

CITY OF FAIRFIELD

RESOLUTION NO. 2020-82

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD APPOINTING,
JOINTLY WITH THE CITY MANAGER, WALTER TIBBET AS INTERIM CHIEF OF
POLICE PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 AND 21221(h)**

WHEREAS, Government Code Sections 21221(h) and 7522.56(d) authorize the City Council to approve an interim appointment of a California Employee Retirement System (CalPERS) retired annuitant to a vacant position during the recruitment to permanently fill the vacancy; and

WHEREAS, the position of Chief of Police in the City of Fairfield will be vacant on May 22, 2020 and the City is recruiting for this vacancy and needs to fill the position on an interim basis to continue to conduct the Police Department's business until a new permanent Chief of Police is hired; and

WHEREAS, during the recruitment process, the City Council and City Manager wish to appoint Walter Tibbett, a retired annuitant, as the Interim Chief of Police pursuant to Government Code section 21221(h), effective May 25, 2020, to provide the leadership, managerial and organization skills necessary to manage the Police Department effectively and efficiently; and

WHEREAS, the City requires a Chief of Police who is responsible for the efficient administration of all of the affairs of the Police Department and has the specialized knowledge and skills needed to perform this job;

WHEREAS, Walter Tibbet has over 40 years of law enforcement experience, including 9 years of service as Chief of Police in the cities of Alameda and Fairfield; and

WHEREAS, an appointment under Government Code section 21221(h) requires an active, publicly posted recruitment for a permanent appointment to the vacant position; and

WHEREAS, the City staff has commenced a recruitment for the selection of the next Chief of Police; and

WHEREAS, it is understood by the City and Walter Tibbet that the total hours to be served by Walter Tibbet, for all appointments by all CalPERS employers combined, will not exceed 960 hours in a fiscal year, except as expressly permitted by Governor Newsom's Executive Order N-25-20 or any subsequent modifications thereof; and

WHEREAS, this appointment shall only be made once under Government Code section 21221(h) and shall end on November 25, 2020 or, if earlier, the date immediately preceding the date on which the permanent appointment by the City Manager to the vacant position of Chief of Police for the City commences employment or the date that Walter Tibbet's appointment is terminated by the City or Walter Tibbet; and

WHEREAS, the compensation paid to Walter Tibbet cannot be less than the minimum nor exceed the maximum monthly base salary in the current salary range for the Chief of Police position divided by 173.333 to equal the hourly rate; and

WHEREAS, the hourly rate paid to Walter Tibbet for the performance of the Chief of Police position is \$118.96, which is not less than the minimum nor in excess of the maximum hourly rate in the current salary range for the Chief of Police position; and

WHEREAS, the hourly rate paid to Walter Tibbet may increase within the legally permissible limits if the maximum hourly rate in the salary range for the Chief of Police position increases due to a cost of living adjustment applied City-wide; and

WHEREAS, Walter Tibbet has not received and will not receive any other benefit, incentive, compensation in lieu of benefit or any other form of compensation from the City in addition to this hourly pay rate.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FAIRFIELD HEREBY RESOLVES:

Section 1. All facts set forth in the recitals section of this Resolution are true and correct.

Section 2. Walter Tibbet has the specialized skills required to fulfill the duties and responsibilities of the vacant position of Chief of Police on an interim basis until a permanent Chief of Police is appointed by the City Manager.

Section 3. The City Council certifies that the critical duties and responsibilities of the Chief of Police position requires that this appointment be made.

Section 4. The City Council and City Manager hereby appoint Walter Tibbet as Interim Chief of Police, effective May 25, 2020, pursuant to the authority provided under Government Code sections 21221(h) and 7522.56, during the active recruitment for a permanent Chief of Police to provide highly specialized and critical skills necessary to manage the Police Department.

PASSED AND ADOPTED this 19th day of May, 2020, by the following vote:

AYES: COUNCILMEMBERS: PRICE / BERTANI / MOY / TIMM / VACCARO

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

MAYOR

ATTEST:

CITY CLERK