



City of Rialto

Legislation Text

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For City Council Meeting November 14, 2017

TO: Honorable Mayor and City Council

APPROVAL: Michael Story, City Administrator

FROM: Lucy M. Garcia, Director of Human Resources & Risk Management

Request City Council to Adopt **Resolution No. 7239** Appointing an Interim Police Chief and Approving the Employment Agreement with Mark Kling.

(ACTION)

BACKGROUND:

On December 28, 2017, Police Chief Randy De Anda will retire from the City of Rialto, after thirty-three years of public service including two years as Chief. As a result of his separation, the City will have an immediate need for a seasoned professional to serve as Interim Police Chief while the City conducts an open recruitment to permanently fill the vacancy.

Mr. Mark Kling, former Police Chief to the City of Rialto, is available to assist the City in an interim capacity. Mr. Kling possesses extensive experience in the field of law enforcement including administration and public relations.

Mr. Kling is a retiree under the California Public Employees' Retirement System (CalPERS). In that regard, to remain retired, Mr. Kling 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 Police Chief position. To that end, Rialto's recruitment for the Police Chief position shall be published mid-December 2017, just prior to any retired annuitant appointment of the Interim Police Chief.

The appointment of Mark Kling as Interim Police Chief is in best interest of the City. The appointment allows for continuity, leadership, and minimizes disruption while the City transitions to a new permanent Chief. Under Government Code Section 21221(h), the appointment of Mr. Kling-a CalPERS retiree-- must be by City Council as the City's governing body. Mr. Kling can only be appointed once to the vacant position.

ANALYSIS/DISCUSSION:

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

LIMITED TERM: The appointment shall be limited from December 29, 2017 to December 28, 2018 (or less depending on when the permanent Rialto Police Chief is hired).

COMPENSATION: As the Interim Police Chief, the hourly rate shall be \$91.96 (the equivalent of \$15,940 per month if working 40 hours per week). This is the highest step of the current Rialto compensation schedule for Police Chief. There shall be no benefit, incentive, compensation in lieu of benefits, or other forms of compensation in addition to the hourly pay rate. The position, however, is eligible for workers compensation benefits as a result of injury while employed.

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. Kling 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 Chief to properly assess operations and address priorities.

VEHICLE, UNIFORM, AND EQUIPMENT: The Interim Police Chief shall be furnished with a police vehicle, uniform, and safety equipment (as needed) to carry out the functions of the job.

ENROLLMENT IN MYCALPERS SYSTEM: The retiree 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 approved 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 Police Chief are \$91.96 per hour, as specified in the agreement. If working the full 960 hours per fiscal year, the costs shall not exceed

\$88,282 in Fiscal Year 2017-18 and \$88,282 in Fiscal Year 2018-19, for a combined amount of \$176,563. The costs are within the City's authority and budget, and they are expected to be recovered from the salary savings of the permanent Chief's vacant position.

RECOMMENDATION:

Staff recommends that the City Council Approve the Resolution appointing Mark Kling as the Interim Police Chief and approving the employment agreement.