

1 RESOLUTION NO. RES-21-0153

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH APPROVING THE EXCEPTION TO
5 THE 180-DAY WAIT PERIOD GOVERNMENT CODE
6 SECTIONS 7522.56 AND 21224 FOR RETIRED ANNUITANT
7 MICHAEL DAVIS
8

9 WHEREAS, in compliance with Government Code Section 7522.56 of the
10 Public Employees' Retirement Law, the City of Long Beach must provide CalPERS this
11 certification resolution when hiring a retiree before 180 days has passed since his or her
12 retirement date; and

13 WHEREAS, MICHAEL DAVIS, CalPERS ID 5778407953, retired from the
14 City of Long Beach in the position of General Maintenance Supervisor, effective
15 December 2, 2021; and

16 WHEREAS, Section 7522.56 requires that post-retirement employment
17 commence no earlier than 180 days after the retirement date, which is May 31, 2021,
18 without this certification resolution; and

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

21 WHEREAS, the City Council, the City Manager, the City of Long Beach and
22 Michael Davis, certify that Michael Davis has not and will not receive a Golden Handshake
23 or any other retirement-related incentive; and

24 WHEREAS, the City Manager with City Council approval hereby appoints
25 Michael Davis, as an extra help retired annuitant to perform the duties of the Retired
26 Annuitant – Specialized Support, which are comparable to the duties of General
27 Maintenance Supervisor, for the City of Long Beach under Government Code Section
28 21224, effective December 8, 2021; and

1 WHEREAS, the appointment letter between Michael Davis and the City of
2 Long Beach has been reviewed by this body and is attached herein; and

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

5 WHEREAS, the employment shall be limited to 960 hours per fiscal year for
6 all CalPERS employers; and

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

10 WHEREAS, the maximum base salary for this position is \$20,000 monthly
11 and the hourly equivalent is \$115.385, and the minimum base salary for this position is
12 \$2,500 monthly and the hourly equivalent is \$14.423; and

13 WHEREAS, at the direction of City Council, the hourly rate paid to Michael
14 Davis as a retired annuitant will be \$37.302; and

15 WHEREAS, Michael Davis has not and will not receive any other benefit,
16 incentive, compensation in lieu of benefit or other form of compensation in addition to this
17 hourly pay rate; and

18 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
19 follows:

20 Section 1. The City Council hereby certifies the nature of the appointment
21 of Michael Davis as described herein and detailed in the attached appointment letter and
22 that this appointment is necessary to fill the critically needed position of Retired Annuitant
23 – Specialized Support, for the City of Long Beach effective December 8, 2021, for the
24 purpose of providing critical, technical, and construction oversight within the Energy
25 Resources Department.

26 Section 2. Michael Davis has acquired the relevant experience and
27 specialized skills from their employment with the City of Long Beach as a General
28 Maintenance Supervisor. Mr. Davis has over 30 years with the City and has the work

1 experience, specialized knowledge, and technical expertise in resolving many ongoing
2 issues with the aging Facility and its related infrastructure, in overseeing the ongoing
3 maintenance of the Gas and Water utilities AMI system, and in providing technical
4 oversight of the Department's solar installation project. Mr. Davis will provide critical
5 oversight of the Long Beach Energy Resources Facility (Facility) operations, technical
6 oversight of the Advanced Metering Infrastructure (AMI) system, and construction
7 oversight of the Facility solar installation project at the Facility. By retaining Mr. Davis'
8 expertise and oversight as a retired annuitant, the Energy Resources Department will help
9 ensure the retention of historical knowledge of these unique facility operations and ensure
10 a smooth transition to new on-coming facilities maintenance staff. The effective date of
11 this appointment will be December 8, 2021. The compensation for retired annuitant
12 Michael Davis will be \$37.302.

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

15 I hereby certify that the foregoing resolution was adopted by the City Council
16 of the City of Long Beach at its meeting of December 7, 20 21, by the following vote:

17	Ayes:	Councilmembers:	<u>Zendejas, Allen, Price, Supernaw,</u>
18			<u>Mungo, Saro, Uranga, Austin,</u>
19			<u>Richardson.</u>
20	Noes:	Councilmembers:	<u>None.</u>
21			<u></u>
22	Absent:	Councilmembers:	<u>None.</u>
23			<u></u>
24	Recusal(s):	Councilmembers:	<u>None.</u>
25			<u></u>
26			<u></u>

27 
28 City Clerk

December 8, 2021

Michael Davis
[REDACTED]
[REDACTED]

Dear Mr. Davis:

It is my pleasure to make you a conditional offer of employment as Retired Annuitant-Specialized Support in the Energy Resources Department. Your appointment as a PERS retired annuitant will be effective at a mutually agreed upon date, at an hourly rate of \$37.302, contingent upon approval by the Human Resources Director and City Council.

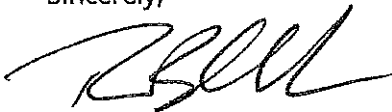
As a PERS retired annuitant, you are limited to 960 hours during the PERS fiscal year (July 1 through June 30) and you will not be eligible for step increases. It will be your responsibility to monitor your hours so that they do not exceed the 960-hour limit.

If you accept this conditional offer of employment, please sign and return this offer letter to Sandra Aguilar, Administrative Officer in the Energy Resources Department.

If have any questions, please direct them to Ms. Aguilar at 562-570-2043.

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

Sincerely,



Thomas B. Modica
City Manager

Acknowledgment: _____

_____ Date

