



Agenda Report

Fullerton City Council

MEETING DATE: SEPTEMBER 21, 2021

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: STEVE DANLEY, ACTING CITY MANAGER

PREPARED BY: EDDIE MANFRO, INTERIM HUMAN RESOURCES DIRECTOR
LAURA GIANNETTI-MERCER, HUMAN RESOURCES MANAGER II

SUBJECT: CLASSIFICATION PLAN UPDATE TO CREATE INTERIM EXECUTIVE POSITION, SALARY SCHEDULE ASSIGNMENT AND INTERIM EXECUTIVE EMPLOYMENT AGREEMENT

SUMMARY

Proposed amendment to the City of Fullerton personnel classification plan to establish an Interim Executive classification and assign classification to an existing salary schedule for executive employees as well as request to ratify employment agreement with Jeff Collier to serve as an Interim Executive in the capacity of Interim Deputy City Manager and Interim Director of Parks and Recreation.

RECOMMENDATION

1. Adopt the following resolutions:

RESOLUTION NO. 2021-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AND ADOPTING A CERTAIN CLASS SPECIFICATION TO THE PERSONNEL CLASSIFICATION PLAN

RESOLUTION NO. 2021-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO COMPENSATION FOR EXECUTIVE EMPLOYEES AND SUPERSEDING RESOLUTION NO. 2020-91 AND AMENDMENTS THERETO

RESOLUTION NO. 2021-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN AGREEMENT RETAINING JEFF COLLIER AS AN INTERIM EXECUTIVE IN ACCORDANCE WITH

GOVERNMENT CODES SECTIONS 7522.56 AND 21221(h)

2. Authorize Acting City Manager to execute the employment agreement with Jeff Collier, in a form approved by the City Attorney.

PRIORITY POLICY STATEMENT

This item matches the following Priority Policy Statement:

- Fiscal and Organizational Stability.

FISCAL IMPACT

There is no cost to establish the new classification of Interim Executive to an existing executive salary schedule.

The City would receive substantial savings by hiring a retired annuitant (who does not receive benefits) to fill both roles of Interim Deputy City Manager and Interim Director of Parks and Recreation. The cost to fill both the Deputy City Manager and Director of Parks and Recreation positions with regular employees receiving employee benefits totals approximately \$456,900 per year. Mr. Collier, as an annuitant, would receive a salary of \$85.00 per hour for a total cost of approximately \$86,000 for Fiscal Year (FY) 2021-22 (Note: his term of agreement allows up to 960 hours for FY 2021-22).

DISCUSSION

New Classification – Interim Executive

The City has needed temporary, executive level appointments to lead and direct a City department or crucial City program due to unexpected vacancies on multiple occasions over the course of the last 18 months. Retired department directors or top-level managers from other municipal or governmental agencies often fill such positions as they have the requisite background and experience to fill these roles on an immediate and short-term basis until the agency can complete a recruitment.

Retired annuitants appointed to these interim roles are generally CalPERS annuitants. The City must meet CalPERS regulations prior to appointing a CalPERS annuitant into an interim executive level role. The requirements are as follows:

- The City can only appoint the retired annuitant once to the vacant position.
- The retired annuitant may work no more than 960 hours per fiscal year.
- The City must compensate the retired annuitant based on a publicly available pay schedule.
- The retired annuitant shall not receive any benefits other than the hourly pay rate.

The City's pay for executive level employees includes multiple salary ranges designated for individual positions (e.g., Director of Public Works, Director of Community and Economic Development, etc.). These schedules apply to regular employees receiving an employee benefit packages. CalPERS retired annuitants do not receive benefits. Therefore, the City needs to attract qualified annuitants with an acceptable salary level.

Specific salary ranges for singular positions can be prohibitive in certain situations as it does not allow for flexibility should the City want to expand the role of an interim appointment beyond that of a specific classification (such the City's current need to have an interim executive fill both the Deputy City Manager and Director of Parks and Recreation roles).

The proposed Interim Executive classification will provide this flexibility and allow the City to respond to the needs of the organization by providing an executive level classification flexible enough to address position duties which may go beyond the scope of current singular classifications or provide an adequate salary that would attract a top candidate for a challenging temporary role.

Staff recommends revising salary range 914 of the Executive Salary Resolution to a control point of \$166,667 and assigning Interim Executive to this salary range. Doing so provides greater salary flexibility at both the lower and upper ends. This salary range includes a \$133,337 minimum annual salary (approximately \$64 per hour) and a \$200,000 maximum annual salary (approximately \$98 per hour). The City can appoint an Interim Executive employee at any rate within the salary range with sufficient justification based on internal and external salary comparisons.

Interim Executive Appointment of Jeff Collier to Serve as both Interim Deputy City Manager and Interim Director of Parks and Recreation

The Director of Parks and Recreation position became vacant in January 2021. The City Manager assigned the Deputy City Manager to also serve as the Director of Parks and Recreation as a cost savings measure and in recognition of the downsizing of the Parks and Recreation department due to the COVID-19 pandemic. The current Interim Deputy City Manager's employment agreement expired on September 18, 2021. The City needs to refill the position to continue as both the Deputy City Manager and Director of Parks and Recreation on an interim basis. Once the City has hired a permanent City Manager, the permanent City Manager may fill this position on a permanent basis.

The Acting City Manager has negotiated the attached agreement to appoint Mr. Jeff Collier, a CalPERS retired annuitant, as the Interim Executive to serve in both roles of Interim Deputy City Manager and Interim Parks and Recreation Director. Mr. Collier has served in several capacities in City government. Mr. Collier was the Whittier City Manager for seven-plus years in his last assignment. Pursuant to the terms of the annuitant agreement, Mr. Collier may serve until June 30, 2022, allowing time for the City to appoint a Deputy City Manager and solidify its long-term plans for the Parks and Recreation Director position. Mr. Collier would receive \$85.00 per hour, within the salary range for the new Interim Executive classification, and meets the requirements for hiring CalPERS retirees. City Council must approve the new Interim Executive classification in recommended action number one to allow this hire.

Attachments:

Attachment 1 – Interim Executive Class Specification

Attachment 2 – Draft Resolution No. 2021-XX – Personnel Classification Plan

Attachment 3 – Resolution Relating to Executive Compensation (redline)

Attachment 4 – Draft Resolution No. 2021-XX – Relating to Executive Compensation

Attachment 5 – Draft Resolution No. 2021-XX – Collier Agreement