

DRAFT RESOLUTION 2023-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS

Gov. Code sections 7522.56 & 21224

September 19, 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, 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, On August 15, 2023, the Town Council adopted Resolution 2023-044 to waive the 180-day requirement for Sean Rose, who was tentatively selected for the temporary Capital Project Manager position in the Parks and Public Works Department; and

WHEREAS, on September 5, 2023, after Mr. Rose changed his retirement date, the Town Council rescinded Resolution 2023-044 and adopted Amended Resolution 2023-046 for the California Public Employees' Retirement System Retirement Plan to waive the 180-day retiree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 Project Manager in the Parks and Public Works Department; and

WHEREAS, the Town has received correspondence from CalPERS requesting clarification with regard to the classification upon which the salary for this position is based; and

WHEREAS, the Town needs to revise its Resolution to provide the requested clarification to CalPERS; and

WHEREAS, the Town Council rescinds Resolution 2023-046 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; and

WHEREAS, the Town Council hereby confirms and restates its appointment of Sean Rose as an extra help retired annuitant to perform the duties of Capital Project 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 Capital Project Manager duties are most comparable to a subset of duties in the Parks and Public Works Director classification; and

WHEREAS, the maximum monthly base salary for the classification of Parks and Public Works Director is \$20,212.36 and the hourly equivalent is \$116.61, and the minimum monthly base salary for the classification is \$14, 972.50 and the hourly equivalent is \$86.38; 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 rescinds Resolution 2023-046 and adopts this Resolution certifying 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 Project Manager for the Town of Los Gatos by September 13, 2023 because the Capital Project 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 _____ day of _____, 2023, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____