

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
RIALTO, CALIFORNIA, APPOINTING HENRY GARCIA AS  
INTERIM CITY MANAGER**

**WHEREAS**, the City Council of the City of Rialto ("City") proposes to, and hereby does by this resolution, enter into an employment agreement with Henry Garcia, a retired CalPERS annuitant, to serve as the City's Interim City Manager commencing July 26, 2023 which agreement is attached hereto as Exhibit "A"; and,

**WHEREAS**, Government Code section 21221(h) of the Public Employees' Retirement Law permits the governing body to appoint a 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**, by adoption of this resolution, the City intends to comply with the necessary requirements of the Public Employees' Retirement Law related to the hiring and appointment of Henry Garcia as the City's Interim City Manager.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO DOES  
HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:**

**SECTION 1.** The City Council hereby incorporates the above recitals herein by reference.

**SECTION 2.** As required by the Public Employees Retirement Law, the City Council hereby finds and certifies the following:

- That it is necessary to fill the critically needed position of Interim City Manager for the City of Rialto because the current Acting City Manager has returned to his prior position as of 11:59 p.m. on July 25, 2023 thus leaving the critical position of City Manager vacant; and,
- The orderly functioning of the City, compliance with the Municipal Code and relevant state laws, and implementation of the lawful direction of the Rialto City Council requires a capable and competent person be in place as the Interim City Manager; and,
- On or before July 25, 2023, the City posted a recruitment announcement for the position of City Manager; and

- The appointment of Henry Garcia as Interim City Manager shall only be made once; and,
- Henry Garcia has not and will not receive a “Golden Handshake” or any other retirement-related incentive; and,
- The compensation to be paid to Henry Garcia complies with the requirement that 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,
- Henry Garcia 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.

**SECTION 2.** The City Council hereby appoints Henry Garcia as Interim City Manager and approves the Employment Agreement between the City and Henry Garcia attached hereto as Exhibit “A” and authorizes the Mayor to execute the Employment Agreement.

**PASSED, APPROVED AND ADOPTED** this 25th day of July, 2023.

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Deborah Robertson, Mayor

**ATTEST:**

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Barbara McGee, City Clerk

**APPROVED AS TO FORM:**

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Eric S. Vail, City Attorney

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