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# CITY OF POMONA COUNCIL REPORT

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November 18, 2019

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted By: Linda Matthews, Human Resources/Risk Management Director

**SUBJECT: ADOPTION OF A RESOLUTION APPOINTING ROBERT DELOACH AS  
INTERIM WATER RESOURCES DIRECTOR PURSUANT TO  
GOVERNMENT CODE SECTION 21221(h)**

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**RECOMMENDATION:**

It is recommended that the City Council adopt the following resolution:

**RESOLUTION NO. 2019-182 – A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF POMONA, CALIFORNIA, APPOINTING ROBERT  
DELOACH AS THE INTERIM WATER RESOURCES DIRECTOR,  
PURSUANT TO GOVERNMENT CODE SECTION 21221(h)**

**EXECUTIVE SUMMARY:**

The current Water Resources Director will be leaving his employment with the City effective November 21, 2019. While the City recruits for a new Water Resources Director, the City Manager recommends that Robert DeLoach be hired as the Interim Director. Mr. DeLoach is a CalPERS retiree who was previously Director of the City of Pomona's Public Works Department, which included Water operations. In order to hire Mr. DeLoach to fill the Director vacancy, CalPERS rules require the City Council adopt a resolution (Attachment 1) to hire a retiree on an interim basis.

**FISCAL IMPACT:**

There is no fiscal impact as the cost of the interim appointment will be covered by salary savings within the Water Resources Department. The estimated cost for the interim appointment for four months is \$45,000, and the maximum cost if Mr. DeLoach served the full 960 hours allowed by CalPERS would be \$88,840. Mr. DeLoach will be paid within the published salary range for the Water Operations Director and will receive no other compensation or benefits for his services.

**DISCUSSION:**

The position of Water Resources Director will be vacant beginning November 21, 2019. The City Manager recommends hiring Robert DeLoach as the Interim Water Resources Director to ensure continuity of the water operations. Mr. DeLoach has more than 25 years in the utility industry. Mr. DeLoach served as the Public Works Director for the City of Pomona from approximately

1990 to 1997, which also included management of the City's water operations. In 1997, Mr. DeLoach left the City of Pomona for the Cucamonga Valley Water District where he served as General Manager for 15 years. He has owned his own consulting firm since 2009 providing services to a wide variety of clients including the utility industry.

Mr. DeLoach is a CalPERS retiree. CalPERS rules generally prohibit hiring retired annuitants into permanent or regular staff positions without reinstatement from retirement. However, section 21221(h) of the Government Code provides a limited exception to allow a retiree to serve without reinstatement from retirement for a single interim appointment to a vacant managerial, executive or other unique position. The City Council is required to approve such an interim appointment and make specific findings of need to hire the retiree. It is anticipated that the interim appointment will last for four months and, consistent with CalPERS rules, cannot exceed one year or until the new Water Resources Director is hired, whichever occurs first. Total hours worked cannot exceed 960 in a single fiscal year. Mr. DeLoach may serve for a brief period prior to and after the interim appointment for transitional purposes, but such transitional service is pursuant to Government Code 21224, can be made by the City Manager, and is separate from this interim appointment approval by City Council.

The Water Resources Department is responsible for day-to-day operations of the City's water systems and infrastructure, environment programs and regulation, water quality and water conservation. The management and oversight of these services requires securing a qualified individual with exceptional skills in water operations for public agencies. Mr. DeLoach's interim appointment to the vacant Water Resources Director position meets the following PERS (GC §21221(h)) requirements for the following reasons:

- The Water Resources Director is a key management position that requires specialized skills and experience in public water system operations and infrastructure, as well as regional water policy advice and engagement;
- The Water Resources Director position will be vacant on November 21, 2019
- There is an open recruitment being conducted to fill the vacancy;
- The Water Resources Department needs an interim Director to maintain continuity in all divisions within the Department;
- Mr. DeLoach will work approximately 25-30 hours per week and be paid \$91.22 per hour, which is within the published pay range for the position;
- This will be a single interim appointment not to exceed 960 hours in any fiscal year or until a permanent appointment is made, whichever occurs first;
- Mr. DeLoach will not receive any other form of compensation, benefits, or incentives.

It is recommended that the City Council approve the attached resolution which will authorize Robert DeLoach to serve as Interim Water Resources Director until the new Water Resources Director position is hired or up to 12 months, whichever occurs first.

Prepared by: Linda Matthews, Human Resources/Risk Management Director

**ATTACHMENT:**

Attachment No. 1 – Resolution No. 2019-182

Exhibit A – Employment Offer Letter