



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 9/5/2023

ITEM NO: 7

DATE: August 25, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution for the California Public Employees' Retirement System Retirement Plan to Waive the 180-Day Retiree Rehire Wait Period and to Appoint Paul Horvat as the Temporary Emergency Services Coordinator in the Town Manager's Office

RECOMMENDATION:

Adopt a Resolution for the California Public Employees' Retirement System Retirement Plan to waive the 180-day retiree rehire wait period and to appoint Paul Horvat as the temporary Emergency Services Coordinator in the Town Manager's Office (Attachment 1).

BACKGROUND:

The Town has an existing agreement with the California Public Employees' Retirement System (CalPERS) to provide its retirement program to employees. The CalPERS retirement program is governed by Public Employees' Retirement Law (PERL). PERL contains the rules and regulations that a contracting agency must adhere to related to the hire of a CalPERS retiree, referred to as a retired annuitant. PERL requires that a non-safety retired annuitant may not work for a CalPERS contracting agency unless the retired annuitant has been retired for at least 180 days (Gov. Code section 7522.56). In lieu of the 180-day wait period, an agency's governing body may approve a resolution to waive the 180 days.

There are two types of retired annuitant appointments for public agency employers: extra help and vacant (interim) position. This appointment to the temporary Emergency Services Coordinator position is classified as an extra help retired annuitant appointment. A retired annuitant may be appointed as an extra help retired annuitant if hired to perform work of limited duration, such as elimination of a backlog, special project work, or to perform work exceeding regular staff work. The rate of pay may not be less than or more than the current approved salary range for the vacant position. Also, a retired annuitant may not work more

PREPARED BY: Salina Flores
Human Resources Director

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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BACKGROUND (continued):

than 960 hours in a CalPERS fiscal year. The CalPERS fiscal year begins on July 1 and ends on June 30.

DISCUSSION:

The Town opened the recruitment for the temporary, unbenefited position of Emergency Services Coordinator on February 6, 2023. Mr. Horvat applied for the position and participated in the interview process, resulting in his selection by the Town Manager's Office as the preferred candidate.

Mr. Horvat is currently employed as Emergency Services Manager with the City of Santa Cruz, and has expressed his intent to retire from the City. His last day of work will occur on September 19, 2023, resulting in a CalPERS retirement effective date of September 20, 2023.

The Emergency Services Coordinator role is essential to the Town's emergency operations functions. The position is responsible for the planning, development, and implementation of disaster response and training activities for the Town of Los Gatos, including staff training and community education programs. The position is also responsible for maintaining oversight and coordination of the Town's Emergency Operations Center (EOC), and assists in the development of emergency response procedures, facilitates training for EOC staff and volunteers, and complies with State and federal emergency response and disaster mitigation programs. The Emergency Services Coordinator also functions as a liaison between the Town and other governmental agencies.

To allow for this continued critical function, staff is requesting that Paul Horvat be appointed to the position of temporary Emergency Services Coordinator as soon as possible, on or after the effective date of his retirement with the City of Santa Cruz. In order for this to happen, Town staff must submit the resolution certification package and a copy of the retiree's employment agreement or personnel appointment document to CalPERS before Mr. Horvat's first day of employment, which is tentatively set for September 20, 2023.

CONCLUSION:

Staff recommends that the Town Council adopt a Resolution to waive the CalPERS 180-day wait period and appoint Paul Horvat to the temporary Emergency Services Coordinator position.

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FISCAL IMPACT:

It is anticipated that the hire of a retired annuitant will result in overall budget savings, given that the retiree will not be eligible for benefits related to permanent employment except the Town's contribution to Medicare.

This position is funded through the Town Manager's Office, and the cost of staff time is already accounted for in the adopted budget.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. CalPERS Resolution for a 180-Day Wait Period Exception and Appointment of Paul Horvat as the Temporary Emergency Services Coordinator
2. Conditional Offer for Paul Horvat