



# City of Rialto

## Legislation Text

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For City Council Meeting [June 26, 2018]

TO: Honorable Mayor and City Council

APPROVAL: Robb Steel, Interim City Administrator

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

Request City Council to Adopt **Resolution No. 7364** Appointing an Interim City Administrator and Approving the Employment Agreement with Ahmad R. Ansari.

**(ACTION)**

**BACKGROUND:**

In March 2018, the City launched a recruitment for a permanent City Administrator, following Mike Story's retirement from the City. The recruitment, which closed on May 31, 2018, is currently in its early stages of the screening process. Assuming there is a successful candidate in the applicant pool, the City Council could appoint a new City Administrator in approximately four months.

Robb Steel, Assistant City Administrator and Development Services Director, has been Interim City Administrator since December 2017 while the City completes the selection of the new City Administrator. As the Interim City Administrator, Mr. Steel maintains oversight of the Administration Department as well as the Development Services Department. Mr. Steel's management of the Development Services Department is of the utmost importance at this time; as a result, Mr. Steel will fully resume his duties within the Development Services Department to handle critical ongoing priorities such as economic development, land use, housing, building projects and code enforcement.

The City has an immediate need for an Interim City Administrator. Mr. Ahmad R. Ansari, former Rialto Public Works Director/City Engineer (2007-2011), and former Public Works Director for the cities of Moreno Valley and Perris, is available to assist the City in an interim capacity. Mr. Ansari possesses extensive experience in the field of engineering and public projects including park development, street improvements, utilities, and traffic engineering.

Mr. Ansari is a retiree under the California Public Employees' Retirement System (CalPERS). In that regard, to remain retired, Mr. Ansari 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 City Administrator 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 City Administrator, as indicated, is currently underway with selection developments pending soon.

The appointment of Ahmad R. Ansari as Interim City Administrator 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 City Administrator. Under Government Code Section 21221(h), an agreement with Mr. Ansari -- a CalPERS retiree -- must be adopted by resolution of the City Council. Mr. Ansari can only be appointed once to the vacant City Administrator position.

#### **ANALYSIS/DISCUSSION:**

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

**LIMITED TERM:** The appointment shall be limited from July 9, 2018 to December 31, 2018 (or less depending on when the permanent City Administrator is hired).

**COMPENSATION:** As the Interim City Administrator, the hourly rate shall be \$94.26 an hour (the equivalent of \$16,339 per month if working 40 hours per week). This is the highest and only step of the current Rialto compensation schedule for the City Administrator. 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. Ansari 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 City Administrator to properly assess operations and address priorities.

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

**ENROLLMENT IN MYCALPERS SYSTEM:** Mr. Ansari 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 City Administrator are \$94.26 per hour, as specified in the agreement. If working the full 960 hours per fiscal year, the costs shall not exceed \$90,490 in a fiscal year. There will be savings in the 18-19 fiscal year budget from the vacancy of the City Administrator to fully offset the costs from employing the retired annuitant.

**RECOMMENDATION:**

Staff recommends that the City Council Approve the Resolution appointing Ahmad R. Ansari as the Interim City Administrator and approve the Employment Agreement.