

# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
14A	12/10/18	Open	Action	12/03/18

Subject: Temporary Appointment of Mark Lonergan to Perform Projects in Accordance with California Government Code Section 7522.56(f)(1).

## ISSUE

Whether to approve the temporary appointment of future retired annuitant Mark Lonergan to complete and/or oversee critical projects in accordance with the requirements of California Government Code Section 7522.56(f)(1).

## RECOMMENDED ACTION

Adopt Resolution No. 18-12-\_\_\_\_, Approving the Temporary Appointment of Mark Lonergan to Complete and/or Oversee Critical Projects Following His Retirement on a Limited Basis, in Accordance with California Government Code Section 7522.56(f)(1).

## FISCAL IMPACT

Budgeted: No This FY: \$ 52,690  
Budget Source: Operating Next FY: \$ 52.690  
Funding Source: Operating  
Cost Cntr/GL Acct(s) or CC 11; 510025  
Capital Project #:

## DISCUSSION

The Public Employee Pension Reform Act of 2013 also known as PEPRA, was signed into law on September 12, 2012 and went into effect January 1, 2013. PEPRA established Government Code Section 7522.56 which requires public agency retirees to wait 180 days after retirement before returning to work for the public agency from which they retired, unless the agency's governing Board determines it is necessary to bring the employee back to temporarily fill the critically needed position, until the position can be permanently filled. The appointment must be approved in a public meeting of the governing Board and cannot be placed on the consent calendar.

Mark Lonergan ("Mr. Lonergan") has been employed by SacRT for 17 months in the role of Deputy General Manager/Chief Operating Officer with over a 40 year tenure at SacRT and will be retiring on January 1, 2019. During his tenure with SacRT, Mr. Lonergan has provided executive level assistance to the General Manager/CEO in planning, developing, organizing, and directing the activities of the District. He has provided highly complex and responsible direction for all areas of operations; has held executive responsibility for managing the operations of the Safety & Environmental Department, Light Rail, Bus Transportation, Engineering and other responsibilities; has acted on behalf of the General Manager/CEO in his/her absence; and has been accountable

Approved:

Presented:

Revised Final 12/6/18

General Manager/CEO

Pension and Retiree Services Administrator

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for accomplishing and furthering District and department goals and objectives within general policy guidelines. It is essential that Mr. Lonergan continue to perform some of these responsibilities while SacRT recruits for and fills the position(s) that will be taking over these critical responsibilities.

In addition to the above-referenced PEPRA regulations, staff will ensure that the additional PEPRA requirements are met:

- That the temporary employee does not work more than the 960 hour calendar year cap;
- Compensation paid does not exceed the rate of any current employees in the same classification; and
- That the assignment be of limited duration.

Staff requests that the Board approve this action, appointing Mr. Lonergan to return to SacRT as a retired annuitant to complete and/or oversee critical projects before 180 days have elapsed since his retirement, in accordance with the requirements of California Government Code Section 7522.56(f)(1).

RESOLUTION NO. 18-12-\_\_\_\_\_

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

December 10, 2018

**APPROVING THE TEMPORARY APPOINTMENT OF MARK LONERGAN TO COMPLETE AND/OR OVERSEE CRITICAL PROJECTS FOLLOWING HIS RETIREMENT ON A LIMITED BASIS, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 7522.56(F)(1).**

WHEREAS, the State Legislature adopted the California Employees' Pension Reform Act of 2013 (PEPRA) as well as other statutory changes to implement comprehensive pension reform; and

WHEREAS, PEPRA applies to all public employers that participate in a public pension in California on or after January 1, 2013; and

WHEREAS, California Government Code Section 7522.56, as enacted in PEPRA, requires newly retired persons to sit out for at least 180 days before returning to work for an employer in the same retirement system from which they receive a retirement allowance unless the governing Board certifies that there is a critical need to fill a vacancy before the 180 days have elapsed; and

WHEREAS, Mark Lonergan (Lonergan) was employed by Sacramento Regional Transit for 17 months as a Deputy General Manager/COO and will be retiring on January 1, 2019; and

WHEREAS, it is a critical time for SacRT and Mr. Lonergan has been performing functions that are related to key organizational initiatives and projects, and

WHEREAS, it is anticipated that Lonergan's services would be required on a temporary basis from January 1, 2019 to July 1, 2019.

NOW THEREFORE, BE IT HEREBY RESOLVED BY BOARD OF DIRECTORS OF SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the Board hereby determines and certifies that there is a critical need to bring Mr. Lonergan back to complete and/or oversee critical projects, which requires specialized executive level skill set; and

THAT, the Board hereby appoints Mark Lonergan to complete and/or oversee critical projects on a limited term basis, in accordance with the requirements of California Government Code Section 7522.56(f)(1), because Mr. Lonergan has the specialized skill set necessary to complete or oversee these critical projects.

\_\_\_\_\_  
PATRICK KENNEDY, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Cindy Brooks, Assistant Secretary