



CITY MANAGER'S OFFICE

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CITY COUNCIL STAFF REPORT

Meeting: October 6, 2020

Subject

City Council to consider modification of Cupertino Municipal Code Section 2.18.030 to limit the use of City Attorney time by individual City Councilmembers.

Recommended Action

City Council to consider modification of Cupertino Municipal Code Section 2.18.030 to limit the use of City Attorney time by individual City Councilmembers; and if Council decides to proceed, conduct the first reading of Ordinance No. 20-2212 : An Ordinance of the City Council of the City of Cupertino Amending City Code Section 2.18.030 (Council-Attorney Relations) of Chapter 2.18 (City Attorney) to Title 2 (Administration and Personnel) to Limit Use of City Attorney Time by Individual City Councilmembers.

Background

At the March 3, 2020 City Council meeting it was requested under Future Agenda items that modification of Cupertino Municipal Code Section 2.18.030 be prepared in order to limit the use of City Attorney time by individual City Councilmembers. The intent of the modification is to ensure fair, equitable and efficient use of the City Attorney's time.

Discussion

The proposed modification to Cupertino Municipal Code, Section 2.18.030 is shown below. Proposed new language to be inserted is shown in *italics*. No other changes are proposed.

2.18.030 Council-Attorney Relations

Individual Councilmembers may seek and obtain legal advice from the City Attorney on any matter or matters pertaining to the legal position of the City. *Such legal advice is limited to two hours per City Councilmember within any given week.* Any such advice given to individual Councilmembers, however, may be repeated to the entire Council at any regular or special Council meeting *or in a confidential communication from the City Attorney.* With respect to advice to individual Councilmembers regarding potential conflicts of interest, the City Attorney may render informal advice; provided, however, that it is understood that a Councilmember is automatically protected from potential liability for conflict of interest only upon taking action which conforms to a written opinion issued by the California Fair Political Practices Commission.

Sustainability Impact

No impact.

Fiscal Impact

Limiting the use of the City Attorney's time will likely result in a reduction in City Attorney costs.

Prepared by: Dianne Thompson, Assistant City Manager

Approved for Submission by: Deborah Feng, City Manager

Attachments:

A - Draft Ordinance