

RESOLUTION _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA
APPOINTING CYNTHIA KURTZ AS CITY MANAGER ON AN INTERIM BASIS AND
APPROVING AN EMPLOYMENT CONTRACT**

WHEREAS, Government Code Sections 7522.56 and 21221(h) permit the City of Pasadena ("City") to appoint a California Public Employees' Retirement System ("CalPERS") retiree to a vacant position requiring specialized skills during recruitment for a regular appointment, and provides that such appointment will not subject the retiree to reinstatement from retirement or loss of benefits so long as the applicable requirements are met; and

WHEREAS, the position of City Manager will be vacant at close of business on, December 2, 2021 with the departure of the incumbent City Manager, Steve Mermell; and

WHEREAS, in order to ensure continuity in the operation and management of the City, the City Council desires to retain the services of Cynthia Kurtz, who is a retired member of CalPERS, to serve as interim City Manager, effective December 3, 2021; and

WHEREAS, Cynthia Kurtz has extensive experience in managing, directing and overseeing an organization like the City given her prior employment as City Manager for the City from 1998 to 2008; and

WHEREAS, an appointment under Government Code Section 21221(h) requires an active, publicly posted recruitment for a permanent replacement; and

WHEREAS, the announcement for the recruitment of the City Manager position shall be posted prior to December 3, 2021 on the City's website located at <https://www.governmentjobs.com/careers/pasadena>; and

WHEREAS, the 180-day wait period requirement set forth in Government Code Section 7522.56(f) does not apply because Cynthia Kurtz has been retired from CalPERS 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 permanent replacement for the vacant position of City Manager commences his or her employment or, if earlier, the date that this appointment is terminated by the City Council or Cynthia Kurtz; and

WHEREAS, it is understood by the City Council and Cynthia Kurtz that the combined total hours to be worked by Cynthia Kurtz 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 Section 7522.56(d) and 21221(h), unless an exception applies; and

WHEREAS, the 960 hour limitation was suspended effective March 4, 2020 pursuant to Executive Order N-25-20 with respect to any retiree that is appointed to ensure adequate staffing during the state of emergency declared as a result of the COVID-19 pandemic, and remains in effect; and

WHEREAS, the position of City Manager is integral to the efficient operation of the City during the current state of emergency and, as such, any hours worked by Cynthia Kurtz as interim City Manager will not count towards the 960 hour limitation so long as the aforementioned exemption remains in effect; and

WHEREAS, the compensation paid to retired 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 an hourly rate; and

WHEREAS, the base annual salary for this position is \$301,930 and the hourly equivalent is \$145.16; and

WHEREAS, the hourly rate to be paid to Cynthia Kurtz is \$145.16; and

WHEREAS, Cynthia Kurtz will not receive any other benefits, incentives, compensation in lieu of benefit or any other form of compensation in addition to this hourly pay rate; and

WHEREAS, pursuant to Government Code Section 7522.56(e)(1), Cynthia Kurtz must certify in writing to the City Council upon accepting an offer of employment that

she has not received any unemployment insurance compensation arising out of prior employment with a public employer that is subject to Section 7522.56 during the 12-month period preceding the effective date of this appointment. Execution of the Agreement for Interim City Manager Services shall fulfill this requirement.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PASADENA
RESOLVES AS FOLLOWS:**

SECTION 1. All facts set forth in the background section of this Resolution are true and correct.

SECTION 2. Cynthia Kurtz has the specialized skills needed to perform the work required of the City Manager position on an interim basis until a regular City Manager is appointed by the City Council and thereafter begins service.

SECTION 3. The City Council hereby appoints Cynthia Kurtz as interim City Manager effective December 3, 2021, until the date immediately preceding the date on which the permanent replacement for the vacant position of City Manager commences his or her employment, unless earlier terminated, pursuant to the authority provided under Government Code Sections 21221(h) and 7522.56, pending the recruitment, selection and employment of a regular City Manager, to provide the specialized skills necessary to manage the City of Pasadena.

SECTION 4. The employment agreement with Cynthia Kurtz, the terms of which are approved by the City Council this same date, is hereby approved.

SECTION 5. The Mayor is authorized to execute said agreement on behalf of the City, with such technical amendments as may be deemed appropriate by the Mayor and City Attorney.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Pasadena, on this 25th day of October, 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

MARK JOMSKY, CMC, City Clerk

Approved as to form:


Michele Beal Bagneris
City Attorney