

CITY OF VENTURA

ADMINISTRATIVE REPORT

Date: April 5, 2019

Agenda Item No.: 12A

Council Action Date: April 15, 2019

To: City Council

**From: Alex D. McIntyre, City Manager
Elizabeth Foushee, Human Resources Director**

**Subject: Adoption of a Resolution Appointing an Interim Community
Development Director**

RECOMMENDATION

It is recommended that the City Council adopt a resolution appointing Peter Lyons as Interim Community Development Director.

PREVIOUS COUNCIL ACTION

None

SUMMARY

The City currently has a vacancy for the Community Development Director position. Interim staffing is necessary to temporarily fill this critical administrative role until a regular-status incumbent is hired.

DISCUSSION

A recruitment is in process to fill the vacant Community Development Director position. The application acceptance phase has concluded and applications are currently being reviewed to determine if there is a sufficient candidate pool. A regular-status appointment may occur in the next few months; however, it is possible that the City may need to re-advertise should it be determined that an insufficient number of qualified applications were received.

The City Manager recommends the interim appointment of Peter Lyons to the Community Development Director position. The interim appointee is a CalPERS retiree, and the interim appointment is in compliance with Government Code Sections 7522.56 and 21221(h), which allow CalPERS retired annuitants to work in an interim capacity under specific rules:

- When a retired annuitant is appointed to a vacancy on an interim basis, such appointment be made by the City Council [Government Code Section 21221(h)]. As such, the City Manager is recommending that Council approve the appointment of a retired annuitant into an interim assignment to ensure continuity of service until the vacant position is filled by a regular employee.
- The position must require specialized skills. The position of Community Development Director requires such skills which Mr. Lyons has.
- A retiree can only be appointed once to a vacant position. Because it is difficult to determine at this time when the recruitment process will conclude, it is recommended that Council approve the interim appointment through February 15, 2020. This would allow for staff continuity should the recruitment process be unexpectedly extended. The interim appointment shall conclude on the date of a regular appointment, which is anticipated at this time to be well before February 15, 2020.
- The retired person appointed cannot work more than 960 hours in a fiscal year (total – all CalPERS employers); Mr. Lyons' hours will be monitored to ensure that he does not exceed this amount.
- The compensation for the position shall not exceed the maximum monthly base salary paid to employees performing comparable duties. Mr. Lyons salary of \$94.54 per hour will not exceed that amount.
- The retired appointee shall not receive any benefits, incentives or compensation in lieu of benefits. No such money shall be paid to Mr. Lyons.

Analysis

The City seeks to make an interim appointment to cover critical needs during the recruitment process for Community Development Director. Mr. Lyons has a high level of knowledge, skills, and abilities to temporarily perform the job duties until the respective recruitment concludes and a regular appointment is made. He possesses a master's degree in Business Management and a bachelor's degree in Urban Studies, as well as an American Institute of Certified Planners (AICP) certification. Prior to his retirement, Mr. Lyons held Director and Deputy Director-level positions in the public-sector for over 27 years. Throughout his career, he has overseen planning, housing, building and safety, and code enforcement functions. The terms of Mr. Lyons' employment will comply with all applicable statutes and regulations regarding the hiring of a retired annuitant. As such, the City Manager is recommending approval of the attached resolution.

Public Engagement

In conformance with Senate Bill 1436, enacted as Chapter 175 of the Statutes of 2016, effective January 1, 2017, City Council is required to have an oral report of any recommended actions to increase compensation and/or benefits for an executive prior to final action.


IMPACTS

Fiscal Impacts: The vacant position is regularly allocated within the City's budget. The costs associated with the interim appointment will be absorbed in the FY 2018-2019 budget.

ALTERNATIVES

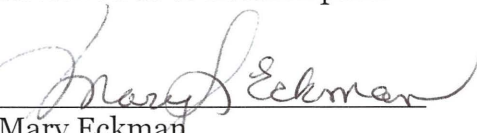
- Do not approve the interim appointment.

Prepared by Assistant Human Resources Director Valerie Barroso for:



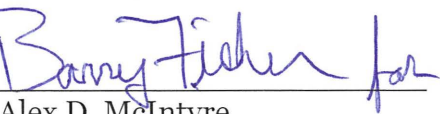
Elizabeth Foushee
Human Resources Director

Reviewed as to fiscal impacts



Mary Eckman
Interim Finance and Technology Director

FORWARDED TO THE CITY COUNCIL



Alex D. McIntyre
City Manager

ATTACHMENT(S)

- A Resolution Appointing an Interim Community Development Director

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RESOLUTION NO. 2019- _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN BUENAVENTURA APPOINTING PETER LYONS
AS INTERIM COMMUNITY DEVELOPMENT
DIRECTOR UNDER GOVERNMENT CODE SECTION
21221(h)**

WHEREAS, under the authority of section 1000 of the City Charter of the City of San Buenaventura and pursuant to San Buenaventura Municipal Code chapter 2.310, the City of San Buenaventura Community Development Department is operated and overseen by the Community Development Director; and

WHEREAS, the position of Community Development Director is currently vacant; and

WHEREAS, the City of San Buenaventura is in the process of recruiting for a permanent Community Development Director; and

WHEREAS, Peter Lyons (“Lyons”) has the specialized skills and knowledge required for the continued successful operation of the Community Development Department of the City of San Buenaventura; and

WHEREAS; Lyons is willing to serve as the City’s Interim Community Development Director; and

WHEREAS; the City Council of the City of San Buenaventura hereby desires to appoint Lyons to the position of Interim Community Development Director under the provisions of Government Code section 21221(h).

BE IT RESOLVED by the Council of the City of San Buenaventura as follows:

SECTION 1. The City Council of the City of San Buenaventura hereby appoints Peter Lyons to the position of Interim Community Development Director under Government Code section 21221(h), an appointment deemed to be for interim purposes and requiring specialized skills.

SECTION 2. This appointment is effective April 22, 2019, for a period not to surpass February 15, 2020, or when the City hires a permanent replacement for the position of Community Development Director, whichever is earlier.

SECTION 2. Peter Lyons (a) shall be compensated at a rate of \$94.54 per hour which is not less than the minimum nor exceed the maximum published pay

schedule for the vacant position of Community Development Director, and (b) shall not receive any benefits, incentives or compensation in addition to the hourly rate.

SECTION 3. Peter Lyons is subject to a limit of 960 hours for all CalPERS employers in a fiscal year.

SECTION 4. The appointment of Lyons to the position of Interim Community Development Director shall only be made once.

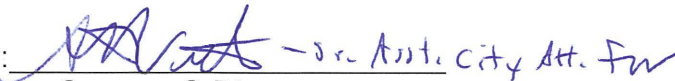
PASSED AND ADOPTED this 15th day of April, 2019.

Matt LaVere, Mayor

ATTEST

Antoinette M. Mann, MMC, CRM
City Clerk

APPROVED AS TO FORM
Gregory G. Diaz, City Attorney

By:  - on Asst. City Att. for

Gregory G Diaz
City Attorney