RESOLUTION NO. 2019-182

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA APPOINTING ROBERT DELOACH AS THE INTERIM WATER RESOURCES DIRECTOR PURSUANT TO GOVERNMENT CODE SECTION 21221(h)

WHEREAS, Government (Gov.) Code section 21221(h) of the Public Employees' Retirement Law permits the governing body to appoint a CalPERS retiree to a vacant position requiring specialized skills during recruitment for a permanent appointment, and provides that such appointment will not subject the retired person 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;

WHEREAS, the City Council of the City of Pomona desires to appoint Robert DeLoach as an interim appointment retired annuitant to the vacant position of Water Resources Director for the City of Pomona under Gov. Code section 21221(h), effective November 22, 2019;

WHEREAS, the City Council of the City of Pomona and Robert DeLoach certify that Robert DeLoach has not and will not receive a Golden Handshake or any other retirement-related incentive;

WHEREAS, an appointment under Gov. Code section 21221(h) requires the retiree to be appointed into the interim appointment during recruitment for a permanent appointment;

WHEREAS, the recruitment for the Water Resources Director position is active and will be publicly posted no later than November 22, 2019;

WHEREAS, this Gov. Code section 21221(h) appointment shall only be made once and therefore will end on or before November 21, 2020 but in no event shall the appointment extend beyond the date on which a permanent employee is hired to fill the position, whichever occurs first;

WHEREAS, the entire employment appointment document between Robert DeLoach and the City of Pomona has been reviewed by the City Council and is attached hereto;

WHEREAS, the compensation paid to retirees 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;

WHEREAS, the maximum annual base salary for the position of Water Resources Director is $189,742, the monthly base salary is $15,811.83, and the hourly equivalent is $91.22, and the minimum annual base salary for this position is $141,591, the monthly base salary is $11,799.25, and the hourly equivalent is $68.07;

WHEREAS, the hourly rate paid to Robert DeLoach will be $91.22; and

WHEREAS, Robert DeLoach has not and will not receive any other benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to this hourly pay rate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Pomona as follows:

SECTION 1. The City Council hereby certifies to the nature of the appointment of Robert DeLoach, as described herein and detailed in the offer of employment document, attached hereto as Exhibit "A," and that this appointment is necessary to fill the critically needed position of Interim Water Resources Director for the City of Pomona by November 22, 2019 due to the vacancy of the current Water Resources Director position in order to provide leadership and continuity of the services and programs of the Department while the City is engaged in an active recruitment to permanently fill the position.

SECTION 2. The City Clerk shall attest and certify to the passage and adoption of this resolution and it shall become effective immediately upon its adoption.

APPROVED AND ADOPTED THIS 18th DAY OF NOVEMBER 2019.

ATTEST: **THE CITY OF POMONA**

_____   _____
Rosalia Butler, City Clerk   Tim Sandoval, Mayor

APPROVED AS TO FORM:

_____
Sonia Carvalho, City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA BUTLER, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Pomona held on the 18th day of November, 2019 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

_____
Rosalia Butler, City Clerk