

RESOLUTION NO. 136-12

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND
AUTHORIZING THE CITY MANAGER TO APPOINT ROBYN KAIN TO THE
POSITION OF INTERIM RISK MANAGER PURSUANT TO GOVERNMENT CODE
SECTION 21221(h)**

WHEREAS, effective December 28, 2012, the City of Richmond will realize a vacancy in the position of Risk Manager; and

WHEREAS, the City of Richmond is currently recruiting for the position of Risk Manager in anticipation of this vacancy; and

WHEREAS, hiring an Interim Risk Manager, effective January 2, 2013 and through the duration of the pending recruitment for a permanent appointment to the position of Risk Manager, would provide the Human Resources Management Department with the resources to administer the City's workers' compensation, risk management and insurance programs; and

WHEREAS, management of the City's workers' compensation, risk management and insurance programs requires specialized skills and knowledge and is necessary to prevent the stoppage of public business; and

WHEREAS, the position of Risk Manager is a critically needed position that helps ensure that the City is a safe place to work, helps ensure that employees receive the benefits to which they are entitled, and responds to and helps minimize the City's potential liabilities; and

WHEREAS, Government Code section 21221, subsection (h), allows a retiree of the California Public Employees' Retirement System (CalPERS) to serve without reinstatement "upon interim appointment by the government body of a contracting agency to a vacant position during recruitment for a permanent appointment"; and

WHEREAS, Government Code section 7522.56, subsection (f), which will go into effect on January 1, 2013 provides that a retired person is eligible for appointment, even if the person has not been retired for 180 days, if "the employer certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before the 180 days has passed"; and

WHEREAS, Robyn Kain has served as the City's Risk Manager since July 21, 2008 and will retire from this position effective December 28, 2012;

WHEREAS, Robyn Kain has the specialized skills and knowledge necessary to ensure the continued operations of the City's workers' compensation, risk management and insurance programs; and

WHEREAS, allowing the position of Risk Manager to be vacant for a period of 180 days and pending completion of the current recruitment would critically affect the City's administration of workers' compensation, risk management and insurance programs;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHMOND,

1. The position of Risk Manager is a critically needed position, which cannot be left unfilled; and
2. The City Manager is hereby authorized to appoint Robyn Kain to the position of Interim Risk Manager, effective January 2, 2013, and until such time as the recruitment for a permanent appointment to the position of Risk Manager is complete, but in no event to exceed a maximum of 960 hours; and
3. The compensation for the position of Interim Risk Manager shall be set at \$64.80 per hour.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held on December 18, 2012, by the following vote:

AYES: Councilmembers Bates, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmembers Beckles.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of Resolution No. 136-12, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on December 18, 2012.