

December 8, 2020

R-49

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 Charles Tripp for a limited duration to work in the Energy Resources 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 Energy Resources Department requests City Council approval to hire Charles Tripp, Manager of Electric Generation, as a Retired Annuitant-Management Support NC, effective January 2, 2021 for a limited duration, to provide technical oversight of operations and business administration of the Southeast Resource Recovery Facility (SERRF) plant and the contractor. Since Mr. Tripp's proposed start date is less than the required 180-day waiting period subsequent to his retirement on December 19, 2020, City Council approval to hire Mr. Tripp is required. The approved rate of pay will be \$87.146 per hour. This amount represents the hourly rate he will receive upon retirement and 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 through regular SERRF operating funds.

Mr. Tripp has over 20 years with the City and has the educational background and technical expertise in overseeing SERRF operations and the City's waste to energy enterprise operations. Mr. Tripp and the current SERRF Operations Officer are the only two staff members in the City that have the knowledge and expertise to oversee the technical and business operations of the SERRF plant and the contractor. As a retired annuitant, Mr. Tripp will assist with the technical and business operations oversight of the bureau's operations during any absences by the current SERRF Operations Officer including furlough, vacation and sick leave absences. Bringing Mr. Tripp back as a retired annuitant will help ensure critical oversight and retention of historical knowledge of these unique operations.

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This matter was reviewed by Principal Deputy City Attorney Gary J. Anderson on November 11, 2020 and by Revenue Management Officer Geraldine Alejo on November 13, 2020.

TIMING CONSIDERATIONS

City Council action is requested on December 8, 2020, to ensure minimal impact to the SERRF operations in the Energy Resources Department.

FISCAL IMPACT

The total Fiscal Year 2021 fully-loaded cost for this position will not exceed \$84,873 (960 hours at \$87.146/hour plus Medicare). These costs will be funded by the SERRF Fund Group in the Energy Resources Department and will be absorbed within current budget appropriation. 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,



FRED VERDUGO
ACTING HUMAN RESOURCES DIRECTOR

ATTACHMENT – RESOLUTION

APPROVED:



THOMAS B. MODICA
CITY MANAGER

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

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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
CHARLES TRIPP

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, CHARLES TRIPP, CalPERS ID, 4720672141, will retire from
the City of Long Beach in the position of Manager-Electric Generation, effective December
19, 2020; and

WHEREAS, Section 7522.56 requires that post-retirement employment
commence no earlier than 180 days after the retirement date, which is June 18, 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
Charles Tripp, certify that Charles Tripp, 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
Charles Tripp, as an extra help retired annuitant to perform the duties of the Retired
Annuitant-Management Support NC, which are comparable to the duties of Manager –
Electric Generation for the City of Long Beach under Government Code Section 21224,
effective January 2, 2021; and

WHEREAS, the conditional offer of employment letter between Charles

1 Tripp and the City of Long Beach has been reviewed by this body and is attached hereto
2 as Exhibit "A"; 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;
6 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 \$30,000 monthly
11 and the hourly equivalent is \$173.077, and the minimum base salary for this position is
12 \$4,000 monthly and the hourly equivalent is \$23.077; and

13 WHEREAS, at the direction of City Council, the hourly rate paid to Charles
14 Tripp as a retired annuitant will be \$87.146; and

15 WHEREAS, Charles Tripp 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 of
21 Charles Tripp as described herein and detailed in the attached conditional offer letter and
22 that this appointment is necessary to fill the critically needed position of Retired Annuitant-
23 Management Support NC, for the City of Long Beach effective January 2, 2021, to provide
24 technical oversight of operations and business administration of SERRF plant and
25 contractor within the Energy Resources Department.

26 Section 2. Charles Tripp has served as the manager of SERRF for over 20
27 years and is one of two employees citywide that is knowledgeable of the facilities
28 operations and daily activities. Mr. Tripp has the technical and educational background to

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

1 provide technical oversight of operations. The effective date of this appointment will be
2 January 2, 2021. The compensation for retired annuitant Charles Tripp will be \$87,146.

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

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

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Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

THOMAS B. MODICA
City Manager

December 8, 2020

[REDACTED]
[REDACTED]
[REDACTED]

Dear Mr. Tripp:

It is my pleasure to make you a conditional offer of employment as a Retired Annuitant - Management Support in the Energy Resources Department, contingent upon approval by the City Council on December 8, 2020. Your appointment as a PERS retired annuitant will be effective January 2, 2021 at an hourly rate of \$87.146.

As a PERS retired annuitant, you are limited to 960 hours during the PERS fiscal year (July 1 through June 30).

I look forward to your continued support with our SERRF operations.

Sincerely,



Thomas B. Modica
City Manager