



December 15, 2022

**TO:** CADA Board of Directors

**SUBJECT: December 16, 2022, Board Meeting  
AGENDA ITEM 17  
RETIRED ANNUITANT APPOINTMENT**

**CONTACT:** Jill Azevedo, Human Resources Manager

### **RECOMMENDED ACTION**

Staff recommends that the Board adopt a resolution entitled "Retired Annuitant Appointment" which authorizes the appointment of Wendy Saunders as a Retired Annuitant effective on or around January 1, 2023.

### **BACKGROUND**

CADA's Executive Director, Wendy Saunders, will retire from the agency effective December 30, 2022 after nearly 10 years of service in the same position.

CADA's Executive Director acts as the Chief Executive Officer of the agency as well as any other affiliated agencies including the Capitol Area Community Development Corporation, and has full leadership responsibilities for all of CADA's day-to-day operations which include administration, property management, maintenance and development.

Having Ms. Saunders available as a retired annuitant to impart her specialized institutional knowledge before the 180-Day waiting period will prevent any stoppage of business as the agency trains and onboards the new Executive Director and proceeds with on-going operations such as property acquisitions and lease negotiations, the current lease-up effort for the Sonrisa project, and on-going personnel legal matters. These tasks are vitally important and time-sensitive and cannot be put on hold until the new Executive Director is onboard and trained.

The Public Employee's Pension Reform Act of 2013 (PEPRA), which became effective January 1, 2013, states that retirees cannot be employed by a CalPERS employer for a period of 180 days after their retirement date without reinstating from retirement, except under certain circumstances. One such circumstance is:

The public agency or school's governing body presents CalPERS with a resolution, passed in a public meeting, that approves the appointment in which the employer has certified the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days have passed.

## **POLICY ISSUES**

PEPRA requires that the employer certify the nature of the employment. Below is a list of projects and services Ms. Saunders will assist with and provide as a Retired Annuitant. Please see ATTACHMENT 1 – Saunders Retired Annuitant Proposed Scope of Services for the scope of services Ms. Saunders will provide to CADA in her capacity as Retired Annuitant.

1. Onboarding and training of the new Executive Director
2. Provide assistance, advice, and institutional knowledge relevant to the following agency operations:
  - a. On-going and possible future property acquisitions and lease negotiations
  - b. Oversight of Sonrisa leasing-up operation.
  - c. On-going and possible future personnel legal matters
  - d. Other assistance, as needed.

## **STRATEGIC PLAN**

This action contributes to the achievement of all the goals of CADA's strategic plan. Utilizing Ms. Saunders' unique experience and nearly 10 years of institutional knowledge immediately and during the training period for the new Executive Director will enable CADA to continue its work of providing mixed-income housing with superior property management, developing complex infill, building neighborhood amenities, implementing environmentally sustainable practices, and facilitating relationships between the community and the State of California and City of Sacramento.

## **FISCAL IMPACT**

In keeping with CalPERS standards, retired annuitants cannot be paid more or less than the monthly base salary paid to other employees performing comparable duties. Ms. Saunders will be paid an hourly rate of \$87.02 perhour, which is the hourly equivalent of the new Executive Director's rate of pay.

## **ENVIRONMENTAL REVIEW**

Not applicable. This is an administrative action and is not a project subject to the guidelines of the California Environmental Quality Act (CEQA).

## **CONTRACT AWARD CONSIDERATIONS**

Not applicable. This action is not subject to CADA Contract Policy.

**ATTACHMENT 1** – ATTACHMENT 1 – Saunders Retired Annuitant Proposed Scope of Services

## **RESOLUTION NO. 22 - 48**

Adopted by the Capitol Area Development Authority

December 16, 2022

### **RESOLUTION FOR EXCEPTION TO THE 180 DAY WAIT PERIOD GC sections 7522.56 & 21224**

**WHEREAS**, in compliance with Government Code section 7522.56 of the Public Employees' Retirement Law, the CADA Board of Directors must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

**WHEREAS**, Wendy Saunders, (CalPERS ID 7950855895) retired from CADA in the position of Executive Director effective December 30, 2022; and

**WHEREAS**, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 28, 2023 without this certification resolution; and

**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; and

**WHEREAS**, the CADA Board of Directors, CADA and Wendy Saunders certify that Wendy Saunders has not and will not receive a Golden Handshake or any other retirement-related incentive; and

**WHEREAS**, the CADA Board of Directors hereby appoints Wendy Saunders as an extra help retired annuitant to perform duties related to the onboarding and training of the new Executive Director for CADA, as well as assistance, advice and institutional knowledge relevant to current on-going agency operations, under Government Code section 21224 effective on or around January 1, 2023; and

**WHEREAS**, the entire employment agreement, contract or appointment document between Wendy Saunders and CADA has been reviewed by this body and is attached herein; and

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

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

**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; and

**WHEREAS**, the maximum base salary for this position is \$17,420 and the hourly equivalent is \$100.50 and the minimum base salary for this position is \$11,614 and the hourly equivalent is \$67.00 and

**WHEREAS**, the hourly rate paid to Wendy Saunders will be \$87.02 which is the hourly equivalent of the new Executive Director's pay rate; and

**WHEREAS**, Wendy Saunders 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; and

**NOW, THEREFORE, BE IT RESOLVED THAT** the CADA Board of Directors hereby certifies the nature of the appointment of Wendy Saunders as described herein and detailed in the attached SCOPE OF SERVICES appointment document and that this appointment is necessary to fill the critically needed position of Executive Director for CADA by January 1, 2023 because Wendy Saunders

possesses vast and unique institutional knowledge that will be critically needed to avoid a stoppage of business in CADA's general operations and specifically development, and the onboarding of the new Executive Director, once hired.

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Ann Bailey, Chair

ATTEST:

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Tara Gandara  
Secretary to the Board of Directors

Attachment 1 – Saunders Retired Annuitant Proposed Scope of Services

**Wendy Saunders**

**Retired Annuitant Proposed Scope of Services**

- 1. Onboarding and training of the new Executive Director**
- 2. Provide assistance, advice, and institutional knowledge relevant to the following agency operations:**
  - a. On-going and possible future property acquisitions and lease negotiations**
  - b. Oversight of Sonrisa leasing-up operation.**
  - c. On-going and possible future personnel legal matters**
  - d. Other assistance, as needed.**