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## A RESOLUTION OF THE CITY COUNCIL APPOINTING AN INTERIM POLICE CHIEF AND APPROVING EMPLOYMENT AGREEMENT

**WHEREAS**, Government Code Section 21221(h) permits the City Council to appoint a California Public Employee’s 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 the single appointment meets the following general conditions: (i) the hours worked do not exceed 960 hours in a fiscal year, (ii) the hourly compensation does not exceed the maximum monthly base salary paid to other employees performing comparable duties as listed on a published pay schedule for the vacant position, and (iii) no other benefits, incentives, compensation in lieu of benefits, or any other forms of compensation are provided in addition to the hourly rate; and

**WHEREAS**, the current Police Chief is retiring on December 28, 2017 and the vacancy of this position would disrupt the operations of the Police Department and hinder service to the community; and

**WHEREAS,** the City will actively recruit (beginning in December 2017) to permanently fill the Police Chief position and will be accepting and reviewing applications and conducting background checks during the term of this interim appointment; and

**WHEREAS**, the City anticipates permanently filling the Police Chief position by June 30, 2018; and

**WHEREAS**, to ensure the continued efficient operation of the Police Department, the City Council desires to retain the services of Mark Kling, who is a retired member of CalPERS, to serve on an interim basis as Police Chief until a permanent replacement for the Police Chief is retained, but in no event longer than one year; and

**WHEREAS**, Mr. Kling has thirty years' experience in law enforcement and previously served as Rialto's Police Chief from August 2006 to December 2011 and, therefore, can provide the leadership, managerial, and organization skills necessary to oversee the Police Department; and

1       **WHEREAS**, it is understood by the City and Mr. Kling that the combined total hours to be  
2 served by Mr. Kling in any fiscal year for all CalPERS employers combined shall not exceed the 960-  
3 hour limitation set forth in California Government Code Section 21221(h) and Section 7522.56(d);  
4 and

5       **WHEREAS**, the hourly rate paid to Mark Kling will be \$91.96 per hour, which is the  
6 maximum base salary for the Police Chief position (\$15,940 divided by 173.33); and

7       **WHEREAS**, this appointment shall only be made once pursuant to Government Code Section  
8 21221(h) and, therefore, will end by December 28, 2018 or earlier if terminated by the City or Mr.  
9 Kling; and

10       **WHEREAS**, the City Council has reviewed the proposed employment agreement by and  
11 between Mark Kling and the City of Rialto.

12       **NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL OF THE CITY OF**  
13 **RIALTO DOES HEREBY DETERMINE, FIND, AND APPROVES AS FOLLOWS:**

14       **SECTION 1.** All facts set forth in the recitals of this Resolution are true and correct.

15       **SECTION 2.** Mark Kling has the specialized skills needed to temporarily perform the work  
16 required of the Police Chief position on an interim basis, after the current Police Chief retires and until  
17 a permanent Police Chief is appointed by the City and thereafter begins service. The job description  
18 for the Interim Police Chief is attached hereto as Exhibit A.

19       **SECTION 3.** The City Council hereby authorizes the appointment of Mark Kling as Interim  
20 Police Chief effective December 29, 2017 pursuant to the authority provided under Government Code  
21 21221(h) and 7522.56, during the recruitment, selection and employment of a permanent Police Chief,  
22 to provide the specialized skills necessary to manage the Rialto Police Department.

23       **SECTION 4.** The employment agreement with Mark Kling, of which a copy is attached is  
24 approved by the City Council.

25       **SECTION 5.** The Administrator is authorized to execute the employment agreement with  
26 Mark Kling on behalf of the City, with the effective date of December 29, 2017 and other technical  
27 amendments as may be deemed appropriate by the City Administrator and the City Attorney.  
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PASSED, APPROVED, and ADOPTED by the City Council of the City of Rialto this \_\_\_\_\_  
day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
DEBORAH ROBERTSON, Mayor

ATTEST:

\_\_\_\_\_  
BARBARA McGEE, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
FRED GALANTE, City Attorney

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STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO ) ss  
CITY OF RIALTO )

I, Barbara McGee, city clerk of the City of Rialto, do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly passed and adopted at a regular meeting of the city council of the City of Rialto held on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Upon motion of Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, the foregoing Ordinance No. \_\_\_\_\_ was duly passed and adopted.

Vote on the Motion:  
AYES:  
NOES:  
ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Barbara A. McGee, City Clerk