

# Capitola City Council

## Agenda Report



**Meeting:** May 25, 2023

**From:** City Manager Department

**Subject:** Extra-Help Limited Duration Retired Annuitant

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**Recommended Action:** Adopt a resolution for exception to the 180-day wait period per Government Code Section 7522.56 & 21224 and approve the appointment of Robin Woodman as an extra-help-limited-duration retired annuitant.

**Background:** The City's Building Official, Robin Woodman, is scheduled to retire on July 1, 2023.

City staff is authorized by the applicable provisions of Government Code (GC) section 21224 to appoint a retiree as a Retired Annuitant ("RA") on a limited duration basis to eliminate a backlog of work or to work on special projects. This is known as an extra-help – limited duration RA. Extra-help RAs may be appointed by City staff and such appointments do not require City Council approval. However, if the City wishes to appoint a RA to an extra-help role prior to 180 days after the retiree's retirement date, City Council approval is required. The circumstances regarding such approval are further discussed below. In addition, there are several requirements for RAs regarding compensation and work duration; they must be appointed for a limited duration and may not work more than 960 hours in a fiscal year.

Staff analyzed several options regarding Ms. Woodman's impending retirement and has determined that hiring her as an extra-help – limited duration RA to act as a Special Advisor to the Building Division will address the needs of the City in managing the anticipated backlog of infrastructure repair work in light of historic rainfall this past winter. Moreover, Ms. Woodman's specialized knowledge and expertise are crucial for the City's ability to ensure the successful launch of several special projects, including the Capitola Road affordable housing project.

As stated in the attached appointment document, Ms. Woodman's appointment as a RA – Special Advisor to the Building Division is scheduled to begin on July 10, 2023, and end on June 30, 2026. This limited duration is designed, as briefly discussed above, to allow Ms. Woodman to provide much needed extra help to City staff with in-progress storm recovery construction operated by residential and commercial owners in Capitola Village and the upcoming City infrastructure repairs planned to begin later this summer. As a RA – Special Advisor to the Building Division, Ms. Woodman will also be assigned to special projects such as the housing element update, the upcoming 720 Hill Street hotel project, and the anticipated 1698 38<sup>th</sup> Avenue affordable housing project.

**Discussion:** GC section 7522.56 provides that a retiree is eligible for post-retirement employment 180 days following his or her retirement date. This requirement applies to retiree employment that begins after January 1, 2013. There are exceptions to the 180-day wait period that are outlined in the GC. The applicable exception to Ms. Woodman's appointment is when a public agency, such as the City, provides a resolution certifying the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days has passed (Gov. Code § 7522.56, subd. (f)(1)). As such, to obtain Ms. Woodman's services as a RA prior to the expiration of the 180-day waiting period, the City Council must approve the exception to the 180-day wait period in a public meeting as an action item by means of adopting a resolution.

Additional applicable requirements to this RA appointment, which are provided in GC section 21224, relate to compensation for the retiree. First, his or her compensation must be reflected as an hourly rate, which is no higher than the maximum monthly base salary paid to employees performing similar duties, as listed on a publicly available pay schedule. Currently, the maximum hourly rate paid to employees

performing similar duties is \$64.32. However, subject to City Council's approval of an updated salary schedule, the maximum hourly rate paid to employees performing similar duties beginning July 1, 2023, will be \$66.25. Ms. Woodman will be paid the maximum hourly rate in effect for employees performing comparable duties at the time she starts her work as a RA – Special Advisor to the Building Division with the City.

Second, the retiree may not receive any other benefit, incentive, or compensation other than the hourly rate. Under this appointment, Ms. Woodman will not receive any other benefit, incentive, compensation in lieu of benefits, or other forms of compensation.

Due to the circumstances within the City, including continued storm recovery and upcoming specialized building division projects, the City has identified the need for Ms. Woodman's expertise and special skills to fill the RA–Special Advisor to the Building Division role for a limited duration beginning sooner than the 180-day wait period generally required by government code.

Fiscal Impact: The hours required for this appointment are reasonably contemplated within the City's budget for personnel servicing the Building Division; no significant impact is anticipated from hiring Ms. Woodman as an RA.

Attachments:

1. Resolution
2. Appointment Document

Report Prepared By: Chloé Woodmansee, Assistant to the City Manager

Reviewed By: Julia Moss, City Clerk; Richard Shreiba, Associate Attorney

Approved By: Jamie Goldstein, City Manager