

RESOLUTION NO. 11601

**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 ATTORNEY, PURSUANT TO
GOVERNMENT CODE SECTIONS 21221(h)**

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, the City of Orange City Council desires to appoint Wayne W. Winthers as an interim appointment retired annuitant to the vacant position of City Attorney for the City of Orange under Government Code Section 21221(h) effective February 25, 2025; and

WHEREAS, the City Council, the City of Orange, and Wayne W. Winthers certify that Wayne W. Winthers has not and did not receive a Golden Handshake or any other retirement-related incentive; and

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

WHEREAS, the governing body has authorized the search for a permanent appointment on February 25, 2025; and

WHEREAS, this Government Code Section 21221(h) appointment shall only be made once and, therefore, will end upon hire of a permanent City Attorney or earlier at the City Council's discretion; and

WHEREAS, the entire Employment Agreement between Wayne W. Winthers 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 maximum base salary for this position is \$150.00 per hour and the minimum base salary for this position is \$121.03 per hour; and

WHEREAS, the hourly rate paid to Wayne W. Winthers will be \$150.00; and

WHEREAS, Wayne W. Winthers 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 Wayne W. Winthers as described herein and detailed in the attached Employment Agreement and that this appointment is necessary to fill the critically needed position of City Attorney for the City of Orange effective February 25, 2025, because the City of Orange needs a City Attorney to perform the functions and duties as the department head of a municipal law office, which includes planning, directing, and coordinating activities of the City of Orange City Attorney Department and implementing policies and establishing procedures related the legal procedures of the City of Orange.

ADOPTED this 25th day of February 2025.

Daniel R. Slater, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

APPROVED AS TO FORM:

Nathalie Adourian, Senior Assistant City Attorney, City of Orange

Attachment: Employment Agreement with Retired Annuitant Wayne W. Winthers

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 25th day of February 2025, by the following vote:

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

Pamela Coleman, City Clerk, City of Orange