



Legislation Text

File #: 2021-0172, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): District Attorney Office

Staff Name and Phone Number: Shane Lewis, 565-3150

Vote Requirement: Majority

Supervisorial District(s): Countywide

Title:

District Attorney's Office Appointment of Retiree Extra-Help

Recommended Action:

Pursuant to Government Code §7522.56, approve the appointment of Caroline Fowler as a Deputy District Attorney IV Retiree Extra-Help, in order to fill a critically needed position within 180 days of her retirement, with an appointment date as early as March 17, 2021.

Executive Summary:

Pursuant to the California Public Employees' Pension Reform Act (PEPRA), Government Code §7522.56, an exception can be made to reappoint a retiree as extra-help provided the governing body certifies that the appointment is necessary to fill a critically needed position, in those circumstances where 180 days from the date of retirement has not yet passed. This approval must be in a noticed public meeting and not on a consent calendar. The District Attorney's Office is requesting the appointment of Caroline Fowler as a Deputy District Attorney IV in a retiree extra-help capacity to provide assistance during FY 20/21 and FY 21/22 to assist in the investigation, filing and the prosecution of several specific complex criminal and civil crimes.

Discussion:

Pursuant to the California Public Employees' Pension Reform Act (PEPRA), Government Code §7522.56, an exception can be made to reappoint a retiree as extra-help provided the governing body certifies that the appointment is necessary to fill a critically needed position, in those circumstances where 180 days from the date of retirement has not yet passed. This approval must be in a noticed public meeting and not on a consent calendar. PEPRA includes other requirements in order for a retiree to be eligible for an Extra-Help appointment, such as not having accepted a retirement incentive and not having accepted unemployment arising out of prior public appointment. The individual and delegated department staff have completed the Retiree Extra-Help Compliance Form certifying the appropriateness of the appointment.

Caroline Fowler served as a Deputy District Attorney IV and retired on October 15, 2020. She was with the County for almost 4.5 years and prosecuted complex criminal and civil matters. She has 37 years of litigation experience and served 15 years in the Santa Rosa City Attorney's Office, including 7 years as the assistant to the City Attorney and 8 years as City Attorney. The assignment is temporary in nature and not expected to be ongoing.

The District Attorney Office has consulted with the Human Resources Department which is supportive of the

recommended action.

In accordance with Government Code section 7522.56, the District Attorney Office is asking the Board certify as follows:

- Caroline Fowler's appointment to Deputy District Attorney IV is necessary to fill a critically needed position within 180 days of her retirement date;
- Caroline Fowler did not accept retirement incentives upon her retirement;
- Caroline Fowler's appointment shall not exceed 960 hours per year; and
- Caroline Fowler meets the requirement of being of normal retirement age.

If the Board of Supervisors makes the foregoing certifications, Caroline Fowler will be hired as of March 17, 2021, as a Deputy District Attorney IV, Retiree Extra-Help.

Prior Board Actions:

None

FISCAL SUMMARY

Expenditures	FY 20-21 Adopted	FY21-22 Projected	FY 22-23 Projected
Budgeted Expenses	\$28,917	\$63,610	
Additional Appropriation Requested			
Total Expenditures	\$28,917	\$63,610	
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	\$28,917	\$63,610	
Use of Fund Balance			
Contingencies			
Total Sources	\$28,917	\$63,610	

Narrative Explanation of Fiscal Impacts:

The position will be funded by the Environmental and Consumer Law Division (ECLD) which enforces environmental and consumer protection laws that protect our citizens and environment as well as from those who would engage in fraudulent, dishonest or unlawful business practices. ECLD is funded by criminal and civil penalties.

Staffing Impacts: None			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

This is a Retiree Extra-Help appointment; no permanent allocations are being added or changed.

Attachments:

None

Related Items "On File" with the Clerk of the Board:

None