

R-29

August 24, 2021

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution approving an exception to the 180-day waiting period for Public Agencies pursuant to Government Code 7522.56 and 21224, to hire Brian Gregory Tuliau for a limited duration to work in the Financial Management Department. (Citywide)

DISCUSSION

On January 1, 2013, the Public Employees' Pension Reform Act added Sections 7522.56 and 21224 to the Government Code, which set forth post-retirement employment requirements applicable to all retirees who are employed by CalPERS employers on or after January 1, 2013. This change added the requirement that all retirees must wait 180 days after their retirement date before they are eligible to begin post-retirement employment with a CalPERS agency. An exception to the 180-day wait period can be made if a public agency certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days have passed. The appointment must be approved by the governing body of the employer in a public meeting and may not be placed on a consent calendar.

The Financial Management Department requests City Council approval to hire Brian Gregory Tuliau, former Police Sergeant in the Police Department, as a Retired Annuitant-Management Support, effective August 25, 2021, for a limited duration, to provide critical oversight to the Business License Division. Mr. Tuliau will oversee the investigation and issuance of business licenses and entertainment permits, cannabis business licenses, enforcement field operations, identifying and bringing into compliance unlicensed businesses, and aiding various business organizations. The Business Services Officer plans, organizes, and directs Business License staff. There are also several City Council initiatives and cannabis equity initiatives linked to the Business License Division where appropriate management supervision is required to continue service levels and prevent further impact and delays. Mr. Tuliau retired as a Sergeant from the Long Beach Police Department after 27 years of service. He has experience in leadership, code enforcement, interagency collaboration, and knowledge of the law. He managed large teams of both officers and civilian staff, reviewed employee reports, completed performance reviews, trained patrol officers, and provided counseling. His experience coordinating public-facing services and multijurisdictional investigations, training in community engagement, and evidence gathering experience are uniquely helpful in the management of an administrative and field enforcement operation. Mr. Tuliau holds a Bachelor's degree in Public Policy. The department will prioritize filling the vacancy for the position, but his continued involvement until the position is filled is imperative.

Since Mr. Tuliau's proposed start date is less than the required 180-day waiting period subsequent to his retirement on April 16, 2021, City Council approval to hire Mr. Tuliau is required. The approved rate of pay will be \$50.00 per hour. This amount represents the hourly rate that is within the minimum and maximum compensation paid to other employees performing comparable duties as listed in the City of Long Beach's (City) publicly available pay schedule and will be funded by the Financial Management Department.

This matter was reviewed by Principal Deputy City Attorney Gary J. Anderson on August 9, 2021 and by Revenue Management Officer Geraldine Alejo on August 9, 2021.

TIMING CONSIDERATIONS

City Council action is requested on August 24, 2021, to ensure the continued support of the Financial Management Department Business License Division operations.

FISCAL IMPACT

The total annual cost is estimated to not exceed \$51,672. The estimated cost is based on 960 hours over the CalPERS fiscal year ending June 30th, at a salary rate of \$50.00 per hour plus Medicare and FICA. The actual cost will be based on hours worked and not expected to exceed 960 hours over the CalPERS fiscal year. The cost will be funded with departmental savings from the vacant Business Services Officer position budgeted in the General Fund Group in the Financial Management Department. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



JOE AMBROSINI
HUMAN RESOURCES DIRECTOR

APPROVED:



THOMAS B. MODICA
CITY MANAGER

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH APPROVING THE EXCEPTION TO
THE 180-DAY WAIT PERIOD GOVERNMENT CODE
SECTIONS 7522.56 AND 21224, FOR RETIRED ANNUITANT
BRIAN TULIAU

WHEREAS, in compliance with Government Code 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, BRIAN TULIAU, CalPERS ID 3621000865, retired from the City
of Long Beach in the position of Police Sergeant, effective April 16, 2021; and

WHEREAS, Section 7522.56 requires that post-retirement employment
commence no earlier than 180 days after the retirement date, which is October 13, 2021,
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 City Council, the City Manager, the City of Long Beach and
Brian Tuliau, certify that Brian Tuliau, has not and will not receive a Golden Handshake or
any other retirement-related incentive; and

