

RESOLUTION NO. 14-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, FOR EXCEPTION TO THE 180-DAY WAIT PERIOD PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 AND 21224

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, in compliance with Government Code section 7522.56, the City Council of the City of Costa Mesa must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Eloisa Espinoza (SSN XXX-XX-9648) retired from the City of Fullerton in the position of Director of Fullerton Senior/Community Center effective December 30, 2013; and

WHEREAS, Government Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 29, 2014, 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 of Costa Mesa and Eloisa Espinoza certify that Eloisa Espinoza has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City Council hereby appoints Eloisa Espinoza as an extra help retired annuitant to perform the duties of the Senior Center Program Administrator for the City of Costa Mesa under Government Code section 21224, effective June 10, 2014; and

WHEREAS, the entire employment agreement between Eloisa Espinoza and the City of Costa Mesa has been reviewed by this body and is attached herein; and

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

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

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

WHEREAS, the maximum base salary for this position is \$7,418 per month and the hourly equivalent is \$42.80, and the minimum base salary for this position is \$5,536 per month and the hourly equivalent is \$31.94; and

WHEREAS, the hourly rate paid to Eloisa Espinoza will be \$31.94; and

WHEREAS, Eloisa Espinoza has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Costa Mesa hereby certifies the nature of the appointment of Eloisa Espinoza as described herein and detailed in the attached employment agreement and that this appointment is necessary to fill the critically needed position of Senior Center Director for the City of Costa Mesa by June 10, 2014, because of a critical need related to the City's acquisition of the daily operations and management of the Senior Center previously run by a non-profit entity, and based on the particular skills of Eloisa Espinoza.

PASSED AND ADOPTED this 10th day of June, 2014.

James Righeimer, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Thomas P. Duarte, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing is the original of Resolution No.14-__ and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 10th day of June, 2014, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 10th day of June, 2014.

BRENDA GREEN, CITY CLERK

(SEAL)