

Capitola City Council

Agenda Report



Meeting: September 14, 2023

From: City Manager Department

Subject: Interim Building Official

Recommended Action: Adopt a resolution for an exception to the 180-day wait period per Government Code Section 7522.56 & 21221(h) and approve the appointment of Robin Woodman as the Interim Building Official-Retired Annuitant.

Background: The City's Building Official Robin Woodman retired on July 1, 2023.

Staff analyzed several options regarding Ms. Woodman's impending retirement. Initially, prior to further direction received from CalPERS, staff pursued appointing Ms. Woodman as an "extra help – limited duration Retired Annuitant – Special Advisor to the Building Division" to address the needs of the City. Now, after further input from CalPERS, staff has opened up recruitment for a permanent part-time Building Official and recommends appointing Ms. Woodman to serve as "Interim Building Official – Retired Annuitant" until September 18, 2024.

City staff is authorized by the applicable provisions of Government Code (GC) section 21221(h) to appoint a retiree as a Retired Annuitant ("RA") on an Interim basis while an active recruitment is in place to fill the vacant position. Interim 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.

Ms. Woodman filling the vacant role during this recruitment is critical for the City as she will manage the anticipated backlog of infrastructure repair work considering 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 the Interim Building Official – Retired Annuitant is scheduled to begin on September 18, 2023, after Council's approval of the attached resolution.

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 Retired Annuitant prior to the expiration of the 180-day waiting period, 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 Retired Annuitant 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 the Building Official duties is \$66.25. Ms. Woodman will be paid this maximum hourly rate as Interim Building Official.

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 and the anticipated prolonged recruitment process to find a well-qualified candidate in the area for the permanent Building Official position, the City has a critical need for Ms. Woodman to fill the Interim Building Official – Retired Annuitant sooner than the 180-day wait period generally required by the GC.

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 a Retired Annuitant.

Attachments:

1. Resolution
2. Appointment Document

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

Reviewed By: Julia Moss, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager