

CITY OF SEBASTOPOL CITY COUNCIL
AGENDA ITEM REPORT FOR MEETING OF: March 18, 2025

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To: Honorable Mayor and City Councilmembers
From: Deborah Muchmore, Human Resources Consultant
 Assistant City Manager/City Clerk
 Responsible Department: City Manager’s Office
Subject: **Appoint Retired Annuitant as Interim Police Captain and Certify Critical Need Prior to 180-Days From Date of Retirement**

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RECOMMENDATION:

Approve a resolution of the City Council of the City of Sebastopol appointing Ron Nelson, a retired annuitant, as interim Police Captain and certify the appointment is necessary to fill a critically needed position prior to 180 days from Ron Nelson’s retirement date, to prevent stoppage of public business and continue Municipal operations.

EXECUTIVE SUMMARY:

The City of Sebastopol Police Captain gave notice to vacate his position effective March 13, 2025. Sebastopol’s Police Chief was recently hired and began work on March 5, 2025. The department is leanly staffed with only six Police Officers to cover eight 12-hour shift schedules each week. Also vacant is the Department’s Records and Support Services Manager position. The departure of the Police Captain proximally near the appointment of the new Chief creates an immediate and critical need for continuity of leadership in the Sebastopol Police Department. The appointment of retired Chief Ron Nelson as Interim Police Captain will fill the critical need and prevent stoppage of work. Ron Nelson has been retired less than the 180-days constituting a bona-fide break in service required by the Public Employees Retirement Law. Under Government Code Section 21221(h), a CalPERS annuitant can provide temporary, specialized services during the recruitment process for a permanent appointment, up to 960 hours per fiscal year. Compensation for these services is based on the existing salary schedule for the position, adjusted to an hourly rate.

The City has an active recruitment for a new full-time Police Captain. In the interim, to provide continuity of leadership and appoint Ron Nelson as Interim Police Captain prior to 180 days, the City must certify that the appointment is to fill a critically needed position, to prevent stoppage of public business and continue Municipal operations.

BACKGROUND:

Ron Nelson retired on October 24, 2024. From November 13, 2024 through March 14, 2025, Ron Nelson served as in as Interim Police Chief with a 180-day exception, per Council Resolution. Ron Nelson’s appointment as Interim Police Chief ended on March 14, 2025, shortly after the hiring of the new Police Chief, appointed March 5, 2025.

The City is developing marketing materials and will begin marketing and accepting applications for Police Captain on or before March 20, 2025. Staff recommends appointing Ron Nelson, who is an experienced individual as Interim Police Captain, effective March 21, 2025, on an interim basis to prevent stoppage of public business and continue Municipal operations during the recruitment for a permanent appointment.

DISCUSSION:

The Sebastopol Police Department provides many critical services including emergency dispatch, emergency response, well-fare checks, community safety, patrol, arrest, mental health support, evidence and personal property administration, parking, traffic, and oversight of animal control services which are critical to the City and

the community. Staffing the department with a new Chief and without a Captain or a Records and Support Services Supervisor is not sustainable. Continuity of leadership is critical. Appointing Ron Nelson as Interim Police Captain fills a critical position with experience and proven leadership skills needed to prevent stoppage of public business and continue Municipal operations

The Public Employees' Pension Reform Act of 2013 (PEPRA) generally requires retired annuitants to be separated from employment for at least 180 days before returning to work for an employer in the same retirement system from which they receive a pension. An exception to this requirement may be made when the employer's governing body certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days have passed. The exception allows an employer to hire a retired annuitant to perform work of limited duration, such as to eliminate a backlog, work on limited term special projects, and perform work that is in excess of what regular staff can reasonably perform. PEPRA states that this appointment must be approved by the employer's governing body in a public meeting as an action item. To secure a 180-day wait period exception, the employer must submit the approved resolution to CalPERS before the first day of re-employment.

Ron Nelson is a Retired public employee whose retirement date was October 25, 2024, which is less than 180-days ago. Government Code 7522.56(f) specifies that a retired annuitant is not eligible to be employed for a period of 180-days following the date of retirement unless, as stated in Government Code Section 7522.56(f)(1), *"The employer certifies the nature of the employment, and that the appointment is necessary to fill a critically needed position before 180 days have passed and the appointment has been approved by the governing body of the employer in a public meeting. The appointment may not be placed on a consent calendar."*

This appointment is made pursuant to California Government Code 7522.56 which provides that a person who retires from a public employer may serve without reinstatement from retirement or loss or interruption of benefits provided by the retirement system upon appointment by the appointing authority of a public employer either during an emergency to prevent stoppage of public business or because the retired person has skills needed to perform work of limited duration.

This appointment is also made pursuant to California Government Code 21221 (h) which provides for interim appointment and requires that the appointment be made by the governing body for a position that requires specialized skills. The appointment may only be made once, the wage must not exceed the maximum monthly base salary of others performing the same work, along with any other retired annuitant positions worked may not exceed a combined total worked of 960 hours in a fiscal year, and may not include any benefits, incentives, compensation in lieu of benefits, or any other forms of compensation in addition to the hourly rate.

Ron Nelson is experienced in police leadership, serving as Police Chief for the City of Sebastopol since 2022 and Lieutenant before that for the cities of Sebastopol and Santa Rosa. He has skills required to fill the critically needed position of Police Captain during the Interim appointment while the City actively recruits for a new Police Captain.

To obtain an exception to the 180-day bona-fide separation from service rule, the City Council must find in an open session at a regular meeting on the regular calendar that the employment is for an Interim Police Captain, and that the appointment is necessary to fill a critically needed position before 180 days have passed.

In compliance with the Government Code, this appointment in combination with all other employers in the CalPERS system will not exceed a cumulative total of 960 hours in a fiscal year and Ron Nelson's sole compensation be \$74.42 per hour with a not to exceed of \$12,899 per month which is not less than the minimum, nor more than the maximum, paid to other employees performing comparable duties and is calculated based on the publicly posted

salary. Ron Nelson is not eligible to receive any additional compensation or benefits. Retired annuitants are allowed to receive reimbursement for reasonable expenses.

STAFF ANALYSIS:

Staff recommend the appointment of Ron Nelson as Interim Police Captain and further recommend that the City Council certify that the appointment of Interim Police Captain is necessary to fill a critically needed position before 180 days have passed and to prevent stoppage of public business and continue Municipal operations.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment on this item. However, if staff receives public comment from interested parties following the publication and distribution of this staff report, such comments will be provided to the City Council as supplemental materials before or at the meeting.

COMMUNITY OUTREACH:

This item has been noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to the scheduled meeting date.

FISCAL IMPACT:

The Fiscal Impact of appointing Ron Nelson, a Retired Annuitant, as Interim Police Captain will be a not to exceed a monthly amount of \$12,899. This is included in the approved fiscal year 24/25 budget and does not exceed the salary budgeted for the Police Captain position. Staff is not asking for any additional appropriations to cover the cost of the interim position.

RESTATED RECOMMENDATION:

That the City Council Approve a resolution of the City Council of the City of Sebastopol appointing Ron Nelson, a retired annuitant, as interim Police Captain, at an hourly rate of \$74.42, and certify the appointment is necessary to fill a critically needed position prior to 180 days from Ron Nelson’s retirement date, to prevent stoppage of public business and continue Municipal operations.

OPTIONS:

Council could not find that there is a critical need for this position and staff would look for other means to fill the Interim role.

ATTACHMENTS:

Resolution

APPROVALS:

Department Head Approval: Approval Date: 3/5/25

CEQA Determination (Planning): Approval Date: N/A

The proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA)

Administrative Services/Financial Approval: Approval Date: 3/5/25

Costs authorized in City Approved Budget: Yes No N/A

Account Code (f applicable) _____

City Attorney Approval: Approval Date: 3/6/25

City Manager Approval: Approval Date: _____

RESOLUTION NUMBER: XXXX-2025

CITY OF SEBASTOPOL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL APPOINTING RON NELSON, A RETIRED ANNUITANT, AS INTERIM POLICE CAPTAIN AND CERTIFYING THE APPOINTMENT IS NECESSARY TO FILL A CRITICALLY NEEDED POSITION PRIOR TO 180 DAYS FROM RON NELSON'S RETIREMENT DATE, AND TO PREVENT STOPPAGE OF PUBLIC BUSINESS AND CONTINUE MUNICIPAL OPERATIONS

WHEREAS, The City of Sebastopol Police Captain James Hickey has recently retired, the Police Records and Support Services Manager position is currently vacant, creating an immediate and critical need for continuity of mid-level leadership to support the newly appointed Police Chief Sean McDonagh in the Sebastopol Police Department; and

WHEREAS, to provide continuity of leadership and prevent stoppage of public business and continue Municipal operations the City Council desires to appoint an interim Police Captain during the active recruitment of a new Police Captain; and

WHEREAS, Ron Nelson is experienced in police leadership, serving as Police Chief for the City of Sebastopol since 2022, Lieutenant before that for the cities of Sebastopol and Santa Rosa, and Interim Police Chief for the City of Sebastopol from November 6, 2024 through March 14, 2025 with a 180-day exemption; and

WHEREAS, Ron Nelson is retired less than 180 days, and the City Council of the City of Sebastopol finds that this appointment is necessary to fill a critically needed position before 180 days have passed from Mr. Nelson's retirement date of October 26, 2024; and

WHEREAS, Council makes this appointment at a public meeting on the Regular Calendar and not on the Consent Calendar and

WHEREAS, Government Code Section 7522.56 allows an exception to the 180-day wait period rule under the above conditions, and

WHEREAS, Government Code Section 21221(h) allows one interim appointment to a vacant position requiring specialized skills, during the active recruitment for the position, not to exceed 960 hours each fiscal year; and

WHEREAS, Mr. Nelson attests that he has not collected unemployment insurance compensation in the last twelve months and is being hired pursuant to the applicable provisions of 7522.56 for an interim appointment as Police Captain during the active recruitment for Police Captain not to exceed six months or 960 hours whichever is lessor and to fill a critically needed position to prevent stoppage of public business and continue Municipal operations, and

WHEREAS, Mr. Nelson will be compensated solely by \$74.42 an hour with a not to exceed of \$12,899.00 per month, which is not less than nor more than the salary paid to other employees performing comparable duties as listed on the City's publicly available pay schedule for the vacant position, and will not receive any additional compensation or benefits for his services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sebastopol make this appointment of Retired Annuitant Ron Nelson in a regular public meeting to fill a vacant Police Captain position in the Police Department during the active recruitment for the position and certify that the nature of the employment is necessary to fill a critical need and prevent stoppage of public business and continue Municipal operations before 180 days have passed since Ron Nelson's retirement.

The above and foregoing Resolution was duly passed, approved, and adopted at a meeting by the City Council on the 18th day of March 2025.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City of Sebastopol City Council by the following vote:

VOTE:

- Ayes:
- Noes:
- Absent:
- Abstain:

APPROVED:

Stephen Zollman, Mayor

ATTEST:

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM:

Alex Mog, City Attorney