

## **CHIEF COUNSEL REPORTING AND PERFORMANCE EVALUATION POLICY**

### **I. PURPOSE**

The purpose of this Policy is to formalize the Chief Counsel reporting and performance evaluation.

### **II. AUTHORITY**

Chief Executive Officer (CEO) is appointed by LACERA's Board of Retirement and Board of Investments (BOI) (the Boards) to act as retirement administrator pursuant to Government Code Section 31522.2. The Boards have delegated their appointing authority for other staff under Government Code Sections 31522.1 and 31522.4 to the CEO, except for the Chief, Internal Audit position as stated in the County of Los Angeles Salary Ordinance (Salary Ordinance).

In 2001, LACERA sponsored legislation that authorized it to employ certain management positions to not be subject to the civil service system, and, therefore the individuals occupying these position serve at the pleasure of the appointing board or boards. (Government Code Sections 31522.2 and 31522.4) Although the Chief Counsel position is listed as one of the positions in Section 31522.4, the Boards did not designate the Chief Counsel position as an at-will position in 2001 or anytime thereafter. Therefore, the Chief Counsel position remains a classified position.

### **III. CHIEF COUNSEL REPORTING AND EVALUATION**

It has been a long-standing practice for the CEO to seek the Boards informal input for the hiring, evaluation and compensation of the Chief Counsel. The Boards wish to formalize this practice subject to preparation and approval of this Policy. In accordance with the Board of Retirements action on November 6, 2019 and the Board of Investments action on November 20, 2019, the organizational structure of the Chief Counsel will have the following features:

- A. The Chief Counsel will continue to report to the CEO for administrative and functional purposes. The CEO will make final decisions as to the appointment, discipline, performance evaluation, and compensation of the Chief Counsel.
- B. The CEO will seek the Boards input regarding the appointment, discipline, and dismissal of the Chief Counsel. The Boards' input concerning the appointment, discipline, and dismissal of the Chief Counsel will be made in closed session under Government Code Section 54957(b).
- C. The CEO will seek the qualitative input of the Boards before completing the Chief Counsel's annual performance evaluation. The Boards discussion regarding the Chief Counsel performance evaluation will be made in closed session under Government Code Section 54957(b).

- D. The CEO will administer the Chief Counsel's annual salary adjustment using the Boards approved compensation structure as reflected in LACERA's section of the Los Angeles County Code.
- E. The Chief Counsel is authorized to interact with and communicate directly with Boards in all matters.
- F. The Chief Counsel has the rights and obligations provided in the Salary Ordinance, to the extent applicable to its individual classification. The Chief Counsel is subject to civil service and has the rights and obligations provided by the Los Angeles County Civil Service Rules, subject to changes by the Boards as to individuals first appointed as Chief Counsel after the date this Policy is adopted.
- G. The Chief Counsel serves as general counsel to LACERA and has complete responsibility for planning, directing and evaluating all operations of the Legal Division.
- H. The CEO appoints all professional, technical and clerical staff and prescribes their duties, except for the Chief, Internal Audit. In the case of Legal staff, the Chief Counsel selects and recommends candidates for such positions to the CEO for formal appointment.

Adopted: Board of Retirement, November 6, 2019  
Board of Investments, November 20, 2019