

RESOLUTION NO. 2020-116

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF CORONA, CALIFORNIA FOR EXCEPTION TO THE
180-DAY WAIT PERIOD TO APPOINT RETIRED
ANNUITANT GERARDO RODRIGUEZ IN ACCORDANCE
WITH CALIFORNIA GOVERNMENT CODE SECTIONS
7522.56 AND 21224**

WHEREAS, Gerardo (Jerry) Rodriguez, CalPERS ID #1851285780, has applied to retire from the City of Corona (“City”) in the position of Police Captain effective September 25, 2020; and

WHEREAS, in compliance with Government Code Section 7522.56, the City Council of the City of Corona (“City Council”) must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which would be March 25, 2021 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, City, and Gerardo Rodriguez certify that Gerardo Rodriguez has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, effective September 26, 2020 the City Council hereby desires to appoint Gerardo Rodriguez as an extra help retired annuitant to perform functions typically performed by Police Captains and other similar duties in accordance with Government Code Section 21224; and

WHEREAS, the entire employment agreement between Gerardo Rodriguez and the City has been reviewed by this body and is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, no matters, issues, terms, and/or conditions related to this employment and appointment have been or will be placed on the 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 monthly salary for this position is \$15,875 and the hourly equivalent is \$91.587 and the minimum base monthly salary for this position is \$12,371 and the hourly equivalent is \$ 71.371; and

WHEREAS, the hourly rate to be paid to Gerardo Rodriguez is \$91.587; and

WHEREAS, Gerardo Rodriguez has not and will not receive any other benefit, incentive compensation in lieu of benefit or any other form of compensation in addition to this hourly pay rate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, AS FOLLOWS:

Section 1. The City Council has considered the full record before it, which may include, but is not limited to, such things as the agenda report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

Section 2. The City Council hereby certifies the nature of the appointment of Gerardo Rodriguez, as described herein and detailed in the attached employment agreement, and that this appointment is necessary to perform the critically needed functions typically performed by Police Captains, because the City Council has determined that the specialized skills possessed by Gerardo Rodriguez in public safety are necessary to perform tasks in excess of what regular permanent staff can accomplish. It is critical to appoint Gerardo Rodriguez because of his historical knowledge of the police department and management decisions made during his tenure. Gerardo has been a Police Captain since July 2010 and his historical knowledge is unusually important at this time, since two of the three current Police Captains are retiring in September. The continuance of Gerardo Rodriguez as an annuitant in the position will allow for a fluid succession plan and passing of experience to future staff. Additionally, the police department is evaluating a restructure at the management level in response to the 2019 organizational assessment recommendation by Hillard Heintze. Maintaining Gerardo as an annuitant will provide a historical perspective on previous organizational decisions and leverage the tenure and experience of recently promoted Police Captains. Gerardo has also overseen the implementation of the Public Safety Enterprise Communication (PSEC) Special Project since its inception. The PSEC Project is currently undergoing a \$1.3 million upgrade and his leadership and project knowledge is necessary for continuity, efficiency, and timely completion. Furthermore, Gerardo is the police department lead in the Leverage Camera Project that has an anticipated completion date after his retirement in September 2020. He led this project from the beginning, and his historical knowledge of the initial proposal and service agreements for this project will ensure the successful conclusion of the program.

Section 3. The City Council hereby approves the resolution to waive the 180-day wait period pursuant to Government Code Sections 7522.56 and 21224.

Section 4. The employment agreement with Gerardo Rodriguez, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference, is approved by the City Council, effective as of September 2, 2020.

Section 5. The City Manager is authorized to execute said agreement on behalf of the City, with such technical, non-substantive amendments as may be deemed appropriate by the City Manager and City Attorney.

PASSED, APPROVED AND ADOPTED this 2nd day of September 2020.

Mayor of the City of Corona, California

ATTEST:

City Clerk of the City of Corona, California

EXHIBIT “A”

**CONDITIONAL LIMITED TERM APPOINTMENT AGREEMENT
(CALPERS RETIREE – GERARDO RODRIGUEZ)**

[SEE ATTACHED FOUR (4) PAGES]

CERTIFICATION

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Resolution was regularly introduced and adopted at a regular meeting of the City Council of the City of Corona, California, thereof held on the 2nd day of September 2020, by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 2nd day of September 2020.

City Clerk of the City of Corona, California

(SEAL)