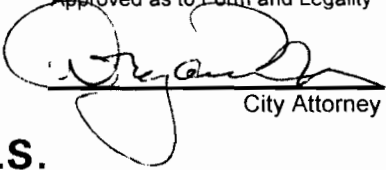


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 APR -4 PM 4:04

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION NO. 84314 C.M.S.

RESOLUTION APPROVING APPOINTMENT OF RAYMOND DERANIA TO SERVE AS THE INTERIM DEPUTY DIRECTOR/BUILDING OFFICIAL FOR THE CITY OF OAKLAND TO ALLOW THE CITY OF OAKLAND TO EMPLOY RAYMOND DERANIA WITHIN 180 DAYS OF HIS RETIREMENT PURSUANT TO GOVERNMENT CODE SECTION 7522.56(f)(1) FOR A PERIOD NOT TO EXCEED 960 HOURS OR UNTIL THE CITY HAS COMPLETED ITS RECRUITMENT AND TRANSITION TO A SUITABLE SUCCESSOR, WHICHEVER OCCURS FIRST

WHEREAS, Raymond Derania retired from the City of Oakland in the position of Deputy Director/Building Official effective March 31, 2013; and

WHEREAS, the City of Oakland is currently recruiting to fill the vacant Deputy Director/Building Official position, and it is anticipated that the position may not be filled until September, 2013; and

WHEREAS, the City of Oakland intends to appoint Raymond Derania to serve as the Interim Deputy Director/Building Official for the City of Oakland during recruitment for a permanent appointment pursuant to Government Code Section 21221(h) because of his specialized skills and to prevent stoppage of public business; and

WHEREAS, Government Code Section 21221(h) provides for the City of Oakland to make an interim appointment to a vacant position during recruitment for a permanent position if deemed by the City of Oakland to require specialized skills or during an emergency to prevent stoppage of public business; and

WHEREAS, Government Code Section 7522.56(f) requires that post-retirement employment commence no earlier than 180 days after Mr. Derania's retirement date, which is September 28, 2013; and

WHEREAS, Section 7522.56(f)(1) provides for an exception to the 180 day waiting period if the City of Oakland certifies the nature of the employment and the appointment is necessary to fill a critically needed position before the 180 days has passed and the Oakland City Council approves the appointment in a public meeting; and

WHEREAS, the City of Oakland has presented a report to this body certifying the nature of the

employment and that the Deputy Director/Building Official is a critically needed position; and

WHEREAS, Section 7522.56(g) provides that this exception to the 180 day waiting period shall not apply if Mr. Derania accepts a retirement incentive; and

WHEREAS, the City of Oakland confirms that Raymond Derania has not and will not receive a Golden Handshake or any other retirement incentive; and

WHEREAS, the entire employment agreement, contract or appointment document between Raymond Derania and the City of Oakland has been reviewed by this body and is attached as Exhibit "A"; and

WHEREAS, all matters, issues, terms or conditions related to this employment and appointment have or shall be placed on the non-consent calendar and not on the 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 162.5 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position is \$13,156.23 and hourly equivalent is \$80.96 and the minimum base salary for this position is \$10,714.66 and the hourly equivalent is \$65.94; and

WHEREAS, the hourly rate paid to Raymond Derania will be \$80.96, and

WHEREAS, sufficient existing funds are available for the Temporary Contract Service Employee (Deputy Director/Building Official) in the Development Service Fund (2415), through savings in the vacant Building Official position, in the Administration: Engineering Organization (84411), Non-Project 0000000, and Engineering & Architectural Plan Approval Program (PS30); and the requested salary for this position is \$13,156.23 per month and does not exceed the salary rate for the classification of Deputy Director/Building Official, for a fully-burdened cost not to exceed \$110,000 for a total of 960 hours; now, therefore be it:

RESOLVED: That the Oakland City Council hereby approves the City of Oakland's Appointment of Raymond Derania as the Interim Deputy Director/Building Official of the City of Oakland, effective April 29, 2013, for a period not to exceed 960 hours or until the City has completed its recruitment and transition to a suitable successor, whichever occurs first;

FURTHER RESOLVED: That the Oakland City Council hereby certifies the nature of the appointment of Raymond Derania as described herein and that this appointment is necessary prior to expiration of the 180 day waiting period in order to temporarily fill the vacant position of Deputy Director/Building Official and City Engineer function for the City of Oakland by April

29, 2013, because:

1. The City of Oakland is obligated to have a Building Official and City Engineer in its employ at all times to meet requirements of the City of Oakland Building Code;
2. The Department of Planning and Building has a critical need to employ a Deputy Director/Building Official and City Engineer to prevent stoppage of public business and to ensure the smooth operation of services provided to the public for building plan check and building inspections;
3. An appropriate successor to serve as the City's Deputy Director/Building Official and City Engineer has not been identified at this time, but the recruitment is in process;
4. The Department is unable to appoint an Interim Deputy Director/Building Official and City Engineer from existing staff due to their current workloads and inability to perform additional duties without compromising services to the public; and
5. Mr. Derania has the required specialized skills and, thus, is uniquely qualified to fill the City's critical need at this time to:
 - a. Provide staff training and sharing of institutional knowledge;
 - b. Assist with preparation of the 2 year budget for Development Service Fund 2415;
 - c. Assist with the transition of City Engineer functions to PWA;
 - d. Assist with coordination of the permit review process for new major projects;
 - e. Assist with codifying local amendments for adoption with the new editions of the California Building Codes; and
 - f. Assist with the implementation of the "best practices" recommendations of Management Partners;

