

**RESOLUTION R22-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES  
ESTATES FOR 180-DAY WAITING PERIOD EXCEPTION  
GOVERNMENT CODE SECTIONS 7522.56 & 21224**

**THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES DOES HEREBY  
FIND AND RESOLVE AS FOLLOWS:**

**WHEREAS**, Government Code sections 7522.56 and 21224 of the Public Employees' Retirement Law permit the City Council to appoint a CalPERS retiree to an extra help position, and provides that such appointment will not subject the retired person to reinstatement from retirement or loss of benefits so long as it is a single appointment that does not exceed 960 hours in a fiscal year; and

**WHEREAS**, in compliance with Government Code sections 7522.56 and 21224, the City Council must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since their retirement date; and

**WHEREAS**, Marcelle Herrera retired from the City of Palos Verdes Estates in the position of Police Community Relations Officer (CRO), effective May 20, 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 November 16, 2022, 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 Palos Verdes Estates and Herrera certify that Herrera has not and will not receive a Golden Handshake or any other retirement-related incentive; and

**WHEREAS**, the City Council hereby appoints Herrera as an extra help retired annuitant to train the new CRO under Gov. Code section 21224 effective when the new CRO begins their employment with the City; and

**WHEREAS**, the entire employment agreement, contract or appointment document by and between Herrera and the City of Palos Verdes Estates 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 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 CRO, the position performing the most comparable duties to those to be performed by Herrera as a retired annuitant is \$6,021 and the hourly equivalent is \$34.73, and the minimum base salary for this position is \$4,323 and the hourly equivalent is \$24.94; and

**WHEREAS**, the hourly rate paid to Hererra will be \$34.73; and

**WHEREAS**, Hererra 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

**THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Palos Verdes Estates hereby certifies the nature of the appointment of Hererra as described herein and detailed in the attached employment agreement/contract/appointment document and that this appointment through June 30, 2022 is necessary to perform the critically needed extra help duties to train the new CRO when the new CRO begins employment with the City. The City has a critical need for a fully trained CRO to be adequately prepared to respond to, recover from and manage disasters.

**PASSED, APPROVED, AND ADOPTED** this 24th day of May, 2022.

AYES: 3 Councilmembers

NOES: 2 Councilmembers

ABSTAIN:     Councilmembers

ABSENT:     Councilmembers

  
\_\_\_\_\_  
VICTORIA A. LOZZI, MAYOR

ATTEST:

  
\_\_\_\_\_  
Kylynn Chaney, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
John C. Cotti, City Attorney





CITY OF  
*Palos Verdes Estates*

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May 25, 2022

Ms. Marcelle Hererra

Dear Marcelle:

In recognition of the specialized skills that you possess, the City is pleased to offer you a temporary appointment as a retired annuitant to an extra-help assignment in order to provide hands-on on-job training to the new Police Community Relations Officer "CRO".

As a CalPERS retired annuitant, below are the terms of your employment in this temporary appointment:

*Term:*

- Your interim appointment shall begin on the date that the new Police CRO begins their employment with the City.
- Your appointment shall end on June 30, 2022 at 11:59 pm or after you have worked 200 hours in the appointment, whichever occurs first.
- Either you or the City may terminate this appointment prior to the end date, provided above. In order to effectuate the termination of such appointment, the party terminating the appointment shall provide the other party at least two (2) weeks' notice of such termination.

*Hours:*

- You shall not work more than 960 hours per fiscal year under this appointment for all CalPERS contracting employers in a fiscal year combined.
- Your work week schedule is 7:00 am to 5:30 pm (10 hours per day) Monday through Thursday for a total of 40 hours per work week.
- The number of hours you actually work per week will be determined by agreement between you and the Chief of Police.

*Compensation:*

- Your regular hourly rate of pay shall be \$34.73, which is based on the monthly base salary of \$6,021 under the Police CRO salary schedule.

*Benefits:*


- Other than your regular hourly rate of pay, you are not entitled any benefits of employment generally available to all other City employees, including but not limited to benefits, incentives, compensation in lieu of benefits or any other forms of compensation in addition to the regular hourly rate provided above.

*No Expectation of Continued Employment:*

- This arrangement does not create a property interest in continued employment, nor does it create any expectation of continuing employment.

Thank you very much for your willingness to continue to serve the City and we look forward to welcoming you back to the City.

Sincerely,

 6/1/22

Tony Best  
Police Chief

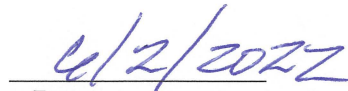
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*Please signify acceptance of this offer by signing and returning this letter to me. This letter will be placed in your Personnel file.*

*I accept the position of temporary, extra help, Police Community Relations Officer, effective June 1, 2022.*



Marcelle Hererra  
10021528.3 PA080-001

  
Date