



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...	GENERAL MANAGER ACTION REQ'D:		
DATE: 12/23/2024		1/3/2025	BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Pamela Herhold Dept: Finance	General Counsel	Controller/Treasurer	District Secretary	BARC	
DocuSigned by: <i>Pamela Herhold</i> 3BB24D65B8724F5...	DocuSigned by: <i>Amelia Sandoval</i> 2528C067C44147D...	Signed by: <i>Steph Brach</i> 7D9A7C6E7348456...		DocuSigned by: <i>Pamela Herhold</i> 3BB24D65B8724F5...	
Signature/Date: 1/2/2025	1/2/2025 []	1/2/2025 []	[]	1/2/2025 []	

Approval of Retired Annuitant Employment for the Interim Assistant General Manager, Finance

PURPOSE

To obtain Board approval of a CalPERS-required resolution to make an exception to the 180-day waiting period for appointment of a retired annuitant to a position of limited duration.

DISCUSSION

California's Public Employee Retirement Law (PERL) generally requires a retiree to wait 180 days from the date of retirement before the employee may be hired as a retired annuitant by a CalPERS member agency. The PERL provides an exception to the waiting period for appointments approved by the agency's governing body as necessary to fill a critically needed position sooner than 180 days. If approved by the governing body, the retired annuitant is restricted to performing work of a limited duration, for no more than 960 hours per fiscal year, and at a rate of compensation that is not less than the minimum nor more than the maximum paid to other employees performing comparable duties, without any other benefit, incentive, compensation in lieu of benefit, or other form of compensation.

The California legislature amended the District Act (California Public Utilities Code Section 28500 *et seq.*) in 2024 to delete the Board-appointed position of Controller-Treasurer and add a Chief Financial Officer position reporting to the General Manager. The District created a new classification, Assistant General Manager, Finance, reporting to the Chief Financial Officer, to perform many of the duties of the former Controller-Treasurer classification. The former Interim Controller-Treasurer, Christopher Gan, has retired and the District is recruiting for the Assistant General Manager, Finance position. Once the Assistant General Manager, Finance position is filled, there will be a critical need for Mr. Gan to train, oversee, and transfer knowledge to the new Assistant General Manager, Finance, who is expected to



begin employment before the expiration of Mr. Gan's 180-day waiting period. Mr. Gan will be employed for a limited duration to train and oversee the Assistant General Manager, Finance and help ensure a smooth transition to the new financial management structure.

The Board's approval of Mr. Gan's employment must be by resolution in the form attached to this EDD. Among other required elements, the resolution must identify the minimum and maximum rate of pay for employees performing duties comparable to Mr. Gan's position. The comparable District classification, Assistant General Manager, Finance, is established with a minimum annual salary of \$224,607 and a maximum annual salary of \$340,279 as of December 31, 2024, which will be considered for Board approval on January 9, 2025. Accordingly, the annual compensation for the retired annuitant position is \$274,969.14, which equals a monthly compensation of \$22,914.10 and an hourly compensation of \$132.20.

FISCAL IMPACT

The subject agreement proposes a maximum of 960 hours of work performed in FY25 and in FY26, with a not to exceed amount of \$126,912.00 in FY25 and in FY26. Operating Labor costs will be charged to the Finance Administration department (cost center 030130). The proposed work agreement costs are expected to be offset by salary savings accrued while the Assistant General Manager, Finance vacancy is under recruitment. Proposed work agreement costs, if needed beyond June 30, 2025, will be budgeted in FY26.

ALTERNATIVE

Do not hire Mr. Gan as a temporary retired annuitant employee. The new Assistant General Manager, Finance will not receive training, oversight, and knowledge transfer necessary to ensure a smooth transition to the new financial management structure.

RECOMMENDATION

Adopt the following motion.

MOTION

The Board approves the attached resolution certifying the nature of Mr. Gan's appointment as a retired annuitant and approving the employment.