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A RESOLUTION OF THE CITY COUNCIL APPOINTING AN INTERIM POLICE CAPTAIN 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 Police Captain will become vacant in May 2018 and such vacancy can disrupt the operations of the Police Department; and

WHEREAS, the City is currently actively recruiting to permanently fill the Police Captain position (beginning April 23, 2018) 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 Captain position by August 1, 2018; and

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

WHEREAS, Mr. Martinez has over twenty years' experience in police command and administration and previously served as a Police Captain, Police Lieutenant and Police Sergeant and, therefore, can provide the leadership, managerial, and organization skills necessary to support the command needs of the Police Department; and

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

5 **WHEREAS**, the hourly rate paid to Mr. Martinez will be \$71.84 per hour, which is the
6 maximum monthly base salary for the Police Captain position (\$12,452 divided by 173.33); and

7 **WHEREAS**, this appointment shall only be made once pursuant to Government Code
8 Section 21221(h) and, therefore, will end by May 13, 2019 or earlier if terminated by the City or Mr.
9 Martinez; and

10 **WHEREAS**, the City Council has reviewed the proposed employment agreement by and
11 between Raul Martinez 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.** Raul Martinez has the specialized skills needed to temporarily perform the
16 work required of the Police Captain position on an interim basis until a permanent Police Captain is
17 appointed by the City and thereafter begins service. The job description for the Police Captain is
18 attached hereto as Exhibit A.

19 **SECTION 3.** The City Council hereby authorizes the appointment of Raul Martinez as
20 Interim Police Captain effective May 14, 2018 pursuant to the authority provided under Government
21 Code 21221(h) and 7522.56, during the recruitment, selection and employment of a permanent
22 Police Captain, to provide the critically needed, specialized skills necessary to manage the Rialto
23 Police Department.

24 **SECTION 4.** The employment agreement with Raul Martinez, a copy of which is attached,
25 is approved by the City Council.

26 **SECTION 5.** The City Administrator is authorized to execute the employment agreement
27 with Raul Martinez on behalf of the City, with the effective date of May 14, 2018 and other technical
28 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
24th day of April, 2018.

DEBORAH ROBERTSON, Mayor

ATTEST:

BARBARA McGEE, City Clerk

APPROVED AS TO FORM:

FRED GALANTE, City Attorney

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing Resolution No.
5 _____ was duly passed and adopted at a regular meeting of the city council of the City of Rialto
6 held on the 24th day of April 2018.

7 Upon motion of Councilmember _____, seconded by Councilmember
8 _____, the foregoing Resolution No. _____ was duly passed and adopted.

9 Vote on the Motion:
10 AYES:
11 NOES:
12 ABSENT:

13 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto, this
14 24th day of April 2018.

15 _____
16 Barbara A. McGee, City Clerk
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