

CITY OF OJAI

RESOLUTION NO. 22-61

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA
DECLARING AN EXCEPTION TO THE 180-DAY WAIT PERIOD
FOR HIRING A RETIRED ANNUITANT IN ACCORDANCE
WITH GOVERNMENT CODE SECTIONS 7522.56 AND 2122(h)
AND APPOINTING ANDREA MACKEY AS A
RETIRED ANNUITANT AS AN EXTRA HELP PART-TIME EMPLOYEE
IN THE PUBLIC WORKS DEPARTMENT**

WHEREAS, in compliance with Government (Gov.) Code section 7522.56 of the Public Employees' Retirement Law, the City Council of the City of Ojai must provide CalPERS this certification resolution when hiring a retiree before 180 days passed since their retirement date; and

WHEREAS, Andre Mackey, CalPERS ID 5153670775 retired from City of Ojai in the position of Confidential Management Analyst, effective July 6, 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 January 2, 2023 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, an appointment under Gov. Code section 21221(h) requires the retiree is appointed into the interim appointment during recruitment for a permanent appointment; and

WHEREAS, the City of Ojai is in the process of recruiting for an Administrative Analyst for a permanent appointment; and

WHEREAS, the City of Ojai desires to appoint Andrea Mackey as a retired annuitant to provide part-time extra help in the Public Works Department under Gov. Code section 21221(h), effective October 26, 2022; and

WHEREAS, this Gov. Code section 21221(h) appointment shall only be made once and therefore will shall not exceed a period of 12-months; 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 for all CalPERS employers; 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

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WHEREAS, the hourly rate paid to Andrea Mackey will be \$39.32; and

WHEREAS, Andrea Mackey 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 rate.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA, DOES HEREBY RESOLVE AND ORDER, AS FOLLOWS:

SECTION 1. City Council declares an exception to the 180-day wait period for hiring a retired annuitant in accordance with government code sections 7522.56 and 21223(b).

SECTION 2. City Council appoint Andre Mackey as a retired annuitant as an extra help part-time employee in the Public Works Department.

PASSED, APPROVED and ADOPTED this 25th day of October, 2022 by the following vote:

AYES: Stix, Francina, Haney, Blatz, Weirick
NOES: None
ABSENT: None
ABSTAIN: None

CITY OF OJAI, CALIFORNIA

Betsy Stix
Betsy Stix, Mayor

October 27, 2022
Date signed

ATTEST:


James Vega, Interim Deputy City Clerk

APPROVED AS TO FORM:


Matthew Summers, City Attorney