



TIFFANY N. NORTH  
COUNTY COUNSEL

September 10, 2024

JEFFREY E. BARNES  
CHIEF ASSISTANT

Board of Supervisors  
County of Ventura  
800 South Victoria Avenue  
Ventura, California 93009

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**Subject:**      **Approval for County Counsel to appoint Matthew A. Smith as an Extra-Help Employee to Fill a Critically Needed Position as a Senior Assistant County Counsel to Provide Necessary Legal Services for County Departments; Certify the Nature of Mr. Smith's Employment and Appointment in Accordance with Government Code Section 7522.56, Subdivision (f)(1)**

**Recommendations:**

It is recommended that your Board:

1.      Certify the nature of employment of Matthew A. Smith as a retired annuitant, extra-help employee as a Senior Assistant County Counsel and find that his employment is necessary to fill a critically needed position before 180 days have passed since he retired from the County of Ventura in accordance with Government Code section 7522.56 subdivision (f)(1) for the reasons set forth in this letter; and
2.      Approve the appointment of Matthew A. Smith as a retired annuitant, extra-help employee serving as a Senior Assistant County Counsel to provide necessary legal services for County Departments.

**Fiscal Impact:**

Mandatory:	No
Source of Funding:	Existing Fiscal Year County Counsel Office Budget
Funding Match Required:	No
Impact on Other Departments:	No

**Current Fiscal Year Budget:**

FY 2024-25 Budget Projection for Division 1800 – County Counsel				
	Adopted Budget	Adjusted Budget	Projected Budget	Estimated Savings/(Deficit)
Appropriations	9,183,372	9,183,372	9,183,372	0
Revenue	2,977,278	2,977,278	2,977,278	0
Net Cost	6,206,094	6,206,094	6,206,094	0

Sufficient revenue and appropriations are included in the FY 24-25 budget.

**Strategic Plan Priority:**

The item presented in this Board letter supports the Fiscal Responsibility and Economic Vitality strategic priority of the County Strategic Plan as it ensures that essential legal services to County Departments continue uninterrupted in a fiscally responsible manner while also training and mentoring other attorneys in the Office of County Counsel without the need to retain special counsel at a higher cost to the County.

**Discussion:**

Matt Smith retired as a Senior Assistant County Counsel on August 2, 2024, and currently receives a pension from the County. Mr. Smith worked as an attorney in the Office of County Counsel for 22 years with a significant amount of his tenure being assigned as primary legal advisor to Human Resources and the County Clerk-Recorder & Registrar of Voters. His appointment as an extra-help employee is critically necessary for the Office of County Counsel to be able to train and mentor other attorneys in the complex and specialized areas of law concerning labor relations and elections to ensure competency and the ability to serve various County departments, including Human Resources and the County Clerk-Recorder & Registrar of Voters, while also continuing to provide necessary legal services to those departments. Without this extra help in these areas, the Office of County Counsel would need to retain special counsel to perform the work at a higher cost to the County while other attorneys in the office are learning these specialized areas of law.

Pursuant to Government Code section 7522.56, County retirees are required to have a separation from service (“sit out period”) of 180 days between retiring and returning to work for the County, at which time they may work no more than 960 hours per fiscal year. However, Government Code section 7522.56, subdivision (f)(1) allows a retiree to

be employed before 180 days have passed if the County certifies the nature of the employment and that "the employment is necessary to fill a critically needed position." Furthermore, section 7522.56, subdivision (f)(1) stipulates that such an appointment must be approved by the governing body at a public meeting as part of the regular meeting agenda. Given Mr. Smith's extensive experience, coupled with the timing of the upcoming election, I believe it is critical that we bring Mr. Smith back to assist the County for a limited period. Mr. Smith's temporary appointment will allow for training and mentoring of other attorneys in County Counsel, knowledge transfer on existing cases and issues of legal concern in the County and ensure that essential legal services to County Departments continue uninterrupted in a fiscally responsible manner.

The funds for Mr. Smith's employment are available within the Office of County Counsel's existing budget for this fiscal year. As an extra help employee, Mr. Smith will be paid at the rate of his previous hourly base rate as a Senior Assistant County Counsel and will not receive any additional benefits or incentives. He will be working on a limited, part time basis not to exceed 960 hours for this fiscal year.

This letter has been reviewed by the Auditor-Controller's Office and the County Executive Office. If you have any questions regarding this item, please call me at (805) 654-2580.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tiffany N. North', followed by a large, stylized circular flourish.

Tiffany N. North  
County Counsel

TNN:tdb