



Monterey County

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Board Report

Legistar File Number: 19-0078

February 26, 2019

Introduced: 2/14/2019

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

Consider adopting a Resolution to:

- a. Approve the appointment of Cal PERS retiree, Robert Roach, as a Management Specialist;
- b. Waive the 180-day “waiting period” for Cal PERS retiree, the recently-retired former Assistant Agricultural Commissioner, Robert Roach to return to work;
- c. Find that the appointment of Robert Roach is necessary to fill a critically needed position within the Monterey County Cannabis Program;
- d. Authorize a decrease to estimated appropriations in the amount \$6,121 for the CAO Budget Unit 001-1050-8045-CAO001 (4/5th vote required), as indicated;
- e. Authorize a decrease to estimated appropriations in the amount \$16,955 for the Health Department - Environmental Health Bureau Budget Unit 001-4000-8116-HEA005 (4/5th vote required), as indicated;
- f. Authorize a decrease to estimated appropriations in the amount \$9,529 for the Resource Management Agency Budget Unit 001-3000-8170-RMA011 (4/5th vote required), as indicated;
- g. Authorize an increase to estimated appropriations in the amount \$32,605 for the CAO Budget Unit 001-1050-8054-CAO004, and amend the County Administrative Office (CAO) Budget Unit 001-1050-8054-CAO004; (4/5th vote required) as indicated;
- h. Authorize the Auditor-Controller to incorporate approved modification in the FY 2018-19 Adopted Budget; and
- i. Authorize the CAO to incorporate the changes to the FY 2018-19 Adopted Budget.

RECOMMENDATIONS:

Consider adopting a Resolution to:

- a. Approve the appointment of Cal PERS retiree, Robert Roach, as a Management Specialist;
- b. Waive the 180-day “waiting period” for Cal PERS retiree, the recently-retired former Assistant Agricultural Commissioner, Robert Roach to return to work;
- c. Find that the appointment of Robert Roach is necessary to fill a critically needed position within the Monterey County Cannabis Program;
- d. Authorize a decrease to estimated appropriations in the amount \$6,121 for the CAO Budget Unit 001-1050-8045-CAO001 (4/5th vote required), as indicated;
- e. Authorize a decrease to estimated appropriations in the amount \$16,955 for the Health Department - Environmental Health Bureau Budget Unit 001-4000-8116-HEA005 (4/5th vote required), as indicated;
- f. Authorize a decrease to estimated appropriations in the amount \$9,529 for the Resource Management Agency Budget Unit 001-3000-8170-RMA011 (4/5th vote required), as

- indicated;
- g. Authorize an increase to estimated appropriations in the amount \$32,605 for the CAO Budget Unit 001-1050-8054-CAO004, and amend the County Administrative Office (CAO) Budget Unit 001-1050-8054-CAO004; (4/5th vote required) as indicated;
 - h. Authorize the Auditor-Controller to incorporate approved modification in the FY 2018-19 Adopted Budget; and
 - i. Authorize the CAO to incorporate the changes to the FY 2018-19 Adopted Budget.

SUMMARY/DISCUSSION:

Monterey County voters approved a tax on commercial cannabis activities in November 2016 which, among other services, made possible the Monterey County Cannabis Program. Program coordination, implementation and oversight is provided by the County Administrative Office (CAO), Intergovernmental & Legislative Affairs (IGLA) Division. Ten County departments have key responsibilities for implementing various aspects of the program. Multiple external agencies play important roles in the success of the program as well. There are many program components to manage and most are still in development. Compliance focuses on ensuring business operators comply with local and state regulations while enforcement focuses on illegal activities. Compliance is a critical and important function.

The Cannabis Program is seeking approval for the appointment of Cal PERS retiree, Robert Roach, as a Management Specialist to provide expert consultation and guidance to the Cannabis Program Manager, and to guide the Cannabis Program Compliance staff in the development and implementation of a structured “Cannabis Program Inspection Process.”

The Cannabis Program Strategic Plan Goal B states: “Protect public safety, health and the environment as the cannabis industry grows in Monterey County.” In order to meet this goal, the compliance function is critical. To further assist the Cannabis Program, in October 2018, the Board of Supervisors approved eight additional resources for enforcement and compliance. To date, five of the eight newly allocated positions have been filled so the program has yet to be fully staffed. For various reasons, some positions are taking longer to fill than others, but all are in various stages of recruitment and selection. Following approval of the additional resources, the Cannabis Program Manager began work with the Permit Task Force to develop compliance inspection processes.

Government Code section 7522.56, which took effect in 2013, limits the manner in which a California Public Employee Retirement System (PERS) retiree can return to public service, even on a temporary basis. Staff recommends the Board of Supervisors waive the “180-day waiting period” for Cal PERS retiree, Robert Roach, former Assistant Agricultural Commissioner, and approve the appointment as a Management Specialist reporting directly to the Cannabis Program Manager for a limited duration, March - June 2019. Mr. Roach will provide expert consultation and guidance to the Cannabis Program Manager and guide the Cannabis Program staff in the development and implementation of a

structured “Cannabis Program Compliance Inspection Process.”

The Cannabis Compliance team consists of staff from the Agricultural Commissioner Office, Health Department, Environmental Health Bureau, RMA-Code Compliance, and the fire districts. The Cannabis Program has gained approval to use the salary savings for the month of January 2019 to fund the temporary Management Specialist position, if approved. The Cannabis Departments who have agreed are the following: County Administrative Office, Health Department - Environmental Health Bureau, and RMA-Code Compliance.

OTHER AGENCY INVOLVEMENT:

The County Administrative Office, Health Department - Environmental Health Bureau, and RMA worked together and agreed to use a total of one month of salary savings (January 2019), from the combined departments, in support of the proposed Management Specialist position. (Attachment A-Salary Savings). The Human Resources Department supports this action.

FINANCING:

The approval of the recommended actions will require an increase in appropriations to FY 2018-19 budget for CAO-IGLA in the amount of \$32,605, financed by a decrease in appropriations to the following departments: County Administrative Office, Health Department - Environmental Health Bureau, and Resource Management Agency.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The Cannabis Program affects all the Board of Supervisor Strategic Plan Policy Areas towards the goal of creating a legal and responsible industry.

Related Board of Supervisors Strategic Initiatives include:

- X Economic Development
- X Administration
- X Health & Human Services
- X Infrastructure
- X Public Safety

Prepared by: Joann Iwamoto, Cannabis Program Manager, (831) 796-3017

Approved by: Nicholas E. Chiulos, Assistant CAO

Nicholas E. Chiulos, Assistant County Administrative Officer

Date

Attachments are on file with the Clerk of the Board

Attachments:

Attachment A: Schedule of January 2019 Salary Savings

Attachment B: Resolution of a Management Specialist

cc: Dewayne Woods, Assistant CAO
Paul Lewis, Budget Director, CAO
Jose L. Garcia, Administration Finance Manager, CAO
Rupa Shah, Auditor-Controller
Carl P. Holm, Director, Resource Management Agency
Elsa Jimenez, Director, Health Department
Ezequiel Vega, Assistant Director, Health Department
Irma Ramirez-Bough, Director, Human Resources
Kelly Donlon, Deputy Counsel, Office of the County Counsel