

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE  
APPROVING INTERIM APPOINTMENT OF ANNE CAIN TO DIRECTOR  
OF LIBRARY AND COMMUNITY SERVICES POSITION (GOV'T. CODE  
21221(h), 21224)**

WHEREAS, in compliance with Government Code section 21221(h), the Sunnyvale City Council must approve the appointment of a retiree to fill a vacant position on an interim basis during a recruitment to permanently fill the vacant position; and

WHEREAS, the City's Director of Library and Community Services position will be vacant on July 2, 2015, and the City currently has an open recruitment to fill the vacancy, which is an executive position in the Department of Library and Community Services; and

WHEREAS, the City has hired an executive recruiter to recruit qualified candidates for the Director of Library and Community Services position and anticipates permanently filling the position on or before June 30, 2016; and

WHEREAS, Anne Cain ("Cain") retired from Contra Costa County in the position of Library Director, effective on or around November 2010; and

WHEREAS, Government Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after Cain's retirement date, which was on or around May 2011; and

WHEREAS, the City of Sunnyvale, Contra Costa County and Cain certify that Cain has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, Cain has special skills necessary to perform the duties of the Director of Library and Community Services because she has more than twenty five years of experience in municipal library and recreation services, including fifteen years as a library director; and

WHEREAS, the City of Sunnyvale hereby appoints Cain as an extra help retired annuitant to perform the duties of Director of Library and Community Services on an interim basis for the City of Sunnyvale under Government Code section 21224, effective July 6, 2015 and ending on or before June 30, 2016; and

WHEREAS, the entire employment agreement, contract or appointment document between Cain and the City of Sunnyvale has been reviewed by this body as part of the Report to Council associated with this resolution; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; 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, effective July 5, 2015, the minimum base salary for the Director of Library and Community Services position will be \$171,082.00 and the hourly equivalent will be \$82.251, and the minimum base salary for this position will be \$201,274.00 and the hourly equivalent will be \$96.766; and

WHEREAS, the hourly rate paid to Cain when she begins employment on July 6, 2015 will be \$96.6913; and

WHEREAS, 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 BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

The City of Sunnyvale hereby certifies the nature of the appointment of Cain as described herein and detailed in the employment appointment document, this resolution and the related Report to Council, and finds that this appointment is necessary to fill the critically needed position of Director of Library and Community Services for the City of Sunnyvale by July 6, 2015 because the Library and Community Services department provides a variety of important services to the public on a daily basis, and requires leadership and specialized experience from an executive with proven skills and knowledge in public recreation and library services.

Adopted by the City Council at a regular meeting held on June 9, 2015, by the following vote:

AYES:

NOES:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan Borger, City Attorney