

RESOLUTION NO. 2024-171

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF SAN BERNARDINO, CALIFORNIA,
APPOINTING FREDERICK M. LEWIS AS INTERIM
ASSISTANT CITY MANAGER (U) AND APPROVING THE
EMPLOYMENT AGREEMENT**

WHEREAS, Government Code Section 21221(h) permits the Mayor and City Council to appoint a California Public Employees' Retirement System ("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; and

WHEREAS, the position of Assistant City Manager (U) became vacant in April of 2024; and

WHEREAS, in order to ensure the continuity in the operation and management of the City Manager's Office, the Mayor and City Council desire to retain the services of Frederick M. Lewis, a retired member of CalPERS, to serve as Interim Assistant City Manager (U), effective August 8, 2024; and

WHEREAS, Frederick M. Lewis has 30 years of experience in Electric Utility including Operations, Engineering, Planning and Public Benefits/Energy Conservation; and

WHEREAS, pending the recruitment, selection and employment of an Assistant City Manager (U), the City desires to appoint Frederick M. Lewis as Interim Assistant City Manager (U), pursuant to the authority provided under Government Code Section 21221(h), to provide the leadership, managerial and organization skills necessary to manage the City Manager's Office effectively and efficiently; and

WHEREAS, it is understood by Frederick M. Lewis and the City that the combined total hours to be served in any fiscal year for all CalPERS employers shall not exceed the 960 hour limitation set forth in California Government Code Section 21221(h); and

WHEREAS, the Mayor and City Council has reviewed a proposed employment agreement by and between Frederick M. Lewis and the City of San Bernardino.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. As required by Government Code Section 21221(h), the Mayor and City Council make the following findings: (A) All facts set forth in the Recitals to this Resolution are true and correct (B) Frederick M. Lewis has the specialized skills needed to perform the work

required of the Interim Assistant City Manager (U), until a permanent Assistant City Manager (U), is appointed and thereafter begins their service. (C) It is in the best interests of the City of San Bernardino to enter into an employment agreement with and to appoint Frederick M. Lewis as Interim Assistant City Manager (U), for the City of San Bernardino pursuant to the authority provided under Government Code Section 21221(h).

SECTION 3. Frederick M. Lewis, is hereby appointed as Interim Assistant City Manager (U), of the City of San Bernardino in accordance with Government Code Section 21221(h) and with the provisions of the employment agreement on file with the City Clerk.

SECTION 4. The employment agreement with Frederick M. Lewis, a copy of which is incorporated herein as Exhibit “A”, is hereby approved by the Mayor and City Council of the City of San Bernardino, and effective August 8, 2024. The Acting City Manager is authorized to execute said agreement on behalf of the City of San Bernardino, with such non-substantive, technical amendments as may be deemed appropriate by the City Attorney.

SECTION 5. The Mayor and City Council finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 6. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 7. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 7th day of August 2024.

Helen Tran, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

Resolution No. 2024-171

August 7, 2024

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CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2024-171, adopted at a regular meeting held on the 7th day of August 2024 by the following vote:

| <u>Council Members:</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|-------------------------|-------------|-------------|----------------|---------------|
| SANCHEZ | _____ | _____ | _____ | _____ |
| IBARRA | _____ | _____ | _____ | _____ |
| FIGUEROA | _____ | _____ | _____ | _____ |
| SHORETT | _____ | _____ | _____ | _____ |
| REYNOSO | _____ | _____ | _____ | _____ |
| CALVIN | _____ | _____ | _____ | _____ |
| ALEXANDER | _____ | _____ | _____ | _____ |

WITNESS my hand and official seal of the City of San Bernardino this ____ day of _____ 2024.

Genoveva Rocha, CMC, City Clerk