

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

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:
 - o A maximum of 960 hours worked in a fiscal year;
 - o 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.

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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