



City Council Report

915 I Street, 1st Floor

Sacramento, CA 95814

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File ID: 2019-01136

October 1, 2019

Discussion Item 03

Title: (Housing Authority) Authorization to Hire a Staff Aide

Location: Citywide

Recommendation: 1) Pass a Motion certifying the critical need for a temporary staff aide to be appointed on or before October 2, 2019; 2) adopt a Housing Authority Resolution: a) certifying the need to appoint David Levin as a staff aide on October 2, 2019; and b) authorizing the Executive Director of the Sacramento Housing and Redevelopment Agency to approve the appointment letter with David Levin; and 3) adopt a Housing Authority Resolution certifying the need to appoint David Levin as a staff aide on October 2, 2019.

Contact: James Shields, Director of Administration, (916) 440-1319, Sacramento Housing and Redevelopment Agency

Presenter: James Shields, Director of Administration, (916) 440-1319, Sacramento Housing and Redevelopment Agency

Attachments:

- 1-Description/Analysis
- 2-Housing Authority Resolution - Appointment
- 3-Exhibit A – Appointment Letter
- 4-Housing Authority Resolution – Certification

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 at a public agency. This waiting period can be waived should the public agency determine there is a critical need to fill a specific position. This report is requesting that the Housing Authority waive the 180-day wait period and authorize the hire of David Levin as a staff aide.

David Levin, General Counsel for the Agency, retired from his position on October 1, 2019. Mr. Levin has a unique skill set and familiarity with the operations and requirements of the Agency's legal department. As a result, it is critical that he begin work as a retired annuitant to assist the Executive Director while the Agency recruits for a new General Counsel. Critical ongoing activities that need to be addressed during the transition period include:

- Housing Successor Agency Duties – Finalize the transfer of Property.
- Twin Rivers Project – Coordination of the legal documents on the current phase of construction which is scheduled to close at the end of 2019 with construction to begin in first quarter of 2020.
- Transformative Climate Communities Grant – Complete the negotiations with the Strategic Growth Council on all contracts for the implementation of the grant.
- Rental Assistance Demonstration (RAD) – Finalize and coordinate all legal transactions on the closure of Phase I RAD program.
- Current Litigation – Coordination of the Agencies outside legal counsel with the City Attorney and the County Counsel on pending litigation impacting the City, County and the JPA.

Policy Considerations: Upon approval by the Housing Authority, the Sacramento Housing and Redevelopment Agency, as the exclusive employer for the Housing Authority, may hire retired annuitants immediately once the 180-day waiting period is waived.

Economic Impacts: None

Environmental Considerations: The recommendation in this report is not a project under the California Environmental Quality Act (CEQA) because it involves organizational or administrative activities that will not result in direct or indirect physical changes in the environment, as contemplated by Section 15378(b)(5) of the CEQA Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.), and is, therefore, not subject to CEQA pursuant to Section 15060(c)(3) of the CEQA Guidelines.

Sustainability: Not applicable

Commission/Committee Action: Not applicable.

Rationale for Recommendation: The Housing Authority may waive the 180-day waiting period for retired annuitants when there is a critical need. No current Housing Authority/Agency employees have the background knowledge of the Agency's legal department functions to provide legal advice concerning the matters described above.

Financial Considerations: There is sufficient funding in the Agency's operating budget to support the recommendation. Funding for the temporary Staff Aide will be provided through cost savings as a result of vacancies in the legal department.

LBE - M/WBE and Section 3 requirements: Not applicable to this report.

RESOLUTION NO. 2019 -

Adopted by the Housing Authority of the City of Sacramento

On date of

AUTHORIZATION TO HIRE DAVID LEVIN AS STAFF AIDE GC SECTIONS 7522.56 AND 21224

BACKGROUND

- A. In compliance with Government Code section 7522.56 the Housing Authority of the City of Sacramento (Housing Authority) must provide CalPERS a resolution when hiring a retiree before 180 days have passed since his or her retirement date. The Sacramento Housing and Redevelopment Agency (Agency) is the exclusive employer of staff for the Housing Authority pursuant to the joint powers agreement that established the Agency in 1982, as the agreement has been amended.
- B. David Levin, CalPERS ID 4314216638, has retired from the Agency in the position of General Counsel, effective October 1, 2019.
- C. Section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is March 29, 2020 without the necessary resolution.
- D. Section 7522.56 provides that this exception to the 180 days wait period shall not apply if the retiree accepts any retirement-related incentive.
- E. The Housing Authority, the Agency, and David Levin certify that David Levin has not and will not receive a golden handshake or any other retirement-related incentive.
- F. The Housing Authority hereby authorizes the Agency's Executive Director to hire David Levin as a retired annuitant in a staff aide classification to perform legal services in support of the Agency's legal department under Government code section 21224, effective October 2, 2019.
- 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 or 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 yearly base salary for this position at full-time work is \$199,340.00 for which the hourly equivalent is \$95.87. The monthly base salary for this position at full-time work is \$16,617 for which the hourly equivalent is \$95.87.
- K. The hourly rate to be paid to David Levin will be \$95.87.
- L. David Levin 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.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE HOUSING AUTHORITY OF THE CITY OF SACRAMENTO RESOLVES AS FOLLOWS:

