



City Council Report

915 I Street, 1st Floor

Sacramento, CA 95814

www.cityofsacramento.org

File ID: 2018-01664

December 11, 2018

Consent Item 11

Title: Authorization to Hire a Staff Aide

Location: Citywide

Recommendation: 1) Pass a Motion certifying the critical need for a temporary staff aide on or before December 12, 2018; and 2) adopt a Resolution authorizing the City Manager or City Manager's designee to appoint Fran Lee Halbakken as a Staff Aide.

Contact: Shelley Banks-Robinson, Human Resources Director, (916) 808-5541, Department of Human Resources

Presenter: None

Attachments:

- 1-Description/Analysis
- 2-City Resolution
- 3-PERS Resolution
- 4-Appointment Letter

Description/Analysis

Issue Detail: Assembly Bill 340, the Public Employee Pension Reform Act of 2013 also known as PEPRA, was signed into law on September 12, 2012 and went into effect on January 1, 2013. PEPRA created Government Code Section 7522.56 which requires public agency retirees to wait 180 days after retirement before returning to work for a public agency. This waiting period can be waived should the City Council determine it is critical to fill the specific position. Therefore, this request is before Council for approval at this time.

Fran Lee Halbakken, Assistant City Manager overseeing Public Works, Utilities and the Convention and Cultural Services Departments, is retiring from her position from the City of Sacramento on December 7, 2018. Over the past 32 years, Ms. Halbakken has developed an extensive knowledge of planning, projects, engineering and regulations that govern the City of Sacramento's infrastructure. During her time as Assistant City Manager, Ms. Halbakken has also taken the role of project executive to the Convention Center Complex (C3) project, a \$350 million construction project of key civic anchors: the Sacramento Community Theater, Convention Center and Sacramento Memorial Auditorium. Her knowledge uniquely qualifies her to continue to act as a project executive overseeing this monumental project at a critical time as the project enters the construction phase.

This work is of limited duration, is critical and highly specialized; the City requires an experienced individual to oversee the success of this project. Staff therefore requests Council approve the attached resolution allowing the City to hire Fran Lee Halbakken on a temporary basis to fill this role.

Policy Considerations: The City Council may waive the 180-day waiting period for retired annuitants.

Economic Impacts: None.

Environmental Considerations: Under the California Environmental Quality Act (CEQA) guidelines, continuing administrative activities do not constitute a project and are therefore exempt from review.

Sustainability: Not applicable.

Commission/Committee Action: None.

Rationale for Recommendation: The City Council may waive the 180-day waiting period for retired annuitants when there is a critical need. Expertise in project design and construction

and experience managing the C3 project requires Fran Lee Halbakken's expertise and immediate attention.

Financial Considerations: Funding for the temporary Staff Aide will be provided through the City Manager's Office budget. There is sufficient funding in the City Manager Office FY2018/19 Operating Budget to support the recommendation.

Local Business Enterprise (LBE): Not applicable.

RESOLUTION NO. 2018-

**Adopted by the Sacramento City Council
December 11, 2018**

**RESOLUTION AUTHORIZING
THE CITY MANAGER TO HIRE
STAFF AIDE
GC sections 7522.56 & 21224**

BACKGROUND

- A. In compliance with Government Code section 7522.56 the City Council must provide CalPERS a resolution when hiring a retiree before 180 days has passed since his or her retirement date.
- B. Fran Lee Halbakken, CalPERS ID 3518823293, is retiring from the City of Sacramento in the position of Assistant City Manager, effective December 7, 2018; and
- C. Section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 5, 2019 without the necessary resolution.
- D. Section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive.
- E. The City Council, the City of Sacramento and Fran Lee Halbakken certify that Fran Lee Halbakken has not and will not receive a Golden Handshake or any other retirement-related incentive.
- F. The City Council hereby authorizes City Manager Howard Chan to hire Fran Lee Halbakken as a retired annuitant in a staff aide classification to perform the duties of a Project Executive for the City of Sacramento under Government Code section 21224, effective December 12, 2018.
- G. No matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar.
- H. The employment shall be limited to 960 hours per fiscal year.
- I. 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.

- J. The maximum monthly base salary for this position is \$17,333.00 for which the hourly equivalent is \$100.00. The monthly base salary for this position is \$17,333.00 for which hourly equivalent is \$100.00; and
- K. The hourly rate paid to Fran Lee Halbakken will be \$100.00.
- L. Fran Lee Halbakken has not received, and will not receive, any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The appointment of Fran Lee Halbakken as project executive, is necessary to oversee the Convention Center Complex (C3) project at a critical time as the project enters the construction phase.
- Section 2. The City Manager, or the City Manager's designee, is authorized to approve the attached appointment letter with Fran Lee Halbakken.

RESOLUTION NO. 2018-

**Adopted by the Sacramento City
Council December 11, 2018**

**RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT
PERIOD**

GC sections 7522.56 & 21224

WHEREAS, in compliance with Government Code section 7522.56 the City Council must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Fran Lee Halbakken, CalPERS ID 3518823293, will retire from the City of Sacramento in the position of Assistant City Manager, effective December 7, 2018; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 5, 2019 without this certification resolution; and

WHEREAS, 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, the City Council, the City of Sacramento and Fran Lee Halbakken certify that Fran Lee Halbakken has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City Council hereby appoints Fran Lee Halbakken as an retired annuitant to perform the duties of the Staff Aide for the City of Sacramento under Government Code section 21224, effective December 12, 2018; and

WHEREAS, the appointment document between Fran Lee Halbakken and the City of Sacramento has been reviewed by this body and is attached herein; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; 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 monthly base salary for this position is \$17,333.00 for which the hourly equivalent is \$100.00. The monthly base salary for this position is \$17,333.00 for which hourly equivalent is \$100.00; and

WHEREAS, the hourly rate paid to Fran Lee Halbakken will be \$100.00; and

WHEREAS, Fran Lee Halbakken 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 pay rate; and

THEREFORE, BE IT RESOLVED THAT the City Council hereby certifies the nature of the appointment of Fran Lee Halbakken as described herein and detailed in the attached appointment document and that this appointment is necessary to fill the critically needed position of Project Executive for the City of Sacramento by December 11, 2018, because of the City's need to have her take the role of project executive to the Convention Center Complex (C3) project, a \$350 million construction project of key civic anchors: the Sacramento Community Theater, Convention Center and Sacramento Memorial Auditorium. Her knowledge uniquely qualifies her to continue to act as a project executive overseeing this monumental project at a critical time as the project enters the construction phase.

December 11, 2018

Fran Lee Halbakken
address
Sacramento, CA 95831

Dear Ms. Halbakken,

Congratulations on your appointment as a reemployment annuitant. This is an appointment to an at-will exempt position of staff aide in the City Manager's Office serving at the pleasure of the City Manager. Your appointment is effective December 11, 2018. Your salary will be \$100.00 per hour. Your appointment will not extend beyond 960 hours in the calendar year.

Additional terms and conditions of employment are outlined on the enclosed Compensation and Appointment Information form. You may be required to file a conflict of interest statement, which is a determination made by the City Clerk. Your department will provide the appropriate forms.

You have my best wishes for success and my support in this important position. I know you will do well!

Sincerely,

Howard Chan
City Manager

Enclosure