

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
FOR EXCEPTION TO THE 180-DAY WAITING PERIOD TO HIRE A
RETIRED ANNUITANT AS A TEMPORARY EXTRA HELP
EMPLOYEE (GOVERNMENT CODE SECTIONS 7522.56 AND
21224)**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

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

WHEREAS, Kurt Tomaro (CalPERS ID 1604292104) retired from the City of Santa Clara in the position of Electric & Water Systems Operator - Certified in the Silicon Valley Department, effective December 27, 2022;

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 25, 2023, without this certification resolution;

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;

WHEREAS, the City of Santa Clara and Kurt Tomaro certify that Kurt Tomaro has not and will not receive a Golden Handshake or any other retirement-related incentive;

WHEREAS, the City of Santa Clara hereby appoints Kurt Tomaro as an extra help retired annuitant to perform the critically needed duties of Temporary Employee for the City of Santa Clara under Government Code section 21224, effective January 11, 2023;

WHEREAS, the entire employment agreement, contract or appointment document between the City of Santa Clara and Kurt Tomaro has been reviewed by this body and is attached herein;

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar;

WHEREAS, the employment shall be limited to 960 hours per fiscal year;

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;

WHEREAS, effective December 25, 2022, the maximum hourly salary rate for the Temporary Employee position is \$214.06, and the minimum hourly equivalent is \$17.20;

WHEREAS, the hourly rate paid to Kurt Tomaro will be \$102.85; and

WHEREAS, Kurt Tomaro 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, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. The City of Santa Clara hereby certifies the appointment of Kurt Tomaro and that this appointment is necessary to fill the critically needed position of Temporary Employee for the City of Santa Clara by January 11, 2023. The retired annuitant was the Electric & Water Systems Operator for the City of Santa Clara and will be rehired performing the comparable duties of the Electric & Water Systems Operator classification. The City would like to rehire Kurt Tomaro to operate and control the City of Santa Clara's Electric and Water control systems. It is SVP's desire to rehire him to assist with filling vacant shifts and helping to train and mentor new Electric & Water Systems Operator's while on shift on a part-time basis.

2. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2023, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Tomaro, Kurt – Offer Letter