



Contra
Costa
County

To: Board of Supervisors
From: Monica Nino, County Administrator
Date: December 14, 2021

Subject: Appointment of Public Defender; Add One Public Defender; Cancel One Public Defender

RECOMMENDATION(S):

APPOINT Ellen McDonnell to the position of Public Defender – Exempt at Step 5 of the salary range, effective December 14, 2021, including all benefits provided in the current Management Resolution applicable to the position of Public Defender – Exempt. ADOPT Position Adjustment Resolution No. 25856 to add one (1) Public Defender – Exempt (25A1) at salary plan and grade BD5 2637 (\$23,098) and cancel one (1) Public Defender – Exempt (25A1) (Position 3835) effective January 1, 2022.

FISCAL IMPACT:

The estimated annual County cost for the Public Defender - Exempt position is \$433,641, of which \$93,131 are pension costs. The estimated cost for the six and one-half months of the remaining fiscal year 2021/2022 is \$234,889, of which \$75,164 are pension costs based on a start date of December 14, 2021. All costs are budgeted in the General Fund.

BACKGROUND:

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **12/14/2021** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I
Supervisor
Candace Andersen, District II
Supervisor
Karen Mitchoff, District IV
Supervisor
Federal D. Glover, District V
Supervisor

ABSENT: Diane Burgis, District III
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 14, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Paula Webb
925.655.2044

cc:

On August 5, 2021, Public

BACKGROUND: (CONT'D)

Defender Robin Lipetzky informed the County Administrator that she would be retiring effective January 1, 2022. The County contracted CPS HR Consulting to conduct the recruitment to fill the vacancy. In August 2021, the recruitment for a new Public Defender commenced. Ads were placed with appropriate industry publications and websites. Invitations and recruitment brochures were sent via traditional and electronic mail to potential candidates targeted by the executive search firm.

The five -week recruitment garnered three (3) applications for further consideration. With the assistance of CPS HR Consulting, applications were screened, and three (3) semi-finalists were forwarded to the County panel and scheduled for interviews on October 20, 2021. Prior to the interviews, one applicant accepted a job in another county and withdrew from the interview process. The County Interview panel was comprised of Monica Nino, County Administrator, Contra Costa County, the Honorable Rebecca Hardie, Presiding Judge, Contra Costa Superior Court; Kathleen Pozzi, Sonoma County Public Defender (Retired), and Esa Ehmen-Krause, Contra Costa County Chief Probation Officer and were facilitated by Andrew Nelson of CPS HR Consulting. Follow-up candidate interviews were conducted by Contra Costa County Administrator Monica Nino on November 17, 2021, along with thorough reference checks. Following the interviews, Ellen McDonnell was selected by the County Administrator for the position of Public Defender.

Ms. McDonnell holds a Juris Doctor from University of California, Hastings College of the Law, and a Bachelor of Arts degree with a double major in Spanish and Italian from Florida Atlantic University in Boca Raton. She has been a member of the California State Bar since 2001. Ms. McDonnell has served as the Contra Costa County Interim Public Defender since August 2021, with a 20-year history in the Contra Costa County Public Defender's Office, beginning as a Graduate Law Clerk and working through the levels of Public Defender I through V and as Chief Assistant Public Defender for two years prior to her service as interim Public Defender. Ms. McDonnell has not only worked in every division of the Public Defender's office, but she has also appeared in courtrooms throughout the County. She is also an experienced manager and has been responsible for the operations of the Public Defender's Office for the past two years, including a \$36 million-dollar annual budget and a personnel roster of 145 employees. Ms. McDonnell has led efforts to ensure diversity in recruitment and retention practices, has worked to increase equity in departmental policies and enhance training and accountability within the Public Defender's Office; and she has developed strong partnerships with other stakeholders to improve public safety and the criminal justice system outside of the office. Even though Ms. McDonnell has been Interim Public Defender for four months, changes have been made in the area of the number of overloads, and she has been working to resolve concerns with the justice partners. She is dedicated to excellence in all aspects of providing criminal defense to the indigent population of Contra Costa County. As the successful incumbent, Ms. McDonnell is qualified to serve as this County's Public Defender.

CONSEQUENCE OF NEGATIVE ACTION:

The Public Defender position will remain vacant, leaving a vulnerable management position in the Department.

CLERK'S ADDENDUM

Speakers: No name given.

ATTACHMENTS

P300