

RESOLUTION R2021-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NAPA, STATE OF CALIFORNIA, APPOINTING SYLVIA
MACRAE MOIR AS INTERIM POLICE CHIEF IN
ACCORDANCE WITH GOVERNMENT CODE SECTION
21221(h)

WHEREAS, Government (Gov.) Code section 21221(h) of the Public Employees' Retirement Law permits the governing body 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 in a fiscal year; and

WHEREAS, the City of Napa desires to appoint Sylvia Moir (Moir) as an interim appointment retired annuitant to the vacant position of Police Chief for the City of Napa under Gov. Code section 21221(h), effective February 20, 2021; and

WHEREAS, the City Council, the City of Napa and Moir certify that Moir has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, an appointment under Gov. Code section 21221(h) requires the retiree is appointed into the interim appointment during recruitment for a permanent appointment; and

WHEREAS, the City Manager has authorized the Human Resources Department to initiate the recruitment process for a permanent appointment; and

WHEREAS, this Gov. Code section 21221(h) appointment shall only be made once and therefore will end on October 15, 2021; and

WHEREAS, the entire Retired Annuitant Agreement between Moir and the City of Napa has been reviewed by this body and is attached herein (Exhibit A); and

WHEREAS, the compensation paid to retirees 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 maximum monthly base salary for this position is \$20,403 and the hourly equivalent is \$117.71; and

WHEREAS, the hourly rate paid to Moir will be \$117.71; and

ATTACHMENT 1

WHEREAS, Moir has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

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

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establish the factual basis for the City Council's adoption of this Resolution.
2. The City Council hereby certifies the nature of the employment of Moir as described herein and detailed in the Retired Annuitant Agreement and that this appointment is necessary to fill the critically needed position of Police Chief for the City of Napa by October 15, 2021 as the Police Chief is responsible for organizing and directing the activities of the Napa Police Department in law enforcement and crime prevention.
3. The City Council hereby approves the appointment of Sylvia Moir as the Interim Police Chief, effective February 20, 2021.
4. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 16th day of February 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____

Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney