

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: AMY REEVE, DIRECTOR OF HUMAN RESOURCES
HUMAN RESOURCES DEPARTMENT
SUBJECT: RESOLUTION FOR APPROVAL OF JEFFREY KOLIN AS AN
EXTRA HELP TEMPORARY EMPLOYEE TO SERVE AS ACTING
CITY MANAGER

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; 2) by resolution, approve Jeffrey Kolin to be hired as an Extra Help Temporary Employee to the position of Acting City Manager from May 29, 2021 through June 28, 2021; and 3) amend the City's Salary Plan and Schedule to add the temporary classification of Extra-Help Acting City Manager with an hourly salary of \$106.82.

EXECUTIVE SUMMARY

City Manager Sean McGlynn has announced his resignation effective June 28, 2021. 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 on May 18, 2021, subject to approval and execution of an Employment Agreement. That appointment as Interim City Manager was made pursuant to Government Code section 21221(h), which permits the hiring of a CalPERS retired annuitant to a vacant position while a recruitment for a permanent placement is underway.

Section 21221(h) applies, however, only upon vacancy of the position. Although Mr. McGlynn's last day with the City will be June 28, 2021, he intends to be out of the office on vacation for the period May 29, 2021 to June 28, 2021. To provide continuity in critical City Manager services during that absence, it is recommended that the City appoint Mr. Kolin as Acting City Manager pursuant to Government Code section 21224, which permits the hiring of a CalPERS retired annuitant when specialized skills are needed in performing work of limited duration. The appointment will also be made in

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compliance with the City's Extra Help Temporary Employee policy. Mr. Kolin will transition to his appointed Interim City Manager position on June 29, 2021.

During his employment as Acting City Manager, it is recommended that Mr. Kolin receive compensation at the rate of \$106.82 per hour with no other benefit, incentive, compensation in lieu of benefit, or other form of compensation paid. Staff recommends that the City's Salary Plan and Schedule be amended to add the temporary classification of Extra-Help Acting City Manager at a rate of pay equaling the maximum hourly rate of an Assistant City Manager, which is currently \$106.82.

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 the appointment of Jeffrey Kolin as Acting 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 extended vacancy in the City Manager position would impose a substantial burden on the City's ability to conduct its business.

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. Mr. McGlynn's last day of City employment is June 28, 2021. The City Council has appointed Jeffrey Kolin to serve as Interim City Manager upon Mr. McGlynn's departure and for the period of the recruitment for a permanent replacement. Mr. Kolin's appointment was made pursuant to Government Code section 21221, which permits the hiring of a CalPERS retired annuitant to a vacant position while a recruitment for a permanent replacement is underway.

Although Mr. McGlynn's last day with the City is June 28, 2021, he will be out of the office on vacation from May 29, 2021 to June 28, 2021. The City also desires to have

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Mr. Kolin provide City Manager services during that absence. Although the City's Assistant City Managers often serve in brief assignments as Acting City Manager, the Assistant City Managers are not currently available for an extended assignment due to urgent pending workloads.

PRIOR CITY COUNCIL REVIEW

On May 18, 2021, the Council appointed Jeffrey Kolin as Interim City Manager to serve during the recruitment for a new permanent City Manager. The appointment was made pursuant to Government Code section 21221(h) and was subject to approval and execution of an Employment Agreement.

Council consideration of the proposed Interim City Manager Employment Agreement is on the Council's consent calendar for its May 25, 2021 meeting.

ANALYSIS

A. Appointment of Acting City Manager

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.

As has been noted previously, the recruitment and hiring process for a new City Manager can take up to six months from the time it is initiated. To provide City Manager leadership for the organization during the period of recruitment, the City Council has appointed Jeffrey Kolin as Interim City Manager, pursuant to Government Code section 21221(h) and subject to approval and execution of an Employment Agreement. Government Code section 21221(h) allows the City to appoint a CalPERS retired annuitant to a vacant position during the recruitment for a permanent appointment. Mr. Kolin's term as Interim City Manager will begin on June 29, 2021.

Although Mr. McGlynn's last day with the City will be June 28, 2021, he intends to be out of the office on vacation for the period May 29, 2021 to June 28, 2021. To provide continuity in critical City Manager services during that absence, it is recommended that the City appoint Mr. Kolin as Acting City Manager pursuant to Government Code section 21224. Section 21224 allows the City to appoint a CalPERS retired annuitant with specialized skills to perform work of limited duration. Upon vacation of the position by Mr. McGlynn on June 28, 2021, Mr. Kolin will transition to his appointed Interim City Manager position.

As a CalPERS retired annuitant, Mr. Kolin is subject to limitations imposed by section 21224 as well as other CalPERS rules and regulations. These limitations include:

- The appointment must be of limited duration.

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- The appointment must have a beginning date and an end date.
- Compensation shall not exceed the maximum monthly base salary paid to other employees performing comparable dues divided by 173.333 to equal an hourly rate.
- The retiree shall not receive any benefit, incentive, compensation in lieu of benefits or other form of compensation in addition to the hourly pay rate.
- The retiree shall not work more than 960 hours each fiscal year for CalPERS employers, except as otherwise provided by Gubernatorial emergency declaration.

In the Acting City Manager position, Mr. Kolin will receive compensation at the rate of \$106.82 per hour, equal to the current maximum hourly rate of an Assistant City Manager. No other benefit, incentive, compensation in lieu of benefit, or other form of compensation can be paid

B. City Regulations: Appointment as Extra Help Temporary Employee – Acting City Manager

The City uses Temporary Employees, specifically Extra Help employees, to relieve or augment regular staff on a continuous basis for a period not to exceed six (6) months without a substantial break in service. Examples of the use of Extra Help employees include, but are not limited to: vacation, pregnancy and disability leave relief, and short term assignments to assist a department with a temporary increase in workload that is too great to be dealt with expeditiously by regular employees of the department.

Temporary employment is of a limited duration, is at-will and is not governed by the Personnel Rules and Regulations. The employee is not eligible for City benefits, does not hold a City Council budgeted position and is not considered a member of CalPERS, unless the employee works 1000 hours or more in a fiscal year or is a member of CalPERS from prior employment. Further limitations of hours to 960 hours per fiscal year are governed by CalPERS and, as noted above, apply to Mr. Kolin as a CalPERS annuitant.

In order to allow for an expeditious transfer of information and smooth transition for Mr. Kolin during the ongoing pandemic and other emergency conditions, it is recommended that Council approve hiring Mr. Kolin as an Extra Help Temporary Employee as Acting City Manager for the period of May 29, 2021 through June 28, 2021.

C. Amendments to City Salary Plan and Schedule

Amendments to the City's Salary Plan and Schedule require City Council approval. Staff recommends adding the temporary classification of Extra-Help Acting City Manager with an hourly salary of \$106.82 to the City's Salary Plan and Schedule.

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FISCAL IMPACT

The total cost of this resolution will be absorbed within existing appropriations of the FY2020-21 budget.

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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