



OFFICE OF THE CITY ATTORNEY

20410 TOWN CENTER LANE, SUITE 210 • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3403 www.cupertino.org

CITY COUNCIL STAFF REPORT

Meeting: October 17, 2017

Subject

Add a Senior Assistant City Attorney classification to the Unrepresented Compensation Program; and authorize an additional full-time equivalent (FTE) position in the City Attorney's Office ("CAO").

Recommended Action

1. Adopt a Resolution to:
 - a. Add a Senior Assistant City Attorney classification to the Unrepresented Compensation Program.
 - b. Increase FTE in the City Attorney's Office from 4 FTE to 5 FTE by adding a Senior Assistant City Attorney position.

Description

Currently, the CAO consists of the City Attorney, one full-time Assistant City Attorney (limited term), one full-time Deputy City Attorney (limited term), and one full-time Legal Services Manager.

During FY 2016-17 the CAO continued to improve its efficiency by operating at twenty-seven percent (27%) under the adopted budget which included contingencies for anticipated litigation. This resulted in a total savings of \$494,571.78. Although part of the savings was achieved by the CAO operating the majority of the year without the support of a Legal Services Manager and an Administrative Assistant, approximately eighty percent (80%) of the reduction in office expenditures was due to a more judicious use of outside counsel.

To continue this direction, the City Attorney recommends the addition of one full-time Senior Assistant City Attorney position. The Senior Assistant City Attorney position will assist with the supervision of the Assistant City Attorney and Deputy City Attorney, and will be tasked with matters involving a higher profile which may include a heightened level of liability exposure or risk, requiring a high level of legal service. The position will assist City departments in a variety of subject areas including but not limited to the following:

- Tort Claims Act, Brown Act, Public Records Act, Political Reform Act and conflicts of interest, land use and planning, housing, public contracts, employment practices, telecommunications, and policies & procedures;
- Principles and practices of government and government programs including industry standards/best practices in assigned area(s) of responsibility which may include but is not limited to Community Development (Housing and Planning), Human Resources, Public Works, City Clerk, Information Technology, Finance, and Recreation and Community Services.

After the addition of the new position, it is anticipated that the CAO will consist of the following: City Attorney, one full-time Senior Assistant City Attorney, one full-time Assistant City Attorney, one full-time Deputy City Attorney (limited term), and one full-time Legal Services Manager.

Fiscal Impact

As this is a new position in the City Attorney's Office, the fiscal impact in FY17/18 will be a total of \$129,697 and an ongoing cost of \$270,091 in FY18/19, which staff anticipates will be offset by the aforementioned budget savings.

Prepared by: Randolph Hom, City Attorney

Reviewed by: Laura Miyakawa, Human Resources Analyst II

Approved for Submission by: David Brandt, City Manager

Attachments:

A- Draft Resolution Adopting additional classification in the Unrepresented Compensation program and FTE in the City Attorney's Office

B- Unrepresented Compensation Program Redlined

C- Unrepresented Compensation Program Clean