

RESOLUTION NO. 23-4705

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, FOR CALPERS 180-DAY WAIT PERIOD EXCEPTION GOVERNMENT CODE SECTIONS 7522.56 & 21224

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

WHEREAS, Linda Cobos retired from the City of Murrieta in the position of Public Safety Dispatch Supervisor, effective August 26, 2023; and

WHEREAS, Gov. Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is February 23, 2024, 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 of the City of Murrieta, the City of Murrieta, and Linda Cobos certify that Linda Cobos has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City Council of the City of Murrieta hereby appoints Linda Cobos as an extra help retired annuitant to perform extra help public safety dispatcher duties for the City of Murrieta under Gov. Code section 21224, effective September 24, 2023; and

WHEREAS, the appointment document between Linda Cobos and the City of Murrieta, which consists of an offer letter, has been reviewed by the City Council and is attached hereto; 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 employees; 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 employees performing comparable duties (the classification of Public Safety Dispatcher II) is \$6,875.91 monthly and the hourly equivalent is \$39.66876, and the minimum base salary for this position is \$5,656.83 monthly and the hourly equivalent is \$32.63559; and

WHEREAS, the hourly rate paid to Linda Cobos will be \$39.67; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council hereby certifies the nature of the appointment of Linda Cobos as described herein and detailed in the attached appointment document (consisting of an offer letter) is true and correct.

Section 2. The City Council further certifies that this appointment is necessary to perform critically needed public safety dispatcher extra help work for the City of Murrieta by September 24, 2023, because of critically low staffing levels for public safety dispatchers, and the ongoing critical need for adequate staffing of public safety dispatchers to ensure timely police, fire and emergency responsiveness for the Murrieta Police Department, Menifee Police Department, and Murrieta Fire & Rescue.

PASSED, APPROVED, AND ADOPTED this 19th day of September 2023, by the City Council of the City of Murrieta, State of California.

Lisa DeForest, Mayor

ATTEST:

Cristal McDonald, City Clerk

APPROVED AS TO FORM:

Tiffany Israel, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF MURRIETA)

I, Cristal McDonald, City Clerk of the City of Murrieta, California, do hereby certify that the foregoing Resolution No. 23-4705 was duly adopted by the City Council of the City of Murrieta at the regular meeting thereof, held on the 19th day of September 2023, and was signed by the mayor of the said City, and that the same was passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cristal McDonald, City Clerk

EXHIBIT A



CITY OF MURRIETA

September 19, 2023

Linda Cobos
[REDACTED]

Re: Offer of Limited Duration Employment as Retired Annuitant – Extra Help/ Special Project (Government Code §21224(a))

Dear Linda:

Welcome! The mission of the City of Murrieta is to work in unity alongside our residents. We're dedicated to helping Murrieta thrive as a robust, growing, and connected community. We look forward to having you assist our community and to the contributions you will make in helping us achieve our mission!

This letter confirms our offer to you in the limited duration, extra-help/ special project position of extra help as a Public Safety Dispatcher II. This offer to you is based on your specialized skills in the area of Police Dispatch. Government Code Sections 21224(a) and 7522.56(c) permit retired annuitants under the California Public Employees' Retirement System ("CalPERS") to be employed without reinstatement from retirement upon appointment by a public agency because the retired person has specialized skill needed in performing work of limited duration or during an emergency to prevent stoppage of public business.

At-Will Employment Status

As a retired annuitant, you will be considered a limited duration, at-will employee and serve at the will and pleasure of the City Manager and may be terminated at any time, with or without cause, and with or without notice. Additionally, we recognize that you retain the option of ending this assignment with the City of Murrieta at any time.

Hours, Duration of Appointment, and Compensation

Your first day in this role will be September 24, 2023. The City would like you to work approximately 20 hours per week or as directed by your Supervisor. Your limited duration assignment as a retired annuitant will be no longer than twelve (12) months and will not extend past September 24, 2024.

This position is subject to the following:

- Hourly rate of \$39.67

Under Government Code section 7522.56, the compensation paid to you must be within the monthly rate of the pay range, paid to other employees performing comparable duties, divided by 173.333 hours to equal an hourly rate.

The above hourly rate is based on the position of Public Safety Dispatcher II, which includes the duties most comparable to the special project work that you will perform as a retired annuitant. (The City's published hourly maximum rate for this position is \$39.67.)

- Limited duration appointment not to exceed a total of 960 hours in a fiscal year for all CalPERS employers combined.
- No other benefit, incentive, compensation in lieu of benefits, or other form of compensation will be paid in addition to the hourly pay rate noted above.
- Work performed will be providing extra help to support the public safety Communications Center to ensure continuous business operations.

Please be advised you are to review the City's Administrative Policies and Personnel Rules, located in the Employee Handbook. By signing this offer letter below, you are acknowledging you are responsible for reviewing and adhering to the Administrative Policies, Employee Handbook, and Personnel Rules during the course of your employment with the City of Murrieta.

The City makes no representation on the impact, if any, this appointment shall or may have upon your CalPERS retirement benefits, status, duties, and/or obligations. Also, please be aware that CalPERS enforces strict rules related to working after retirement. For a discussion of other CalPERS rules related to work by retired annuitants, you should review the CalPERS publication "A Guide to Employment After Retirement," available online at www.calpers.ca.gov/docs/forms-publications/employment-after-retirement.pdf. Please contact CalPERS or the City immediately if you have any questions or concerns to discuss related to your work for the City.

This is the entire offer to you. There are no express or implied promises, representations, or contracts being offered to you. We look forward to your contributions. Please feel free to call Mike McGhee, Human Resources Manager, at (951) 461-6432 should you have any questions or concerns.

If you agree to accept this offer for limited duration employment as a retired annuitant, then electronically sign and return it via email to hrstaff@murrieta.gov or sign and date the letter and return it within seven (7) calendar days of the date of this letter. The signed original can be mailed to the City at 1 Town Square, Murrieta, CA 92562, with attention to Human Resources.

Sincerely,

Human Resources Manager

By accepting this offer, I understand and agree that I will be a limited-duration, at-will employee and that my rights to employment with the City are governed by the terms and conditions of this offer letter rather than the ordinances, resolutions, and policies of the City of Murrieta which might otherwise apply to classified or other employees of the City. I further acknowledge that I have been given the opportunity to consult with an attorney prior to signing this offer of limited-duration employment.

By accepting this appointment, I acknowledge that I have not relied upon any representations (none of which is in existence) in assessing the CalPERS-related impact of this employment. Therefore, by accepting this appointment, I release the City from any and all CalPERS-related claims or liabilities that may arise in connection with employment as a retired annuitant

Finally, I hereby certify that I have not received any unemployment insurance payments within the last 12 months prior to this appointment.

I accept the offer as outlined above.

Signature

Date Signed