

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
APPROVING A 180-DAY WAIT PERIOD EXCEPTION PURSUANT TO GOVERNMENT
CODE SECTIONS 7522.56 AND 21221(h)

WHEREAS, in compliance with Government Code section 7522.56 the Garden Grove City Council must provide CalPERS this certification resolution when hiring a retiree before 180 days have passed since his retirement date; and

WHEREAS, Thomas Schultz will retire from the City of Garden Grove in the position of Fire Chief, effective September 13, 2018; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is March 12, 2019 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 Garden Grove and Thomas Schultz certify that Thomas Schultz has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City Council hereby confirms Thomas Schultz as an interim appointment retired annuitant to the vacant position of Fire Chief for the City of Garden Grove under Government Code section 21221(h), effective September 17, 2018; and

WHEREAS, the appointment under Government Code section 21221(h) requires an active, publicly posted recruitment for a permanent replacement; and

WHEREAS, the current status of this recruitment is actively open; and

WHEREAS, this section 21221(h) appointment shall only be made once and therefore will end within 12 months of date of appointment; and

WHEREAS, the entire appointment document between Thomas Schultz and the City of Garden Grove 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 \$18,319.00 monthly and the hourly equivalent is \$105.69, and the minimum base salary for this position is \$13,143.00 monthly and the hourly equivalent is \$75.83; and

WHEREAS, the hourly rate paid to Thomas Schultz will be \$105.69; and

WHEREAS, Thomas Schultz 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

THEREFORE, BE IT RESOLVED THAT the Garden Grove City Council hereby certifies the nature of the employment of Thomas Schultz as described herein and detailed in the attached appointment document and that this appointment is necessary to fill the critically needed position of Interim Fire Chief for the City of Garden Grove by Sept. 17, 2018 because of the vitally needed leadership and stability for the Fire Department.