

December 7, 2021

**R-43**

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 Michael Davis for a limited duration to work in the Energy Resources Department.

**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 (Energy Resources) requests City Council approval to hire Michael Davis, recently retired General Maintenance Supervisor II in Energy Resources, as a Retired Annuitant - Specialized Support - Non-Career, effective December 8, 2021, for a limited duration, to provide critical oversight of the Long Beach Energy Resources Facility (Facility) operations, technical oversight of the Advanced Metering Infrastructure (AMI) system, and construction oversight of the Facility solar installation project. Mr. Davis has over 30 years with the City of Long Beach and has the work experience, specialized knowledge, and technical expertise in resolving many ongoing issues with the aging Facility and its related infrastructure, in overseeing the ongoing maintenance of the Gas and Water utilities AMI system, and in providing technical oversight of the Department's solar installation project. Upon his retirement, there will be no permanent full-time facility staff member, aside from Custodians, employed at Long Beach Energy Resources as the other Facility staff position, an Electrician, will be vacant due to a City transfer. Energy Resources will look to fill both the Electrician position and a full-time replacement for supervision of facilities maintenance in an expeditious manner. By retaining Mr. Davis' expertise and oversight as a retired annuitant, Energy Resources will help ensure the retention of historical knowledge of these unique Facility operations and ensure a smooth transition to new on-coming facilities maintenance staff.

Since Mr. Davis's proposed start date is less than the required 180-day waiting period subsequent to his retirement on December 2, 2021, City Council approval to hire Mr. Davis is required. The approved rate of pay will be \$37.302 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 publicly available pay schedule and will be funded by Energy Resources.

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

TIMING CONSIDERATIONS

City Council action is requested on December 7, 2021, to ensure minimal impact to the facilities maintenance operations in Energy Resources.

FISCAL IMPACT

The total annual cost for this position is estimated to not exceed \$38,549. The estimated cost is based on 960 hours over the CalPERS fiscal year ending June 30<sup>th</sup>, at a salary rate of \$37.302 per hour plus Medicare and FICA. The cost is budgeted in the Gas Fund Group in the Energy Resources Department. The actual cost will be based on hours worked and not expected to exceed 960 hours over the CalPERS fiscal year. 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

ATTACHMENT – RESOLUTION

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  
MICHAEL DAVIS

WHEREAS, in compliance with Government Code Section 7522.56 of the  
Public Employees' Retirement Law, 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, MICHAEL DAVIS, CalPERS ID 5778407953, retired from the  
City of Long Beach in the position of General Maintenance Supervisor, effective  
December 2, 2021; and

WHEREAS, Section 7522.56 requires that post-retirement employment  
commence no earlier than 180 days after the retirement date, which is May 31, 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  
Michael Davis, certify that Michael Davis 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  
Michael Davis, as an extra help retired annuitant to perform the duties of the Retired  
Annuitant – Specialized Support, which are comparable to the duties of General  
Maintenance Supervisor, for the City of Long Beach under Government Code Section  
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 \_\_\_\_\_, 20\_\_\_\_, by the following vote:

17	Ayes:	Councilmembers:	
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20	Noes:	Councilmembers:	
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22	Absent:	Councilmembers:	
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24	Recusal(s):	Councilmembers:	
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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.

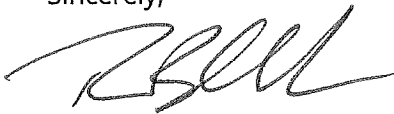
As a PERS retired annuitant, you are limited to 960 hours during the PERS fiscal year (July 1 through June 30) and you will not be eligible for step increases. It will be your responsibility to monitor your hours so that they do not exceed the 960-hour limit.

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

