

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 2023-

**RESOLUTION OF THE CITY OF SAN LEANDRO CITY COUNCIL TO
APPROVE AN EXCEPTION TO THE 180-DAY WAITING PERIOD FOR POST-
RETIREMENT EMPLOYMENT PURSUANT TO GOVERNMENT CODE SECTION
7522.56 FOR SANDRA COLWELL**

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

WHEREAS, Sandra Colwell (CalPERS ID # 5816408315) retired from the City of San Leandro in the position of Records Clerk effective December 30, 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 June 28, 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, the City of San Leandro and Sandra Cowell certify that Sandra Cowell has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City of San Leandro hereby appoints Sandra Cowell as an extra help retired annuitant to perform the duties of Records Clerk for the City of San Leandro under Gov. Code section 21224 effective February 7, 2023; and

WHEREAS, the entire employment agreement, contract or appointment document between Sandra Cowell and the City of San Leandro has been reviewed by this body; 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 monthly base salary for this position is \$6,331 and the hourly equivalent is \$36.53, and the minimum monthly base salary for this position is \$5,208 and the hourly equivalent is \$30.05; and

WHEREAS, the hourly rate paid to Sandra Cowell will be \$36.53; and

WHEREAS, Sandra Cowell 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

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

The nature of the appointment of Sandra Cowell as described herein and detailed in the attached employment letter is such that this appointment is necessary to fill the critically needed position of Records Clerk for the City of San Leandro by February 7, 2023 because of Sandra Colwell's significant experience and knowledge related to public safety records and training compliance.

Introduced by _____ and passed and adopted this 6th day of February 2023, by the following vote:

Members of the Council:

AYES:

NOES:

ABSENT:

ATTEST: _____
Kelly B. Clancy, City Clerk