



# Monterey County

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## Board Report

Legistar File Number: 17-1044

October 17, 2017

Introduced: 10/4/2017

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

- a. Waive the 180-day "waiting period" for PERS retirees to return to work for recently-retired appellate law specialist Cathie M. Giovannini, former Deputy County Counsel;
- b. Find that the appointment of Cathie Giovannini is necessary to fill a critically needed position; and
- c. Approve and Authorize the hiring of retiree Cathie Giovannini as a temporary County employee for the period August 30, 2017 to June 30, 2018, as recommended by the County Counsel.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Waive the 180-day "waiting period" for PERS retirees to return to work for recently-retired appellate law specialist Cathie M. Giovannini, former Deputy County Counsel;
- b. Find that the appointment of Cathie Giovannini is necessary to fill a critically needed position; and
- c. Approve and Authorize the hiring of retiree Cathie Giovannini as a temporary County employee for not to exceed 960 hours, and for the period August 30, 2017 to June 30, 2018, as recommended by the County Counsel.

### SUMMARY:

Amendments to the Government Code effective in 2013 limit the manner in which a PERS retiree can return to public service, even on a temporary basis. At this time, the County Counsel seeks Board of Supervisors approval to meet an imminent and urgent need for support in researching, drafting and finalizing appellate briefs required for the County's (and Superior Court's) crucial work to provide support and protection for minors in the juvenile dependency system. For the past eight years, Cathie Giovannini has been the sole Deputy County Counsel assigned to work on appellate briefs for juvenile dependency matters. Her recently-announced retirement prompts the County Counsel to request that the Board waive the 180-day waiting period, find that Ms. Giovannini's temporary appointment is necessary to fill a critically needed position at this time, and authorize County Counsel to hire Ms. Giovannini on a temporary basis, shortly after her separation from County service and retirement on August 19, 2017. Ms. Giovannini will be limited to a maximum of 960 hours of work.

### DISCUSSION:

The County Counsel's Office faces temporary but critical attorney staffing shortages due to unanticipated statutorily-mandated leaves granted to more than one attorney, and retirements, including that of Ms. Giovannini. In particular, the office will be without Ms. Giovannini's expertise in handling juvenile dependency appellate briefs, as set forth more fully below.

Ms. Giovannini has ably handled appellate briefs in juvenile dependency for the past eight years. Ms. Giovannini began her legal career as a staff attorney to the federal Eighth Circuit Court of Appeals, and spent her first three years as an attorney reviewing appellate briefs and drafting legal memoranda and proposed orders for appellate judges. She thereafter served for a year as a chambers law clerk for the Honorable Myron H. Bright reviewing appellate briefs, analyzing oral argument in federal appellate courts all over the United States, and drafting (proposed) appellate opinions. Since then, she has practiced, drafted appellate briefs, and argued appellate cases in Missouri, Alabama, New York, and California. She has filed many child dependency and other appellate briefs in California's Sixth District Court of Appeal, and has filed appellate briefs and won appeals in the federal Ninth Circuit Court of Appeals. Ms. Giovannini has developed a specialty in handling child dependency appeals and writs filed in the local Sixth District Appellate Court, and she has defended challenges to appellate wins for the County of Monterey in the California Supreme Court. She has always filed writ responses within ten to fifteen days, as is required by the applicable court rules. Her expertise will be difficult to replace.

OTHER AGENCY INVOLVEMENT:

The Department of Social Services and the Superior Court would also benefit from the hiring of Ms. Giovannini as a temporary attorney to handle juvenile dependency appellate briefing.

FINANCING:

County Counsel's Office will be able to fund the 960-maximum hour limit through cost savings occasioned by current vacancies.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The proposed action will support Strategic Initiatives in the Health and Human Services area, as the juvenile dependents' interests would be well-served, and will help ensure appropriate Administration of justice for the County of Monterey.

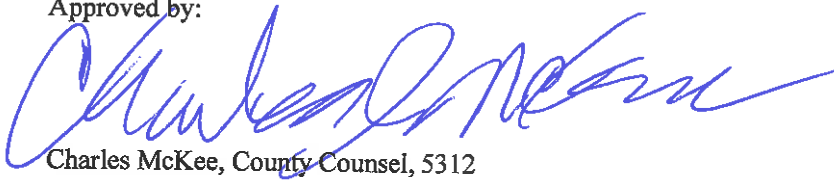
Mark a check to the related Board of Supervisors Strategic Initiatives

☐ Economic Development  
☒ Administration  
☒ Health & Human Services  
☐ Infrastructure  
☐ Public Safety

Prepared by:

  
Susan Blitch, Senior Deputy County Counsel, 5161

Approved by:

A handwritten signature in blue ink, appearing to read "Charles McKee", is written over the printed name.

Charles McKee, County Counsel, 5312