

RESOLUTION 22-__

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
APPOINTING HAMID SHAMSAPOUR AS PUBLIC WORKS DIRECTOR ON AN
INTERIM BASIS
AND APPROVING EMPLOYMENT CONTRACT**

WHEREAS, Government Code Sections 7522.56 and 21221(h) permit the Town of Fairfax (“Town”) to appoint a California Public Employees’ Retirement System (“CalPERS”) retired annuitant to a vacant position requiring specialized skills during recruitment for a permanent appointment; and

WHEREAS, the position of Public Works Director is currently vacant; and

WHEREAS, the current Interim Public Works Director Jonathon Goldman has performed 960 hours of service, the maximum allowed by a retired annuitant by CalPERS; and

WHEREAS, in order to ensure continuity in the operation and management of the Department of Public Works, the Town Council desires to retain the services of Hamid Shamsapour, who is a retired member of CalPERS, to serve as Interim Public Works Director for the Town, effective March 3, 2022; and

WHEREAS, Hamid Shamsapour has extensive experience in managing, directing, and overseeing public works in a Marin County municipality given his prior experience as Public Works Director for the City of Larkspur; and

WHEREAS, an appointment under Government Code Section 21221(h) requires an active, publicly posted recruitment for a permanent replacement; and

WHEREAS, the recruitment process for a permanent Public Works Director has commenced; and

WHEREAS, the 180-day wait period requirement set forth in Government Code Section 7522.56(f) does not apply because Hamid Shamsapour has been retired for more than 180 days; and

WHEREAS, this Section 21221(h) appointment shall only be made once and therefore will end on the date immediately preceding the date on which the permanent replacement for the vacant position of Public Works Director commences his or her employment, or, if earlier he has served the allowed 960 hours, or the date that this appointment is terminated by the Town Council, the Town Manager or Hamid Shamsapour; and

WHEREAS, the compensation paid to retired annuitants 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 an hourly rate; and

WHEREAS, the base monthly salary for this position is \$13,750.00 and the hourly equivalent is \$79.33; and

WHEREAS, the hourly rate to be paid to Hamid Shamsapour is \$79.33; and

WHEREAS, Hamid Shamsapour will not receive any other benefits, incentives, compensation in lieu of benefit or any other form of compensation in addition to this hourly pay rate; and

WHEREAS, pursuant to Government Code Section 7522.56(e)(1), Hamid Shamsapour must certify in writing to the Town Council upon accepting an offer of employment that he has not received any unemployment insurance compensation arising out of prior employment with a public employer that is subject to Section 7522.56 during the 12-month period preceding the effective date of this appointment. Execution of the Agreement for Interim Public Works Director Services shall fulfill this requirement.

**NOW THEREFORE, THE TOWN COUNCIL OF TOWN OF FAIRFAX
RESOLVES AS FOLLOWS:**

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

SECTION 2. Hamid Shamsapour has the specialized skills needed to perform the work required of the Public Works Director position on an interim basis until a permanent Public Works Director is appointed by the Town Manager and ratified by the Town Council and thereafter begins service or if earlier if the Interim Public Works Director reaches the allowed 960 hours.

SECTION 3. The Town Council hereby appoints Hamid Shamsapour as Interim Public Works Director effective March 3, 2022, until the date immediately preceding the date on which the permanent replacement for the vacant position of Public Works Director commences his or her employment, unless earlier terminated, pursuant to the authority provided under Government Code Sections 21221(h) and 7522.56, pending the recruitment, selection and employment of a permanent Public Works Director.

SECTION 4. The employment agreement with Hamid Shamsapour, a copy of which is incorporated herein as Exhibit "A", is approved by the Town Council.

SECTION 5. The Town Manager is authorized to execute said agreement on behalf of the Town, with such technical amendments as may be deemed appropriate by the Town Manager and Town Attorney.

The foregoing Resolution was duly passed and adopted at a regular meeting of the Town Council of the Town of Fairfax, held in said Town on the 2nd day of March 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

Stephanie Hellman, Mayor

Attest: _____
Michele Gardner, Town Clerk

Exhibit A