FURTHER RESOLVED: That City of Oakland certifies that Raymond Derania has not and will not receive a Golden Handshake or any other retirement incentive; and

FURTHER RESOLVED: That the entire employment agreement, contract or appointment document between Raymond Derania and the City of Oakland, attached hereto as Exhibit "A", has been reviewed by this body.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 16 2013

PASSED BY THE FOLLOWING VOTE:

AYES - ~~Brooks, Gibson, McElhaneey~~, GALLO, ~~GIBSON, McELHANEY~~, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 6

NOES - 0

ABSENT - 0

ABSTENTION - Brooks, Gibson McElhaneey - 2

ATTEST

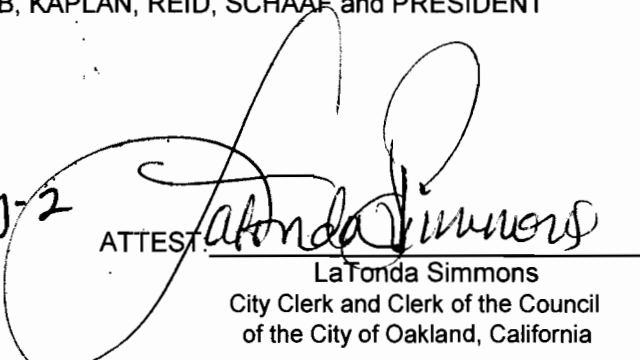

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

EXHIBIT A

TEMPORARY CONTRACT SERVICE EMPLOYEE AGREEMENT

(attached)



City of Oakland
TEMPORARY CONTRACT SERVICE EMPLOYEE REVIEW



TO THE AGENCY/DEPARTMENT

1. Submit this form along with the Temporary Employment Agreement and Employment Application Resources Management for approval before showing and obtaining applicant's signature.
2. When submitting these forms to the Department of Human Resources Management, leave it with a HR representative and complete the remainder of form.
3. After obtaining approval and obtaining applicant's signature return form to the DHRM, Recruitment & Classification.

EXHIBIT A

AGENCY: _____ DEPARTMENT: Dept. of Planning & Building

DEPARTMENT CONTACT: Melanie Cockerham

PHONE # 238-3771

AGENCY/DEPT. DIRECTOR APPROVAL: _____

[Signature]
 Signature

DATE: 3.27.13

Main Duties in Priority Order (top five):

- | Main Duties in Priority Order (top five): | % of Time Weekly |
|---|------------------|
| 1) Assist with preparation of the 2 year budget for Development Service Fund 2415 | 20% |
| 2) Assist with transition of the City Engineer functions to PWA | 20% |
| 3) Assist with coordination of the permit review & approval process for new major projects | 20% |
| 4) Assist with codifying local amendments for adoption with the new editions of the CA Bldg Codes | 20% |
| 5) Assist with the implementation of the "Best Practices" recommendations of Management Partners | 20% |

Requirements for Position:

Education: _____

Experience: _____

License & Other: _____

Comparable Classification Title: _____
 Suggested Compensation Level: \$ _____ per hour

Has applicant been employed by the City before? Yes No.

If Yes: Dates of previous employment: From December 2, 1990 To March 29, 2013

Title of position previously held: Deputy Director/Building Official (2004-2013)

Agency/Department previously employed in: Department of Planning & Building

To be Completed by the Department of Human Resources Management

Are the following completed documents attached?			Submitted Separately
City Application	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>
Temporary Contract Services Employee	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>
New Employee Entry Request	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>
I-9 (INS)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>
W-4	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>
DE-4	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>
Designation of Person to Receive Check	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>
Deferred Compensation Plan	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>
(Distribution Request and Participation Agreement)			
Approved Compensation Rate: \$ _____	Official Start and End Dates: _____ to _____		
Comparable Class Title: _____			
DHRM, Recruitment & Classification Approval: _____	Signature	Date	
DHRM, R&C Approver Name and Title: _____			

City of Oakland
Temporary Employment Agreement
(Ordinance No. 12026 Amending Ordinance No. 4727 C.M.S.)

The City of Oakland is offering you temporary employment under the following terms:

1. Your period of employment with the City will be: Beginning Date Apr 29, 2013 Ending Date Sep 27, 2013

2. Your days of work will be: MON TUE WED THR FRI SAT SUN

3. Your hours of work will be: 8:30 a.m. to 5:00 p.m.

(You are not authorized to work more than forty hours a work week without the express written permission of your supervisor.)

4. Your supervisor will be: Rachel Flynn, Director, Department of Planning & Building

5. Your rate of pay for all services will be \$ 80.96 per hour subject to the withholding of all taxes required by law.

Other than the above hourly wage you shall not receive any additional compensation and you will not receive any employee benefits unless required by law.

Your services will be terminated upon the City's determination that the project for which you were hired no longer requires your services or upon your having worked nine hundred and sixty (960) hours, whichever comes first.

Under no circumstances will you be permitted to work more than 960 hours in this classification.

If you understand the terms of this offer and accept them, please sign below.

Applicant Name: Raymond Derania

(Please Print)

Applicant Signature: *Raymond Derania*

Date: 3/27/13

Agency/Department Representative Signature: *Melanie Cockerham*

Date: 3.27.13