



## Agenda Report

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File #: 20-0741

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### **AGENDA REPORT REQUEST FOR CITY COUNCIL ACTION**

DATE: 09/02/2020

TO: Honorable Mayor and City Council Members

FROM: Police Department

**SUBJECT:**

City Council consideration of Resolution No. 2020-116 approving annuitant status and Conditional Limited Term Appointment Agreement (CalPERS Retiree) of Gerardo (Jerry) Rodriguez and waiving of the 180-day wait period per Government Code Section 7522.56 and 21224.

**RECOMMENDED ACTION:**

**That the City Council** adopt Resolution No. 2020-116 approving annuitant status and Conditional Limited Term Appointment Agreement (CalPERS Retiree) of Gerardo (Jerry) Rodriguez and waiving the 180-day wait period per Government Code Section 7522.56 and 21224.

**ANALYSIS:**

The Police Department currently has a command structure of three Police Captains who oversee individual divisions and report directly to the Police Chief. Attrition within the Police Department has rapidly occurred, with two police captains retiring within the last year and two more set to retire in September 2020. With this rapid attrition, the Department is faced with a transitional period where a little time is needed to allow qualified candidates to become eligible for the position of Police Captain. At this time, the Department has five Police Lieutenants, but none of them currently meet the minimum qualifications for the position of Police Captain, which is primarily due to required time in rank.

While Jerry Rodriguez is set to retire in September 2020, he has expressed his willingness to continue assisting the Department on a limited term basis through the end of the calendar year. The appointment of Jerry Rodriguez as a retired annuitant to perform functions typically performed by Police Captains, and other similar duties that may be assigned, is necessary to continue to perform critically needed functions within the Police Department. The appointment would be effective as of September 26, 2020 and would terminate on December 31, 2020. Staff recommends that Jerry Rodriguez be appointed to this position because of his extensive experience with, and historical

knowledge of, the Police Department and due to his involvement in many management decisions within the Department during his tenure. Mr. Rodriguez has been a Police Captain since July 2010 and his historical knowledge is unusually important at this time as two of the three current Police Captains are retiring in September 2020. The continuance of Jerry Rodriguez as a limited-term employee in this critical position will allow for a fluid succession plan and the passing on of experience to future staff.

Additionally, the Police Department is currently evaluating a restructure at the management level in response to the 2019 organizational assessment recommendation by Hillard Heintze. Maintaining Mr. Rodriguez services on a limited term basis will provide a historical perspective on previous organizational decisions and leverage the tenure and experience of recently promoted Police Captains.

Mr. Rodriguez has also overseen the implementation of the Public Safety Enterprise Communication (PSEC) Special Project since its inception. He is currently managing the final stages of a \$1.3 million PSEC project and retaining his leadership and knowledge would allow for continued continuity, efficiency, and timely completion of the project. Furthermore, Mr. Rodriguez is the Police Department lead in the Leverage Camera Project that has an anticipated completion date after his retirement in September 2020. He led this project from the beginning, and his historical knowledge of the initial proposal and service agreements for this project will ensure the successful conclusion of the program.

**COMMITTEE ACTION:**

Not applicable.

**STRATEGIC PLAN:**

Not applicable.

**FISCAL IMPACT:**

Approval of the recommended action will not have an additional impact on either the General Fund or the Police Department's budget. The retired annuitant costs are estimated to be \$51,288.72 through December 31, 2020. As a retired annuitant, the employee does not receive benefits (e.g., Health, PERS, Long and Short Term Disability, and Uniform Allowance), provided to a regular full-time position, as stated in the agreement. Savings from the vacant full-time Police Captain position will support the costs of the annuitant position.

**ENVIRONMENTAL ANALYSIS:**

This action is exempt under CEQA Guidelines Sections 15061(b)(3), which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action merely involves a limited-term employment agreement and thus will not result in any significant effect on the environment.

**PREPARED BY:** BOB NEWMAN, POLICE CAPTAIN

**REVIEWED BY:** GEORGE JOHNSTONE, CHIEF OF POLICE

**REVIEWED BY:** KIM SITTON, ACTING ADMINISTRATIVE SERVICES DIRECTOR

**REVIEWED BY:** ROGER BRADLEY, ASSISTANT CITY MANAGER

**SUBMITTED BY:** JACOB ELLIS, CITY MANAGER

**Attachments:**

1. Resolution No. 2020-116 for exception to the 180-day wait period to appoint retired annuitant Gerardo Rodriguez in accordance with California Government Code Sections 7522.56 and 21224.
2. Conditional Limited Term Appointment Agreement (CalPERS Retiree).