OFFICE OF THE
COUNTY
COUNSEL

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

86 September 29, 2026

County of Los Angeles

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County Counsel

Board of Supervisors

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September 29, 2026

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Edward Yen

EDWARD YEN
EXECUTIVE OFFICER

Dear Supervisors:

AUTHORIZE THE IMMEDIATE REEMPLOYMENT OF A RETIRED COUNTY EMPLOYEE AND GRANT AN EXCEPTION TO THE 180-DAY WAITING PERIOD REQUIRED UNDER THE CALIFORNIA PUBLIC EMPLOYEES' PENSION REFORM ACT (ALL DISTRICTS AFFECTED) (3 VOTES)

SUBJECT

The Office of County Counsel is requesting that your Board grant an exception to the 180-day waiting period required under the California Public Employees' Pension Reform Act of 2013 (PEPRA) for retired County employee Warren Wellen to return, without reinstatement from retirement, as a 120-day temporary employee to assist in providing critically-needed legal services to the Department of Public Works (DPW). The Office of the County Counsel affirms that the retiree is highly skilled and the work he will be performing is critical.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Authorize County Counsel to immediately reemploy, without reinstatement from retirement, recent County retiree Warren Wellen as a 120-day temporary employee.

2. Certify that Mr. Wellen's temporary reemployment is necessary to fill a critical need at County Counsel and waive the 180-day waiting period under PEPRA.

3. Approve the request to allow Mr. Wellen to immediately return as a 120-day temporary employee at the salary level commensurate with his salary prior to retirement, for up to 960 hours per fiscal year.

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PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Effective May 30, 2026, then Senior Deputy County Counsel Warren Wellen retired after 27 years of active County Service. For many years, Mr. Wellen served as the primary litigation advice attorney for virtually all complex litigation matters involving DPW. In that role, Mr. Wellen advised on many issues relating to claimed DPW violations of State statutes and the State Constitution, including claims of dangerous condition of public property and inverse condemnation, and in areas as diverse as mass complaints for odors in the County's stormwater system, massive landslides, and the January 2025 windstorms and fires.

In addition to his extensive litigation experience, Mr. Wellen is the only County Counsel attorney with a deep understanding of water rights adjudications, having worked for years on numerous such complex adjudications alongside expert outside counsel, most notably on the more than 10-year long Antelope Valley water adjudication. He also is the attorney most familiar with the County's pending fire and landslide matters.

In performing his litigation work, Mr. Wellen also supervises and works hand in hand with our best outside counsel firms on these many complex matters. Mr. Wellen's expertise allows him to work with these firms to produce better results for the County than the firms could achieve alone. Additionally, Mr. Wellen has worked with and represented the Director of Public Works, Mark Pestrella, for many years in numerous litigations. Director Pestrella trusts and relies on Mr. Wellen's expertise, and he has specifically requested that County Counsel endeavor to bring Mr. Wellen back as a 120-day employee.

Before Mr. Wellen's retirement, he spent time training an attorney to serve as his replacement. However, given the breadth of Mr. Wellen's assignments and the depth of his knowledge, and despite the attorney's own significant skills, there was simply insufficient time for Mr. Wellen to impart more than a fraction of his expertise. Although we anticipate that the attorney will ultimately perform outstanding work as Mr. Wellen's replacement, it will likely take some time for the attorney to perform at Mr. Wellen's level and range of knowledge. Given the increasing volume of litigation resulting from the January 2025 windstorms and fires, and from the various pending flooding and landslide litigation, a litigator of Mr. Wellen's level is needed to supplement the Division's efforts.

In summary, County Counsel requests Mr. Wellen be reemployed as a 120-day temporary employee and that the 180-day waiting period under PEPRA be waived. It is further requested that Mr. Wellen's appointment be effective immediately, at an hourly rate of $110.73 (Senior Deputy County Counsel, Step 10), for up to 960 hours per fiscal year.

FISCAL IMPACT/FINANCING

DPW has requested that County Counsel facilitate Mr. Wellen's temporary employment as outlined above and will reimburse the County's costs thereof.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommended actions support Goal 1, Operational Effectiveness/Fiscal Sustainability, of the County's Strategic Plan, maximizing public services by temporarily employing experienced former employees, and promoting sound and prudent fiscal practices by reducing overtime and training costs while mitigating risks and further liabilities.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

As specified in Government Code section 7522.56, PEPRA provides that a County retiree must usually wait 180 days from the date of retirement before returning as a temporary worker. An exception to this rule applies if the Board certifies, at a public meeting, that the employee's immediate appointment is necessary to fill a critically needed position; such requests may not be placed on the consent calendar. The pending request fully complies with PEPRA requirements.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This action will help ensure that critical needs of County Counsel, and its DPW client, are met.

CONCLUSION

If there are any questions or any need for additional information, please contact my office.

Respectfully submitted,

DAWYN R. HARRISON
County Counsel

DRH:mag

c: Joseph M. Nicchitta
Chief Executive Officer

Edward Yen, Executive Officer
Board of Supervisors