

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ROSA APPROVING HIRING OF JEFFREY BERK AS AN EXTRA HELP TEMPORARY EMPLOYEE INTO THE POSITION OF ACTING CHIEF ASSISTANT CITY ATTORNEY FOR A LIMITED DURATION FROM JANUARY 30, 2023 TO JULY 30, 2023, AND APPROVING AMENDMENT TO THE CITY'S SALARY PLAN AND SCHEDULE TO ADD TEMPORARY CLASSIFICATION OF EXTRA-HELP ACTING CHIEF ASSISTANT CITY ATTORNEY

WHEREAS, Jeffrey Berk retired from the City of Santa Rosa on January 3, 2023, from his position as Chief Assistant City Attorney; and

WHEREAS, the City has an active recruitment underway for his replacement; and

WHEREAS, the Chief Assistant City Attorney is a critically needed position requiring specialized skills, including but not limited to advanced management, labor and employment counsel, and negotiations; and

WHEREAS, due to pending workloads, existing staff resources are insufficient to provide those critical Chief Assistant City Attorney services during the recruitment and hiring period; and

WHEREAS, the City Attorney's Office and Human Resources Department therefore recommend hiring a person who has specialized skills to serve as Acting Chief Assistant City Attorney during the recruitment and hiring period; and

WHEREAS, Mr. Berk has the needed specialized skills and is willing to provide part-time Acting Chief Assistant City Attorney services; and

WHEREAS, Mr. Berk is a CalPERS retired annuitant; and

WHEREAS, the City desires to employ Mr. Berk as an Extra-Help Temporary Employee in the position of Acting Chief Assistant City Attorney of the City of Santa Rosa, on a temporary and at-will basis consistent with City and CalPERS regulations, including California Government Code sections 7522.56, 21222(h) and 21224; and

WHEREAS, Government Code section 7522.56 generally requires that post-retirement employment commence no earlier than 180 days after the retirement date, which would require the hire be delayed until after July 2, 2023; and

WHEREAS, Government Code section 7522.56 provides an exception to the 180 day period to allow a retired annuitant to fill a critically needed position if the public agency has certified the nature of the employment and the governing body of the public agency has approved the appointment in a public meeting; and

WHEREAS, it is recommended that Mr. Berk be hired as an Extra Help Temporary Employee as part-time Acting Chief Assistant City Attorney for the limited duration of

January 30, 2023 through July 30, 2023, to ensure continuity of services during the recruitment for a permanent Chief Assistant City Attorney; and

WHEREAS, the maximum base salary for a Chief Assistant City Attorney position is currently equivalent to \$101.46 per hour; and

WHEREAS, the hourly rate of pay for Mr. Berk’s service is recommended to be \$101.46; and

WHEREAS, Mr. Berk has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate and did not receive any retirement-related incentive; and

WHEREAS, Mr. Berk’s employment will not exceed 960 hours per fiscal year for all CalPERS employers; and

WHEREAS, the Personnel Officer, on behalf of the City Manager, insures the orderly and consistent administration of the City Council’s adopted Salary Plan and Schedule; and

WHEREAS, the Personnel Officer recommends the temporary classification of Extra-Help Acting Chief Assistant City Attorney with an hourly salary of \$101.46 be added to the City’s Salary Plan and Schedule.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa certifies the nature of and approves the appointment retired annuitant Jeffrey Berk as an Extra Help Temporary Employee to fill the critically needed position of part-time Acting Chief Assistant City Attorney for the limited period of January 30, 2023 through July 30, 2023 as described above.

BE IT FURTHER RESOLVED that the Council of the City of Santa Rosa amends the City’s Salary Plan and Schedule to add the temporary classification of Extra-Help Acting Chief Assistant City Attorney with an hourly salary of \$101.46.

BE IT FURTHER RESOLVED that the Council authorizes the City Manager to implement this amendment consistent with the orderly and continual administration of the City’s Salary Plan and Schedule.

IN COUNCIL DULY PASSED this 24th day of January, 2023.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney