

RESOLUTION NO. 2023-_____

**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 &
21224**

WHEREAS, in compliance with California Government Code section 7522.56 ("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, Julie Nelson retired from City of Merced in the position of Senior Planner, effective December 2, 2023; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is May 30, 2023, 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 Julie Nelson certify that Julie Nelson has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City Council hereby appoints Julie Nelson as an extra help retired annuitant to perform the duties of Planning Manager for the City of Merced under California Government Code section 21224, effective December 19, 2023; 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 monthly base salary for this position is \$10,329.12 and the hourly equivalent is \$59.59, and the minimum base monthly salary for this position is \$8,497.79 and the hourly equivalent is \$49.03; and

WHEREAS, the hourly rate paid to Julie Nelson will be \$59.59; and

WHEREAS, Julie Nelson 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

WHEREAS, Julie Nelson was appointed Acting Planning Manager in April, 2023, after the retirement of the previous Planning Manager. This retirement along with the loss of the Principal Planner near the same time left the Planning Department severely short-staffed; and

WHEREAS, the Director of Development Services was recently named City Manager, leaving another vacancy in the Planning Department; and

WHEREAS, the FY 2023-24 budget changed the Planning Manager position to Deputy Director of Development Services; and

WHEREAS, the Deputy Director position may be under-filled on a temporary basis with a Planning Manager position.

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 Julie Nelson 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 Planning Manager for the City of Merced by December 19, 2023. The City's Planning Manager is integral to the City's public safety operations. The Planning Manager position is needed to oversee the day-to-day operations of the Planning Department. The Planning Manager position is integral to the continued daily operations of the

Planning Department, and especially the processing of 8 annexation, including the UC Merced and VST annexations, currently being processed by the City. In addition, the Planning Manager is vital to providing direction and guidance to other staff members, as well as providing training for new and existing employees. The Planning Manager will also play an integral role in the implementation of the Tyler EP&L computer system. Julie Nelson's knowledge of the City's processes, as well as her institutional knowledge make her a valuable asset to the City. There is no other employee within the Planning Department who can fill the vacancy left by the retirement of the Planning Manager, and subsequent retirement of Julie Nelson. Once the position of the Director of Development Services is filled, a recruitment will begin for the Deputy Director position. Until that time, it is critical to have the Planning Manager position filled to allow the Planning Department to continue to operate successfully.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2023, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

Mayor

ATTEST:
D. SCOTT MCBRIDE, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

Craig Cornell 12/7/2023
City Attorney Date