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RESOLUTION NO. 2024-03

A RESOLUTION OF THE ALBANY CITY COUNCIL APPOINTING REINA SCHWARTZ AS INTERIM FINANCE DIRECTOR

WHEREAS, Government Code sections 7522.56 and 21221(h) permit the City Council to appoint a California Public Employees' Retirement System ("CalPERS") retired annuitant to a vacant position requiring specialized skills during recruitment for a regular 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, there is a vacancy in the position of Finance Director for the City of Albany; and

WHEREAS, there is a need to have interim coverage for the position of finance director to ensure continuity of essential city services; and

WHEREAS, the Albany City Council does desire to appoint Reina Schwartz as an interim appointment CalPERS retired annuitant to the vacant position of Finance Director for the City of Albany under Government Code section 21221(h), effective January 17, 2024; and

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WHEREAS, Reina Schwartz has substantial experience serving in municipal government with an extensive history in management; and

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WHEREAS, an eligible appointment under Government Code section 21221(h) requires an active, publicly-posted recruitment for a permanent replacement to the Finance Director position at all times during the term of the retired annuitant appointment; and

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

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

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

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

WHEREAS, the compensation paid to retired CalPERS annuitants 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; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Albany, as follows:

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

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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 16 th day of January 2024, by the following vote:
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4	AYES: Council Members Hansen-Romero, Jordan, López, Tiedemann, and Mayor Miki NOES: none
5	ABSENT: none ABSTAIN: none
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9	JOHN MIKI, MAYOR
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City of Albany

1000 San Pablo Avenue • Albany, California 94706 (510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2024-03

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 16th day of January, 2024, by the following votes:

AYES: Council Members Hansen-Romero, Jordan, López, Tiedemann, Mayor

Miki

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

17th day of January, 2024.

Anne Hsu

CITY CLERK