

**ITEM 11 ATTACHMENT A
RESOLUTION NO. 2020-1707**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CALABASAS, CALIFORNIA, APPOINTING DONALD E.
PENMAN AS INTERIM CITY MANAGER.**

WHEREAS, the City of Calabasas needs to fill the position of City Manager on an Interim basis to prevent stoppage of public business, continue Municipal operations, and address issues associated with the current declared federal, state, county, and city States of Emergency during recruitment for a permanent appointment; and

WHEREAS, the position of City Manager is one which requires specialized skills including the authority to issue Executive Orders to protect public health and safety under a declared state of emergency; and

WHEREAS, The President of the United States, California Governor Gavin Newsom, the Los Angeles County Board of Supervisors, and the City Council of the City of Calabasas have all declared a State of Emergency to address the Coronavirus Global Pandemic (COVID -19); and

WHEREAS, the City Manager and Interim City Manager assumes the role of Director of Emergency Services during a State of Emergency and is empowered by law to issue and modify Executive Orders to protect public health and safety during a declared State of Emergency; and

WHEREAS, the designated Interim City Manager would be filling a vacant position for a short duration pursuant to Government Code section 21221(h) and 21224(a); and

WHEREAS, Although it is not intended that the individual retained as Interim City Manager will work more than 960 hours in a fiscal year for this, or any other employer, and Government Code sections 21221 and 21224 limit the number of hours a retired annuitant may work to 960 hours in a fiscal year, Executive Orders N-25-20 and N-35-20, and CalPERS Circular Letter 200-015-20 suspends work hour limitations for retired annuitants; and

WHEREAS, Donald E. Penman is a retired annuitant with specialized skills as a former City Manager who has experience managing a public agency during a declared state of emergency and who can assist the City for a short duration with navigating through the current declared federal, state, county, and city States of Emergency while the City is recruiting for a permanent City Manager; and

WHEREAS, Donald E. Penman's compensation shall not exceed the maximum monthly base salary paid to the former City Manager; and Donald E.

1 Penman will not receive any benefits, incentives, compensation in lieu of benefits,
2 or any other forms of compensation in addition to the hourly rate; and

3 **WHEREAS**, Donald E. Penman has not received unemployment insurance
4 compensation within the 12 month period prior to his appointment; and

5 **WHEREAS**, should the State of Emergency be terminated or Executive
6 Orders N-25-20 and N-35-20 be rescinded, Donald E. Penman's maximum number
7 of hours will then, calculated from that day forward, not exceed 960 hours in a
fiscal year consistent with CalPERS Circular Letter 200-015-20; and

8 **WHEREAS**, the City of Calabasas desires to hire Donald E. Penman for the
9 position of Interim City Manager for the period of November 16, 2020 to a date not
beyond May 14, 2021; and

10 **WHEREAS**, Donald E. Penman has agreed to fill the position of Interim City
11 Manager under the terms outlined above and pursuant to a written agreement
12 approved by the City Council.

13 **NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Calabasas
14 as follows:

15 **SECTION 1.** The City Council of the City of Calabasas hereby
16 appoints Donald E. Penman to the position of Interim City Manager
17 for a period effective November 16, 2020 to a date not beyond
May 14, 2021.

18 **SECTION 2.** The appointment of Donald E. Penman is hereby
19 certified to comply with the requirements of Government Code
20 sections 21221(h), and 21224, Executive Orders N-25-20 and N-
35-20 and CalPERS Circular Letter 200-015-20.

21 **SECTION 3.** A copy of this Resolution shall be sent to the
22 Director of the California Department of Human Resources.

PASSED, APPROVED, AND ADOPTED this 28th day of October 2020.

Alicia Weintraub, Mayor

ATTEST:

APPROVED AS TO FORM:

Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk

Scott H. Howard
Colantuono, Highsmith & Whatley, PC
City Attorney

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