



Midpeninsula Regional
Open Space District

R-20-20-153
Meeting 20-29
December 9, 2020

AGENDA ITEM 3

AGENDA ITEM

Increase of an Existing Half Time Position to a Full Time Position in the Legal Department

GENERAL MANAGER'S RECOMMENDATION

Adopt a resolution amending the Budget and Action Plan for Fiscal Year 2020-21 to increase the existing half-time position of Risk Management Analyst to a full-time position in the Legal Department

SUMMARY

The General Manager and General Counsel recommend increasing the Risk Management Analyst position from a half-time position to a full-time position. This position will maintain the risk management administration function in the Legal Department and reflect the growth in workload since the initiation of the 2015 organizational restructuring to maintain a highly efficient and effective risk management program for Midpeninsula Regional Open Space District (District). If approved, staff would initiate recruitment as soon as possible. The budgeted cost for this position in Fiscal Year 2020-21 (FY21) is \$58,528 and the additional cost of increasing the position to full-time is \$59,225. While Board approval to permanently increase the position from half-time to full-time is required, no budget adjustment is needed for FY21 because the additional cost will be offset by savings in other areas of the current budget.

DISCUSSION

The District's Budget and Action Plan for FY21 reflects the existing Legal Department staffing level, which consists of three and one-half full time employees: General Counsel, Assistant General Counsel, Executive Assistant/Legal Secretary, and a half-time Risk Management Analyst. While District staffing levels have increased approximately 40% since 2013, the staffing for the risk management coordination role has remained the same. There has been a concurrent increase in the complexity and volume of work related to risk management.

Growth in the Legal Department and volume of risk management duties was not fully addressed in the District's 2015 Financial and Operational Sustainability Model (FOSM). With regard to the staffing levels in the Legal Department, the relevant FOSM recommendation stated:

Recommendation 53: Maintain existing staffing levels within the General Counsel's Office; as workload expands with Measure AA implementation and the growth of complex land acquisitions, evaluate opportunities for supplemental contracted and/or in-house legal and risk management support over time.

In recognition of the expanding need for attention to the risk management program, the incumbent was reclassified from Risk Management Coordinator to Risk Management Analyst in 2019. The incumbent served half time in this role since 2008 and recently retired in October.

A variety of changes to the organization have increased the volume of work as well as the required level of skill and diligence necessary to perform the risk management function. For instance, there has been an increase in the number and complexity of contracts and associated insurance coverages, the variety of District facilities requiring risk management coordination (such as new commercial facilities, the corporation yard, and a greater variety of tenants in the property management program). For the past several years, the incumbent also had the diligent and consistent assistance of a very dedicated volunteer, who proved indispensable in helping to catalog and file certificates of insurance and update the insurance database under the supervision of the Risk Management Analyst.

Overall, the scope and volume of work under the responsibility of the half time Risk Management Analyst (as currently assisted and augmented by volunteer work) has now reached a level at which the position should be converted to a full-time position. Now is the appropriate time to do so as the agency prepares to fill the recent vacancy.

The Risk Management Analyst's role consists of: providing project management and recordkeeping of first-party and third-party claims administration and reporting; serving as liaison between the District and its risk pool (California Joint Powers Insurance Authority) and associated insurance administrators; evaluating and maintaining evidence of insurance coverage provided to the District and provided by the District to other entities; evaluating appropriate coverages for contracts, leases, and permits; preparing underwriting reports; maintaining property and asset catalogs; and compiling a variety of other reports to support the overall coordination and administration of the risk management program District-wide.

Board Policy 3.04, *Budget and Expenditure Authority*, states the following with respect to the budget: "The General Manager may not approve any expenditure that permanently increases the District's budget; any permanent budget increase must be approved by the Board. . . ." The same policy states the following with respect to adding positions: "The General Manager may authorize temporary positions, as needed, as long as expenses remain within the adopted budget. The Board must approve the addition of any new permanent positions."

The General Manager and General Counsel recommend that the Board approve the increase of the Risk Management Analyst position to a full-time position, to ensure the continued quality and appropriate administration of the District-wide risk management program.

FISCAL IMPACT

The annual cost for salary and benefits for increase from half-time to full-time position in FY21 is \$59,225. Assuming that the position is filled during early 2021, it appears that there is sufficient salary savings in the current fiscal year budget to cover early costs.

BOARD COMMITTEE REVIEW

There was no prior committee review of this item.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

Upon Board approval, staff will initiate the hiring process as soon as possible.

Attachment

1. Resolution Approving the Changes to the District Budget to reflect an increase from a half-time to full-time Risk Management Analyst in the Legal Department

Responsible Department Head:

Hilary Stevenson, General Counsel

Stefan Jaskulak, Chief Financial Officer/Administrative Services Director

Prepared by:

Hilary Stevenson, General Counsel

RESOLUTION NO. 20-__

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AMENDING THE FISCAL YEAR 2020-21 BUDGET TO INCREASE AN EXISTING HALF TIME MANAGEMENT ANALYST POSITION IN THE LEGAL DEPARTMENT TO A FULL TIME POSITION

WHEREAS, the Board of Directors (“Board”) adopted the Midpeninsula Regional Open Space District Budget and Action Plan for Fiscal Year 2020-21 (“Budget”) via Resolution No. 20-18; and

WHEREAS, changes within the District, including an increase in staffing of approximately 40% since 2013, and increasing demands related to the volume of risk management coordination and heightened level of skill and diligence necessary to perform the risk management function, warrant an increase of the existing half-time Management Analyst position in the Legal Department to a full time position; and

WHEREAS, the General Manager and General Counsel recommend amending the Budget to increase the existing half-time Management Analyst position in the Legal Department to a full-time position to ensure the continued quality and appropriate administration of the District-wide risk management program; and

WHEREAS, Board Policy 3.04, *Budget and Expenditure Authority*, requires that any permanent increase to the District’s budget must be approved by the Board.

NOW, THEREFORE, the Board of Directors of Midpeninsula Regional Open Space District does hereby resolve as follows:

1. The Budget and Action Plan for Fiscal Year 2020-21 shall be amended to increase the half-time Management Analyst position in the Legal Department to a full-time position.
2. Except as herein modified, the FY 2020-21 Budget and Action Plan, Resolution No. 20-18 as amended, shall remain in full force and effect.

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on _____, 2020, at a regular meeting thereof, by the following vote:

* * * * *

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Jed Cyr, Secretary
Board of Directors

Karen Holman, President
Board of Directors

APPROVED AS TO FORM:

Hilary Stevenson, General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

Jennifer Woodworth, District Clerk