



# Board Agenda Item 8

DATE: July 18, 2023

TO: Board of Supervisors

SUBMITTED BY: Paul Dictos, C.P.A, Assessor-Recorder

SUBJECT: Resolution to Fill Special Properties Appraiser with Extra-Help-Retiree-California Public Employees' Pension Reform Act Exception

## RECOMMENDED ACTION(S):

**Adopt resolution to fill an Assessor's Special Properties Appraiser position with Extra-Help retiree Bill Hicks, part-time, effective July 27, 2023, finding, pursuant to Government Code section 7522.56 (f)(1), that a 180-day separation period for retired employees returning to employment as Extra-Help is not applicable based on your Board certification that the nature of employment and appointment is necessary to fill a critically-needed position before the 180-day separation period.**

Approval of the recommended action will adopt a resolution consistent with exceptions identified in the provisions of Government Code section 7522.56 (f)(1) that, except certain critically needed positions, retirees are subject to a 180-day separation ("sit-out") period following the date of retirement for employees who are re-employed by a public agency within the same retirement system. The recommended action meets the requirements of the California Public Employees' Pension Reform Act (PEPRA), which went into effect January 1, 2013. This item is countywide.

## ALTERNATIVE ACTION(S):

Your Board could choose to not approve the recommended action, which would result in staff to work overtime to complete the tasks that would be covered by this extra-help employee. Additionally, staff will need to work additional hours to learn unique assessments as they arise and research new legislations as needed which the requested retiree has previous knowledge and experience completing.

## FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended action. Sufficient appropriations and revenues for the appointment are included in the FY 2023-24 Assessor-Recorder Org 0420 Adopted Budget.

## DISCUSSION:

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 become effective January 1, 2013. The PEPRA legislation includes provisions in Government Code section 7522.56 requiring a 180 day separation ("sit-out") period following the date of retirement for retirees who are re-employed by a public agency with the same retirement systems as an employee or through a contract unless:

- The employee is a "public safety officer," or

- The employer certifies the nature of the employment, and that appointment is necessary to fill a critically needed position before the 180 days has passed.

For the second exception above, legislation stipulates that your Board, as the employer's governing body, must approve by resolution the appointment in a public meeting and not on the consent calendar.

Bill Hicks last working day was May 27, 2023. Prior to his retirement, Mr. Hicks held his position as a Special Properties Appraiser with the County of Fresno, Assessor's Office (Department) for 18 years. As such, Mr. Hicks has vast and irreplaceable knowledge of the assessment functions with the Department.

While at the Department, Mr. Hicks position as a Special Properties Appraiser focused on appraising the following items:

- Oil and Gas
- Sand & Gravel
- Power Plants
- Solar Farms
- Water Companies
- Williamson Act Cancellations
- Mills Act
- Cemeteries
- Cell Towers
- Other unique assessments as needed

The specialty of the position would require an extended period of time to train a replacement. Therefore, the Department would like to bring back Mr. Hicks prior to his 180-day separation period to train current staff on these appraisals.

It is anticipated that the need for Mr. Hicks to work extra-help will continue until the Department is able to fill the Special Properties Appraiser position. It is anticipated the need will be limited to a few months. In this part-time, extra-help capacity, Mr. Hicks will return as a Special Properties Appraiser and will not work more than 960 hours during the year as set forth in PEPRA. Mr. Hicks will continue to maintain operational mandates and will assist in training current Assess-Recorder staff. The Department will be subject to, and will comply with, all other extra-help rules and requirements.

The Fresno County Employees' Retirement Association has reviewed this item and has no objections to Mr. Hicks extra-help employment.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution

CAO ANALYST:

Salvador Espino