

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: SUE GALLAGHER, CITY ATTORNEY
AMY REEVE, DIRECTOR OF HUMAN RESOURCES
HUMAN RESOURCES DEPARTMENT
SUBJECT: RESOLUTION APPROVING AN AT WILL EMPLOYMENT
AGREEMENT WITH INTERIM CITY MANAGER JEFFREY KOLIN

AGENDA ACTION: MOTION AND RESOLUTION

RECOMMENDATION

It is recommended that the Council: 1) by motion, find good cause, under the Early Agenda Policy and the Open Government Ordinance, to consider this item, notwithstanding that the item did not appear on the preliminary agenda; and 2) by resolution, approve an At Will Employment Agreement with Jeffrey Kolin who was appointed to the position of Interim City Manager by Council on May 18 2021, subject to approval of such agreement.

EXECUTIVE SUMMARY

City Manager Sean McGlynn has announced his resignation. The City will be conducting an extensive open recruitment for his replacement. It is anticipated that the recruitment could take six months or more. To ensure a smooth transition and uninterrupted City operations, the Council appointed Jeffrey Kolin as Interim City Manager to serve in the position until a new permanent City Manager is found. The appointment was made subject to the approval and execution of an Employment Agreement. That Employment Agreement is now presented for Council approval.

BACKGROUND

At the end of March, City Manager Sean McGlynn announced his resignation from the City of Santa Rosa. He is leaving Santa Rosa to become the City Manager for the City of Escondido.

On May 18, 2021, Council appointed Jeffrey Kolin as Interim City Manager to serve while the City conducts an open recruitment for the permanent City Manager position, so as to ensure a smooth transition and uninterrupted City operations. The appointment was made subject to approval and execution of an Employment Agreement. That Employment Agreement is now presented for Council approval.

A. Early Agenda Policy

As a preliminary step, prior to consideration of this agenda item, the Council must address compliance with the Council's Early Agenda Policy and with Section 1-10.030(G) of the City Code.

The approval of an Employment Agreement for Jeffrey Kolin as Interim City Manager did not appear on the City's preliminary agenda for the May 25, 2021 Council Meeting. Pursuant to the Council's Early Agenda Policy and the Council's direction for early implementation of section 1-10.030(G) of the City Code, an urgent item of business that does not appear on the preliminary agenda may nevertheless be placed on a final agenda, and discussed and acted on by Council, but only if there is a showing of good cause and only with the concurrence of six Council Members. Pursuant to the Early Agenda Policy and section 1-10.030(G), a showing of good cause requires a finding by Council that as a result of exceptional circumstances beyond the control of Council, compliance with the preliminary agenda requirement would "impose a substantial burden on the City's ability to conduct its business or result in prejudice to a private person."

Staff recommends that Council find (a) that the resignation of City Manager McGlynn is an exceptional circumstance beyond the control of the Council, and (b) that any potential delay in appointment of an Interim City Manager would impose a substantial burden on the City's ability to conduct its business.

B. Appointment of Interim

The City Manager is hired by and serves at the pleasure of the elected City Council. The City Manager manages the organization on a daily basis, hires staff, oversees the budget, and drives forward the City Council's projects and initiatives. The City Manager position is critical for the continued operations of the City.

With the resignation of City Manager McGlynn, staff is initiating a broad and open recruitment for his replacement. The recruitment and hiring process for a new City Manager, however, can take up to six months from the time it is initiated. Based on this timing, there is a need for the City Council to hire an Interim City Manager.

The appointment of an Interim City Manager is important to ensure the organization has the leadership it needs during the recruitment for a new, permanent City Manager, and a competent Interim City Manager can give the City Council the time it needs to conduct a thorough recruitment. With the on-going COVID-19 pandemic, the recent declaration of drought, and the recent declaration of fire season, the Interim City Manager will need to continue to manage the City's response to (1) the ongoing public health emergency, (2) the resulting economic impacts to the City's budget and the local business community and economy, (3) the conditions of drought, (4) wildfire risks, (5) ongoing

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City projects and initiatives, and (4) any emergencies that may arise. On May 18, 2021, Council appointed Jeffrey Kolin to the position of Interim City Manager, subject to approval and execution of an employment agreement.

PRIOR CITY COUNCIL REVIEW

On May 18, 2021, Council appointed Jeffrey Kolin as Interim City Manager, subject to approval and execution of an employment agreement, and set his salary by Ordinance.

ANALYSIS

As legally allowed under the Brown Act and appropriate as a personnel matter, the City Council held discussions and interviews for the Interim City Manager position in Closed Session over the past several weeks. The City was fortunate to have a number of highly qualified applicants.

The Council selected Jeffrey Kolin as Interim City Manager, subject to approval and execution of an employment agreement. Mr. Kolin brings 41 years of local government leadership, experience and expertise to his role as the Interim City Manager, including nine years as City Manager of the City of Santa Rosa, beginning in 2000. During Mr. Kolin's tenure, Santa Rosa was recognized as one of the 30 most livable cities in the United States in recognition of the City's commitment to affordable housing, historical preservation, environmental preservation, and downtown and pedestrian improvements. In addition, Santa Rosa was also designated as a 2007 All America City for its citizen-based approaches to meeting community challenges.

Mr. Kolin has agreed to the terms and conditions set forth in the At-Will Employment Agreement Between the City of Santa Rosa and Jeffrey Kolin attached to the Resolution as Exhibit A. The term of the agreement will commence on June 29, 2021 and continue until terminated as provided in the contract. Pursuant to CalPERS requirements:

- During Mr. Kolin's service, an open recruitment must be underway to permanently fill the City Manager position
- The interim position must be limited to the period of the recruitment
- Mr. Kolin can be appointed only once to the interim position
- Mr. Kolin's work for CalPERS public agencies must be limited to no more than 960 hours in a fiscal year, except as otherwise provided in Executive Order N-25-20 issued by Governor Newsom dated March 18, 2020 (related to suspension of retired annuitant work hour limitations during the COVID-19 pandemic)
- Compensation must be within the existing hourly rate of the City Manager position
- No other benefit, incentive, compensation in lieu of benefit, or other form of compensation can be paid

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Pursuant to Government Code section 21221(h), the compensation paid to a retired annuitant cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate.

The maximum base salary for the City Manager position is currently equivalent to \$117.95. The hourly rate of pay for Jeffrey Kolin's service will be \$117.95 and Mr. Kolin will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

FISCAL IMPACT

The Employment Agreement with Jeffrey Kolin as Interim City Manager will be paid for with salary savings created by the vacancy of the City Manager in FY 20-21 and FY 21-22.

ENVIRONMENTAL IMPACT

The proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) and 15378 in that there is no possibility that the implementation of this action may have significant effects on the environment, and that no further environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Resolution
- Exhibit A – Employment Agreement

CONTACT

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