

RESOLUTION NO. 9129

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3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
4 VERNON AMENDING RESOLUTION NO. 9089 BY AMENDING
5 SECTION 9 OF SAID RESOLUTION WHICH FIXED THE
6 COMPENSATION FOR CERTAIN EMPLOYEES OF SAID CITY
7 AND AUTHORIZED CERTAIN EXPENSE ALLOWANCES

8 WHEREAS, on June 28, 2006, Resolution No. 9089 was adopted
9 by the City Council of the City of Vernon to be effective on July 1,
10 2006 (the "Salary Resolution"); and

11 WHEREAS, Section 9 of the Salary Resolution established a
12 longevity program for all employees, except police employees in Group
13 2, employed on or before June 30, 1994; and

14 WHEREAS, the City Council desires to amend Section 9 of the
15 Salary Resolution by amending subsection f, deleting subsection g and
16 renumbering the remaining subsections of Section 9 in order to combine
17 the longevity provisions for the City Administrator with the longevity
18 provisions for department heads.

19 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
20 CITY OF VERNON AS FOLLOWS:

21 SECTION 1: The City Council of the City of Vernon hereby
22 finds and determines that the recitals contained hereinabove are true
23 and correct.

24 SECTION 2: The City Council of the City of Vernon hereby
25 amends subsections f through j of Section 9 of the Salary Resolution
26 as follows:

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28 / / /

/ / /

1 f. **Twenty-Five (25) Years of Service - City**
2 **Administrator and Department Heads.**

3 The City Administrator and all eligible department heads
4 shall be eligible upon reaching twenty-five (25) years of consecutive
5 uninterrupted service after October 15, 1995, to receive an additional
6 twenty-five percent (25%) of their base salary per month upon reaching
7 their 25th anniversary date and shall be entitled to said twenty-five
8 percent (25%) per month upon said anniversary date and every year
9 thereafter.

10 g. **Compensation Not Cumulative.**

11 Payment of the aforesaid longevity compensation shall not
12 be cumulative and only the highest applicable longevity pay shall be
13 paid.

14 h. **Police Employees in Group 2 on or Before June 30,**
15 **1995.**

16 The longevity program described in Section 9 will also
17 apply to the police employees in Group 2 employed on or before June
18 30, 1995.

19 i. **Employees Employed After June 30, 1994 and**
20 **Exceptions Pertaining to Police Employees in Group**
21 **2.**

22 All employees, except police employees in Group 2, employed
23 on or after July 1, 1994, and police employees in Group 2 employed on
24 or after July 1, 1995, shall only be entitled to longevity benefits
25 provided for in Section 10.

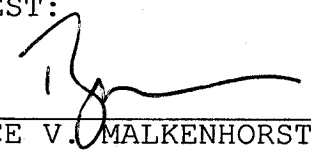
26 SECTION 3: The provisions of Resolution Nos. 9089, 9106
27 and 9120 not consistent with or in conflict with this resolution are
28 hereby repealed; in all other respects, Resolution No. 9089, as
amended by Resolution Nos. 9106 and 9120, shall remain in full force
and effect.

1 SECTION 4: The Acting City Clerk of the City of Vernon
2 shall certify to the passage of this resolution, and thereupon and
3 thereafter the same shall be in full force and effect.

4 APPROVED AND ADOPTED this 20th day of September, 2006.

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6 
LEONIS C. MALBURG, Mayor

7 ATTEST:

8 
9 BRUCE V. MALKENHORST, JR.
 Acting City Clerk

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1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) ss

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4 I, BRUCE V. MALKENHORST, JR., Acting City Clerk of the City
5 of Vernon, do hereby certify that the foregoing Resolution, being
6 Resolution No. 9129, was duly adopted by the City Council of the City
7 of Vernon at a regular meeting of the City Council duly held on
8 Wednesday, September 20, 2006, and thereafter was duly signed by the
9 Mayor of the City of Vernon.

