



Legislation Text

File #: 24-326, Version: 1

Memorandum

Date: April 2, 2024

To: The Honorable Lake County Board of Supervisors

From: Susan Krones, District Attorney

Subject: Consideration to Adopt Resolution to Approve the CalPERS 180-Day Wait Period Exception for CalPERS Retiree, Richard F. Hinchcliff in order to hire him as an Extra Help Deputy District Attorney-Senior

Executive Summary:

The Lake County District Attorney's Office wishes to hire as an Extra Help Deputy District Attorney-Senior, Richard F. Hinchcliff, who, on December 29, 2023 retired from our office where he was the Chief Deputy District Attorney.

CalPERS states that a retired annuitant must meet two requirements to be eligible to work for a CalPERS employer. The first requirement is that the retiree must have a bona fide separation in service. All conditions for that requirement will be fulfilled by the start date of April 4, 2024. The second requirement, which is the 180-Day Wait Period requirement, allows for exceptions so that a retired annuitant can start work as soon as 90 days after retiring.

One of those exceptions is for the employer to certify the nature of the employment and that the appointment is necessary to fill a critically needed position sooner than 180 days. This appointment must be approved by the employer's governing body, in a public meeting, and must be approved as an action item. The adoption of this Resolution will fulfill this requirement. The attachments to this agenda item include the "Report of Appointment/Personnel Action - Extra Help Assignment Approval - Public Employment Retiree" form which briefly describes his assignment as well as the necessity for hiring him as soon as possible.

To further explain the need to fill a critically needed position, here is our current situation in regard to Deputy District Attorneys. Out of the twelve Deputy District Attorney positions allocated to us, four of those positions are not filled. We have been actively recruiting under the "Open Until Filled" condition since 2021. Although we have been able to hire several attorneys during that time, we have lost more than hired - due to retirement and voluntary departures. We have interviewed a fair number of prospective candidates, but historically most of the candidates withdraw before being hired. This shortage of Deputy District Attorneys caused a significant backlog of reports waiting to be reviewed for prosecution.

Mr. Hinchcliff's many years of experience as a Deputy District Attorney as well as Chief Deputy District Attorney make him the ideal candidate to reduce our backlog.

If not budgeted, fill in the blanks below only:

Estimated Cost: _____ Amount Budgeted: _____ Additional Requested: _____ Future Annual Cost: _____

Purchasing Considerations (check all that apply):

☒ Not applicable

☐ Fully Article X. <https://library.municode.com/ca/lake_county/codes/code_of_ordinances?nodeId=COOR_CH2AD_ARTXPU_S2-38EXCOBI>- and/or Consultant Selection Policy <http://lcnet.co.lake.ca.us/Assets/Intranet/Policy/Policies+26+Procedures+Manual/Ch4_2021v2.pdf>-Compliant (*describe process undertaken in "Executive Summary"*)

☐ Section 2-38 <https://library.municode.com/ca/lake_county/codes/code_of_ordinances?nodeId=COOR_CH2AD_ARTXPU_S2-38EXCOBI> Exemption from Competitive Bidding (*rationale in "Executive Summary," attach documentation, as needed*)

☐ For Technology Purchases: Vetted and Supported by the Technology Governance Committee <<http://lcnet.co.lake.ca.us/Assets/Intranet/Intranet+Forms/Information+Technology/AdvPlan.pdf>> ("Yes," if checked)

☐ Other (*Please describe in Executive Summary*)

Consistency with Vision 2028 <<http://www.lakecountycalifornia.gov/Government/Directory/Administration/Visioning/Vision2028.htm>>

(check all that apply):

☐ Not applicable

☐ Well-being of Residents

☒ Public Safety

☐ Disaster Prevention, Preparedness, Recovery

☐ Economic Development

☐ Infrastructure

☒ County Workforce

☐ Community Collaboration

☒ Business Process Efficiency

☐ Clear Lake

Recommended Action: Consideration to Adopt Resolution to Approve the CalPERS 180-Day Wait Period Exception for CalPERS Retiree, Richard F. Hinchcliff in order to hire him as an Extra Help Deputy District Attorney-Senior