



CONSENT CALENDAR

City of San Bernardino Request for Council Action

Date: August 7, 2024

To: Honorable Mayor and City Council Members

From: Rochelle Clayton, Acting City Manager;
Andrea E. Russell, Director of Human Resources & Risk Management

Department: Human Resources & Risk Management

Subject: **Resolution appointing an Interim Assistant City Manager (U) and Approving Employment Agreement (All Wards)**

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2024-171:

1. Appointing Frederick M. Lewis as Assistant City Manager (U) on an interim basis; and
2. Approving the Employment Agreement.

Executive Summary

To ensure the continuity of operations in the City Manager's Office while the recruitment for the Assistant City Manager (U) is underway, it is recommended that the City retain the services of Mr. Frederick M. Lewis, a California Public Employees Retirement System (CalPERS) retiree, to serve as Assistant City Manager (U) on an interim basis.

Background

In April of 2024, a vacancy occurred for the position of Assistant City Manager (U) for the City of San Bernardino. The Acting City Manager reached out to Mr. Lewis due to his high level of knowledge, skills, and abilities to perform the duties of the Assistant City Manager (U) until the recruitment concludes and a regular appointment is made.

Prior to his retirement, Mr. Lewis held the position of Electric Utility Director with the City of Banning. Mr. Lewis has 30 years of public and private sector experience in Electric Utility including Operations, Engineering, Planning and Public Benefits/Energy Conservation. Mr. Lewis' employment terms will comply with all applicable statutes and regulations regarding the hiring of a retired annuitant. As such, the Acting City Manager

is recommending approval of the attached resolution.

Discussion

State and federal laws provide specific employment restrictions for retirees who return to work with an employer in the same public retirement system from which they receive a benefit.

Mr. Lewis' appointment is eligible for the "vacant position" employment option under the CalPERS retired annuitant rules, which provides for an appointment to an interim position by the governing body as authorized by Government Code section 21221(h), the Mayor and City Council must make the appointment and approve the employment agreement by resolution.

In addition, an appointment under Section 21221(h) requires the City to be actively pursuing a permanent replacement. The City posted a recruitment for a permanent Assistant City Manager (U) on July 9, 2024 and is currently accepting applicant submissions to permanently fill this vacancy. The interim appointment will end when the regular replacement for the vacant position of Assistant City Manager (U) for the City commences their employment or, if earlier, the date that this appointment is terminated by the City or the selected candidate.

In accordance with applicable law, the proposed contract limits the number of hours which may be worked in any fiscal year to 960 hours. Further, 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. For the position of Interim Assistant City Manager (U), that rate is \$116.54 (i.e., \$20,201.04, which is both the top step for the Assistant City Manager (U) position on the approved salary schedule, divided by 173.333).

Lastly, in accordance with the applicable law, the employment agreement does not provide for any other benefit, incentive compensation in lieu of benefits, or any other form of compensation in addition to this hourly pay.

2021-2025 Strategic Targets and Goals

Approving an employment agreement with an Interim Assistant City Manager (U) aligns with Goal No. 2b: Focused, Aligned Leadership and Unified Community by building a culture that attracts, retains, and motivates the highest quality talent.

Fiscal Impact

This is an approved position within the City Manager's Office in the adopted FY 2024/25 budget. There is sufficient budget to support this item.

Conclusion

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2024-171:

1. Appointing Frederick M. Lewis as Assistant City Manager (U) on an interim basis; and
2. Approving the Employment Agreement.

Attachments

Attachment 1 – Resolution 2024-171;

Attachment 2 – Exhibit A – Employment Agreement

Ward:

All Wards

Synopsis of Previous Council Actions:

N/A