



## **WAIVER OF 960-HOUR RULE FOR PERS RETIREE**

October 13, 2009

Page 2

between December, 2009 and December, 2010. The five remaining lieutenants have all been appointed to that rank within the past three years; two of them within the past year. With the expected turnover in command ranks, the chief believes it is essential to retain Deputy Chief Raney for another year to help mentor and develop the lieutenant pool.

### FISCAL IMPACT

Even though working as a retired annuitant allows Deputy Chief Raney to both collect his pension and receive an hourly salary at his old rate, the City is projected to save \$140,000 over the cost of promoting a regular captain because pensioners do not receive City-paid health insurance, additional pension contributions, or other fringe benefits.

### RECOMMENDATION

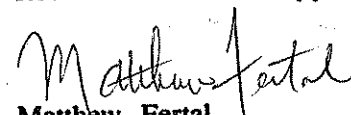
It is recommended that the City Council:

- Adopt the attached Resolution requesting that the California Public Employee's Retirement System (PERS) Board of Administration approve a waiver of the 960-hour rule for Deputy Police Chief Kevin Raney; and
- Direct the Human Resources Director to file the certified and enrolled Resolution with the PERS Board of Administration with all deliberate speed.



JOHN D.R. CLARK  
Human Resources Director/City Treasurer

**Recommended for Approval**



**Matthew Ferial**  
City Manager

Attachment: Proposed resolution

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
REQUESTING APPROVAL FROM THE BOARD OF ADMINISTRATION OF THE PUBLIC  
EMPLOYEES' RETIREMENT SYSTEM FOR THE APPOINTMENT OF THE DEPUTY POLICE  
CHIEF TO EXCEED 960 HOURS DURING THE 2009-2010 FISCAL YEAR

Section 1. The City Council hereby finds, determines, and declares as follows:

- A. Kevin Raney (Deputy Police Chief) was appointed to serve as the Deputy Police Chief, for a limited duration.
- B. The Deputy Police Chief is a retired member of the California Public Employees' Retirement System (CalPERS) and, with certain exceptions is permitted to serve for not more than 960-hours for any PERS covered employer in any fiscal year without reinstatement from retirement or loss or interruption of benefits.
- C. The Deputy Police Chief possesses specialized skills acquired from a long and distinguished career in law enforcement, including previous service as a Captain, Lieutenant, Sergeant, and Officer with the City of Garden Grove.
- D. The City of Garden Grove previously deemed the position of Deputy Police Chief to be a position of limited duration and requiring specialized skills.
- E. Government Code Section 21221(h) provides that when an appointment to a position deemed by the governing body to be of a limited duration and requiring specialized skills is expected to, or will, exceed 960-hours in any calendar year the governing body shall request approval from the CalPERS Board of Administration to extend the temporary employment.
- F. The City has determined that the appointment of the Deputy Police Chief will exceed 960-hours during the 2009-2010 fiscal year and that it is desirable to retain the Deputy Police Chief because of his knowledge of the Garden Grove Police Department and the Garden Grove community.
- G. The Deputy Police Chief's knowledge and expertise are also required to assist the City of Garden Grove in recruiting qualified successors for the position of Police Captain to meet the community's service needs, to continue development of internal candidates, and to provide continuity and stability in the City's public safety and security services during this process.

- H. It is now desired by the City Council of the City of Garden Grove to request of the Board of Administration of the California Public Employee's Retirement System (Board) to allow employment of the Deputy Police Chief to extend beyond the 960-hour limit for the balance of the 2009-2010 fiscal year.

Section 2. The Human Resources Director shall provide for the transmission of this Resolution to the Board prior to the expiration of the 960-hour maximum for the fiscal year.

Section 3. The City Clerk shall certify to the adoption of this Resolution and shall cause this Resolution and the certification to be entered in the Book of Resolutions of the City Council of the City of Garden Grove.