

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, Mark Balderston (CalPERS ID 2655335982) retired from the City of Santa Clara in the position of Electric Utility Electrician Technician, effective December 18, 2021;

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 18, 2022, 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 Mark Balderston certify that Mark Balderston has not and will not receive a Golden Handshake or any other retirement-related incentive;

WHEREAS, the City of Santa Clara hereby appoints Mark Balderston 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 27, 2022;

WHEREAS, the entire employment agreement, contract or appointment document between the City of Santa Clara and Mark Balderston 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, divided by 173.333 to equal the hourly rate;

WHEREAS, effective December 26, 2021, the maximum monthly base salary for the Consultant position is \$34,666.66 and the hourly equivalent is \$200.00, and the minimum monthly base salary for this position is \$2,842.66 and the hourly equivalent is \$16.40;

WHEREAS, the hourly rate paid to Mark Balderston will be \$84.76; and

WHEREAS, Mark Balderston 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 Mark Balderston and that this appointment is necessary to fill the critically needed position of Temporary Employee for the City of Santa Clara by January 27, 2022. The retired annuitant was the former Electric Utility Electrician Technician for the City of Santa Clara and will be rehired performing the comparable duties of the Electric Utility Electrician Technician classification. The City would like to rehire Mark Balderston as an extra help to assist with complex relay technician projects and training on a part-time basis. This position will provide critical work and training on the Silicon Valley Power relay protective system as the City recruits to fill the vacancy.

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 _____, 2022, 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. Mark Balderston Offer Letter