

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS FOR EXCEPTION  
TO THE 180-DAY WAIT PERIOD IN ACCORDANCE WITH CALIFORNIA GOVERNMENT  
CODE SECTIONS 7522.56 AND 21224**

**WHEREAS**, in compliance with Government Code Section 7522.56 of the Public Employees' Retirement Law, the Milpitas City Council must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

**WHEREAS**, Valerian Catunao, CalPERS ID #7990044605, has retired from the City of Milpitas in the position of Hazardous Materials Inspector effective July 1, 2019; and

**WHEREAS**, Section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is December 27, 2019, 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 Milpitas City Council, the City of Milpitas, and Valerian Catunao certify that Valerian Catunao has not and will not receive a Golden Handshake or any other retirement-related incentive; and

**WHEREAS**, the Milpitas City Council hereby desires to appoint Valerian Catunao as an extra help retired annuitant to perform the duties of the Hazardous Materials Inspector for the City of Milpitas under Government Code Section 21224, effective September 18, 2019; and

**WHEREAS**, the entire employment agreement between the City of Milpitas and Valerian Catunao has been reviewed by this body and is attached hereto as **Exhibit A**; and

**WHEREAS**, no matters, issues, terms, and/or conditions related to this employment and appointment have been or will be placed on the 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 monthly salary for this position is \$13,086.19 and the hourly equivalent is \$75.50 and the minimum base monthly salary for this position is \$10,813.60 and the hourly equivalent is \$62.39; and

**WHEREAS**, the hourly rate to be paid to Valerian Catunao is \$75.50; and

**WHEREAS**, Valerian Catunao 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.

**THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council hereby certifies the nature of the appointment of Valerian Catunao as described herein and detailed in the attached employment agreement and that this appointment is necessary to perform the critically needed hazardous materials inspection duties and other similar duties beginning on September 18, 2019, because the Milpitas City Council has determined that the specialized skills possessed by Valerian Catunao in hazardous material inspection are necessary to maintain the workload of what regular permanent staff can accomplish.
3. The City Council hereby approves the Resolution to waive the 180-day wait period pursuant to Government Code Sections 7522.56 and 21224.
4. The City Manager is authorized to execute the employment agreement between the City of Milpitas and Valerian Catunao on behalf of the City, with such technical amendments as may be deemed appropriate by the City Manager and City Attorney.

PASSED AND ADOPTED this \_\_\_\_\_, day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Rich Tran, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher J. Diaz, City Attorney