

RESOLUTION NO. ____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA

180-DAY WAIT PERIOD EXCEPTION GOVERNMENT CODE SECTIONS 7522.56 & 21221(h)

September 14, 2023

WHEREAS, in compliance with Government (Gov.) Code section 7522.56 of the Public Employees' Retirement Law, the City Council of the City of Capitola must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since their retirement date; and

WHEREAS, Robin Woodman (CalPERS ID 5166434908) retired from the City of Capitola in the position of Building Official, effective July 1, 2023; and

WHEREAS, Gov. Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is December 29, 2023, without this certification resolution; and

WHEREAS, Gov. Code section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the City Council of the City of Capitola, the City of Capitola and Robin Woodman certify that Robin Woodman has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, an appointment under Gov. Code section 21221(h) requires the retiree is appointed into the interim appointment during recruitment for a permanent appointment; and

WHEREAS, the City has authorized the search for a permanent appointment on September 8, 2023,

WHEREAS, the City Council of the City of Capitola hereby appoints Robin Woodman as an interim appointment retired annuitant to the vacant position of Building Official for the City of Capitola under Gov. Code section 21221(h) effective September 18, 2023; and

WHEREAS, the Gov. Code Section 21221(h) appointment shall only be made once and therefore will end on September 18, 2024; and

WHEREAS, the entire appointment document between Robin Woodman and the City of Capitola has been reviewed by this body and is attached herein; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, currently the maximum base salary for this position, part-time, is \$2,870.831.66 per month and the hourly equivalent is \$66.25, and the minimum base salary for this position is \$2,361.67 per month and the hourly equivalent is \$54.50; and

WHEREAS, the hourly rate paid to Robin Woodman will be \$66.25; and

WHEREAS, Robin Woodman has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

THEREFORE, BE IT RESOLVED THAT the City Council of the City of Capitola hereby certifies the nature of the employment of Robin Woodman as described herein and detailed in the attached appointment document and that this appointment is necessary to fill the critically needed position of Interim Building Official for the City of Capitola by September 18, 2023, because of the critical need for this role due to several special and in-progress projects in the City. Specifically, due to historic rainfall this past winter, the City anticipates a substantial burden on resources to continue its infrastructure repairs and storm recovery construction in Capitola Village. Moreover, Ms. Woodman's specialized skills and knowledge will be critical to the City's successful launch of several special projects. Further, appointing Robin Woodman is necessary to fill the critically needed position of interim Building Official, because the City of Capitola is actively recruiting for a permanent appointment, but the City needs an interim Building Official with sufficient knowledge and expertise to oversee the above-referenced projects.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 14th day of September 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Margaux Keiser, Mayor

ATTEST:

Julia Moss, City Clerk