

RESOLUTION NO. 14-10

**RESOLUTION OF MORAGA-ORINDA FIRE DISTRICT
FOR EXCEPTION TO THE 180-DAY WAIT PERIOD GOVERNMENT CODE
SECTIONS 7522.56 & 21224**

WHEREAS, in compliance with Government Code section 7522.56 the Moraga-Orinda Fire District must provide Contra Costa County Employees' Retirement Association this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Darrell Lee, retired from Moraga-Orinda Fire Protection District in the position of Division Chief, effective June 30, 2014; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is December 28, 2014 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 Board of Directors of the Moraga-Orinda Fire Protection District and Darrell Lee certify that Darrell Lee has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the Board of Directors hereby appoints Darrell Lee as an extra help retired annuitant to perform the duties of the Communications/EMS Specialist for the Moraga-Orinda Fire Protection District under Government Code section 21224, effective July 3, 2014; and

WHEREAS, the entire employment agreement, contract or appointment document between Darrell Lee and the Moraga-Orinda Fire Protection District 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 641 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 salary for this position is \$12,283 and the hourly equivalent is \$50.62, and the minimum base salary for this position is \$11,141 and the hourly equivalent is \$45.91; and

WHEREAS, the hourly rate paid to Darrell Lee will be \$50.62; and

WHEREAS, Darrell Lee 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; and

THEREFORE, BE IT RESOLVED THAT the Board of Directors hereby certifies the nature of the appointment of Darrell Lee as described herein and detailed in the attached employment agreement/contract/appointment document and that this appointment is necessary to fill the critically needed position of Battalion Chief for the Moraga-Orinda Fire Protection District by July 3, 2014 because Darrell Lee possesses special skills needed in performing work of limited duration.

PASSED, APPROVED and ADOPTED this 2nd day of July, 2014 at a regular meeting of the District Board of Directors held on July 2, 2014, at 1500 Saint Mary's Road, Moraga, California 94556, on a motion made by Weil, seconded by Famulener, and duly carried with the following vote.

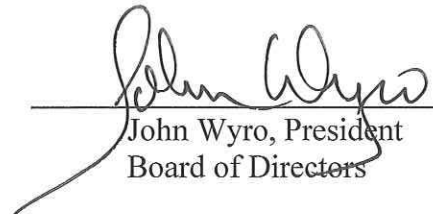
AYES: Directors Anderson, Evans, Famulener, Weil and Wyro

NOES: None

ABSENT: None

ABSTAIN: None

Dated: July 2, 2014



John Wyro, President
Board of Directors

ATTEST:



Grace Santos, Clerk to the Board