



**STAFF REPORT**  
**1/1/2021**

**TO:** Honorable Mayor and City Council Members

**FROM:** Best Best & Krieger LLP, City Attorney

**SUBJECT:** Resolution No. 2021-01, Appointment of William Pattison as City Manager on an Interim Basis

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**STAFF RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 2021-01, A Resolution of the City Council of the City of Coachella, California Appointing William Pattison as City Manager on an Interim Basis and Approving Employment Contract. A copy of Resolution No. 2021-01 is attached herein.

**SUMMARY:**

The City Manager, William Pattison, retired effective December 30, 2020. The City has commenced the recruitment process for a new City Manager, but it is necessary to appoint a City Manager on an interim basis to serve pending the completion of the recruitment process.

Staff is recommending hiring Mr. Pattison for a single limited term appointment to perform duties of the City Manager position while recruitment for a permanent City Manager is underway. Given the need for continuity and a highly trained professional to lead the City Manager's Office particularly in the midst of the COVID-19 pandemic, staff recommends hiring Mr. Pattison commencing on January 1, 2021 and ending on the date immediately preceding the date on which the permanent appointee to the vacant position of City Manager commences his/her employment or, if earlier, the date that this appointment is terminated by the City or Mr. Pattison as is specified in the employment agreement. As a CalPERS retired annuitant, Mr. Pattison's hours working for the City, and any other CalPERS employer, cannot exceed 960-hours in the fiscal year, unless an exception applies. Since the proposed appointment of Mr. Pattison is to a vacancy, Government Code Section 21221(h) requires that the appointment be made by the City Council.

**FISCAL IMPACT**

Mr. Pattison would be paid an hourly rate of \$111.80 per hour, which is no less than the minimum nor more than the maximum monthly base salary paid to a person serving in the City Manager position, divided by 173.333 to equal the hourly rate. He will not be entitled to any additional compensation, overtime, benefits, paid leave or paid holidays, unless required by federal or state law.

## **DISCUSSION/ANALYSIS**

Government Code Section 21221(h) permits the City Council to appoint a CalPERS retiree to a vacant position requiring specialized skills during recruitment for a permanent 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, inclusive of hours worked for other CalPERS employers during the same period, in a fiscal year, excluding hours worked pursuant to Executive Order N-25-20, as further clarified by Executive Orders N-35-20 and N-84-20 (collectively, "Orders"), related to the City's response to the COVID-19 pandemic. Presently, the Orders would allow the City to notify the California Department of Human Resources that it is waiving the 960 hour limit, if necessary.

Limitations that would otherwise apply to Mr. Pattison's appointment due to his retiring prior to his normal retirement age are not applicable under the provisions of section 586.2 of Title 2 of the California Code of Regulations to waive.

Mr. Pattison has over 28 years of experience in city management. Thus, Mr. Pattison has the specialized skills necessary to perform the duties of City Manager on an interim basis while the City conducts recruitment for a permanent City Manager. Staff has worked with the City Attorney to ensure that additional statutory requirements, such as those relating to compensation, will be met.

Included in the Council's agenda packet is the resolution to appoint a retiree pursuant to Government Code Section 21221(h) and a proposed employment agreement.

## **ALTERNATIVES**

Council could choose to reject Staff's recommendation. This would temporarily leave the City without a City Manager.

## **CONCLUSIONS AND RECOMMENDATIONS**

Based on the facts noted in this staff report and the documentation attached hereto, City staff recommends adoption of Resolution No. 2021-01.

## **ATTACHMENTS:**

1. Resolution No. 2021-01, a Resolution of the City Council of the City of Coachella, California Appointing William Pattison as City Manager on an Interim Basis and Approving Employment Contract.
2. Employment Agreement