



City of Rialto

Legislation Details (With Text)

File #: 20-0905 **Version:** 1 **Name:**
Type: Agenda Item **Status:** Agenda Ready
File created: 1/5/2021 **In control:** City Council
On agenda: 1/12/2021 **Final action:**
Title: Request City Council to Adopt Resolution No. 7694 Appointing an Interim Community Development Director and Approving the Employment Agreement with Alexander Hamilton. (ACTION)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Rialto - CalPERS Retired Annuitant Resolution - Interim CD Director.pdf, 2. Rialto - Interim Community Development Director Retired Annuitant Agreement.pdf, 3. Director of Community Development Final 8-5-19.pdf

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

For City Council Meeting [January 12, 2021]

TO: Honorable Mayor and City Council

FROM: Sean Grayson, Acting City Manager

Request City Council to Adopt **Resolution No. 7694** Appointing an Interim Community Development Director and Approving the Employment Agreement with Alexander Hamilton. (ACTION)

BACKGROUND

In September 2020, the City launched a recruitment for a permanent Community Development Director, following the resignation of the incumbent employee from the City. An initial review of applicants and testing process did not result in a job offer. The recruitment remains open and is anticipated to attract a broader pool of candidates as we enter the new year. Assuming there is a successful candidate in the applicant pool, a new Community Development Director could be selected and onboarded in approximately six months.

Karen Peterson, Planning Manager, has been serving as the Acting Community Development Director. Ms. Peterson's management of the Planning Division including both current and future development is of the utmost importance at this time; as a result, Ms. Peterson will fully resume her duties within the Planning Division.

The City has an immediate need for an Interim Community Development Director. Mr. Alexander Hamilton, former Community Development Director for the cities of Montebello and Commerce, is available to assist the City in an interim capacity. Mr. Hamilton possesses extensive experience in the field of community development including planning, building, economic development and

successor to redevelopment activities.

Mr. Hamilton is a retiree under the California Public Employees' Retirement System (CalPERS). In that regard, to remain retired, Mr. Hamilton can only work for Rialto -- a CalPERS employer -- pursuant to a retired annuitant appointment and related restrictions including work limited to 960 hours in a fiscal year and compensation at the hourly rate of a regular employee in the same capacity.

In addition, CalPERS requires the City have an active recruitment for the permanent Community Development Director position, as stipulated in Government Code Section 21221(h), which reads in part: "A retired person may serve without reinstatement from retirement or loss or interruption of benefits as provided by... (h) Upon interim appointment by the governing board of a contracting agency to a vacant position *during recruitment for a permanent appointment* and deemed by the governing body to require specialized skills or during an emergency to prevent the stoppage of public business..." Rialto's recruitment for the Community Development Director, as indicated, is currently underway with selection developments pending soon.

The appointment of Alexander Hamilton as Interim Community Development Director is in best interest of the City. The appointment allows for continuity, leadership, and minimizes disruption to vital City services and command while the City transitions to a new permanent Community Development Director. Under Government Code Section 21221(h), an agreement with Mr. Hamilton - a CalPERS retiree -- must be adopted by resolution of the City Council. Mr. Hamilton can only be appointed once to the vacant Community Development Director position.

ANALYSIS/DISCUSSION

The proposed terms of the labor agreement with Mr. Hamilton provide the following:

LIMITED TERM: The appointment shall be limited from January 13, 2021 to August 30, 2021 (or less depending on when the permanent Community Development Director is hired).

COMPENSATION: As the Interim Community Development Director, the hourly rate shall be \$88.00 an hour (the equivalent of \$15,253.33 per month if working 40 hours per week). This is the midrange of the current Rialto compensation schedule for the Community Development Director. There shall be no benefit, incentive, compensation in lieu of benefits, or other forms of compensation in addition to the hourly pay rate.

960 HOUR LIMIT: The hours worked will not exceed 960 hours in a fiscal year (July 1 through June 30) for employment with all CalPERS employers combined.

UNEMPLOYMENT INSURANCE: Mr. Hamilton will warrant that he has not received unemployment insurance payments in the last 12 months for previous retired annuitant work with any other CalPERS employer.

EMPLOYMENT SCHEDULE. The schedule shall be flexible up to 40 hours per week during the first several weeks to allow the Interim Community Development Director to properly assess operations and address priorities.

VEHICLE AND EQUIPMENT: The Interim Community Development Director shall be furnished with a vehicle and equipment (as needed) to carry out the functions of the job.

ENROLLMENT IN MYCALPERS SYSTEM: Mr. Hamilton will be enrolled as a retired annuitant and the pay-rate with hours worked will be reported in the myCalPERS system. No retirement contributions are reported by the City for retired annuitants.

ENVIRONMENTAL IMPACT

The request is not a Project as defined by Section 15378 of the California Environmental Quality Act (CEQA) Guidelines. A "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Pursuant to Section 15378 (b)(5) a project does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

GENERAL PLAN CONSISTENCY

This action is consistent with Guiding Principle 3A in the General Plan:

Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.

LEGAL REVIEW

The City Attorney's Office labor Counsel has reviewed and supports this staff report and its attachments, including the summary of CalPERS restrictions.

FINANCIAL IMPACT

The net costs to the City from the appointment of the Interim Community Development Director are \$88.00 per hour, as specified in the agreement. If working the full 960 hours per fiscal year, the costs shall not exceed \$84,480 in a fiscal year. There will be savings in the 2020-2021 fiscal year budget from the vacancy of the Community Development Director to fully offset the costs from employing the retired annuitant.

RECOMMENDATION

Staff recommends that the City Council Approve the Resolution appointing Alexander Hamilton as the Interim Community Development Director and approve the Employment Agreement.