

**RESOLUTION NO. 17-8419**

**A RESOLUTION OF THE CITY OF SANTA CLARA,  
CALIFORNIA FOR EXCEPTION TO THE 180-DAY WAITING  
PERIOD TO APPOINT A RETIRED ANNUITANT TO A VACANT  
POSITION TO SERVE IN AN INTERIM TERM (GOVERNMENT  
CODE SECTION 7522.56 AND 21221(h))**

**BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, in compliance with Government Code section 7522.56 the City of Santa Clara must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date;

**WHEREAS**, Rajeev Batra (CalPERS ID 4074982119) will retire from the City of Santa Clara in the position of Interim City Manager, effective March 30, 2017;

**WHEREAS**, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is September 27, 2017, without this certification resolution;

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

**WHEREAS**, the City of Santa Clara and Rajeev Batra certify that Rajeev Batra has not and will not receive a Golden Handshake or any other retirement-related incentive;

**WHEREAS**, the City of Santa Clara hereby appoints Rajeev Batra as an interim appointment retired annuitant to the vacant position of City Manager for the City of Santa Clara under Government Code section 21221(h), effective March 31, 2017;

**WHEREAS**, an appointment under section 21221(h) requires an active, publicly posted recruitment for a permanent replacement;

**WHEREAS**, the current status of the recruitment for the City Manager position is open;

**WHEREAS**, this section 21221(h) appointment shall only be made once and therefore will end on December 31, 2017; and

**WHEREAS**, the entire employment agreement, contract or appointment document between Rajeev Batra and the City of Santa Clara has been reviewed by this body and is attached herein;

**WHEREAS**, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar;

**WHEREAS**, the employment shall be limited to 960 hours per fiscal year;

**WHEREAS**, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate;

**WHEREAS**, the maximum base salary for this position is \$26,398.00 and the hourly equivalent is \$152.296, and the minimum base salary for this position is \$26,398.00 and the hourly equivalent is \$152.296;

**WHEREAS**, the hourly rate paid to Rajeev Batra will be \$152.296; and

**WHEREAS**, Rajeev Batra 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 FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the City of Santa Clara hereby certifies the nature of the appointment of Rajeev Batra as described herein and detailed in the attached employment agreement/contract/appointment document and that this appointment is necessary to fill the critically needed position of City Manager for the City of Santa Clara by March 31, 2017 because the position is currently unfilled and an interim appointment is necessary while the City Council conducts a recruitment for a replacement.
2. Constitutionality, severability. If any section, subsection, sentences, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be

unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), clauses(s), phrase(s), or word(s) be declared invalid.

3. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, AT A REGULAR MEETING THEREOF HELD ON THE 21<sup>st</sup> DAY OF MARCH, 2017, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Caserta, Davis, Kolstad, Mahan, O'Neill, and Watanabe and Mayor Gillmor
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NOES:	COUNCILORS:	None
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ABSENT:	COUNCILORS:	None
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ABSTAINED:	COUNCILORS:	None
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ATTEST:



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ROD DIRIDON, JR.  
CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference: Appointment Letter





**City of  
Santa Clara**  
The Center of What's Possible

Mayor

Lisa M. Gillmor

**Council Members**

Dominic J. Caserta  
Debi Davis  
Patrick Kolstad  
Patricia M. Mahan  
Teresa O'Neill  
Kathy Watanabe

March 22, 2017

Rajeev Batra  
[REDACTED]

Dear Mr. Batra:

This will confirm your interim appointment as a retired annuitant to the vacant position of City Manager for the City of Santa Clara under the 180 Day Resolution per the Government Code section 21221(h), effective March 31, 2017. This section 21221(h) appointment shall only be made once per the California Public Employees Retirement System and therefore the appointment will end by December 31, 2017.

As you discussed with Elizabeth Brown, Director of Human Resources, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate. The monthly salary for this position is \$26,398.00 and the hourly equivalent is \$152.30.

There will not be any benefits, incentives or compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

We look forward to continue working with you and thank you for assisting the City by filling this position while we recruit to fill the next City Manager for the City of Santa Clara.

Very truly yours,

Lisa Gillmor  
Mayor

EB

I, Rajeev Batra, accept the terms and conditions of my appointment to City Manager on an interim basis for the City of Santa Clara.

Rajeev Batra

3.24.17

Date