



DATE: September 24, 2019

CATEGORY: New Business

DEPT.: City Manager's Office

TITLE: **Resolution Appointing an Extra Help Retired Annuitant Under Government Code Sections 7522.56 and 21224**

RECOMMENDATION

Adopt a Resolution for Exception to the 180-Day Wait Period, Government Code Sections 7522.56 and 21224, to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND

Lynn Dobson retired September 4, 2019 from her position as Senior Assistant City Attorney after 16 years of service with the City of Mountain View. As the City contracts with the Public Employees Retirement System (CalPERS), Ms. Dobson will be a CalPERS retired annuitant.

California Government Code Section 7522.56 requires a 180-day wait period before a retired annuitant can be employed by a CalPERS agency unless the nature of the employment meets one of the statutory exceptions and is approved via resolution by the governing body. In this case, the nature of Ms. Dobson's recommended appointment will be as extra help with specialized skills to perform work of limited duration and qualifies for an exception under Government Code (GC) 21224. CalPERS considers extra help retired annuitants as those who perform work of limited duration (no more than 960 hours per fiscal year), such as the elimination of backlogs, limited-term special project work, or to perform work in excess of what regular staff can do.

ANALYSIS

The current City Attorney's staff consists of 9.0 full-time equivalent (FTE) positions with a team of four full-time attorneys under the direction of the City Attorney. With one attorney resigning in May of this year, two retirements in August and September, and the recent promotion of Krishan Chopra, the other Senior Assistant City Attorney, to City Attorney, the office will have one remaining tenured attorney reporting to the City

Attorney. Two of the vacancies have been filled with new staff who started with the City in the last month. While the City has been proactive in completing the recruitment to fill two current vacancies, the incoming attorneys are filling positions at a lower level than a Senior Assistant City Attorney and do not have prior experience working on personnel issues, litigation, nonstandard contracts, and other areas that were performed by Ms. Dobson. As such, Ms. Dobson's duties as an extra help retired annuitant performing functions of a Senior Assistant City Attorney are essential and will be as follows:

- Provide professional legal work in the following specialty areas:
 - Research and interpret Federal, State, and local laws and City policies to provide legal advice on personnel issues.
 - Negotiate, draft, and/or approve nonstandard City contracts.
 - Represent the City and its officers and employees in litigation.
 - Provide legal advice and review contract language related to labor relations.

Ms. Dobson is an experienced Senior Assistant City Attorney with the background and skills necessary to manage these items. Ms. Dobson's employment is imperative in order to address current legal matters and litigation in excess of what regular staff performs. These work tasks must be completed during the 180 days following Ms. Dobson's retirement, which necessitates an exception to the 180-day wait period. She is anticipated to work part-time for up to six months.

FISCAL IMPACT

The employment of Ms. Dobson as extra help, anticipated at no more than 960 hours for Fiscal Year 2019-20, would cost up to \$99,000. Funding for this extra help assignment is available in the City Attorney's budget due to salary savings from the gap in filling positions and no additional funding is required. No benefits would be provided with this appointment.

ALTERNATIVES

1. Do not certify that the nature of Ms. Dobson's employment is to fill the City Attorney's Office needs for extra help as defined by CalPERS.
2. Provide other direction.

PUBLIC NOTICING – Agenda posting.

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Attachment: 1. Resolution