

**Council Meeting: June 29, 2010****SUBJECT: Amendment to Agreement for Services Between the City of Sunnyvale and the City Attorney.****BACKGROUND**

The recommended adjustment to the existing contract will provide an adjustment to the accrual of paid time off (PTO) for City Attorney David Kahn. At the time of hire City Attorney Kahn accrued leave at a rate of an employee with 5+ - 10 years of experience. Now that five (5) years of employment has been completed, it is recommended that an adjustment be made to the next level of accrual rate 10+ - 25 years of service.

The adjustment to the existing contract would be as follows:

The City Attorney shall accrue paid time off at the rate of ten and one-half (10.5) hours per pay period, provided the accrual does not exceed 870 hours. Once 870 hours are accrued, the City Attorney will accrue at a reduced rate as stipulated in the Salary Resolution for Department Directors. Any accrual beyond 870 hours will stop at the maximum cap of 1040 hours until the total accrual is reduced below 1040 hours. The City Attorney shall take at least two weeks of PTO each calendar year.

EXISTING POLICY

7.0 Planning and Management Element, Legislative Management Sub-Element Goal D: Maintain a quality workforce, consistent with state and federal laws, City Charter, and adopted policies in order to assure that City services are provided in an effective, efficient, and high quality manner; Action Statement D.1a: Maintain a competitive pay and benefit package for employees.

DISCUSSION

The recommended revisions are minimum changes to the current Agreement and are consistent with benefits provided to all City of Sunnyvale employees.

FISCAL IMPACT

There is no immediate fiscal impact to the City of Sunnyvale. The accrual of paid time off (PTO) is appropriate as the City Attorney was hired with the accrual rate at the level of 5+ - 10 years of service, therefore an adjustment is

warranted since he has completed five (5) years of service with the City of Sunnyvale.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

ALTERNATIVES

1. City Council authorizes the Mayor to execute the Amendment to the City Attorney Agreement.
2. Not approve the amendment that modifies the Agreement for Services between the City of Sunnyvale and City Attorney David Kahn and direct staff to continue discussions with the City Attorney and City Council.

RECOMMENDATION

Staff recommends approval of Alternative #1; authorize the Mayor to execute the Amendment to the Agreement for Services between the City of Sunnyvale and City Attorney David Kahn. This action is consistent with prior commitments made to the City Attorney and implements the benefits section that is provided to all City of Sunnyvale employees.

Reviewed by:

Teri Silva, Director, Human Resources Department
Prepared by: Teri Silva, Director of Human Resources

Approved by:

Gary M. Luebbers
City Manager

Attachments

- A. Amendment to Agreement for Services between the City of Sunnyvale and the City Attorney

**AMENDMENT TO AGREEMENT FOR SERVICES
BETWEEN THE CITY OF SUNNYVALE AND
DAVID E. KAHN, CITY ATTORNEY FOR THE CITY OF SUNNYVALE**

The Agreement for Services dated May 23, 2005, by and between the CITY OF SUNNYVALE, a chartered city ("City") and David E. Kahn, City Attorney for the City of Sunnyvale is set forth below.

1. Section 5 (in part) is amended to read as follows:
 - A. The City Attorney shall accrue paid time off at the rate of ten and one-half (10.5) hours per pay period, provided the accrual does not exceed 870 hours. Once 870 hours are accrued, the City Attorney will accrue at a reduced rate as stipulated in the Salary Resolution for Department Directors. Any accrual beyond 870 hours will stop at the maximum cap of 1040 hours until the total accrual is reduced below 1040 hours. The City Attorney shall take at least two weeks of PTO each calendar year.

IN WITNESS WHEREOF, City and City Attorney have executed this Amendment to Agreement for Services.

CITY OF SUNNYVALE
MAYOR

Dated: June ____, 2010 by _____
Melinda Hamilton, Mayor

CITY ATTORNEY

Dated: June ____, 2010 by _____
David E. Kahn, City Attorney