



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/05/2023

ITEM NO: 6

DATE: August 25, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Rescind Resolution 2023-044 and Adopt 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

RECOMMENDATION:

Rescind Resolution 2023-044 and adopt 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 (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.

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. Since Council's action, Mr. Rose has

PREPARED BY: Salina Flores
Human Resources Director

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

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SUBJECT: Adopt 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.

DATE: August 25, 2023

BACKGROUND (Continued):

postponed his retirement date to September 13, 2023, necessitating the Council's consideration of an Amended Resolution.

DISCUSSION:

Sean Rose is currently employed as Public Works Director/Town Engineer with the Town of Woodside. Mr. Rose initially provided his notice of intent to retire from the Town of Woodside with his last day of work to occur on September 4, 2023, resulting in a CalPERS retirement effective date of September 5, 2023. However, in order to complete certain critical assignments, his last of work has changed to September 12, 2023, resulting in a new CalPERS retirement effective date of September 13, 2023. Mr. Rose would start his employment with the Town on that date.

CONCLUSION:

Due to the change in retirement date, staff recommends that the Town Council rescind the prior Resolution (2023-044) and adopt an Amended Resolution to waive the CalPERS 180-day wait period and appoint Sean Rose to the temporary Capital Projects Manager position effective September 13, 2023.

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 Parks and Public Works Department, and the salary is paid via reimbursement from project related funds. There is no impact to the General Fund from this position and the cost of staff time is already accounted for in the project budget.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. CalPERS Amended Resolution for a 180-Day Wait Period Exception and Appointment of Sean Rose as the Temporary Capital Projects Manager