



CITY COUNCIL AGENDA REPORT
MEETING DATE: 6/6/2023
DEPARTMENT: Management Services

SUBJECT:

Interim Appointment for the Position of Deputy City Manager and Adopting a Resolution Authorizing the Hiring a Retired Annuitant.

RECOMMENDED ACTION(S):

1. Adopt a Resolution entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPOINTING DONALD J. WHITE AS DEPUTY CITY MANAGER ON AN INTERIM BASIS AND APPROVING EMPLOYMENT AGREEMENT
 2. Authorize the Mayor to sign, and the City Clerk attest to, the employment agreement with Donald White, in the form attached.
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EXECUTIVE SUMMARY:

On May 12, 2023, the position of Deputy City Manager became vacant. To ensure continuity of operations and provide the necessary leadership to the City during the recruitment for a permanent replacement, staff recommends the City Council consider appointing Donald J. White to serve as the Interim Deputy City Manager until a permanent Deputy City Manager is selected. In accordance with the Public Employees' Retirement Law, to effectuate the hiring of Mr. White on a temporary basis, the City Council must authorize via resolution his hiring because he is a California Public Employees' Retirement System ("CalPERS") retired annuitant. Staff recommends the City Council adopt the attached resolution, which would effectuate the hiring of Mr. White at an hourly rate of \$99.1501 per hour (Attachment 1). Staff also recommends the City Council authorize the Mayor to sign and the City Clerk to attest the attached Employment Agreement with Mr. White (Attachment 2). Sufficient funding is available to cover the costs of the recommended actions.

DISCUSSION:

CalPERS recognizes that retirees can play an important role in maintaining city operations, particularly in short-term or emergency situations; however, State law specifies limitations on a retiree's service when returning to work for a CalPERS agency. Government Code section 21221(h) of the Public Employees'

Retirement Law allows the City to hire a retiree to fill a vacant position on an interim basis during the active recruitment for a permanent appointment. This Section requires that the appointment be made by the City Council to a position requiring specialized skills, be a one-time appointment, that pay be an hourly rate within the range for the position as set forth on a publicly approved salary schedule, that no benefits or other compensation be provided, and that the employee does not exceed 960 hours worked in a fiscal year for all CalPERS employers. Additionally, the retiree must have been retired for at least 180 days (unless an exception exists). Section 7522.56 imposes similar restrictions, consistent with Section 21221(h).

Mr. White has over 40 years of local government experience, including service as a city manager, assistant city manager, chief financial officer, director of administrative services, economic development director, and interim recreation director. Mr. White possesses the experience and skills needed to serve as Interim Deputy City Manager. Mr. White's appointment also meets all of the additional legal requirements.

In accordance with applicable law, and subject to City Council approval, the terms of Mr. White's appointment are as follows:

- The Interim appointment will begin on June 7, 2023, and will end when a permanent Deputy City Manager is selected and begins employment;
- The hourly rate of pay will be \$99.1501 based on the monthly top step salary for the Deputy City Manager position of \$17,186 divided by 173.333;

Staff is recommending the City Council adopt the Resolution authorizing the temporary appointment of retired annuitant, Mr. White (Attachment 1). Staff also recommends the City Council authorize the Mayor to sign and the City Clerk to attest to the attached Employment Agreement with Mr. White (Attachment 2). Both the attached resolution and the proposed Employment Agreement have been reviewed and approved as to form by the City Attorney.

FISCAL IMPACT:

Sufficient funding is available to cover the costs of the recommended action, and the proposed 2023-2025 Operating Budget includes funding for the Deputy City Manager position. There is no additional ongoing fiscal impact associated with the temporary appointment of a retired annuitant to the Interim Deputy City Manager position. In accordance with the CalPERS requirements, Mr. White will not be eligible for any compensation or benefits in addition to the hourly pay rate while working for the City of Lake Forest as a retired annuitant.

ATTACHMENTS:

1. Resolution Authorizing the Hiring of Retired Annuitant, Donald White
2. Agreement for Temporary Employment, Donald White

Initiated By: Shelly Cisneros, Human Resources Manager

Submitted By: Keith Neves, Assistant City Manager

Approved By: Debra Rose, City Manager