



CITY COUNCIL AGENDA ITEM NO. I.2.h
10/10/2023

SUBJECT: Consider a Request from Council Member Mendoza to have Department Directors report to the City Council

DEPARTMENT: City Manager's Office

STAFF: Tim Ogden, City Manager
Damien Brower, City Attorney

TITLE/RECOMMENDATION

That the City Council consider and discuss the request from Council Member Mendoza regarding the pros and cons of having department directors report to the City Council and the process for implementing this change.

FISCAL IMPACT

The fiscal impact will come from the time and costs associated with the use of outside legal counsel to explore the legal implications of implementing the underlying proposal, and/or a consultant to assist with looking into the pros and cons of enacting such a proposal and the implementation process.

While not an exhaustive list, some areas where outside legal counsel would be utilized include an initial determination of whether the proposed structural change is allowed under State law. If such a change is permitted, then special counsel or an outside consultant could be used to look into the pros and cons of enacting such a proposal and the implementation process.

If the Council subsequently moves forward with the proposal, then outside legal counsel would assist in revising the City's Municipal Code and policies pertaining to department directors. In addition, they would assist the City Council in the negotiation of any employment agreements with the department directors, as well as assist the Council with the eight additional performance reviews for which the City Council would be responsible.

Very preliminary legal cost estimates would be \$5,000-\$10,000 to determine the Council's ability to implement the proposal, \$10,000-\$20,000 to develop a list of the pros and cons/implementation process, \$25,000-\$40,000 to implement the proposal,



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and \$25,000-\$35,000 to assist the City Council with the annual evaluation process. These estimates do not include any costs associated with defending the City if the proposal is challenged in court. All these costs would be of the General Fund, and staff will return for City Council approval if necessary.

BACKGROUND

Pursuant to Council Policy 110-1 Rule 4.4 (b)(2), this item has been placed on the agenda so that Council may discuss it and provide further direction to staff. Pursuant to Section 4.4, Council discussion is limited to whether staff time and City resources should be spent on the item and the time period for scheduling.

CITY COUNCIL STRATEGIC INITIATIVE

Not Applicable.

PREVIOUS ACTION

Previous Action by the City Council is included on Attachment 1.

DATE OF NOTICE

Not Applicable.

ENVIRONMENTAL DETERMINATION

Not Applicable.

ATTACHMENT(S)

1. Previous Action