

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SANTA ANA FOR EXCEPTION TO THE 180-DAY WAIT
PERIOD IN COMPLIANCE WITH GOVERNMENT CODE
SECTIONS 7522.56 AND 21224

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

WHEREAS, Kenneth Gominsky Jr., CalPERS ID1833203649, retired from the City of Santa Ana from the position of Police Captain, effective August 4, 2021; and

WHEREAS, Government Code Section 7522.56 requires that post-retirement employment commence no earlier than 180-days after the retirement date, which is January 31, 2022 without this certification resolution; and

WHEREAS, Government 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 Santa Ana, the City of Santa Ana and Kenneth Gominsky Jr. certify that Kenneth Gominsky Jr. has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, The City Council of the City of Santa Ana hereby appoints Kenneth Gominsky Jr. as an extra-help retired annuitant to perform the duties of a Homeless Services Division Manager- Retired Annuitant for the City of Santa Ana under Government Code Section 21224 effective September 22, 2021; and

WHEREAS, the entire employment agreement, contract or appointment document between Kenneth Gominsky, Jr. and the City of Santa Ana 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; 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 minimum base salary for this position is \$9,865 and the hourly equivalent is \$56.91 and the maximum base salary for this position is \$14,642 and the hourly equivalent is \$84.47; and

WHEREAS, The hourly rate paid to Kenneth Gominsky Jr. will be \$84.47; and

WHEREAS, Kenneth Gominsky Jr. has not and will not receive any other benefit, incentive, compensation in lieu of benefit, or other form of compensation in addition to his hourly pay rate.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Ana as follows:

Section 1. The City Council of the City of Santa Ana hereby certifies the nature of the employment of Kenneth Gominsky Jr. as described herein and detailed in the attached employment agreement, appointment document, or employment document and that this appointment is necessary to fill the critically needed position of Homeless Services Division Manager – Retired Annuitant for the City of Santa Ana by September 22, 2021, to provide essential and specialized knowledge and expertise to expand the City's homeless services and efforts.

Section 2. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this 21st day of September 2021.

Vicente Sarmiento
Mayor

APPROVED AS TO FORM:

Sonia R. Carvalho
City Attorney

By: Laura A. Rossini
Laura A. Rossini
Chief Assistant City Attorney

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Daisy Gomez, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2021-____ to be the original Resolution adopted by the City Council of the City of Santa Ana on September 21, 2021

Date: _____

Clerk of the Council
City of Santa Ana



CITY OF SANTA ANA

HUMAN RESOURCES DEPARTMENT

Jason R. Motsick

Executive Director of Human Resources

20 Civic Center Plaza • P.O. Box 1988

Santa Ana, California 92702

vmw.santa-ana.org

September 14, 2021

Kenneth Gominsky Jr.



Dear Kenneth:

Congratulations, it is with great pleasure that I provide you with additional details regarding your offer of employment as a Homeless Services Division Manager — Retired Annuitant for the City of Santa Ana. To summarize our understanding, discussed below are the details of our arrangement:

You are an "at-will" employee and serve at the pleasure of the City Manager. Your rate of pay is \$84.47 per hour with no other benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to this hourly pay rate. You will be paid bi-monthly (the 5th & 20th of each month). Your start date is Wednesday, September 22, 2021. Your duties include but are not limited to:

- Facilitation and oversight to the City's homeless services and efforts.
- Coordinate homeless policies and initiatives with local government agencies, law enforcement, city staff, and other community based organizations.
- Perform other specific projects as assigned.

In addition, your employment as a retired annuitant is contingent upon Council approval and compliance with CalPERS regulations for retired annuitants. You are hired by the City of Santa Ana as a retired annuitant in a temporary, limited duration assignment not to exceed 960-hours in a fiscal year (July 1st through June 30th). You must ensure your employment remains in compliance with CalPERS regulations as stated in their "Employment After Retirement, Publication 33". By signing this offer, you are also certifying that you have not received any unemployment insurance compensation for prior retired annuitant employment with any public

Your knowledge, expertise, and work history demonstrating your skills to perform the work required for these projects will assist the City in successfully implementing projects/programs. We will contact you with the details for arriving on your first day.

Department Head or Designee:

I have discussed the conditional offer of employment with the retiree.



Jason Motsick, Executive Director of Human Resources

09/14/21

Date

Retiree:

I have received, read, and agree to the contents of this offer of employment. I understand that this is an offer of at-will employment and that I do not have any recourse or right to appeal should I not successfully meet the established qualification standards.



09/14/2021

Signature

Date