

RESOLUTION 2021 -xx

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS

GOV. Code sections 7522.56 & 21221(h)

December 21, 2021

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

WHEREAS, Robert Schultz retired from the Town of Los Gatos in the position of Town Attorney, effective December 31, 2021; and

WHEREAS, Gov. Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 30, 2022 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 Town Council, the Town of Los Gatos and Robert Schultz certify that Robert Schultz 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 governing body has authorized the search for a permanent appointment on December 21, 2021; and

WHEREAS, the Town Council hereby appoints Robert Schultz as an interim appointment retired annuitant to the vacant position of Town Attorney for the Town of Los Gatos under Gov. Code section 21221(h), effective January 1, 2022; and

WHEREAS, this Gov. Code section 21221(h) appointment shall only be made once and therefore will end upon the permanent appointment of a Town Attorney; and

WHEREAS, the entire employment agreement document between Robert Schultz and the Town of Los Gatos has been reviewed by this body and is attached herein; and

ATTACHMENT 1

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, the maximum base salary for this position is \$20,825 and the hourly equivalent is \$120.14, and the minimum base salary for this position is \$20,825 and the hourly equivalent is \$120.14; and

WHEREAS, the hourly rate paid to Robert Schultz will be \$120.14; and

WHEREAS, Robert Schultz 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

NOW, THEREFORE, BE IT RESOLVED THAT the Town Council hereby certifies the nature of the employment of Robert Schultz as described herein and detailed in the attached employment agreement and that this appointment is necessary to fill the critically needed position of Town Attorney for the Town of Los Gatos by January 1, 2022 because the position requires specialized skills to plan, direct, manage and oversee the functions, programs, and operations of the Town Attorney Department and provide highly responsible and complex legal support to the Town Council, Town Manager, Staff and Boards and Commissions.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 21st day of December, 2021, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____