10 
11 _____
12 BRUCE V. MALKENHORST, JR.,
13 Acting City Clerk

14 (SEAL)
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cc'd
JUDY
9/5/06

FILE COPY



Employer Services Division
P.O. Box 942709
Sacramento, CA 94229-2709
Telecommunications Device for the Deaf - (916) 795-3240
888 CalPERS (or 888-225-7377) FAX (916) 795-3005

Att: Carla

August 17, 2006

Employer Code #209

Reply to Section 115

Ms. Marla Aspinwall
Attorney-at-Law
Loeb & Loeb LLP
10100 Santa Monica Blvd, suite 200
Los Angeles, CA 90067

RE: B. Malkenhorst and the City of Vernon appeal

RES. 9129

Dear Ms. Aspinwall:

Thank you for your letter dated November 3, 2005, concerning the appeal for Bruce Malkenhorst and the City of Vernon (the City).

CalPERS has determined that setting differing levels of payrate or special compensation by date of hire may be allowed. Persons hired on or after a date certain may reasonably be considered to be similarly situated members of the group or class (which make up a "logical work related grouping") within the definition of group or class in section 20636(e)(1) of the Public Employees' Retirement Law (PERL).

Please note that while it may be permissible to use date of hire in creating a group or class, in order for items of payrate or special compensation to be considered in the calculation of final compensation, all other requirements set forth in the PERL and regulations of the Board must still be met. As a result, each case must be decided separately, based on its facts. In addition, any ruling of the Board on compensation as payrate or special compensation is conditioned on the facts as presented. In the event of changes in the facts, the Board's ruling may also be different.

Based on the description of the longevity, it appears that the date of hire qualification would satisfy the statutory definition of group or class and the compensation would be allowed.

However, we are requesting the City amend their Memorandum of Understanding to combine the longevity provisions for the City Administrator with the longevity provisions for the Department Heads. The City is also asked to provide us with a date that we can expect this to happen.

RESOLUTION FOR 9/20/06
THAT CAPTURES
MEANING OF THIS LAST
PARAGRAPH
PER ERIC 9/5/06 EX. 77-5

California Public Employees' Retirement System
www.calpers.ca.gov

CalPERS116337

COV-CALPERS 00021228

M. Aspinwall

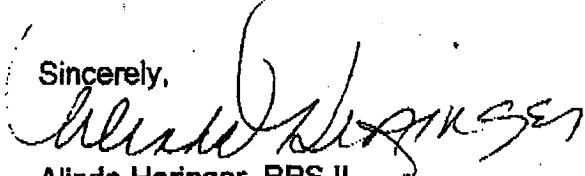
-2-

August 17, 2006

The Benefits Division have been notified to make the adjustment to Mr. Malkenhorst's allowance.

Should you have any further questions regarding this matter please do not hesitate to contact our Compensation Review Unit at (888) 225-7377.

Sincerely,



Alinda Heringer, RPS II
Compensation Review Unit
Employer Services Division

*Copy
all
depts.
cc etc.
make file*

EX. 77 - 6

CalPERS116338

COV-CALPERS 00021229

CITY CLERK'S OFFICE

INTEROFFICE MEMORANDUM

DATE: September 26, 2006

TO: Sharon Duckworth, City Treasurer
Donal O'Callaghan, Director of Light & Power
Lewis Pozzebon, Director of Environmental Health
Steve Towles, Police Captain
Martha Valenzuela, Director of Personnel/Purchasing Agent
Mark Whitworth, Fire Chief
Kevin Wilson, Director of Community Services & Water

FROM: *ng* Nelly Giron, Deputy City Clerk

RE: Resolution No. 9129 - A Resolution of the City Council of the City of Vernon Amending Resolution No. 9089 By Amending Section 9 of Said Resolution Which Fixed the Compensation for Certain Employees of Said City and Authorized Certain Expense Allowances

Transmitted herewith is a copy of Resolution No. 9129, referenced above, which was approved by City Council on September 20, 2006.

Thank you.

NG:dr

c: Kristen Enomoto
Nelly Giron
Jennifer McNabb
Resolution File No. 9129

*Copied
C. Calzada
10/5/06*

EX. 77 - 7

CalPERS116339

COV-CALPERS 00021230