

RESOLUTION NO. RES-20-0160

A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF LONG BEACH APPROVING THE INTERIM  
APPOINTMENT PER GOVERNMENT CODE SECTION  
21221(h) AND THE EXCEPTION TO THE 180-DAY WAIT  
PERIOD GOVERNMENT CODE SECTIONS 7522.56 AND  
21224, FOR RETIRED ANNUITANT JOHN GROSS

WHEREAS, Government (Gov.) Code section 21221(h) of the Public  
Employees' Retirement Law permits the governing body to appoint a CalPERS retiree to a  
vacant position requiring specialized skills during recruitment for a permanent  
appointment, and provides that such appointment will not subject the retired person to  
reinstatement from retirement or loss of benefits so long as it is a single appointment that  
does not exceed 960 hours in a fiscal year; and

WHEREAS, in compliance with Government Code Sections 21221(h) and  
7522.56, the City of Long Beach must provide CalPERS this certification resolution when  
hiring a retiree to work in a vacant position while recruiting for a permanent replacement  
and before 180 days has passed since his or her retirement date; and

WHEREAS, John Gross, CalPERS ID 5178960789, will retire from the City  
of Long Beach in the position of Director of Financial Management, effective  
December 30, 2020; and

WHEREAS, an appointment under Government Code Section 21221(h)  
requires the retiree is appointed into the interim appointment during recruitment for a  
permanent appointment and Section 7522.56 requires that post-retirement employment  
commence no earlier than 180 days after the retirement date, which is June 28, 2021,  
without this certification resolution; and

WHEREAS, the governing body has authorized the search for a permanent

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Lona Beach, CA 90802-4664

1 appointment on November 2, 2020; and

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

4 WHEREAS, the City Council, the City Manager, the City of Long Beach and  
5 John Gross, certify that John Gross has not and will not receive a Golden Handshake or  
6 any other retirement-related incentive; and

7 WHEREAS, the City Manager with City Council desires to appoint John  
8 Gross, a retired annuitant, on an interim basis to the vacant position of Director of  
9 Financial Management for the City of Long Beach under Government Code Section 21224  
10 and Section 21221(h), effective January 2, 2021; and

11 WHEREAS, this Government Code Section 21221(h) appointment shall only  
12 be made once and therefore will end on or about April 30, 2021; and

13 WHEREAS, the appointment letter between John Gross and the City of Long  
14 Beach has been reviewed by this body and is attached hereto as Exhibit "A;" and

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

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

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

22 WHEREAS, the maximum base salary for this position is \$30,000 monthly  
23 and the hourly equivalent is \$173.077, and the minimum base salary for this position is  
24 \$4,000 monthly and the hourly equivalent is \$23.077; and

25 WHEREAS, at the direction of City Council, the hourly rate paid to John  
26 Gross as a retired annuitant will be \$111.220; and

27 WHEREAS, John Gross has not and will not receive any other benefit,  
28 incentive, compensation in lieu of benefit or other form of compensation in addition to this

1 hourly pay rate; and

2 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
3 follows:

4 Section 1. The City Council hereby certifies the nature of the appointment of  
5 John Gross as described herein and detailed in the attached appointment letter and that  
6 this appointment is necessary to fill the critically needed position of interim Director of  
7 Financial Management, for the City of Long Beach effective January 2, 2021, to assist with  
8 high-level management and assistance with regard to financial policy and strategy in all  
9 financial areas, the new budget process, LB COAST Phase II development and  
10 implementation, and transition support for a new Director of Financial Management when  
11 that person comes on board.

12 Section 2. John Gross has served as a Finance Director of various  
13 government agencies for many years and as the Director of Financial Management/CFO  
14 for the City of Long Beach for nine years. He has a comprehensive understanding of the  
15 City of Long Beach's operations, budget and finances and also brings a wealth of high-  
16 level management, policy and strategy development experience. Bringing Mr. Gross back  
17 as an Interim Director of Financial Management will provide for continuity of operations for  
18 a limited term, provide high level management and strategic planning guidance, and  
19 provide for an ordered transfer of knowledge to help the City meet its challenging fiscal  
20 and operational needs and important financial and system deadlines. The effective date  
21 of this appointment will be January 2, 2021. The hourly rate of compensation for retired  
22 annuitant John Gross will be \$111.220.

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

25 ///

26 ///

27 ///

28 ///

1 I hereby certify that the foregoing resolution was adopted by the City Council  
2 of the City of Long Beach at its meeting of December 8, 20 20, by the following vote:

3  
4 Ayes: Councilmembers: Zendejas, Pearce, Price,  
5 Supernaw, Mungo, Uranga, Austin,  
6 Richardson.

7  
8 Noes: Councilmembers: None.

9  
10 Absent: Councilmembers: Andrews.

11  
12 Recusal(s): Councilmembers: None.

13  
14   
15 City Clerk  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4664

THOMAS B. MODICA  
City Manager

December 8, 2020

Mr. John Gross  
460 Peralta Avenue  
Long Beach, CA 90803

Dear Mr. Gross:

It is my pleasure to make you a conditional offer of employment as Interim Director of Financial Management, pending City Council approval. Your appointment as a PERS retired annuitant will be effective January 2, 2021 at an hourly rate of \$111.220.

As a PERS retired annuitant, you are limited to 960 hours during the PERS fiscal year (July 1 through June 30). You are also limited to one interim appointment as Director of Financial Management.

I look forward to your continued support with our Department of Financial Management.

Sincerely,



Thomas B. Modica  
City Manager

cc: Fred Verdugo, Acting Director HR  
Personnel File