



AGENDA

CITY OF COACHELLA

CITY COUNCIL SPECIAL MEETING

THE COUNCIL SITTING AS THE COACHELLA SANITARY DISTRICT,

COACHELLA FIRE PROTECTION DISTRICT, COACHELLA FINANCING AUTHORITY,

COACHELLA EDUCATIONAL AND GOVERNMENTAL ACCESS CABLE CHANNEL CORPORATION,

COACHELLA WATER AUTHORITY, AND SUCCESSOR AGENCY TO THE COACHELLA REDEVELOPMENT AGENCY

February 03, 2023

4:30 PM – SPECIAL MEETING

Pursuant to Assembly Bill 361,
along with the Governor’s State of Emergency Declaration issued on March 4, 2020,
this meeting may be conducted via teleconference.

This meeting’s options will only be via Zoom:

<p>In-Person Meeting Location:</p> <p>Coachella City Hall Council Chamber 1515 Sixth Street Coachella, CA</p>	<p>If you would like to attend the meeting via Zoom, here is the link:</p> <p>https://us02web.zoom.us/j/88457271898?pwd=REdzU1NoQmpVSFhWTDVaZ0VCekYxdz09 Or One tap mobile : 16699006833,,88457271898#,,,,*606140# Or Telephone: US: +1 669 900 6833 Webinar ID: 884 5727 1898 Passcode: 606140</p> <p>Spanish: El idioma español está disponible en Zoom seleccionado la opción en la parte de abajo de la pantalla</p>
---	--

CALL TO ORDER: - 5:00 P.M.

ROLL CALL:

VIRTUAL PUBLIC MEETINGS:

1. Resolution No. 2023-05 a Resolution to Continue Fully or Partially Virtual Meetings (AB 361)

APPROVAL OF AGENDA:

“At this time the Council/ Board/Corporation/Authority may announce any items being pulled from the Agenda or continued to another date or request the moving of an item on the agenda”

NEW BUSINESS CALENDAR (LEGISLATIVE AND ADMINISTRATIVE):

2. Resolution No. 2023-04, Appointment of William Pattison as Finance Director on an Interim Basis

ADJOURNMENT:

*Complete Agenda Packets are available for public inspection at the
City Clerk's Office at 53-462 Enterprise Way, Coachella, California, and on the
City's website www.coachella.org.*

THIS MEETING IS ACCESSIBLE TO PERSONS WITH DISABILITIES

RESOLUTION NO. 2023-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, MAKING FINDINGS AND DETERMINATIONS UNDER AB 361 FOR CONTINUED VIRTUAL MEETINGS

WHEREAS, the Ralph M. Brown Act (Gov. Code § 54950 et seq.) generally requires local agencies meeting via teleconference, including through other virtual or electronic means, to provide public access at each location in which members of the legislative body are teleconferencing; and

WHEREAS, the Legislature recently enacted Assembly Bill 361 (AB 361), which amended Government Code section 54953 to allow local agencies to meet fully virtually during a proclaimed state of emergency if state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the City Council finds that the Governor issued a proclamation declaring a state of emergency on March 4, 2020 due to the COVID-19 pandemic, pursuant to section 8625 of the California Emergency Services Act; and

WHEREAS, the City Council has reconsidered the circumstances of the state of emergency and finds that state or local officials continue to recommend measures to promote social distancing; and

WHEREAS, the City Council desires that the City of Coachella, including all commissions, committees, and other Brown Act bodies shall continue to hold virtual meetings pursuant to AB 361 and Government Code section 54953(e).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA DOES HEREBY RESOLVE AND FIND AS FOLLOWS:

Section 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. The City Council and all other commissions, committees or other Brown Act bodies of the City shall be authorized to continue to meet virtually in accordance with Government Code section 54953(e) and without compliance with section 54953(b)(3).

Section 3. This Resolution does not prevent or prohibit the City Council or any commission, committee or other Brown Act body of the City from holding hybrid meetings (containing both virtual and in-person components) or from meeting in-person, provided such meetings comply with AB 361 and with all state and local health orders. Commissions, committees and other Brown Act bodies shall comply with all rules established by the City Council and/or City Manager for attendance at meetings.

Section 4. The City Council shall take action to renew this Resolution every thirty days for as long as any state or local officials continue to recommend any measures to promote social

distancing, but the City Council may terminate the Resolution at any time. In the event that more than 30 days pass between regular City Council meetings, the City Council shall take action to renew this Resolution prior to taking any action or engaging in any deliberation or discussion in a virtual meeting; renewal of this Resolution may occur either at the beginning of the next regular meeting or at a special meeting called for such purposes. In the event this Resolution has lapsed, and the City Council has not terminated it, any commission, committee or other Brown Act board of the City shall be authorized to, and shall, make any required findings in order to meet virtually under AB 361.