- Section 1. The appointment of David Levin as staff aide to perform legal services in support of the Agency's legal department by October 2, 2019, is necessary to ensure that the Agency's legal interests are adequately protected in ongoing matters including those related to: the transfer of real property, coordination of the legal documents on the current phase of construction for the Twin River Project, which is scheduled to close at the end of 2019 with construction to begin in first quarter of 2020, negotiations with the Strategic Growth Council on all contracts for the implementation of the Transformative Climate Communities Grant, finalizing and coordinating all legal transactions on the closure of Phase I Rental Assistance Demonstration program, and pending litigation.
- Section 2. The Agency's Executive Director is authorized to approve the appointment letter for David Levin, which is attached as Exhibit A and is part of this resolution.

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Exhibit A – Appointment letter



October 2, 2019

David Levin

Dear Mr. Levin,

Congratulations on your appointment as a retired annuitant for the Sacramento Housing and Redevelopment Agency (Agency). This is an appointment to an at-will position of Staff Aide, providing legal services to the Agency and serving at the pleasure of the Executive Director. Your appointment is effective October 2, 2019. Your salary will be \$95.87 per hour.

Your appointment will not extend beyond 960 hours per fiscal year.

You may be required to file a conflict of interest statement, which is a determination made by the Agency Clerk. The Agency will provide the appropriate forms.

I want to thank you for your support of the Agency during this assignment as a retired annuitant.

Sincerely,

La Shelle Dozier
Executive Director



RESOLUTION NO. 2019 -

Adopted by the Housing Authority of the City of Sacramento

On date of

RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD GC SECTIONS 7522.56 AND 21224

WHEREAS, in compliance with Government Code section 7522.56 the Housing Authority of the City of Sacramento (Housing Authority) must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date. The Sacramento Housing and Redevelopment (Agency) is the exclusive employer of staff for the Housing Authority pursuant to the joint powers agreement that established the Agency in 1982, as the agreement has been amended; and

WHEREAS, David Levin, CalPERS ID 4314216638, has retired from the Agency in the position of General Counsel, effective October 1, 2019; and

WHEREAS, Section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is March 29, 2020 without this certification resolution; and

WHEREAS, Section 7522.56 provides that this exception to the 180 days wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the Housing Authority, the Agency, and David Levin certify that David Levin has not and will not receive a golden handshake or any other retirement-related incentive; and

WHEREAS, the Housing Authority hereby authorizes the Agency's Executive Director to appoint David Levin as a retired annuitant to perform the duties of staff aide for the Agency under Government Code section 21224, effective October 2, 2019; and

WHEREAS, the appointment document between David Levin and the Agency 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 or 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 yearly base salary for this position at full-time work is \$199,340.00 for which the hourly equivalent is \$95.87. The monthly base salary for this position at full-time work is \$16,617 for which the hourly equivalent is \$95.87; and

WHEREAS, the hourly rate paid to David Levin will be \$95.87; and

WHEREAS, David Levin 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.

THEREFORE, BE IT RESOLVED THAT the Housing Authority of the City of Sacramento hereby certifies that the nature of the appointment of David Levin as described herein and detailed in the attached appointment document and that this appointment is necessary to fill the critically needed position as staff aide performing legal services in support of the Agency's legal department by October 2, 2019, because of the Agency's need to ensure that the Agency's legal interests are adequately protected in ongoing matters including those related to: the transfer of real property, coordination of the legal documents on the current phase of construction for the Twin River Project, which is scheduled to close at the end of 2019 with construction to begin in first quarter of 2020, negotiations with the Strategic Growth Council on all contracts for the implementation of the Transformative Climate Communities Grant, finalizing and coordinating all legal transactions on the closure of Phase I Rental Assistance Demonstration program, and pending litigation. No current Agency employees have the background knowledge of the Agency's legal department functions to provide legal advice concerning these matters.