



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/19/2023

ITEM NO: 8

DATE: September 14, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Rescind Resolution 2023-046 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 2023-046 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.

PREPARED BY: Katy Nomura
Assistant Town Manager

Reviewed by: Town Manager and Town Attorney

PAGE 2 OF 2

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: September 14, 2023

BACKGROUND (Continued):

On September 5, 2023, the Town Council adopted an amended resolution to adjust for the fact that Mr. Rose changed his retirement date to September 13, 2023.

DISCUSSION:

Upon submitting the documentation to CalPERS, CalPERS recommended clarifying in the resolution that Mr. Rose's duties would most closely align with a subset of the Parks and Public Works Director duties and to use the Director pay rates for the comparable maximum and minimum base salaries. The amended resolution reflects these changes.

CONCLUSION:

Due to the clarification requested, staff recommends that the Town Council rescind the prior Resolution 2023-046 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
2. Conditional Offer Letter
3. Final Offer Letter