



# City of Rialto

## Legislation Details (With Text)

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**Title:** Request City Council's Approval of the Terms of an Employment Agreement between the City of Rialto and Mark Kling, Police Chief.  
(ACTION)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. (Rialto) Chief of Police Employment Agreement -Draft For Agenda.pdf, 2. Police Chief Job Description Attachment A to Contract

Date	Ver.	Action By	Action	Result
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For City Council Meeting [December 11, 2018]

TO: Honorable Mayor and City Council

FROM: Ahmad Ansari, Interim City Administrator

Request City Council's Approval of the Terms of an Employment Agreement between the City of Rialto and Mark Kling, Police Chief.  
(ACTION)

### **BACKGROUND:**

The Police Chief is a key Executive position responsible for the overall administration of the Rialto Police Department, including the divisions of Command Staff, Professional Standards, Support and Operations. The position reports to the City Administrator and coordinates highly responsible and complex administrative and law enforcement services on behalf of the City, including crime prevention and crime suppression.

The City of Rialto has been recruiting for a Police Chief since November 2017. In the interim, Mark Kling (a CalPERS retired annuitant and former Police Chief for the City) has been providing oversight and leadership to the Police Department and support to the City Administrator's Office. Mr. Kling's services as a retired annuitant will conclude in December 2018, per his retiree cap of 960 hours in a fiscal year.

Interim Chief Kling has expressed interest in reinstating from retirement for the purposes of providing continuous service to the Rialto Police Department. The City is also interested in hiring him as its Police Chief due to his years of prior experience as a Police Chief and familiarity with the needs of the City. As a reinstated employee, he becomes eligible for CalPERS membership again; can retire

later; and will resume earning retirement service credit. He can't, however, be both an active permanent employee and a retired annuitant at the same time; hence, a start date with the City of Rialto must be "after" his retirement end date.

Interim Chief Kling retired from the City of Rialto as Police Chief on December 29, 2011; thus, he retains classic PERS member benefits, including single highest year with a retirement formula of 3% at 50.

### **ANALYSIS/DISCUSSION:**

Section 2.04.100 of the Rialto Municipal Code grants the City Administrator authority to appoint, promote, demote, and remove employees under the supervision and control of the City Council (with the exception of the City Clerk and City Treasurer). The City Council shall be consulted by the City Administrator and the Council shall concur on all matters relating to the removal, transfer, combining or changing of Department Heads.

The City Administrator has consulted the City Council on Mark Kling's reinstatement; accordingly, the employment agreement prescribing the terms of conditions of the Police Chief are attached to this report.

The following provides a summary of other key provisions of the labor agreement with Mark Kling:

- **Term:** The Police Chief is guaranteed a minimum term of employment of one (1) year, notwithstanding the general requirement in the Rialto Municipal Code that department heads hired after the effective date of Ordinance No. 1591, adopted July 11, 2017, are at-will employees. Within one (1) year of his appointment, the Police Chief may only be terminated for cause. Thereafter, his employment is at-will and he may be terminated with or without cause.
- **Salary:** The salary of \$231,367 is commensurate with the range of \$172,645- \$231,367 in the City's Compensation Schedule, as updated on this date, for the Chief of Police position..
- **Benefits:** The benefits of the Police Chief are overall consistent with those of the CGMA. The City will pay the Employer Paid Member Contribution (EPMC) for the Police Chief consistent with the EPMC paid for department heads. (Additionally, this EPMC benefit is also available to all other public safety bargaining unit members for the City, including the Police Management Bargaining Unit.) The Police Chief will also be credited with 120 hours sick leave upon his appointment as permanent Police Chief. In addition, he will accrue vacation as previously provided to him before he retired from Rialto.
- **Exempt:** The position is exempt from overtime, per the Federal Labor Standards Act.

### **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 has reviewed and approved this staff report. The attached employment contract is subject to the approval of the form by the City Attorney.

**FINANCIAL IMPACT:**

Operating budget Impact

The fiscal impact to the 2018-19 Fiscal Year Budget from the reinstatement of the Police Chief is \$187,790. Savings from unpaid benefits from the first six months of the fiscal year are available to offset the impact; hence, no additional appropriations are needed.

The fully burdened costs for the Police Chief are estimated at \$375,580 annually after salary, retirement costs, and benefits.

Capital Improvement Budget Impact

This action has no impact to the Capital Budget.

**RECOMMENDATION:**

Staff recommends that the City Council approve the terms of the Employment Agreement with Mark Kling, Police Chief.