RESOLUTION 2025-###

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO (1) AUTHORIZING THE TEMPORARY APPOINTMENT OF JILL MERCURIO TO FILL THE POSITION OF PUBLIC WORKS DIRECTOR/CITY ENGINEER PURSUANT TO GOVERNMENT CODE SECTION 21221(G); AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A RETIRED ANNUITANT EMPLOYMENT AGREEMENT WITH JILL MERCURIO PURSUANT TO APPLICABLE CALPERS' POST-RETIREMENT WORK RESTRICTIONS

WHEREAS, the current Public Works Director/City Engineer is currently on an approved leave of absence under the Family and Medical Leave Act (FMLA), remains on payroll using accrued paid leave balances, and has not provided a defined return-to-work date;

WHEREAS, the duties of the Public Works Director/City Engineer are essential to the City's operations, including oversight of public infrastructure, capital improvement projects, engineering review, and regulatory compliance;

WHEREAS, the position requires specialized skills and cannot remain vacant without risking disruption to critical services and projects;

WHEREAS, Jill Mercurio is a retired CalPERS annuitant who previously served as the City of San Pablo's Public Works Director/City Engineer from March 2018 to May 2022, and possesses the technical qualifications and institutional knowledge necessary to assume the responsibilities of the position with minimal transition time;

WHEREAS, Government Code Section 21221(g) allows a governing body to appoint a CalPERS retiree to a vacant position on a temporary basis due to a leave of absence granted to a person on payroll status, provided the appointment is limited to one year and the position requires specialized skills;

WHEREAS, Government Code Section 7522.56 of the Public Employees' Pension Reform Act (PEPRA) imposes post-retirement employment restrictions on CalPERS retirees, including limits on hours worked, temporary appointment status, and compensation standards, all of which will be met in this appointment;

WHEREAS, this appointment will be reported to CalPERS and the resolution will be provided to CalPERS as required by law; and

WHEREAS, adoption of this resolution and the temporary appointment of a CalPERS retired annuitant is not a project as defined by the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Pablo as follows:

1. The City Council finds and declares that the temporary appointment of Jill Mercurio is necessary due to a leave of absence granted to the incumbent Public Works

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Director/City Engineer, who remains on payroll status, and that the position requires specialized skills;

- 2. The City Council authorizes the temporary appointment of Jill Mercurio to fill the position of Public Works Director/City Engineer pursuant to Government Code Section 21221(g);
- 3. The City Manager is hereby authorized to enter into a Retired Annuitant Employment Agreement with Jill Mercurio to serve temporarily as the Public Works Director/City Engineer for a term not to exceed one year, and subject to all applicable requirements and limitations set forth in Government Code Sections 21221(g) and 7522.56, including but not limited to:
 - A maximum of 960 hours worked in a fiscal year;
 - No benefits, incentives, or compensation beyond the hourly wage of \$134.40, which has been determined to be an hourly wage not exceeding the maximum rate paid to active employees performing comparable duties;

The Agreement shall be in a form to be approved by the City Attorney that does not substantially alter the City of San Pablo's rights or responsibilities from that set forth in the attached Agreement; and

- 4. The City will report this appointment and transmit this resolution to CalPERS in compliance with applicable law.
- 5. This temporary appointment will be funded from salary savings in Fund 100-1310-41000.

ADOPTED this 20th day of October 2025 by the following votes:

AYES:

COUNCILMEMBERS: NOES: COUNCILMEMBERS: ABSENT: COUNCILMEMBERS: ABSTAIN: COUNCILMEMBERS: ATTEST: APPROVED: Dorothy Gantt, City Clerk Arturo Cruz, Mayor

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