

RESOLUTION NO. 32-13

RESOLUTION OF THE CITY OF RICHMOND APPROVING THE EMPLOYMENT OF ROBYN KAIN TO ASSIST WITH POTENTIAL AND PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 21223

WHEREAS, the position of Risk Manager is responsible for the management of the City's workers' compensation, risk management and insurance programs; and

WHEREAS, the City's Risk Manager has knowledge and information that is essential to the City's ability to prepare for and defend against administrative and judicial claims filed against the City;

WHEREAS, Robyn Kain was employed by the City of Richmond in the position of Risk Manager for the period of July 16, 2008 through her retirement on December 28, 2012; and

WHEREAS, Robyn Kain has been serving as the City's Interim Risk Manager since January 2, 2013, which appointment is expected to end on April 22, 2013; and

WHEREAS, Government Code section 21223 allows the employment of a retiree of the California Public Employees' Retirement System (CalPERS) without reinstatement to the retirement system when the services of a retiree "are or may be necessary in preparing for trial or in testifying as to matters within or based upon his or her knowledge acquired while employed";

WHEREAS, Government Code section 21223 also allows for a retiree employed under its provisions to receive a per diem rate, so long as any retirement annuity received by the retiree is deducted from that per diem rate for each day of employment under its provisions; and

WHEREAS, Robyn Kain has knowledge and information that was acquired during her employment related to potential and actual claims involving the City that is critical to the City's ability to defend against those claims; and

WHEREAS, the City has provided a per diem rate of \$785 per day to other individuals who have provided comparable services to the City under Government Code section 21223; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHMOND,

1. Robyn Kain is hereby employed pursuant to the provisions of Government Code section 21223, on an as needed basis, for the purpose of providing services and testimony in connection potential and pending claims and lawsuits involving the City.
2. Robyn Kain will receive a per diem rate of \$785 per day, less any retirement annuity received by her for each day of actual employment under this Resolution.
3. Employment under this Resolution is on a temporary, as needed basis for the sole purpose provided herein.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held on April 23, 2013, by the following vote:

AYES: Councilmembers Bates, Myrick, Rogers, and Vice Mayor Boozé.

NOES: Mayor McLaughlin.

ABSTENTIONS: None.

ABSENT: Councilmembers Beckles and Butt.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of Resolution No. 32-13, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on April 23, 2013.