



OFFICE OF THE CITY ATTORNEY
Long Beach, California

R-20

CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

MONTE H. MACHIT
Assistant City Attorney

August 21, 2018

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 Monte H. Machit for a limited duration to work in the City Attorney's Office as a Principal Deputy. (Citywide)

DISCUSSION

On January 1, 2013, the Public Employees' Pension Reform Act added Sections 7522.56 and 7522.57 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 City Attorney requests City Council approval to hire Monte H. Machit, current Assistant City Attorney, effective September 25, 2018, for a limited duration, to serve as a Principal Deputy City Attorney and oversee several critical pending litigation related projects, including civil trials, negotiations and settlements. Since Mr. Machit's proposed start date is less than the required 180-day waiting period subsequent to his retirement, City Council approval to hire Mr. Machit is required. The approved rate of pay for the limited duration is \$109.545 per hour. This amount represents the compensation paid to other employees performing comparable duties and will be funded with salary savings from the Assistant City Attorney vacancy.

PRINCIPAL DEPUTIES

Gary J. Anderson
Charles M. Gale
Anne C. Lattime

DEPUTIES

C. Geoffrey Allred
Richard F. Anthony
William R. Baerg
LaTasha N. Corry
Haleh R. Jenkins
Monica J. Kilaita
Nicholas J. Masero
Dawn A. McIntosh
Barbara J. McTigue
Lauren E. Misajon
Katrina R. Pickett
Howard D. Russell
Arturo D. Sanchez
Victoria A. Silcox
Linda T. Vu
Amy R. Webber
Theodore B. Zinger

Honorable Mayor and City Council
August 21, 2018
Page 2

Mr. Machit is qualified to oversee these projects and has acquired the relevant trial experience and specialized skills from his employment with the City as the Assistant City Attorney. He has over 20 years of service with the City working in the City Attorney's Office. As a result of his expertise, he has successfully overseen many trials, settlements and negotiations. Mr. Machit will continue to provide leadership and mentorship to attorneys and staff in the City Attorney's Office.

TIMING CONSIDERATIONS

City Council action is requested on August 21, 2018, to ensure the City is able to manage its trial calendar and meet legal obligations in a timely manner.

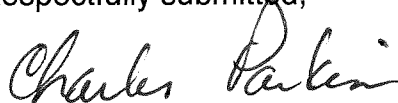
FISCAL IMPACT

Funding is currently appropriated in the Insurance Fund (IS-390) in the City Attorney Department. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CHARLES PARKIN
City Attorney



ALEJANDRINA BASQUEZ
Director of Human Resources

JCP:GJA:kjm

A18-01882

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Attachment: Resolution

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th 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 PURSUANT TO
GOVERNMENT CODE SECTIONS 7522.56 AND 21224
FOR RETIRED ANNUITANT MONTE H. MACHIT

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, Monte H. Machit, CalPERS ID 3502309340, will retire from the
City of Long Beach in the position of Assistant City Attorney, effective September 7,
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 March 6, 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 Attorney, the City of Long Beach and
Monte H. Machit certify that Monte H. Machit has not and will not receive a Golden
Handshake or any other retirement-related incentive; and

WHEREAS, the City Attorney with City Council approval hereby appoints
Monte H. Machit as an extra help retired annuitant to perform the duties of a Principal
Deputy City Attorney for the City of Long Beach under Government Code Section 21224,
effective September 25, 2018; and

WHEREAS, no matters, issues, terms or conditions related to this

1 employment and appointment have been or will be placed on a consent calendar; and
2 WHEREAS, the employment shall be limited to 960 hours per fiscal year;
3 and

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

7 WHEREAS, the maximum base salary for this position is \$25,000.00
8 monthly and the hourly equivalent is \$144.231, and the minimum base salary for this
9 position is \$4,000.00 monthly and the hourly equivalent is \$23.076; and

10 WHEREAS, at the direction of City Council, the hourly rate paid to Monte H.
11 Machit as a retired annuitant will be \$109.545; and

12 WHEREAS, Monte H. Machit has not and will not receive any other benefit,
13 incentive, compensation in lieu of benefit or other form of compensation in addition to this
14 hourly pay rate; and

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

17 Section 1. The City Council hereby certifies the nature of the
18 appointment of Monte H. Machit as described herein and detailed in the attached
19 appointment letter and that this appointment is necessary to fill the critically needed
20 position of Principal Deputy City Attorney for the City of Long Beach by September 25,
21 2018, for the purpose of overseeing several critical pending civil trials and related
22 projects. Mr. Machit will represent the City in several pending civil lawsuits, negotiations
23 and settlements.

24 Section 2. Mr. Machit is qualified to oversee these projects and has
25 acquired the relevant experience and specialized skills from his employment with the City
26 as the Assistant City Attorney. He has over 20 years of service with the City working in
27 City Attorney's office. As a result of his expertise, he has successfully overseen many
28 trials, negotiations and settlements. The effective date of this appointment will be

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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Lona Beach, CA 90802-4664

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September 25, 2018;

Section 3. The compensation for retired annuitant Monte H. Machit will be \$109.545 per hour; and

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

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of August 21, 2018, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk