Approval of Agreement for Acting City Manager Services

Recommended Action(s)
Staff recommends that the City Council adopt a resolution finding the position of City Manager to be available due to a leave of absence and approving an employment agreement with Henry Garcia serve as Acting City Manager.

Summary
Henry Garcia is a seasoned City Manager who is familiar with the City of Eastvale. As a consultant to the City, Garcia has facilitated and drafted the City Council's Strategic Plan. Garcia has over 30 years of experience working in public administration, including serving as city manager for the cities of Azusa, Colton, Rialto and Moreno Valley.

The proposed employment agreement brings Garcia on as a temporary employee to the City to serve as Acting City Manager. Garcia is a CalPERS retired annuitant and the agreement is drafted to ensure that the arrangement is in compliance with applicable CalPERS regulations. The Agreement requires Garcia to work no more than 960 hours per fiscal year for the City or any other CalPERS member agency. City staff has been in communication with CalPERS staff regarding bringing Garcia on as an Acting City Manager during the City Manager's leave of absence and has confirmed it is allowed under CalPERS regulations.

Background
The City Manager is on a leave of absence from his position. City Clerk/Communications Director Marc Donohue and Community Development Director Gina Gibson-Williams have been jointly serving as Acting City Managers since December 14, 2021. To ensure City Hall continues to run
efficiently, it is desirable to bring in an individual to serve as an Acting City Manager for the remainder of the leave of absence so that Donohue and Gibson-Williams can focus on the duties of their permanent positions.

**Environmental**
Not applicable.

**Strategic Plan Action - Priority Level: N/A | Target #: N/A | Goal #: N/A**
Not applicable.

**Fiscal Impact**
If the Agreement is approved, Garcia will be paid an hourly rate of $111.76 per hour. This hourly rate is determined by a formula established in the law that requires the rate of pay for a CalPERS retiree to be "not less than the minimum, nor exceed the maximum, paid by the employer to other employees performing comparable duties, divided by 173.333 to equal an hourly rate." It is estimated that Garcia will work approximately 30 hours per week. It is unknown how long Garcia will serve in the role of Acting City Manager. However, CalPERS caps the number of hours Garcia may work in a fiscal year to 960 hours (aggregated across all CalPERS member agencies). Therefore, the maximum that could be paid to Garcia in a fiscal year if the City were to utilize all 960 hours would be $107,289.60.

Adequate budget is available in the City Manager department other contract services account, 100-200-6490; $157,090 is available in this account. An administrative budget amendment will be prepared to move budget from the other contract services account into proper the personnel accounts.

**Prior City Council/Commission Action**
None.

**Attachment(s)**
- Attachment 1 - Resolution Approving Garcia Acting CM appointment
- Attachment 2 - Employment Agreement for Acting City Manager Services