WHEREAS, the City Manager with City Council approval hereby appoints
Brian Tuliau, as an extra help retired annuitant, to perform the duties of Retired Annuitant-
Management Support, which are comparable to the duties of Business Services Officer,
for the City of Long Beach under Government Code Section 21224, effective August 25,
2021; and

WHEREAS, the appointment letter between Brian Tuliau and the City of
Long Beach has been reviewed by this body and is attached hereto; and

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

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

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

8 WHEREAS, the maximum base salary for this position is \$30,000 monthly
9 and the hourly equivalent is \$173.077, and the minimum base salary for this position is
10 \$4,000 monthly and the hourly equivalent is \$23.077; and

11 WHEREAS, at the direction of City Council, the hourly rate paid to Brian
12 Tuliau as a retired annuitant will be \$50.00; and

13 WHEREAS, Brian Tuliau has not and will not receive any other benefit,
14 incentive, compensation in lieu of benefit or other form of compensation in addition to this
15 hourly pay rate; and

16 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
17 follows:

18 Section 1. The City Council hereby certifies the nature of the appointment of
19 Brian Tuliau as described herein and detailed in the attached appointment letter and that
20 this appointment is necessary to fill the critically needed position of Retired Annuitant-
21 Management Support, for the City of Long Beach effective August 25, 2021, to provide
22 critical oversight to the Business License Division. Mr. Tuliau will oversee the
23 investigation and issuance of business licenses and entertainment permits, cannabis
24 business licenses, enforcement field operations, identifying and bringing into compliance
25 unlicensed businesses, and aiding various business organizations. The Business
26 Services Officer plans, organizes and directs Business License staff.

27 Section 2. Mr. Tuliau retired as a Sergeant from the Long Beach Police
28 Department after 27 years of service. He holds a Bachelor's degree in Public Policy. He

1 has experience in leadership, code enforcement, interagency collaboration, and
2 knowledge of the law. He managed large teams of both officers and civilian staff,
3 reviewed employee reports, completed performance reviews, trained patrol officers, and
4 provided counseling. His experience coordinating public facing services and
5 multijurisdictional investigations, training in community engagement, and evidence
6 gathering experience are uniquely helpful in management of an administrative and field
7 enforcement operation. His management supervision is required to prevent further impact
8 and delays. The effective date of this appointment will be August 25, 2021. The
9 compensation for retired annuitant Brian Tuliau will be \$50.00.

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

12 I hereby certify that the foregoing resolution was adopted by the City Council
13 of the City of Long Beach at its meeting of _____, 20____, by the following vote:

14
15 Ayes: Councilmembers: _____

16 _____

17 _____

18 _____

19 Noes: Councilmembers: _____

20 _____

21 Absent: Councilmembers: _____

22 _____

23 Recusal(s): Councilmembers: _____

24 _____

25 _____

26 _____
City Clerk

27 _____

28 _____

July 20, 2021

Mr. Brian Tuliau

[REDACTED]
Los Alamitos, CA 90720

Dear Mr. Brian Tuliau:

It is my pleasure to make you a conditional offer of employment as Retired Annuitant-Management support in the Department of Financial Management. Your appointment as a PERS retired annuitant will be effective at a mutually agreed upon date, at an hourly rate of \$50.00, contingent upon approval by the Human Resources Director and City Council.

As a PERS retired annuitant, you are limited to 960 hours during the PERS fiscal year (July 1 through June 30) and you will not be eligible for step increases. It will be your responsibility to monitor your hours so that they do not exceed the 960-hour limit.

If you accept this conditional offer of employment, please sign and return this offer letter to Daniel Casey, Administrative Analyst in the Department of Financial Management.

If have any questions, please direct them to Sandra Kennedy, Administrative Officer in the Department of Financial Management. She can be reached at 562-570-6688.

On behalf of the department staff, we look forward to continuing to work with you.

Sincerely,

Thomas B. Modica
City Manager

Acknowledgment: _____ Date _____

