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# **NEWPORT BEACH**

## **City Council Staff Report**

June 23, 2020  
Agenda Item No. 14

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** Seimone Jurjis, Community Development Director - 949-644-3232,  
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**TITLE:** Temporary Employment Agreement for a Principal Planner

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**ABSTRACT:**

The Community Development Department seeks to obtain authorization to temporarily rehire a retired employee effective June 24, 2020, through June 30, 2021 to assume the duties of a Principal Planner. For City Council's consideration is a Temporary Employment Agreement with a former City employee who has retired.

**RECOMMENDATION:**

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Authorize the Community Development Director and City Clerk to execute the Temporary Employment Agreement (Agreement) with retired employee Rosalinh Ung to temporarily fill the Principal Planner position.

**FUNDING REQUIREMENTS:**

The FY 2020-21 budget and salary savings due to the vacant Principal Planner position will fund this agreement. The agreement will be expensed to the Community Development Department professional services account No. 01050501-811008.

**DISCUSSION:**

Council Policy F-14 requires the City Council to consider any contract with a person formerly employed by the City within the past five years. The Community Development Department (CDD) seeks to temporarily employ Rosalinh Ung on a part time basis to assist CDD due to the retirement of a Principal Planner. She would assist CDD by providing typical planning services during the recruitment and training of a new Principal Planner to fill the vacancy.

Ms. Ung was a long-tenured and well-respected City employee with close to 30 years in the profession. She worked for the City for nearly 20 years until retiring on September 17, 2019. Ms. Ung is very familiar with the City's plans, codes, procedures, and knows the current CDD staff. She retains the necessary knowledge, skill and training to perform the anticipated duties to help CDD maintain a high level of customer service and no training will be required.

In accordance with Government Code Section 7522.56, the City has met the following requirements:

1. Waited in excess of 180 days since the employee's retirement under PERS rules.
2. Ensured the employee is not earning less than the minimum, nor exceeding the maximum of other employees in the classification.
3. Ms. Ung has certified that she has not received unemployment insurance compensation arising out of prior employment with a public employer during the last 12 months.

The Agreement is in compliance with Council Policy F-14 and PERS rules. If the Agreement is approved by the City Council, then CDD will engage with Ms. Ung at a rate of \$63.96 per hour which is not more than a Principal Planner employed by the City. Ms. Ung will not be authorized to work or receive overtime pay.

**ENVIRONMENTAL REVIEW:**

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

**ATTACHMENT:**

Attachment A – Temporary Employment Agreement