

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: January 16, 2024
Reviewed by: NA

SUBJECT: Resolution to Appoint Reina Schwartz, a CalPERS Retired Annuitant, as Interim Finance Director

REPORT BY: Nicole Almaguer, City Manager

SUMMARY

The action before the Council is adoption of a Resolution appointing Reina Schwartz as Interim Finance Director.

STAFF RECOMMENDATION

That the Council adopt Resolution No. 2024-03 appointing Reina Schwartz as Interim Finance Director.

BACKGROUND/DISCUSSION

The City's Finance Director tendered her resignation in August. The City has commenced the recruitment process for a new Finance Director, but it is necessary to appoint a Finance Director on an interim basis to ensure the continuity of essential city services.

Staff is recommending the hiring of Reina Schwartz for a single limited term appointment to perform the duties of the Finance Director position while recruitment for a regular Finance Director is underway. Given the need for continuity and a highly trained professional to lead the City's Finance Department, staff recommends hiring Ms. Schwartz effective January 17, 2024 and ending on the date immediately preceding the date on which the regular appointee to the vacant position of Finance Director commences his/her employment or, if earlier, the date that this appointment is terminated by the City or Ms. Schwartz.

As a CalPERS retired annuitant, Ms. Schwartz hours working for the City, and any other CalPERS employer, cannot exceed 960-hours in the fiscal period from July 1 through June 30.

Since the proposed appointment of Ms. Schwartz is to a vacancy, Government Code Section 21221(h) requires that the appointment be made by the City Council.

FINANCIAL CONSIDERATIONS

Ms. Schwartz will be paid an hourly rate of \$103.425 per hour, which is no less than the minimum nor more than the maximum hourly rate paid to a person serving in the Finance Director position. She will not be entitled to any additional compensation, benefits, paid leave or paid holidays.

Funds for the position are budgeted within the current operating budget and no additional appropriation of funds is necessary at this time.

Attachments

1. Resolution No. 2024-03

1 **WHEREAS**, the announcement for the recruitment of the Finance Director position
2 is posted on the City’s website located at <https://www.governmentjobs.com/careers/albanyca>
3 and a professional services agreement is underway for executive recruitment services to
4 assist in the search, screening and hiring of a finance director; and
5

6 **WHEREAS**, the 180-day wait period requirement set forth in Government Code
7 section 7522.56(f) does not apply because Reina Schwartz has been retired for more than 180
8 days; and
9

10 **WHEREAS**, this section 21221(h) appointment shall only be made once and
11 therefore will end on the date immediately preceding the date on which the regular
12 appointment to the vacant position of Finance Director for the City of Albany commences his
13 or her employment or, if earlier, the date that this appointment is terminated by the City or
14 Reina Schwartz; and
15

16 **WHEREAS**, it is understood by the City Council and Reina Schwartz that the
17 combined total hours to be worked by Reina Schwartz in any fiscal year, for all retired
18 annuitant positions with any CalPERS employer, shall not exceed the 960-hour limitation set
19 forth in California Government Code sections 7522.56(d) and 21221(h); and
20

21 **WHEREAS**, the compensation paid to retired CalPERS annuitants cannot be less
22 than the minimum nor exceed the maximum monthly base salary paid to other employees
23 performing comparable duties, divided by 173.333 to equal the hourly rate; and
24

25 **WHEREAS**, the minimum hourly rate for this position is \$81.036, and the maximum
26 hourly rate for this position is \$103.425; and
27

28 **WHEREAS**, the hourly rate to be paid to Reina Schwartz is \$103.425; and
29

1 **WHEREAS**, Reina Schwartz has not and will not receive any other benefit, incentive
2 compensation in lieu of benefits or other form of compensation other than or in addition to
3 this hourly pay rate.

4
5 **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Albany, as
6 follows:

- 7
- 8 1. The City Council has considered the full record before it, which may include but is
9 not limited to such things as the agenda staff report, testimony by staff and the public,
10 and other materials and evidence submitted or provided to it. Furthermore, the recitals
11 set forth above are found to be true and correct and are incorporated herein by
12 reference.
 - 13
 - 14 2. Reina Schwartz has the specialized skills needed to perform the work required of the
15 Finance Director position on an interim basis until a regular Finance Director is
16 appointed by the City Council and thereafter begins service.
 - 17
 - 18 3. The City Council hereby appoints Reina Schwartz as interim Finance Director
19 effective January 17, 2024 pursuant to the authority provided under Government
20 Code sections 21221(h) and 7522.56, during the active recruitment for a regular
21 appointment to the Finance Director position, to provide the critically-needed,
22 specialized skills necessary to run the Finance Department.
 - 23
 - 24 4. The City Manager is authorized to execute an employment agreement for Interim
25 Finance Director services with Reina Schwartz on behalf of the City of Albany,
26 provided that such agreement is consistent with the terms set forth in this Resolution.
 - 27
 - 28
 - 29

1 The foregoing Resolution was adopted at a regular public meeting of the City Council
2 of the City of Albany, California held on the 16th day of January 2024, by the following vote:

3
4 AYES:

5 NOES:

6 ABSENT:

7 ABSTAIN:

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

JOHN MIKI, MAYOR

10 ATTEST:

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Anne Hsu, City Clerk