



COUNCIL REPORT

DATE: October 8, 2024
CATEGORY: New Business
DEPT.: Human Resources
TITLE: **Appointing Extra-Help Retired
Annuitant Under Government Code
Sections 7522.56 and 21224**

RECOMMENDATION

Adopt a Resolution of the City Council of the City of Mountain View for an 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

Dawn Cameron retired on September 7, 2024 from the position of Public Works Director after seven years of service with the City of Mountain View and 38 years of public service. As the City contracts with the California Public Employees Retirement System (CalPERS), Ms. Cameron will be what is referred to as a retired annuitant.

California Government Code Section 7522.56 requires a 180-day waiting period before a retired annuitant can be employed by a CalPERS agency unless the nature of the employment meets one of the qualified exceptions and is approved via resolution by the governing body. In this case, the nature of Ms. Cameron's recommended appointment will be as extra help with specialized skills to perform work of limited duration which qualifies for an exception under Government Code Section 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

Ms. Cameron's experience with the City includes experience managing critical Citywide projects and initiatives that cross departments, which are specialized skills that she would utilize as a part-time, extra-help Assistant City Manager. City staff are working on several key projects, including: multiple development agreement negotiations; process and programmatic enhancements in contracts, agreements, and reports; grade separation projects at Rengstorff Avenue and Castro Street; and the ongoing administration and future plans for the free Community Shuttle. These projects require staff in the City Manager's Office to navigate the complex demands of such

projects, including facilitating coordination across City departments and with outside agencies and business entities. In addition, these projects have set timelines; delays or stoppages due to staff transitions will have an impact to the community. Accordingly, Ms. Cameron's appointment is necessary to fill a critically needed position to successfully complete the aforementioned projects and demands.

The key projects identified are work of limited duration that Ms. Cameron initiated, supported, and for which she is the subject matter expert. These projects are a high priority for the community, essential for enhancing transportation and safety in Mountain View, and will require Ms. Cameron's expertise to supplement full-time staff work as they advance in the implementation, which is expected to last several years.

Upon the announcement of Ms. Cameron's retirement as Public Works Director, the City proactively initiated a recruitment for the vacancy, and it is anticipated that a successor Director will be appointed by November 2024. The incoming Public Works Director will take on leadership of the department and will be getting up to speed on key projects and organizational processes. In addition, the Public Works Department has one vacant Assistant Public Works Director for which the new Public Works Director will prioritize the recruitment, appointment, and onboarding to fill the Assistant Director vacancy by early 2025.

Ms. Cameron is an experienced and tenured public service management professional with the specialized skills necessary to support the City Manager and represent the City Manager's Office in the continuation of key projects and avoid delay or impact to the community. Ms. Cameron's employment is imperative to supporting the workload in excess of what regular staff can perform.

FISCAL IMPACT

The part-time extra-help employment of Ms. Cameron is anticipated to cost approximately \$78,000 for Fiscal Year 2024-25. Funding for this extra-help assignment is available in the Public Works Department budget due to salary savings, and no additional funding is required at this time. No benefits will be provided with this appointment.

LEVINE ACT

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a "license, permit, or other entitlement for use" if the official has received a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant in the proceeding within the last 12 months. A city official is similarly prohibited from accepting, soliciting, or directing a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant to any proceeding involving a

license, permit, or other entitlement for use for 12 months after a final decision is rendered in said proceeding.

Please refer to the “X” in the checklist below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

SUBJECT TO THE LEVINE ACT

- Land development entitlements
- Other permit, license, or entitlement for use
- Contract or franchise

EXEMPT FROM THE LEVINE ACT

- Competitively bid contract
- Labor or personal employment contract
- General policy and legislative actions

For more information about the Levine Act, please see the Fair Political Practices Commission website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html.

ALTERNATIVES

1. Do not certify the nature of Ms. Cameron’s employment to fill the City Manager’s Office’s need for extra help as defined by CalPERS.
2. Provide other direction.

PUBLIC NOTICING—Agenda posting.

Prepared by:

Lindsey Bishop
Human Resources Manager

Maxine Gullo
Human Resources Director

LB-MG/4/CAM/035-10-08-24CR-1
204525

Approved by:

Kimbra McCarthy
City Manager

Attachment: 1. Resolution