



# CITY COUNCIL STAFF REPORT



**March 26, 2024**

## **ITEM TITLE**

Ratification of Temporary Appointment: City Manager's Appointment of the Interim Director of Parks and Recreation - CalPERS Retiree Lisa Rudloff

**Report Number:** 24-0108

**Location:** No specific geographic location

**Department:** Human Resources

**G.C. § 84308:** No

**Environmental Notice:** The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

## **Recommended Action**

Adopt a resolution ratifying the City Manager's temporary appointment of Lisa Rudloff as Interim Director of Parks and Recreation pursuant to Government Code § 7522.56 and 21221(h).

## **SUMMARY**

Staff is requesting that City Council adopt a resolution authorizing the City to temporarily appoint CalPERS retiree Lisa Rudloff (CalPERS ID: 5058248834). Adoption of the resolution will allow her to work for a temporary, limited duration in the capacity of Interim Director of Parks and Recreation. This temporary appointment is expected not to exceed a total of nine (9) months while the City completes a recruitment for a permanent appointment to the Director of Parks and Recreation position.

## **ENVIRONMENTAL REVIEW**

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because the proposed activity consists of a governmental fiscal/administrative activity which does not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA.

## BOARD/COMMISSION/COMMITTEE RECOMMENDATION

Not applicable.

## DISCUSSION

The California Public Employees' Retirement System (CalPERS) recognizes that retirees can play an important role in maintaining city operations, particularly in short-term or emergency situations; however, they also specify limitations on a retiree's service when returning to work for a CalPERS agency. Government Code § 7522.56 & 21221(h) provides specific guidance on employing a CalPERS retiree without interruption to retirement benefits or reinstatement from retirement. Key terms of hiring a retired annuitant under the Government Code and by which the City will be following are:

- **The retiree must wait 180 days after his or her retirement date before he or she can return to work for a CalPERS employer, unless there is a qualifying exception.** Ms. Rudloff retired on July 1, 2022 and met the 180-day waiting period as of December 28, 2022.
- **The appointment of a retired annuitant must be for a limited duration for a vacant position.** The City is actively recruiting for the Director of Parks and Recreation position. Ms. Rudloff brings 22+ years of public sector work experience, including service as an Executive Director of Parks, Recreation & Community Services and Director of Parks and Recreation. She also served as President on the California State and District Park & Recreation Society boards.

Ms. Rudloff possesses special skills and knowledge directly related to the City's Director of Parks and Recreation position. For these reasons, staff believes it would be most beneficial to the City to temporarily appoint her until completion of the recruitment for a permanent appointment to the Director of Parks and Recreation position *or* January 4, 2025, whichever occurs earlier. Both the City and Ms. Rudloff are aware that a retired annuitant can only be appointed once to this vacant position as required by Gov. Code § 21221(h).

- **The retired annuitant's salary cannot be less than the minimum or exceed the maximum for the vacant position as listed on the employer's publicly available pay schedule for the position.** Ms. Rudloff will be temporarily appointed as Interim Director of Parks and Recreation (Step E). Her hourly pay rate upon temporary hire will be \$102.09. (*Attachment A*)
- **The retired annuitant cannot be paid any other compensation or benefits in addition to the hourly pay rate.** Ms. Rudloff's employment agreement (*Attachment B*) specifies that her temporary appointment is not eligible to receive any compensation or benefits other than her hourly pay rate.
- **A maximum of 960 hours can be worked within a fiscal year (July 1 to June 30) and CalPERS does not provide any exception to this limit. Nonpaid or volunteer hours can't be used in order to exceed 960 hours in a fiscal year.** Ms. Rudloff is expected to work for a period of no more than nine (9) months while the City completes the recruitment for a permanent appointment to the Director of Parks and Recreation position. The City will be required to enroll Ms. Rudloff as a retired annuitant in the myCalPERS system and report hours worked to CalPERS.
- **The retiree will not accrue service credit or any additional retirement rights or benefits.** While the City is required to report hours worked by Ms. Rudloff, those hours will not be counted as additional retirement service credits and reported only for the purpose of tracking the fiscal year hours limit.

The employment agreement (*Attachment B*) identifies the detailed terms of Ms. Rudloff's temporary appointment. Staff would like to request that City Council adopt a Resolution authorizing the temporary appointment effective April 5, 2024.

### **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

### **CURRENT-YEAR FISCAL IMPACT**

There is no fiscal impact as a result of this action. Funding for the Director of Parks and Recreation position is available based on the current year budget appropriations. In accordance with CalPERS requirements, Ms. Rudloff will not be eligible for any compensation or benefits in addition to her hourly pay rate while working for the City as a retired annuitant.

### **ONGOING FISCAL IMPACT**

There is no ongoing fiscal impact associated with the temporary appointment of retired annuitant Ms. Rudloff.

### **ATTACHMENTS**

1. FY2023-2024 Compensation Schedule for Director of Parks and Recreation
2. Agreement for Temporary Limited-Term Employment (CalPERS Retiree Lisa Rudloff)

*Staff Contact: Tanya Tomlinson, Director of Human Resources/Risk Management*