

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE APPROVING AN EXCEPTION TO THE
CALPERS 180 DAY WAIT PERIOD AND INTERIM
APPOINTMENT OF DAVID JENSEN TO DIRECTOR OF
INFORMATION TECHNOLOGY POSITION (GOV'T. CODE
7522.56, 21221(h), 21224)**

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

WHEREAS, the City's Director of Information Technology position will be vacant on July 17, 2015, and the City currently has an open recruitment to fill the vacancy, which is an executive position in that directs the City's Department of Information Technology; and

WHEREAS, the City has hired an executive recruiter to recruit qualified candidates for the Director of Information Technology position and anticipates permanently filling the position on or before June 17, 2017; and

WHEREAS, David Jensen ("Jensen") will retire from the City of Sunnyvale in the position of Director of Information Technology, effective July 17, 2016, and is available to serve in the position of Director of Information Technology on an interim basis until the City of Sunnyvale finds a qualified candidate to permanently fill the vacancy; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which will be January 17, 2017, 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 of Sunnyvale and Jensen certify that Jensen has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, Jensen has special skills necessary to perform the duties of Director of Information Technology because he has more than twenty years of experience managing municipal information technology programs and departments.

WHEREAS, the City of Sunnyvale hereby appoints Jensen as an extra help retired annuitant to perform the duties of Director of Information Technology for the City of Sunnyvale on an interim basis, effective August 1, 2016 and ending on or before July 17, 2017; and

WHEREAS, the entire employment agreement, contract or appointment document between Jensen and the City of Sunnyvale has been reviewed by this body as part of the Report to Council associated with this resolution; 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 minimum base salary for the Director of Information Technology position is \$171,083 and the hourly equivalent is \$82.251, and the maximum base salary for this position is \$201,274.00 and the hourly equivalent is (\$96.766); and

WHEREAS, the hourly rate paid to Jensen will be \$96.6913; and

WHEREAS, Jensen 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.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

The City of Sunnyvale hereby certifies the nature of the appointment of Jensen as described herein and detailed in the employment appointment document, this resolution and the related Report to Council, and finds that this appointment is necessary to fill the critically needed position of Director of Information Technology for the City of Sunnyvale by August 1, 2016 because the Director of Information Technology is a key executive-level position responsible for managing all of the City's information technology programs and functions, which impact everything ranging from day to day work that the majority of employees perform on computing equipment to specialized technology programs and platforms affecting key City programs. The position requires specialized skills and experience related to Citywide information technology equipment, programs, and operations and is necessary to ensure continuity of operations while the City works to complete the ongoing recruitment to permanently fill the Director of Information Technology vacancy.

Adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney