

## **RESOLUTION NO. 11619**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE APPROVING THE EMPLOYMENT AGREEMENT OF A RETIRED ANNUITANT FOR THE POSITION OF INTERIM CITY MANAGER, PURSUANT TO GOVERNMENT CODE SECTIONS 21221(h) AND 7522.56**

**WHEREAS**, Government Code Section 21221(h) of the Public Employees' Retirement Law permits the governing body to appoint a California Public Employees' Retirement System (CalPERS) retiree to a vacant position requiring specialized skills during recruitment for a permanent appointment and provides that such appointment will not subject the retired person to reinstatement from retirement or loss of benefits so long as it is a single appointment that does not exceed 960 hours in a fiscal year; and

**WHEREAS**, Government Code Section 7522.56(f) provides exceptions to the 180-day wait period as long as the retired annuitant meets the specified conditions and the appointment has been approved by the governing body; and

**WHEREAS**, the City of Orange City Council desires to appoint Thomas C. Kisela as an interim appointment retired annuitant to the vacant position of City Manager for the City of Orange under Government Code Section 21221(h) effective July 12, 2025; and

**WHEREAS**, the City Council, the City of Orange, and Thomas C. Kisela certify that Thomas C. Kisela has not and will not receive a Golden Handshake or any other retirement-related incentive; and

**WHEREAS**, an appointment under Government Code Section 21221(h) requires the retiree is appointed into the interim appointment during recruitment for a permanent appointment; and

**WHEREAS**, the 180-day wait period exception applies to Thomas C. Kisela based on the provisions set forth in Government Code Sections 7522.56(f)(1); and

**WHEREAS**, the governing body has authorized the search for a permanent appointment and has offered employment to a permanent replacement; and

**WHEREAS**, this Government Code Section 21221(h) appointment shall only be made once and, therefore, will end when the permanent City Manager takes his position; and

**WHEREAS**, the entire Employment Agreement between Thomas C. Kisela and the City of Orange has been reviewed by this body and is attached herein; 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 salary for this position is \$150.89 and the maximum salary is \$153.85 per hour; and

**WHEREAS**, the hourly rate paid to Thomas C. Kisela will be \$150.90; and

**WHEREAS**, Thomas C. Kisela 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.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Orange hereby certifies the nature of the employment of Thomas C. Kisela as described herein and detailed in the attached Employment Agreement and that this appointment is necessary to fill the critically needed position of City Manager for the City of Orange by July 12, 2025 because the City of Orange needs a City Manager to perform the functions and duties as the head of a municipality, which includes planning, directing, and coordinating activities of the City of Orange and implementing policies and establishing procedures as directed by the City of Orange City Council.

**ADOPTED** this 24<sup>th</sup> day of June 2025.

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Daniel R. Slater, Mayor, City of Orange

**ATTEST:**

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Pamela Coleman, City Clerk, City of Orange

**APPROVED AS TO FORM:**

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Wayne W. Winthers, Interim City Attorney, City of Orange

Attachment: Employment Agreement with Retired Annuitant

STATE OF CALIFORNIA   )  
COUNTY OF ORANGE    )  
CITY OF ORANGE         )

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Orange at a regular meeting thereof held on the 24<sup>th</sup> day of June 2025, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

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Pamela Coleman, City Clerk, City of Orange