

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, REQUESTING THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO APPROVE AN EXTENSION OF ALLOWED EMPLOYMENT FOR A RETIRED EMPLOYEE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 21221(h)**

**Summary Statement:**

At the special Town Council meeting of March 3, 2008, the Town Council expressed the desire to extend the contract with the Interim Town Manager until the appointment of a new Town Manager. Currently the Interim Town Manager is able to work under his current contract and under Cal-PERS rules until the end of March. However under Section 21221 of the code, "upon appointment by the governing body of a contracting agency to a position deemed by the governing body to be of a limited duration and requiring specialized skills during an emergency to prevent stoppage of public business. These appointment, in addition to any made pursuant to Section 21224, shall not exceed a total for all employers of 960 hours in any fiscal year. When an appointment is expect to, or will, exceed 960 hours in any fiscal year, the governing body shall request approval from the board to extend the temporary employment. The governing body shall present a resolution to the board requesting action to allow or disallow the employment extension. The resolution shall be presented prior to the expiration of the 960 hour maximum for the fiscal year."

By approving the resolution the Town will be able to submit to the Cal-PERS board the request of extension. The appointment will be deemed approved if the board fails to take action within 60 days of receiving the request.

**Recommended Action:**

That the Town Council adopt Resolution 2008-11 stating its intention to request approval from the Cal-PERS Board to extend the temporary employment of the Interim Town Manager

**Proposed by:** William Pattison, Finance Director/Treasurer Item Number \_\_\_\_\_

**T. M. Approval:** \_\_\_\_\_ Budgeted Item  Yes  No  N/A

## RESOLUTION NO. 2008-11

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, REQUESTING THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO APPROVE AN EXTENSION OF ALLOWED EMPLOYMENT FOR A RETIRED EMPLOYEE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 21221(h)**

#### A. Recitals.

- (i) The office of the Town Manager of the Town of Apple Valley was rendered vacant by the resignation of the former Town Manager;
- (ii) To assure the efficient continued operation of the Town organization, the Town hired retired city manager, James Cox, to serve as Interim Town Manager;
- (iii) California Government Code Section 21221(h) allows a Town to hire a retired person to a position requiring specialized skills on a temporary basis. The retired person will not be subject to reinstatement from retirement or loss of benefits so long as such employment does not exceed 960 hours in a fiscal year. The Board of Administration of the Public Employees' Retirement System may grant an extension not to exceed one (1) year on a request by resolution of the public entity if presented prior to the expiration of the 960 hour limitation;
- (iv) The Town, the state, the country, and the global economy are facing significant challenges. The Interim Town Manager is currently addressing these constraints and other organizational challenges integral to the well-being of the Town. The current Interim Town Manager has over thirty (30) years of executive level municipal management experience with an extensive history in leading and managing municipal government entities through significant fiscal and organizational challenges, and it is not likely for the Town of Apple Valley to recruit and hire another Town Manager with his kind of successful record in the face of such fiscal and organizational challenges prior to the conclusion of Interim Town Manager's initial 960 hour period of employment;
- (v) Pending the successful outcome of the fiscal and organizational challenges facing the Town for the next several months, and the recruitment, selection and employment of a permanent Town Manager, the Town desires to maintain the services of James Cox on a temporary basis as Interim Town Manager, to provide the

leadership, managerial, and organization skills necessary to manage the Town effectively and efficiently; and,

- (vi) To date, James Cox's service to the Town of Apple Valley has not yet exceeded the 960 hour limitation set forth in California Government Code Section 21221(h).

B. Resolution.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. That all facts as set forth in the Recitals, Part A, of this Resolution, are true and correct.

Section 2. Pursuant to the requirements of California Government Code Section 21221(h), the Town Council requests that the Board of Administration of the Public Employees' Retirement System allow James Cox to exceed the 960 hour limitation of Section 21221(h) for a total period not to exceed one (1) year.

Section 3. The Town Clerk shall certify to the adoption of this Resolution and shall transmit a copy to the Board of Administration of the Public Employees' Retirement System.

PASSED, APPROVED AND ADOPTED this 11<sup>th</sup> day of March, 2008.

\_\_\_\_\_  
Timothy J. Jasper, Mayor

ATTEST:

\_\_\_\_\_  
La Vonda Pearson, Town Clerk

APPROVED AS TO FORM:

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Neal Singer, Town Attorney