



City of Huntington Beach

File #: 19-613

MEETING DATE: 5/20/2019

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Michael E. Gates, City Attorney

PREPARED BY: Michael E. Gates, City Attorney

Subject:

Create a new Chief Assistant City Attorney position; Adopt Resolution No. 2019-36 amending Non-Associated Salary Schedule for City Attorney and Chief Assistant City Attorney; Adopt Resolution No. 2019-35 increasing the salary of the City Attorney; and, delegate authority to execute employment agreements for Chief Assistant City Attorney

Statement of Issue:

Following the Strategic Planning Meeting earlier this year, wherein the City set goals for succession planning, the City Attorney has identified an opportunity to modify the City Attorney's Office organizational structure. The proposal is to add a new position of Chief Assistant City Attorney for a Chief Trial Counsel position and retain the classification of Senior Trial Council as an unfunded position. As City Council knows, the City Attorney's Office has two distinct divisions, i.e., advisory/government law, and, litigation and trials. Both divisions, critical to defending the City and providing the best legal representation, would benefit from positions of high level leadership in both divisions, including a new Chief Assistant City Attorney for the litigation and trials team.

To that end, the City Attorney is proposing to create and fund a new Chief Assistant City Attorney, Chief Trial Counsel, to manage and oversee all trial matters, including management of all City trial work, and trial attorneys. It is proposed that both Chief Assistant City Attorneys enter into amended, updated, employment agreements with the City.

The City Attorney also takes this opportunity to adjust/set the Chief Assistant City Attorney class to a slightly more competitive compensation. Currently, the Chief Assistant City Attorney compensation range is \$12,315.33 to \$15,255.07/month.

The Non-Associated Resolution establishes compensation and benefits for non-associated employees, including the position of City Attorney and Chief Assistant City Attorney. After a study of comparable salaries, it is proposed that compensation for the position of City Attorney be

\$117.63/hour or \$244,671.00/annum and Chief Assistant City Attorney be modified to a range of \$12,938.02 to \$16,026.40/month. All other benefits will remain consistent with that contained within the current NA Resolution.

It is also proposed as part of this RCA, that the City Attorney compensation be adjusted, not only to account for the reduced compensation he initially voluntarily agreed to in 2014, but to reflect the outstanding legal work that has been accomplished for the taxpayers over the last four and a half years.

Financial Impact:

The proposed salary increases are absorbed into the City Attorney's Office regular annual budget, which includes the City-wide budget cut of 1%. The 2018/2019 budget was \$2,624,344 and with the proposed increased salaries, the annual budget for 2019/2020 is \$2,617,309.

Recommended Action:

- A) Create a new Chief Assistant City Attorney position in the City Attorney's Office; and,
- B) Adopt Resolution No. 2019-36, "A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Non-Represented Employees by Changing the Compensation of the Chief Assistant City Attorney Classification" amending Non-Associated Resolution 2016-50 Salary Schedule for City Attorney and Chief Assistant City Attorney; and,
- C) Adopt Resolution No. 2019-35, "A Resolution of the City Council of the City of Huntington Beach Modifying Salary of the Elected City Attorney;" and,
- D) Delegate authority to the City Manager/Interim City Manager and City Attorney to execute employment agreements for the Chief Assistant City Attorneys.

Alternative Action(s):

Do not create another Chief Assistant City Attorney position in the City Attorney's Office.

Do not adopt Resolution No. 2019-36 amending Non-Associated Resolution 2016-50 Salary Schedule Chief Assistant City Attorney.

Do not adopt Resolution No. 2019-35 adjusting the salary for the City Attorney.

Do not delegate authority to the City Manager/Interim City Manager and City Attorney to execute employment agreements for the Chief Assistant City Attorneys

Analysis:

It is proposed that the City Attorney's Office be restructured to have two Chief Assistant City Attorney Positions. The current Chief Assistant City Attorney with a focus on government/advisory will remain the same as the "Chief of Staff" to the City Attorney and in the absence of the City Attorney, perform the duties of the City Attorney.

The new Chief Assistant City Attorney, Chief Trial Counsel, with a focus on litigation/trials will supervise and oversee the operations of the litigation/trials division of the City Attorney's office and manage the day-to-day activities of the team, to include direct supervision of attorneys and support staff. This new position will also have more responsibility with regard to leadership and interfacing with other city officials and city leaders.

In addition, it is proposed that the salary for the position of Chief Assistant City Attorney be increased to a range of \$12,938.02 to \$16,026.40/month.

The City Attorney Michael Gates was elected in 2014. When he took the position, he volunteered to receive compensation at a much lower rate than what his predecessor was making. As it is today, Mr. Gates still earns approximately \$10,000 per annum less than his predecessor made on the day she left office in 2014. Moreover, the pay for the City Attorney position is "set" and "locked" by Resolution of the City Council. Unlike nearly every other City Department Head, the City Attorney's pay does not *automatically* progress up the City Council designated pay range. In fact, while other city employees naturally get increases with the passage of time, the City Attorney's pay does not, it is locked in place until the City Council takes action again.

Over the last four years the City Attorney has demonstrated exceptional leadership, great management decision-making, exceptional legal skill and judgment; he implemented office-wide efficiencies and eliminated waste. Under his leadership and through the work of the City Attorney's Office over the past four and a half years, the City has saved over \$100MM just in good, smart legal work. As it is now, the City Attorney's Office of Huntington Beach is as good as any private sector law firm of the same size and is now an example to many other cities, not to mention the City's relatively new image of strong legal advocacy. It is proposed that the City Attorney compensation be increased, not only to account for the reduced compensation he voluntarily agreed to, but to reflect the outstanding legal work that has been accomplished for the taxpayers over the last four and a half years.

The increases in compensation are net neutral to the City Attorney's Office budget.

Environmental Status:

N/A

Strategic Plan Goal:

Enhance and maintain high quality City services

Attachment(s):

1. Resolution No. 2019-35 "A Resolution of the City Council of the City of Huntington Beach Modifying Salary of the Elected City Attorney"
2. Resolution No. 2019-36 "A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Non-Represented Employees by Changing the Compensation of the Chief Assistant City Attorney Classification"
3. Resolution No. 2016-50 "A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Non-Represented Employees Including the Elected City Attorney, City Clerk and City Treasurer"