



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 9/19/2023

ITEM NO: 9

DATE: September 14, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Rescind Resolution 2023-047 and 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:

Rescind Resolution 2023-047 and 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.

On September 5, 2023, the Town Council adopted a resolution 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.

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 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
DATE: September 14, 2023

DISCUSSION:

Upon submitting the documentation to CalPERS, CalPERS recommended clarifying in the resolution that Mr. Horvat's duties would most closely align with a subset of the Community Outreach Coordinator duties and to use the Community Outreach Coordinator pay rates for the comparable maximum base salary. The amended resolution reflects these changes.

CONCLUSION:

Due to the clarification requested, staff recommends that the Town Council rescind the prior Resolution 2023-047 and adopt an amended resolution to waive the CalPERS 180-day wait period and appoint Paul Horvat as the temporary Emergency Services Coordinator in the Town Manager's Office.

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