

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS

Gov. Code sections 7522.56 & 21224

September 5, 2023

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, Gov. Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is March 11, 2024 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, On August 15, 2023, the Town Council adopted a resolution to waive the 180-day requirement for Sean Rose who was tentatively selected for the temporary Capital Projects Manager position in the Parks and Public Works Department; and

WHEREAS, Mr. Rose has revised his retirement date to September 13, 2023; and

WHEREAS, the Town needs to revise its Resolution to reflect Mr. Rose's new retirement date of September 13, 2023; and

WHEREAS, the Town Council rescinds Resolution 2023-044 and adopts an Amended Resolution for the California Public Employees' Retirement System Retirement Plan to waive the 180-day retiree rehire wait period and to appoint Sean Rose as the temporary Capital Projects Manager in the Parks and Public Works Department.

WHEREAS, the Town Council, the Town of Los Gatos and Sean Rose certify that Sean Rose has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the Town Council hereby appoints Sean Rose as an extra help retired annuitant to perform the duties of Capital Projects Manager (temporary/hourly) for the Town of Los Gatos under Gov. Code section 21224, effective September 13, 2023; and

WHEREAS, the entire employment agreement, contract or appointment document between Sean Rose and the Town of Los Gatos 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, the maximum base salary for this position is \$20,631.47 and the hourly equivalent is \$119.03; and

WHEREAS, the hourly rate paid to Sean Rose will be \$108.15; and

WHEREAS, Sean Rose 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 Town Council hereby certifies the nature of the appointment of Sean Rose as described herein and detailed in the attached employment appointment document and that this appointment is necessary to fill the critically needed position of Capital Projects Manager for the Town of Los Gatos by September 14, 2023 because the Capital Projects Manager role is essential to the design and construction management of critical projects and overall administration of the Town's Capital Improvement Program (CIP) to improve the Town's public infrastructure.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 5th day of September 2023, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

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

DATE: _____

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____