RESOLUTION NO. <u>RES-2021-085</u>

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ROSA APPROVING AN AT-WILL EMPLOYMENT AGREEMENT BETWEEN THE CITY OF SANTA ROSA AND JEFF KOLIN FOR THE POSITION OF INTERIM CITY MANAGER AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT

WHEREAS, the City of Santa Rosa will soon have a vacancy in the City Manager position; and

WHEREAS, Government Code section 21221(h) permits the City Council to appoint a CalPERS retiree to a vacant position requiring specialized skills during a recruitment for a permanent appointment, and it provides that such appointment will not subject the retiree to reinstatement from retirement or loss of benefits so long as it is a single appointment that does not exceed 960 hours in a fiscal year; and

WHEREAS, Jeffrey Kolin is a CalPERS retired annuitant; and

WHEREAS, the City desires to employ Jeffrey Kolin as the Interim City Manager of the City of Santa Rosa, on a temporary and at-will basis, pending the recruitment of a permanent replacement to fill the position pursuant to California Government Code Section 21221(h); and

WHEREAS, this appointment is being made in part to ensure adequate staffing to expedite emergency response and recovery efforts relative to the COVID-19 pandemic and is made pursuant to Executive Order N-25-20 issued by Governor Newsom dated March 18, 2020 relating to suspending retired annuitant work hour limitations during the COVID-19 pandemic; and

WHEREAS, Jeffrey Kolin desires to serve as Interim City Manager of the City of Santa Rosa beginning upon the vacancy of the City Manager position on June 29, 2021; and

WHEREAS, the Council and Jeffrey Kolin desire to agree in writing to the terms and conditions of his employment as Interim City Manager, which will be memorialized in an Employment Agreement, substantially in the form attached hereto as Attachment A, subject to approval as to form by the City Attorney; and

WHEREAS, the position of Interim City Manager requires specialized skills, including but not limited to advanced management, budgeting, and negotiating and Jeffrey Kolin has those skills; and

WHEREAS, Government Code section 21221(h) requires that the interim appointment be made only during and for the period of recruitment for a permanent City Manager; and

WHEREAS, the City has begun the recruitment for a permanent City Manager; and

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WHEREAS, Jeffrey Kolin's appointment to the position of Interim City Manager shall only be made once and will end on February 28, 2022, or such earlier date as stated in the Employment Agreement; and

WHEREAS, pursuant to Government Code section 21221(h), the compensation paid to a CalPERS 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; and

WHEREAS, the maximum base salary for the City Manager position is currently equivalent to $117.95; and

WHEREAS, the hourly rate of pay for Jeffrey Kolin's service will be $117.95; and

WHEREAS, Jeffrey Kolin 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.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Santa Rosa that the terms of an Employment Agreement between the City of Santa Rosa and Jeffrey Kolin, appointing Mr. Kolin to the position of Interim City Manager, effective June 29, 2021, are hereby approved and adopted, and the Mayor is authorized and directed to sign and execute the Employment Agreement on behalf of the City, in substantially the same form as Exhibit A to the resolution, subject to approval as to form by the City Attorney.

IN COUNCIL DULY PASSED this 25th day of May, 2021.

AYES: (7) Mayor C. Rogers, Vice Mayor N. Rogers, Council Members Alvarez, Fleming, Sawyer, Schwedhelm, Tibbetts

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
              City Clerk   Mayor

APPROVED AS TO FORM: _____
                            City Attorney

Exhibit A - At-Will Employment Agreement Between the City of Santa Rosa and Jeffrey Kolin