

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
6	11/12/12	Open	Action	11/2/12

Subject: Approving the Sixth Amendment to the Personal Services Contract for Bob Wenker for Project Assistance.

ISSUE

Whether or not to approve the Sixth Amendment to the Temporary Employment Contract with Bob Wenker for Project Assistance.

RECOMMENDED ACTION

Adopt Resolution No. 12-11-____, Approving the Sixth Amendment to the Personal Services Contract for Bob Wenker for Project Assistance.

FISCAL IMPACT

Budgeted:	Yes	This FY:	\$	37,500
Budget Source:	Capital	Next FY:	\$	37,500
Funding Source:	FY10/11 CTSGP	Annualized:	\$	75,000
Cost Cntr/GL Acct(s) or Capital Project #:	H022 / H023	Total Amount:	\$	75,000
Total Budget:	\$ 846,927.00 / \$248,909.00			

DISCUSSION

Under the General Manager/CEO's authority, RT entered into a contract with retired RT employee, Bob Wenker, on June 9, 2010 to work under the direction of RT's IT Project Coordinator. On January 10, 2011, the Board approved the First Amendment to Mr. Wenker's Contract, extending the not-to-exceed amount of the contract by \$50,000 to \$80,000. On April 25, 2011, the Board approved the Second Amendment to Mr. Wenker's Contract, extending the term of the contract to December 31, 2011. On November 14, 2011, the Board approved the Third Amendment to Mr. Wenker's Contract, extending the not-to-exceed amount of the contract by \$20,000 to \$100,000, and extending the term of the contract to March 31, 2012. On March 12, 2012, the Board approved the Fourth Amendment to Mr. Wenker's Contract, extending the term of the contract to June 30, 2012. On June 25, 2012, the Board approved the Fifth Amendment to Mr. Wenker's Contract, extending the not-to-exceed amount of the contract by \$75,000 to \$175,000, and increasing Mr. Wenker's hourly rate from \$25/hour to \$30/hour.

On September 12, 2012, the Governor signed AB 340, which significantly modifies public pensions systems in California. Among the many changes that AB 340 imposes is a prohibition

Approved:

Presented:

Final 11/6/12

General Manager/CEO

IT Project Coordinator

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against retirees returning to work for an employer that participates in the public pension system from which they retired unless the retiree is reinstated into the plan. AB 340 does permit a retiree to return without reinstatement in two limited situations. The first is in the case of an emergency to prevent a stoppage of public business. The second situation is if the retiree has skills that are needed to perform work of a limited duration. However, an annuitant who returns to work under one of the two permitted exceptions may only work 960 hours in a calendar year.

Mr. Wenker is an RT retired annuitant. Under AB 340, he is prohibited from returning to work for RT after January 1, 2013 unless he is reinstated into the plan from which he retired, or unless he is returning under one of the limited exceptions. In this case, Mr. Wenker will be working a special project that is specially funded and is scheduled to end March 31, 2014.

Mr. Wenker is providing logistical assistance to the Project Coordinator for the Digital Messaging Sign (DMS) II Project and the Rail Infrastructure Hardening, Surveillance, and Monitoring Project by preparing project schedules, written communications, reports, equipment requisitions, project billings, inventory management, asset tagging, equipment configuration, vendor communications and other project tasks as directed. These projects have been approved by Cal EMA and RT has received funding for both. Mr. Wenker will be paid from both grants.

Mr. Wenker has the skills necessary to perform the work required by this project and the project is of limited duration. Mr. Wenker's contract will be amended to specify that he may only work 960 hours in the calendar year and that he must work with RT to ensure he complies with the restriction.

Staff recommends that the Board approve the Sixth Amendment to the Contract which increases the not-to-exceed amount of the Contract by \$37,500 to \$212,500, extends the term of the contract to December 31, 2013, and limits his annual hours worked to 960 hours.

RESOLUTION NO. 12-11-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

November 12, 2012

**APPROVING THE SIXTH AMENDMENT TO THE PERSONAL SERVICES
CONTRACT FOR BOB WENKER FOR PROJECT ASSISTANCE**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE
SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the Sixth Amendment to the Personal Services Contract between Sacramento Regional Transit District, therein referred to as "RT," and Bob Wenker, therein referred to as "Contractor," whereby the not-to-exceed amount of the Contract is increased by \$37,500 to \$212,500, the Contract expiration date is extended to December 31, 2013, and his annual hours worked is limited to 960 hours, is hereby approved,

THAT, the Chair and General Manager/CEO are hereby authorized and directed to execute said Amendment.

BONNIE PANNELL, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary