

RESOLUTION NO. 2015-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA, FOR
EXEMPTION TO THE 180-DAY WAIT PERIOD
GOVERNMENT CODE SECTIONS 7522.56 &
21221(h)**

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

WHEREAS, John M. Bramble retired from City of Merced in the position of City Manager, effective December 6, 2015; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 3, 2016, 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, the City of Merced and John M. Bramble certify that John M. Bramble has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City Council hereby appoints John M. Bramble as an interim appointment retired annuitant to the vacant position of City Manager for the City of Merced under Government Code section 21221(h), effective December 14, 2015; and

WHEREAS, an appointment under Government Code section 21221(h) requires an active, publicly posted recruitment for a permanent replacement; and

WHEREAS, the recruitment for the vacant position of City Manager has commenced; and

WHEREAS, this section 21221(h) appointment shall only be made once and therefore will end on or before February 5, 2016; and

WHEREAS, the entire employment agreement, contract or appointment document between John M. Bramble and the City of Merced has been reviewed by this body and is attached herein; and,

WHEREAS, the matters, issues, terms or conditions related to this employment and appointment have not and will not be placed on a 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 salary for this position is \$175,086.91 and the hourly equivalent is \$84.1764, and the minimum base salary for this position is \$175,086.91 and the hourly equivalent is \$84.1764; and

WHEREAS, the hourly rate paid to John M. Bramble will be \$84.1764; and

WHEREAS, John M. Bramble 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 MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The City Council of the City of Merced hereby certifies the nature of the appointment of John M. Bramble as described herein and detailed in the attached employment agreement/contract/appointment document and that this appointment is necessary to fill the critically needed position of City Manager for the City of Merced by December 14, 2015, in order to provide leadership, management and continuation of municipal services for the City of Merced until a permanent City Manager is hired and commences employment.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2015, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

Mayor

ATTEST:
JOHN M. BRAMBLE, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:
RANDOLPH S. HOM, CITY ATTORNEY

Kelly Fincher 12/1/15
City Attorney Date