Section 5. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council declares that the City Council would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 6. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED and ADOPTED this 14th day of December 2022.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney



STAFF REPORT
February 3, 2023

TO: Honorable Mayor and City Council

FROM: Best Best & Krieger LLP, City Attorney

SUBJECT: Adopt Resolution No. 2023-04 Appointing William Pattison as Interim Finance Director Pursuant to Government Code sections 7522.56 and 21221(h)

STAFF RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 2023-04, A Resolution of the City Council of the City of Coachella, California Appointing William Pattison as Interim Finance Director.

SUMMARY

The City's Finance Director tendered his resignation on January 26, 2023. The City has commenced the recruitment process for a new Finance Director, but it is necessary to appoint a Finance Director 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 Finance Director position while recruitment for a regular Finance Director is underway. Given the need for continuity and a highly trained professional to lead the City's Finance Department, and Mr. Pattison's familiarity with the City, staff recommends hiring Mr. Pattison commencing on February 6, 2023 and ending on the date immediately preceding the date on which the regular appointee to the vacant position of Finance Director commences his/her employment or, if earlier, the date that this appointment is terminated by the City or Mr. Pattison. 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 period from July 1 through June 30.

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 will be paid an hourly rate of \$94.35 per hour, which is no less than the minimum nor more than the maximum hourly rate paid to a person serving in the Finance Director position. He will not be entitled to any additional compensation, overtime, benefits, paid leave or paid holidays.

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 same period, in a fiscal year. Mr. Pattison has over 26 years of experience in city management, including as the former City Manager for Coachella. Thus, Mr. Pattison has the specialized skills necessary to perform the duties of Finance Director on an interim basis while the City conducts recruitment for a regular appointment to the Finance Director position. Staff has worked with the City Attorney to ensure that applicable requirements for an appointment pursuant to Section 21221(h) have been met.

Included in the Council's agenda packet is the resolution to appoint Mr. Pattison as interim Finance Director pursuant to Government Code Section 21221(h).

ALTERNATIVES

Council could choose to reject Staff's recommendation. This would temporarily leave the City without leadership in the Finance Department.

CONCLUSIONS AND RECOMMENDATIONS

Based on the facts noted in this staff report and the documentation attached hereto, City staff recommends adoption of Resolution No. 2023-04 to appoint William Pattison as interim Finance Director.

ATTACHMENT:

Resolution No. 2023-04, A Resolution of the City Council of the City of Coachella, California Appointing William Pattison as Interim Finance Director.

RESOLUTION No. 2023-04**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA APPOINTING WILLIAM PATTISON AS INTERIM FINANCE DIRECTOR**

WHEREAS, Government Code sections 7522.56 and 21221(h) permit the City Council to appoint a California Public Employees' Retirement System ("CalPERS") retired annuitant to a vacant position requiring specialized skills during recruitment for a regular 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 position of Finance Director is currently vacant; and

WHEREAS, the Coachella City Council desires to appoint William Pattison as an interim appointment retired annuitant to the vacant position of Finance Director for the City of Coachella under Government Code Section 21221(h), effective February 6, 2023; and

WHEREAS, William Pattison has substantial experience serving in municipal government with an extensive history in management, including as the former City Manager of Coachella; 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 for the Finance Director position has been posted on the City's website located at <https://www.governmentjobs.com/careers/coachella>; and

WHEREAS, the 180-day wait period requirement set forth in Government Code Section 7522.56(f) does not apply because William Pattison has been retired 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 regular appointment to the vacant position of Finance Director for the City of Coachella commences his or her employment or, if earlier, the date that this appointment is terminated by the City or William Pattison; and

WHEREAS, it is understood by the City Council and William Pattison that the combined total hours to be worked by William Pattison 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 7522.56(d) and 21221(h); 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 minimum hourly rate for this position is \$77.63, and the maximum hourly rate for this position is \$94.35; and

WHEREAS, the hourly rate to be paid to William Pattison is \$94.35; and

WHEREAS, William Pattison has not and will not receive any other benefit, incentive compensation in lieu of benefits or any other form of compensation in addition to this hourly pay rate.

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

SECTION 1. The City Council has considered the full record before it, which may include but is not limited to such things as the agenda staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

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

SECTION 3. The City Council hereby appoints William Pattison as interim Finance Director effective February 6, 2023 pursuant to the authority provided under Government Code sections 21221(h) and 7522.56, during the active recruitment for a regular appointment to Finance Director position, to provide the critically-needed, specialized skills necessary to run the Finance Department.

SECTION 4. The City Manager is authorized to execute an employment agreement for Interim Finance Director services with William Pattison on behalf of the City of Coachella, provided that such agreement is consistent with the terms set forth in this Resolution.

The foregoing Resolution was adopted at a regular public meeting of the City Council of the City of Coachella, California held on the 3rd day of February, 2023, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

THE CITY COUNCIL OF COACHELLA, CA

Steven Hernandez, Mayor

ATTEST:

Angela M. Zepeda, City Clerk