County Counsel attorneys spend the majority of their time on cannabis litigation, cannabis appeals, and cannabis ordinance amendments, with this time commitment expected to increase in the coming years. The cannabis funding currently budgeted for County Counsel is only for 1.0 FTE attorney (0.6 FTE for enforcement and 0.4 FTE for permitting) and does not fund handling the increase of cannabis litigation.

County Counsel is requesting ongoing funding for two attorneys and extra help paralegal support, which would adequately staff County Counsel’s legal support to the County’s time-sensitive COVID-19 response and increased cannabis litigation, while maintaining existing levels of service for other legal support that they provide. The requested additional funding is an alternative to the “triage” that County Counsel previously recommended for new projects that are not both absolutely necessary and absolutely time-critical.

The County Executive Office has been leading the response and recovery with the Public Health Department since March, and began preparation with departments even before then. These efforts have included coordination of the response, RISE recovery efforts, communications, and funding. These efforts have involved all Assistant CEOs, with two dedicated full-time to the incident, as well as time dedicated by the County Executive Officer, Budget Director, Assistant CEO over the RISE process, and OEM Director. The amount of CEO staff time dedicated to COVID-19 response since March, not including OEM staff, has been the equivalent of 5.5 FTE. Additionally, about one-third of the Management Fellow’s time since March has been spent on COVID-19 response and cannabis activities.

As this emergency continues, accomplishing other Board objectives is increasingly challenging without additional resources. Requested resources will help backfill for staff working on the emergency and augment existing department efforts. Funding from these positions will be from CARES funding initially; beyond that the positions will be funded as needed by ongoing discretionary revenue or cannabis revenue.

Fiscal and Facilities Impacts:

Budgeted: No

<u>Department</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>
County Counsel	\$ 375,400.00	\$ 500,500.00
CEO	\$ 350,000.00	\$ 466,500.00
Total	\$ 725,400.00	\$ 967,000.00

County Counsel has an existing recruitment list for Deputy County Counsel, and may hire this quarter. The estimated current year cost of the County Counsel positions is \$375,400 with an annual cost of \$500,500. The estimate current year cost of the CEO positions is \$350,000, with an annual cost of \$466,500. Ongoing costs will be included as needed in future year budgets.

Staffing Impacts:

Legal Positions:

Add 4 new

FTEs:

Add 4.0

The actions in the Board Letter would allocate four new legal positions, and four total FTE: two to the County Executive Office and two to County Counsel. The Deputy County Counsel positions are

allocated to be filled at any classification in the Deputy County Counsel series, though the positions will be filled at the III level.

Special Instructions:

Please return one (1) copy of the approved and signed Salary Resolution and one (1) copy of the minute order to Stefan Brewer, Senior Workforce Planning Analyst, Human Resources Department at SBrewer@sbcountyhr.org.

Attachments:

A – Salary Resolution

B – BRR #0007214

Authored by:

Jeff Frapwell, ACEO/Budget Director