

RESOLUTION NO. 2024 - 45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
APPOINTING DAVID CAIN AS INTERIM CHIEF FINANCIAL OFFICER

WHEREAS, Government 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 Council of the City of Huntington Beach desires to appoint David Cain as an Interim appointment retired annuitant to the vacant position of Chief Financial Officer for the City of Huntington Beach under Government Code 21221(h), effective September 9, 2024; and

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

WHEREAS, the governing body has authorized the search for a permanent appointment on August 13, 2024, and

WHEREAS, this Government Code Section 21221(h) appointment shall only be made once and therefore will end on the pay period end date immediately preceding the beginning of the pay period of the permanent appointment, or by not later than September 9, 2025, whichever is earlier; and

WHEREAS, the entire employment agreement, contract or appointment document between David Cain and the City of Huntington Beach has been reviewed by this body and is attached herein; 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 \$18,724.84 and the hourly equivalent is \$108.03; the minimum monthly base salary for this position is \$13,972.13 and the hourly equivalent is \$80.61; and

WHEREAS, the hourly rate paid to David Cain will be \$108.03; and

WHEREAS, David Cain 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

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Huntington Beach hereby certifies the nature of the employment of David Cain as described herein and detailed in the attached employment agreement/contract/appointment document and that this

appointment is necessary to fill the critically needed position of Chief Financial Officer for the City of Huntington Beach by David Cain, because the City of Huntington Beach requires experienced Financial oversight at the department head level for the Finance Department serving a full service organization consisting of eleven departments and approximately 1,500 full time and part time employees.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the ___ day of _____ 2024.

Mayor

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

Interim City Manager



Assistant City Manager

APPROVED AS TO FORM:



City Attorney