

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT
MEMORANDUM
10/05/2020

TO: FRAQMD BOARD OF DIRECTORS

FROM: Christopher D. Brown AICP, APCO

SUBJECT: Approve Resolution #2020-11 to hire a retired annuitant as Administrative Services Officer for a limited duration under the rules governed by CalPERS 21221(h) appointment and authorize the Chairman to execute related documents.

RECOMMENDATION:

Staff recommends approval of Resolution #2020-11.

ALTERNATIVES:

Do not approve Resolution #2020-11.

BACKGROUND:

The attached resolution was prepared by District Counsel in order to conform with CalPERS requirements to bring back an annuitant for a limited amount of time.

FISCAL IMPACT:

Cross hiring of both positions was included in the fiscal year 2020-2021 budget.

FEATHER RIVER AIR QUALITY MANGEMENT DISTRICT

RESOLUTION NO. 2020-11

RESOLUTION OF THE FEATHER)
RIVER AIR QUALITY MANGEMENT)-
DISTRICT BOARD OF DIRECTORS)
APPROVING THE HIRING OF A)
RETIRED ANNUITANT AS)
ADMINISTRATIVE SERVICES)
OFFICER FOR A LIMITED DURATION)
UNDER THE RULES GOVERNED BY)
CALPERS, 21221(h) APPOINTMENT)

WHEREAS, in compliance with Government Code section 21221(h) of the Public Employees' Retirement Law, Feather River Air Quality District ("District") must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, LuAnn McKenzie will retire from the District in the position of Administrative Services Officer effective November 14, 2020; and

WHEREAS, Government Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date;

WHEREAS, Government 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, District Board of Directors and LuAnn McKenzie certify that LuAnn McKenzie has not and will not receive a Golden Handshake or another retirement-related incentive; and

WHEREAS, District Board of Directors hereby appoints LuAnn McKenzie as an interim retired annuitant to perform the duties of Administrative Services Officer under Government Code section 21224(h); 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 maximum base salary for this position is \$8,668.00/mo. and the hourly equivalent is \$50.00, and the minimum base salary is \$6,158.00/mo. and the hourly equivalent is \$35.53; and

WHEREAS, the hourly rate to be paid to LuAnn McKenzie will be \$50.00; and

WHEREAS, LuAnn McKenzie 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 rate of pay; and

WHEREAS, an appointment under Government Code section 21221(h) requires an active, publicly posted recruitment for a permanent replacement; and

WHEREAS, the current status of the recruitment is updating job descriptions and preparing classified advertisements for publishing in newspapers and electronically and once hired, training of new employee; and

WHEREAS, this section 21221(h) appointment shall only be made one and therefore will end on June 30, 2021; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

WHEREAS, the expenses related to the hiring of the Retired Annuitant have no net impact to the General Fund, as the salary for this position is included in the adopted Fiscal Year 2020-21 budget; and

NOW, THEREFORE, BE IT RESOLVED by the Board of District of the Feather River Air Quality Management District that it hereby certifies the nature of the appointment of LuAnn McKenzie as described herein and that this appointment is necessary to fill the critically needed position of Administrative Services Officer for Feather River Air Quality Management District November 14, 2020 through June 30, 2021 because the District has identified LuAnn McKenzie as having the requisite knowledge, skills and abilities to provide Administrative Services Officer duties on an interim and time-limited basis:

BE IT FURTHER RESOLVED, the Board of Directors of the Feather River Air Quality Management District approves the hiring of LuAnn McKenzie as a retired annuitant.

PASSED and ADOPTED by the Board of Directors of the Feather River Air Quality Management District at a regular meeting on October 5, 2020, by the following vote:

AYES:

NO:

ABSENT:

ABSTAIN:

Mat Conant
Chairman

ATTEST:

Clerk of the District Board

APPROVED AS TO LEGAL FORM

Deborah Micheli, District Counsel