

**ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD**

RESOLUTION NO. 01-16

**RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD
GC SECTIONS 7522.56 & 21221(h)**

WHEREAS, in compliance with Government Code section 7522.56 the Executive Board of the Association of Bay Area Governments must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, James Hill, CalPERS ID # 1503177724, retired from the Association of Bay Area Governments in the position of Risk Manager, effective December 31, 2015; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is May 29, 2016 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 Executive Board of the Association of Bay Area Governments, the Association of Bay Area Governments and James Hill certify that James Hill has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the Executive Board of the Association of Bay Area Governments hereby appoints James Hill as an interim appointment retired annuitant to the vacant position of Interim Risk Manager for the Association of Bay Area Governments under Government Code section 21221(h), effective January 25, 2016; and

WHEREAS, an appointment under Government Code section 21221(h) requires an active, publicly posted recruitment for a permanent replacement; and

WHEREAS, the current status of this recruitment is open and posted since December 17, 2015; and

WHEREAS, this section 21221(h) appointment shall only be made once and therefore will end on December 31, 2016; and

WHEREAS, the entire employment agreement, contract or appointment document between James Hill and the Association of Bay Area Governments has been reviewed by this body and is attached herein; and

**ASSOCIATION OF BAY AREA GOVERNMENTS
RESOLUTION NO. 01-16**

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 maximum base salary for this position is \$13,969 per month and the hourly equivalent is \$80.59, and the minimum base salary for this position is \$11,352 per month and the hourly equivalent is \$65.49; and

WHEREAS, the hourly rate paid to James Hill will be \$74.96; and

WHEREAS, James Hill 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

**ASSOCIATION OF BAY AREA GOVERNMENTS
RESOLUTION NO. 01-16**

NOW, THEREFORE, BE IT RESOLVED that the Executive Board of the Association of Bay Area Governments hereby certifies the nature of the appointment of James Hill 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 Interim Risk Manager for the Association of Bay Area Governments by January 25, 2016 in order to ensure that critical management of the ABAG Pooled Liability Assurance Network (PLAN) Program continues uninterrupted.

The foregoing was adopted by the Executive Board this 21st day of January, 2016.

Julie Pierce
President

Certification of Executive Board Approval

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Administrative Committee of the Association at a duly called meeting held on the 21st day of January, 2016.

Ezra Rapport
Secretary-Treasurer

Approved as To Legal Form

Kenneth K. Moy
Legal Counsel