

**ITEM 1 ATTACHMENT A  
RESOLUTION NO. 2021-1765**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CALABASAS, CALIFORNIA, APPOINTING DON PENMAN  
AS INTERIM COMMUNITY DEVELOPMENT DIRECTOR.**

**WHEREAS**, the City of Calabasas needs to fill the position of Community Development Director on an interim basis, starting January 3, 2022, 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 Community Development Director is one which requires specialized skills including the authority to implement 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 designated Interim Community Development Director 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 Community Development Director will work more than 960 hours in a fiscal year for this, or any other PERS 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, N-35-20, N-08-21, and CalPERS Circular Letters 200-015-20 and 200-046-21 suspend work hour limitations for retired annuitants; and

**WHEREAS**, Don Penman is a retired annuitant with specialized skills as a former Community Development Director, City Manager and Interim 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 and related planning and land use issues while the City is recruiting for a permanent Community Development Director; and

**WHEREAS**, Don Penman's compensation shall not exceed the maximum monthly base salary paid to the former Community Development Director; and Don

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

**WHEREAS**, Don Penman has not received unemployment insurance compensation within the 12 month period prior to his appointment; and

**WHEREAS**, should the State of Emergency be terminated or Executive Orders N-25-20, N-35-20, N-08-21, and CalPERS Circular Letters 200-015-20 and 200-046-21, be rescinded, Don Penman's maximum number of hours will then, calculated from that day forward, not exceed 960 hours in a fiscal year consistent with CalPERS Circular Letters 200-015-20 and 200-046-21; and

**WHEREAS**, the City of Calabasas desires to hire Don Penman for the position of Interim Community Development Director for the period of January 3, 2022 to a date not beyond June 30, 2022; and

**WHEREAS**, Don Penman has agreed to fill the position of Interim Community Development Director under the terms outlined above and pursuant to a written agreement approved by the City Council.

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

**SECTION 1.** The City Council of the City of Calabasas hereby appoints Don Penman to the position of Interim Community Development Director for a period effective January 3, 2022 to a date not beyond June 30, 2022.

**SECTION 2.** The appointment of Don Penman is hereby certified to comply with the requirements of Government Code sections 21221(h), and 21224, Executive Orders N-25-20, N-35-20, N-08-21, and CalPERS Circular Letters 200-015-20 and 200-046-21.

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

**SECTION 4.** The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

**PASSED, APPROVED AND ADOPTED this 8<sup>th</sup> day of December 2021.**

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James R. Bozajian, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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Matthew T. Summers  
Colantuono, Highsmith & Whatley, PC  
City Attorney