

BOARD MEETING DATE: April 7, 2023

AGENDA NO. 28

PROPOSAL: Approve a Contract for Board Consultant Services with Mark Taylor and Approve Findings of Critical Need and Timing for the Services in Accordance with Government Code Section 7522.56

SYNOPSIS: This action is to approve a contract with Mark Taylor, a former Board Consultant to Supervisor Janice Rutherford, to perform a variety of professional-level assignments as a Board Consultant to Board Member Carlos Rodriguez. This action also approves specific findings under Government Code Section 7522.56, which the Board is required to make before contracting with a retiree within 180 days of their retirement from a San Bernardino County Employees' Retirement Association (SBCERA) employer. Mr. Taylor retired from San Bernardino County, an SBCERA-covered employer, on January 25, 2023. The total cost of the contract will not exceed the Executive Officer's signing authority.

COMMITTEE: No Committee Review

RECOMMENDED ACTIONS:

1. Approve a contract with Mark Taylor, effective from January 1, 2023 to June 30, 2023, to provide Board Consultant services.
2. Approve findings in Attachment 1 regarding the critical need for Board Consultant services and the need for Mr. Taylor's expertise to provide such services within 180 days of his retirement from San Bernardino County.

Wayne Natri
Executive Officer

Background

South Coast AQMD Board Consultants perform a variety of professional-level assignments for Board Members involving research, analysis and strategies for South Coast AQMD programs. Specifically, a Board Consultant provides advice and recommendations regarding matters subject to the Board Member's decision-making authority, may provide liaison with the public on behalf of the Board Member, and may assist with planning, organizing, and developing a wide variety of programs on the Board Member's behalf.

Board Member Carlos Rodriguez has selected Mark Taylor to serve as his Board Consultant. This selection was approved by the Administrative Committee in December 2022 and a contract (Contract No. C23120) was entered into with Mr. Taylor to provide Board Consultant services beginning January 1, 2023 and ending June 30, 2023. The contract was modified (Contract Modification No. C231201) in March 2023 to modify the services required and the pay.

South Coast AQMD and the County are SBCERA-covered employers, thus, the contract is subject to State law requirements for retirees returning to service with employers within the same retirement system. Mr. Taylor retired from San Bernardino County on January 25, 2023. SBCERA recently advised South Coast AQMD staff that the contract with Mr. Taylor requires Governing Board approval because Mr. Taylor is a recent retiree from the County of San Bernardino.

In this regard, California Gov. Code section 7522.56 (f) states that, where the work for the employer is to begin within 180 days of the person's retirement date, the agency's governing body must certify the nature of the engagement with the retiree and that the appointment is necessary to fill a critically needed position in this timeframe. In addition, the appointment must be approved by the governing body in a public meeting and through an agenda item that is not on the Consent Calendar.

Proposal

Board Consultant services are critical to the decision-making process of a Board Member for gathering information and obtaining advice and analysis as necessary. Board Consultants also contribute to a Board Member's communication and outreach efforts. Any delay in obtaining the assistance of a Board Consultant may be detrimental to the Board Member's ability to effectively perform their duties.

Mark Taylor is uniquely qualified to provide Board Consultant services to Board Member Rodriguez. Mr. Taylor was Deputy Chief of Staff to Supervisor Janice Rutherford for thirteen years and he was her Governing Board Consultant for five years. In addition, Mr. Taylor was Assistant Controller in the State of Nevada from September 2005 to November 2010. He has a Bachelor of Science degree in Business Management and a master's degree in Business Administration.

This proposal is to approve the contract, effective January 1 through June 30, 2023, with Mark Taylor to provide Board Consultant services and to certify that the requirements set forth in California Gov. Code section 7522.56 have been met.

Resource Impacts

Funding for this contract will not exceed the Executive Officer's signing authority. Sufficient funding is available in the FY 2022-23 Budget.

Attachment

California Gov. Code Section 7522.56 Findings

ATTACHMENT

FINDINGS

PURSUANT TO GOVERNMENT CODE SECTION 7522.56

The Governing Board of the South Coast Air Quality Management District makes the following findings with respect to a contract with Mark Taylor for Board Consultant services, which contract is more fully described in the Board Letter:

1. There is a critical need to provide Board Consultant services for Board Member Carlos Rodriguez with as minimal delay as possible, as more fully described in the Board Letter.
2. At the time Mr. Taylor retired from San Bernardino County employment, January 25, 2023, he had unique expertise to provide Board Consultant services. Based on his background and expertise, Mr. Taylor is an exceptionally qualified person to provide these services.
3. Board Consultant services are critically needed by Board Member Carlos Rodriguez within 180 days of the retirement date of Mark Taylor.
4. The Board Consultant services contract is only for the period of time necessary to assist Board Member Carlos Rodriguez.