



ADMINISTRATIVE SERVICES DEPARTMENT

CITY HALL
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CITY COUNCIL STAFF REPORT

Meeting: January 17, 2023

Subject

Consider approving amendments to Elected Officials' Compensation Program

Recommended Action

Adopt Resolution #23-XXX amending the Elected Employees' Compensation Program

Discussion

In July 2019, the City negotiated and approved Health in Lieu benefits as part of labor contract negotiations with the Cupertino Employees' Association ("CEA"). By City Resolution No. 19- 144, the Health in Lieu benefit, as amended, was adopted by the City Council for appointed, CEA represented employees, unrepresented employees, and elected officials. Following adoption of Resolution 19-144, the City Attorney's Office determined that the Health in Lieu benefit was inconsistent with limits on compensation for elected officials in Government Code section 36516. To bring the Elected Employees' Compensation Program into compliance with state law, staff recommends removal of the existing policy language to remove references to the Health in Lieu benefit.¹

Additionally, the Innovation and Technology (IT) Department has revised the language in the Council Technology Policy. The existing policy provides a technology stipend for Councilmembers to purchase hardware and software for official business purposes. This City Manager policy has been revised to address cybersecurity and records preservation concerns and to ensure that Councilmembers can be fully supported by the IT Department. Under the revised policy, Councilmembers may elect to be issued equipment for the performance of official City business. Data contained within the equipment is public property and considered a public record, therefore subject to all Public Records Act and Brown Act policies. Councilmembers, upon completion of their term, will return all issued equipment to the Innovation & Technology Department.

Sustainability Impact

No sustainability impact.

¹ All impacted Councilmembers were required to return Health in Lieu payments made by the City.

Fiscal Impact

No fiscal impact.

Prepared by: Vanessa Guerra, Human Resources Manager

Reviewed by: Kristina Alfaro, Director of Administrative Services

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A – Elected Officials’ Compensation Program – Redline

B – Elected Officials’ Compensation Program – Clean

C – Resolution #23-XXX Amending the Elected Employees' Compensation Program

D – Council Technology Policy 2022