**Record of Proceedings**

**Agenda Transmittal**

**Board of Supervisors’**

**Sierra County**

**Meeting Date:** December 17, 2019  
**Type of Agenda Item:** ☑ Regular  
☐ Timed  
☐ Consent  

**Department:** Public Health  
**Approving Party:** Vickie Clark, Director  
**Phone Number:** (530) 993-6700

<table>
<thead>
<tr>
<th><strong>Agenda Item:</strong></th>
<th>Resolution to Approve and Appoint retired annuitant, Elizabeth Morgan, to temporarily fill the extra help position of an Environmental Health Specialist III.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Supportive Documents Attached:</strong></td>
<td>☑ Memo  ☑ Resolution  ☐ Agreement  ☐ Other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Background Information:</strong></th>
<th>Please see attached memo</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Funding Source:</strong></td>
<td>0515610</td>
</tr>
<tr>
<td><strong>General Fund Impact:</strong></td>
<td>No General Fund Impact</td>
</tr>
<tr>
<td><strong>Other Fund:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Amount:</strong></td>
<td>$37,000.000 Annually</td>
</tr>
<tr>
<td><strong>Are Additional Personnel Required?</strong></td>
<td>☑ Yes  ☐ No</td>
</tr>
<tr>
<td><strong>Is This Item Allocated in the Budget?</strong></td>
<td>☑ Yes  ☐ No</td>
</tr>
<tr>
<td><strong>Is a Budget Transfer Required?</strong></td>
<td>☐ Yes  ☑ No</td>
</tr>
</tbody>
</table>

**Space Below for Clerk’s Use**

| **Board Action:** | ☑ Approved  ☑ Approved as amended  ☑ Adopted  ☑ Adopted as amended  ☑ Denied  ☑ Other  ☑ No Action Taken  
☐ Set public hearing  
For: __________________________  
☐ Direction to: __________________________  
☐ Referred to: __________________________  
☐ Continued to: __________________________  
☐ Authorization given to: __________________________ |
|------------------------------------------|-------------------------------------------------|
| **Resolution 2019-** | ____________  
Agreement 2019- | ____________  
Ordinance | __________________________  
Vote: |  
Ayes:  
Noes:  
Abstain:  
Absent:  
☐ By Consensus |

**Comments:**

__________________________  
__________________________  
__________________________  
__________________________  
__________________________  
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**Clerk to the Board**  
___________  
**Date**
Memorandum

To: Sierra County Board of Supervisors
From: Vickie Clark, Director of Public Health and Social Services
Reference: Agenda Item
Date of memo: December 9, 2019
Date of Board Meeting: December 17, 2019

Requested Action: Resolution to Approve and Appoint retired annuitant, Elizabeth Morgan, to temporarily fill the extra help position of an Environmental Health Specialist III.

Mandated by: n/a

Funding

<table>
<thead>
<tr>
<th>Budgeted?</th>
<th>Yes</th>
<th>No</th>
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</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$37,000</td>
<td>Source(s)</td>
</tr>
<tr>
<td>Expenses</td>
<td>$37,000</td>
<td>Budget attached</td>
</tr>
<tr>
<td>Difference</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Background Information: Environmental Health is in desperate need of staff to support backlog work and assist with overflow of the day to day tasks that cannot be met by one staff person at the Environmental Health Specialist I level. Initial attempts were done with California Environmental Health Association, as a 3rd party contractor. Their recruitment efforts brought Elizabeth Morgan forward as a viable candidate to meet our needs. When CalPERS was approached for review of contract and approval of the arrangement, per BOS request, they adamantly opposed such an arrangement and recommended that we pursue the temporary assistance with an extra help position per code 21224. I worked with CalPERS on the Personnel Action language and acquired their written approval stating that the PA is acceptable and in compliance with post-retirement employment law.

I am currently working with CPS HR to recruit for a permanent full-time position that will eliminate this immediate need.

Potential Issues to consider: There are concerns that CalPERS approval cannot be trusted which could open liability to the employee. Elizabeth has also talked with CalPERS and received a personal approval from them regarding this extra help arrangement with Sierra County. Elizabeth has already worked 609 hours this fiscal year, which only leaves her 350 hours available for the remainder of this fiscal year.

Alternatives or Impacts of disapproval – Backlog will continue to grow and customer services suffer without some help. Worst case scenario would be that public health and/or safety may be compromised. There may be the possibility of renegotiations of our current CUPA contact with Plumas County to explore their ability to increase hours of assistance, which come at an increased cost compared to this extra help arrangement.
WHEREAS, the Health & Human Services Department (Department) is in need of a temporary employee to do work requiring special skills for a limited duration; and

WHEREAS, Environmental Health has limited personnel resources available to meet the needs of the agency and general public; and

WHEREAS, the Department desires to retain the services of a qualified retired annuitant of a limited duration to provide the general population with environmental health services for the health and safety of the community; and

WHEREAS, the Sierra County Board of Supervisors is aware and wishes to adhere to regulations promulgated by the California Public Employee Retirement System (CalPERS) regarding the hiring of retired annuitants; and

WHEREAS, on December 6, 2019 CalPERS confirmed that the personnel action is acceptable and in compliance with post-retirement law;

WHEREAS, the Sierra County Board of Supervisors has adopted Resolution 2012-021 establishing policy with regards to temporary employment of CalPERS retirees; and

WHEREAS, Resolution 2012-021 establishes that the Board of Supervisors must approve the appointment of CalPERS retirees upon appropriate findings.

FINDINGS

Government Code section 7522.56, 21224 provides for the employment of a CalPERS annuitant by a member agency without reinstatement from retirement or the loss or interruption of benefits under the following conditions:

1. The annuitant is a person with special skills.
2. The annuitant will work for limited duration.
3. The annuitant has been retired for a minimum of 180 days.
4. The annuitant shall not be employed in excess of 960 hours in a fiscal year and is not paid in less than or in excess of existing pay levels for the position filled.

The Sierra County Board of Supervisors finds that the proposed appointee Elizabeth Morgan satisfies the requirements and limitations of Government Code section 21224(a).

NOW THEREFORE BE IT RESOLVED, the Board of Supervisors appoints Elizabeth Morgan to the position of Environmental Health Specialist III for a period not to exceed 960 hours per fiscal year until the position is filled and beginning on December 25, 2019.
BE IT FURTHER RESOLVED, that the Board of Supervisors intends the position to comply with all of CalPERS requirements for employing a CalPERS retired annuitant as stated above.

ADOPTED by the Board of Supervisors of the County of Sierra, State of California on the 17th day of December, 2019, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

________________
PAUL ROEN      Date
Chairman, Board of Supervisors

ATTEST:  APPROVED AS TO FORM:

________________________
HEATHER FOSTER      DAVID PRENTICE
Clerk of the Board    County Counsel