

**RESOLUTION NO. 2023-xx**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, FOR AN EXCEPTION TO THE 180-DAY WAIT PERIOD PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 AND 21221(h)**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, in compliance with Government (Gov.) Code section 7522.56 of the Public Employees' Retirement Law, 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, Brenda S. Emrick (SSN XXX-XX-XXXX) retired from the City of Costa Mesa in the position of Emergency Services Manager effective July 14, 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 January 11, 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, the City of Costa Mesa and Brenda S. Emrick certify that Brenda S. Emrick has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, an appointment under Gov. Code section 21221(h) requires the retiree to be appointed on an interim basis to a vacant position requiring specialized skills during recruitment for a permanent appointment; and

WHEREAS, the governing body has authorized the search for a permanent appointment on March 14, 2023; and

WHEREAS, the City Council hereby appoints Brenda S. Emrick as an interim appointment retired annuitant to the vacant position of Emergency Services Manager for the City of Costa Mesa under Gov. Code section 21221(h), effective July 30, 2023; and

## Attachment 1

WHEREAS, this Gov. Code section 21221 (h) appointment shall only be made once and therefore will end on December 31, 2023; and

WHEREAS, the entire employment agreement, contract or appointment document between Brenda S. Emrick 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 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

WHEREAS, the maximum base salary for this position is \$12,636 per month and the hourly equivalent is \$72.90, and the minimum base salary for this position is \$9,429 per month and the hourly equivalent is \$54.40; and

WHEREAS, the hourly rate paid to Brenda S. Emrick will be \$66.12; and

WHEREAS, Brenda S. Emrick 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.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES as follows:

SECTION 1. The City Council of the City of Costa Mesa hereby certifies the nature of the appointment of Brenda S. Emrick as described herein and detailed in the attached employment agreement and that this appointment is necessary to fill the vacant and critically needed position of Emergency Services Manager for the City of Costa Mesa by July 30, 2023 because of critical needs related to the City's emergency services and disaster preparedness programs, during recruitment of a permanent appointee.

**PASSED AND ADOPTED this 18<sup>th</sup> day of July, 2023.**

\_\_\_\_\_  
John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda Green, City Clerk

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Kimberly Hall Barlow, City Attorney

**THIS PAGE IS RESERVED FOR THE CITY CLERK’S OFFICE.**

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2023-xx and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 18<sup>th</sup> day of July, 2023, 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 19<sup>th</sup> day of July, 2023.

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Brenda Green, City Clerk