

June 21, 2022

**R-36**

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 Douglas McKee for a limited duration to work in the Long Beach Water Department. (Citywide)

**DISCUSSION**

On January 1, 2013, the Public Employees' Pension Reform Act added Section 7522.56 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 Water Department requests the City Council approval to hire Douglas McKee, former Manager – Water Treatment in the Water Department, as a Retired Annuitant – Management Support, effective June 22, 2022, for a limited duration to perform specialized work in the management and operation of the City of Long Beach's (City) Groundwater Treatment Plant.

Mr. McKee has acquired the relevant experience, critical certifications, and specialized skills from his 28 years of service with the City's Water Department (Department) to provide management support to the Water Treatment Division while a replacement is sought. Each water system is required by the State Water Resources Control Board (SWRCB) to designate at least one Chief Operator who can be contacted within one-hour in case of emergency. The Chief Operator has overall responsibility for the day-to-day, hands-on operation of a water treatment facility and is required to have at least an SWRCB Water Treatment Operator Grade 5 (T5) Certificate for a T5 treatment plant. Mr. McKee is one of the Department's three designated Chief Operators who serve on a weekly on-call rotation. In addition, his management experience dealing with treatment/distribution operational and water quality issues, critical thinking, decision making, and communication skills in events of operational and water quality emergency situations are key. The Department will prioritize filling the vacancy for his position, but his continued involvement until the position is filled is imperative.

Since Mr. McKee's proposed start date is less than the required 180-day waiting period after his retirement on June 2, 2022, City Council approval to hire Mr. McKee is required. The approved rate of pay for the limited duration is \$73.722 per hour. This amount represents the hourly rate he received upon retirement and is within the minimum and maximum compensation paid to other employees performing comparable duties as listed in the City's publicly available pay schedule and will be funded with salary savings from the Manager – Water Treatment vacancy.

This matter was reviewed by Assistant City Attorney Gary Anderson on May 26, 2022, and by Budget Management Officer Nader Kaamoush on May 24, 2022.

TIMING CONSIDERATIONS

City Council action is requested on June 21, 2022, to ensure minimal impact to the City's water treatment operations during the selection of a new Manager – Water Treatment.

FISCAL IMPACT

The total annual cost is estimated to not exceed \$76,187. The estimated cost is based on 960 hours over the CalPERS fiscal year ending June 30<sup>th</sup>, at a salary rate of \$73.722 per hour plus Medicare and FICA. The actual costs will be based on hours worked and not expected to exceed 960 hours over the CalPERS fiscal year. The cost will be funded within existing appropriations in the Water Fund Group in the Water Department. 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

APPROVED:



THOMAS B. MODICA  
CITY MANAGER

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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  
DOUGLAS MCKEE

WHEREAS, in compliance with Government (Gov.) 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 their  
retirement date; and

WHEREAS, DOUGLAS MCKEE, CalPERS ID 4195625456, retired from the  
City of Long Beach in the position of Manager-Water Treatment, effective June 2, 2022;  
and

WHEREAS, Gov. Code section 7522.56 requires that post-retirement  
employment commence no earlier than 180 days after the retirement date, which is  
November 30, 2022, without this certification resolution; and

WHEREAS, Gov. 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 Manager, the City of Long Beach and  
Douglas McKee, certify that Douglas McKee 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  
Douglas McKee, as an extra help retired annuitant to perform the duties of the Retired  
Annuitant – Management Support, for the City of Long Beach under Government Code  
Section 21224, effective June 27, 2022; and

1           WHEREAS, the appointment letter between Douglas McKee 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 \$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, the hourly rate paid to Douglas McKee as a retired annuitant will  
14 be \$73.722; and

15           WHEREAS, Douglas McKee 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 Douglas McKee 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 – Management Support, for the City of Long Beach by June 27, 2022, for the purpose of  
24 providing support to the Water Treatment Division within the Water Department. The  
25 State Water Resources Control Board (SWRCB) requires each water system to designate  
26 at least one Chief Operator who can be contacted within one hour in case of emergency.  
27 Mr. McKee possess the SWRCB Water Operator grad 5 certificate for a T5 treatment  
28 plant, required of a Chief Operator. He will assist in the overall responsibility for the day-

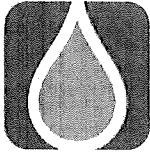
1 to-day, hands on, operation of the water treatment facility. The compensation for retired  
2 annuitant, Douglas McKee, will be \$73,722.

3 Section 2. Douglas McKee has acquired the relevant experience and  
4 specialized skills from their employment with the City of Long Beach as a Manager-Water  
5 Treatment. He has acquired the relevant experience, critical certifications, and  
6 specialized skills from his 28 years of service with the Department. His management  
7 experience dealing with treatment/distribution operational and water quality issues, critical  
8 thinking, decision making, and communication skills in events of operational and water  
9 quality emergency situations are key. The department will prioritize filling the vacancy for  
10 his position, but his continued involvement until the position is filled is imperative.

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

13 I hereby certify that the foregoing resolution was adopted by the City Council  
14 of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_\_\_, by the following vote:

15			
16	Ayes:	Councilmembers:	_____
17			_____
18			_____
19			_____
20	Noes:	Councilmembers:	_____
21			_____
22	Absent:	Councilmembers:	_____
23			_____
24	Recusal(s):	Councilmembers:	_____
25			_____
26			_____
27			_____
28			_____
			City Clerk



# Long Beach Water

Exceptional Water • Exceptional Service

**Christopher J. Garner**

General Manager

1800 E. Wardlow Road, Long Beach, CA 90807-4931

562.570.2300 | lbwater.org

May 10, 2022

Doug McKee  
[REDACTED]  
[REDACTED]

Dear Mr. McKee:

It is my pleasure to make you a conditional offer of employment as Retired Annuitant - Management Support in the Long Beach Water Department. Your appointment as a PERS retired annuitant will be effective at a mutually agreed upon date, at an hourly rate of \$73.722, 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 Jessica Stoudenmire, Administrative Analyst in the Water Department.

If have any questions, please direct them to Meg Rau, Administrative Officer in the Water Department. She can be reached at 562-570-2375.

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

Sincerely,

  
Christopher J. Garner

General Manager

Acknowledgment: 

Date: 5/11/22