

RESOLUTION NO. RES-19-0013

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH APPROVING THE EXCEPTION
TO THE 180-DAY WAIT PERIOD PURSUANT TO
GOVERNMENT CODE SECTIONS 7522.56 AND 21224
FOR RETIRED ANNUITANT DAVID J. TERNULLO

WHEREAS, in compliance with Government Code (GC) Section 7522.56,
the City of Long Beach must provide CalPERS this certification resolution when hiring a
retiree before 180 days has passed since his or her retirement date; and

WHEREAS, David J. Ternullo, CalPERS ID 6260055782, retired from the
City of Long Beach in the position of Police Detective, effective December 27, 2018; and

WHEREAS, Government Code Section 7522.56 requires that post-
retirement employment commence no earlier than 180 days after the retirement date,
which is June 28, 2019, without this certification resolution; and

WHEREAS, Government Code 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 City Council, the City Prosecutor, the City of Long Beach
and David J. Ternullo certify that David J. Ternullo has not and will not receive a Golden
Handshake or any other retirement-related incentive; and

WHEREAS, the City Prosecutor with City Council approval hereby appoints
David J. Ternullo as an extra help retired annuitant to perform the duties of an
Investigator-City Prosecutor - NC for the City of Long Beach under Government Code
Section 21224, effective February 6, 2019; 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

1 WHEREAS, the employment shall be limited to 960 hours per CalPERS
2 fiscal year which runs July 1 to June 30; and

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

6 WHEREAS, the hourly rate for this position is \$30.00 per hour. The retired
7 annuitant will not work more than 960 hours in a CalPERS fiscal year (July 1 to June 30);
8 and

9 WHEREAS, at the direction of City Council, the hourly rate paid to David J.
10 Ternullo as a retired annuitant will be \$30.00; and

11 WHEREAS, David J. Ternullo has not and will not receive any other benefit,
12 incentive, compensation in lieu of benefit or other form of compensation in addition to this
13 hourly pay rate; and

14 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
15 follows:

16 Section 1. The City Council hereby certifies the nature of the
17 appointment of David J. Ternullo as described herein and detailed in the attached
18 appointment letter and that this appointment is necessary to fill the critically needed
19 position of Investigator-City Prosecutor – NC for the City of Long Beach by February 6,
20 2019, for the purpose of assisting in serving subpoenas, interviewing witnesses and other
21 criminal investigative matters.

22 Section 2. Mr. Ternullo is qualified to assist in these projects and has
23 acquired the relevant experience and specialized skills from his employment with the City
24 as a Police Detective. He has over 27 years of service with the Long Beach Police
25 Department City working in the Violent Crimes as a Detective. As a result of his
26 expertise, he is needed to assist with investigator duties. The effective date of this
27 appointment will be February 6, 2019;

28 Section 3. The compensation for retired annuitant David J. Ternullo will

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 be \$30.00 per hour; and

2 Section 4. This resolution shall take effect immediately upon its adoption
3 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

4 I hereby certify that the foregoing resolution was adopted by the City
5 Council of the City of Long Beach at its meeting of February 5, 2019, by the
6 following vote:

7
8 Ayes: Councilmembers: Pearce, Price, Supernaw, Andrews,
9 Austin, Richardson.

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11
12 Noes: Councilmembers: None.

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14 Absent: Councilmembers: Gonzalez, Mungo, Uranga.

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16
17 M. De La Haza
18 City Clerk

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OFFICE OF THE CITY PROSECUTOR
Long Beach, California

DOUGLAS P. HAUBERT, City Prosecutor

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Long Beach, California 90802
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prosecutor@longbeach.gov

February 5, 2019

David J. Ternullo
[REDACTED]
[REDACTED]

Dear David:

I am pleased to appoint you to the position of Investigator-City Prosecutor.

Your appointment as a PERS retired annuitant is effective Wednesday, February 6, 2019, at the hourly rate of \$30.000 for a maximum of 960 hours during the PERS fiscal year (July 1 through June 30).

Sincerely,

DOUGLAS P. HAUBERT
City Prosecutor

cc: Alex Basquez