



STAFF REPORT

DATE: April 26, 2021

TO: Sacramento Regional Transit Board of Directors

FROM: Shelly Valenton, VP, Integrated Services and Strategic Initiatives/Chief of Staff

SUBJ: APPROVING THE TEMPORARY APPOINTMENT OF FUTURE RETIRED ANNUITANT CINDY BROOKS.

RECOMMENDATION

Adopt the Attached Resolution.

RESULT OF RECOMMENDED ACTION

If the Board approves this action, the current Clerk to the Board, Cindy Brooks would return on a limited basis to assist with projects and duties of the Clerk's Office, immediately after her retirement. Per Cal. Gov't Code §7522.56(f)(1), the Board may authorize a retiree's return immediately after the retirement date if it makes a finding that the retiree is needed to fill a "critically needed position" before 180 days have passed since retirement.

FISCAL IMPACT

Total consideration for the two-year contract will not exceed \$102,720. This will be included in the FY 2022 operating budget. Any additional expense will be covered through additional revenues or cost savings.

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 fill a critically needed position. The appointment must be approved in a public meeting of the governing Board and cannot be placed on the consent calendar.

Cindy Brooks has been employed by SacRT for 23 years in the role of Clerk to the Board with over a 30-year tenure at SacRT and will be retiring on June 1, 2021. During her tenure with SacRT, Ms. Brooks has provided executive level support to the General Manager/CEO and the Board of Directors in planning, developing, organizing, and directing the activities of the Clerk's office. The Clerk's office has a single incumbent, the Board Clerk position. It is essential that Ms. Brooks continue to perform some of these responsibilities while SacRT recruits for, fills the position and trains the staff that will be

taking over these critical responsibilities. SacRT will also benefit from Ms. Brook's institutional knowledge, having held this position for over two decades. Authorizing Ms. Brooks to temporarily fill this critical position will be critical to ensuring that the Clerk's office continues to efficiently and effectively operate during this transition period.

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; and
-) 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 determine that Ms. Brooks is needed to temporarily fill this critical position, and appoint Ms. Brooks to return to SacRT as a retired annuitant before 180 days have elapsed since her retirement, in accordance with the requirements of California Government Code Section 7522.56(f)(1).

RESOLUTION NO. 21-04-0043

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

April 26, 2021

APPROVING THE TEMPORARY APPOINTMENT OF FUTURE RETIRED ANNUITANT CINDY BROOKS.

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 an urgent need to fill a critical position before the 180 days have elapsed; and

WHEREAS, Cindy Brooks (Brooks) has been employed by Sacramento Regional Transit for 23 years as Clerk to the Board and will be retiring on June 1, 2021: and

WHEREAS, the Clerk to the Board position is a critical position within SacRT that cannot be easily or quickly filled; and

WHEREAS, given Ms. Brooks expertise, knowledge, and skillset, it is necessary to have Ms. Brooks temporarily fill the position of Clerk to the Board immediately upon her retirement, while SacRT recruits, hires and trains a replacement for Ms. Brooks; and

WHEREAS, because of the complexity of the Clerk to the Board position, it is anticipated that Brooks' services would be required on a temporary basis from June 1, 2021 to May 31, 2023.

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 the position of Clerk to the Board is a critical position and that there is a critical need to temporarily appoint Ms. Brooks to fill that critical position while SacRT recruits for, fills the position and trains the staff that will be taking over these critical responsibilities.

THAT, the Board hereby appoints Cindy Brooks on a limited term basis, in accordance with the requirements of California Government Code Section 7522.56(f)(1), because Ms. Brooks has the specialized skill set necessary to assist with the activities of the Clerk's office.

THAT, the Board hereby approves the Personnel Services Contract between Sacramento Regional Transit District, therein referred to as "SacRT" and Cindy Brooks, therein referred to as "Temporary Employee", wherein Ms. Brooks agrees to temporarily provide services related to the position of Clerk to the Board, for a limited term and subject to the limitations set forth in the Public Employee Pension Reform Act of 2013.

THAT, the Board hereby authorizes and directs the Chair and the General Manager/CEO to execute said Personnel Services Contract.

STEVE MILLER, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Cindy Brooks, Assistant Secretary