



ADMINISTRATIVE SERVICES DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3220 • FAX: (408) 777-3109
CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Special Meeting: July 8, 2019

Subject

Settlement Agreement between the City of Cupertino and its former City Attorney, Randolph Hom.

Recommended Action

Approve and authorize the City Manager to execute a Settlement Agreement and Mutual General Release between the City of Cupertino and Randolph Hom.

Discussion

On October 22, 2018 and on February 8, 2019, former City Attorney Randolph Hom filed Government Tort Claims with the City, the first claiming he was fired in retaliation for whistleblowing, as well as discrimination and breach of contract claims, and seeking millions in compensation. In the second claim, he claimed that he was entitled to six months severance payment (equaling \$191,700), plus interest and attorney's fees, under his employment contract.

While the City disputed liability on all claims, after a confidential mediation with Judge James Kleinberg, a retired judge of the Santa Clara County Superior Court, the parties reached agreement on a total settlement payment of \$205,000. This amount will eliminate the potential expense of defending a lawsuit in court.

Sustainability Impact

No sustainability impact.

Fiscal Impact

Within ten (10) business days following the effective date of the agreement, the City will incur an expenditure of two-hundred five thousand (\$205,000) for the settlement payment.

Prepared by: Zach Korach, Finance Manager

Reviewed by: Kristina Alfaro, Director of Administrative Services

Approved for Submission by: Deborah Feng, City Manager

Attachments:

A – Settlement Agreement and Mutual General Release