

RESOLUTION NO. 47-23

**A RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA,
FOR 180-DAY WAIT PERIOD EXCEPTION
G.C. SECTIONS 7522.56 & 21224**

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

WHEREAS, Delmy Cuellar retired from the City of Richmond in the position of Director of Finance, effective March 31, 2023; and

WHEREAS, Gov. Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is September 28, 2023 (date of 181st day after retirement) without this certification resolution; and

WHEREAS, Gov. Code 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 of the City of Richmond and Delmy Cuellar certify that she has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City Council hereby appoints Delmy Cuellar as an extra help retired annuitant to perform extra help/ special project work for the City of Richmond Finance Department under Government Code section 21224, effective May 22, 2023; and

WHEREAS, the entire employment agreement, contract or appointment document between Delmy Cuellar and the City of Richmond has been reviewed by this body and is attached herein; and

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

WHEREAS, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers; 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 173.33 to equal the hourly rate; and

WHEREAS, the maximum monthly base salary for the Project Manager III position, which performs the most comparable duties, is \$16,622 and the hourly equivalent is \$95.90, and the minimum base salary for this position is \$10,442 and the hourly equivalent is \$60.24; and

WHEREAS, the hourly rate paid to Delmy Cuellar will be \$95.90; and

WHEREAS, Delmy Cuellar 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 RESOLVED THAT the City Council of the City of Richmond hereby certifies the nature of the appointment of Delmy Cuellar as described herein and detailed in the attached employment agreement and that this appointment is necessary to perform critically needed extra help/ special project services to support the City of Richmond Finance Department because such appointment is essential to maintaining the basic ongoing department operations and completing specific financial projects including responding to a state audit, implementing new software, and initiating budget preparation for the upcoming fiscal year.

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a regular meeting thereof held May 23, 2023, by the following vote:

AYES:	Councilmembers Bana, Jimenez, Robinson, Willis, Zepeda, Vice Mayor McLaughlin, and Mayor Martinez.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	None.

PAMELA CHRISTIAN
 CLERK OF THE CITY OF RICHMOND
 (SEAL)

Approved:

EDUARDO MARTINEZ
 Mayor

Approved as to form:

DAVE ALESHIRE
 City Attorney

State of California	}	
County of Contra Costa	}	: ss.
City of Richmond	}	

I certify that the foregoing is a true copy of **Resolution No. 47-23**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on May 23, 2023.



 Pamela Christian, Clerk of the City of Richmond