



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Assessor-County Clerk-Recorder



Date: July 8, 2016
Board Meeting Date: August 9, 2016
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Mark Church, Assessor-County Clerk-Recorder and Chief Elections Officer

Subject: Resolution Certifying the Critical Need for Retiree Appointment

RECOMMENDATION:

Adopt a resolution authorizing the hiring of retired Deputy Assessor-County Clerk-Recorder David Tom in order to provide assistance with conducting the November 2016 Presidential Election and certifying, pursuant to Section 7522.56(f)(1) of the Government Code, the nature of employment and the necessity to fill a critically-needed position before the post-retirement 180-day separation period expires.

BACKGROUND:

On September 12, 2012, the California Public Employees' Pension Reform Act, which is known as "PEPRA" (Assembly Bill 340), was signed into law effective January 1, 2013. Additionally, Assembly Bill 197, which amends a portion of the 1937 Act, was signed into law the same date to be effective January 1, 2013. Pursuant to this legislation, Government Code §7522.56 requires a 180-day separation period following the date of retirement for non-safety retirees who are re-employed by a public agency within the same retirement system as an employee or through a contract unless the employer certifies that due to the nature of the position and that the appointment is necessary to fill a critically-needed position before the separation period has passed.

DISCUSSION:

The Registration & Elections Division registers voters and conducts elections in San Mateo County. The Deputy Assessor-County Clerk-Recorder of the Elections Division manages the daily operations of this division, including the proper filing of candidates, the translation, printing, and mailing of the Sample Ballot and Official Voter Information Pamphlets, the creation of accurate official ballots, the ballot tally program, the mailing of an estimated 275,000 vote-by-mail ballots, and the completion of an accurate and efficient canvass of the vote. David Tom served as the Deputy Assessor-County Clerk-

Recorder of the Elections Division until his retirement on July 9, 2016, and had been in this role for more than 16 years.

A replacement effort to fill this position is expected to take no less than six months. In the meantime, the Registration & Elections Division plans to select an interim Deputy Assessor-County Clerk-Recorder to bridge the gap between Mr. Tom's retirement and the hiring of a permanent replacement. As there was minimal time for a management transition period prior to Mr. Tom's retirement, no successor is yet in place to fill this position.

Activities in preparation for the November 8, 2016 Presidential General Election are already underway and will occur at a rigorous pace. Mr. Tom has experience and knowledge regarding conducting San Mateo County elections. Given the importance and complexity of the fast-approaching, historic presidential election, which is the largest of all elections in the four-year election cycle, it is critical that we have an Elections Manager who possesses the experience to conduct such an election. Accordingly, Mr. Tom has agreed to return to serve as the interim Deputy Assessor-County Clerk-Recorder while his replacement is found and the knowledge transfer is completed.

Mr. Tom will be paid \$78.67 per hour for his assistance for a period not to exceed 960 hours in FY 2016-17. This rate is equivalent to the hourly rate of pay for a Deputy Assessor-County Clerk-Recorder, Mr. Tom's former position.

For the exception to apply, legislation requires that your Board approve the appointment by resolution in a public meeting and that the item not be placed on the consent calendar

County Counsel has reviewed and approved the resolution as to form.

FISCAL IMPACT:

There is no increase in net county cost associated with the recommended action. Appropriations to cover this cost are included in the Elections Division of the Assessor-County Clerk-Recorder's FY 2016-17 Recommended Budget.