



COUNCIL AGENDA: 3-28-06
ITEM: 2.3

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Les White

SUBJECT: Waiver of Revolving Door
Ordinance

DATE: March 17, 2006

RECOMMENDATION

That the City Council waive the prohibitions under Revolving Door Ordinance so that Terry Roberts can provide professional consulting services to the Mineta San José International Airport.

BACKGROUND

Deputy City Manager, Terry Roberts, will be retiring from City service, effective March 25, 2006. Terry Roberts has served in a key position overseeing the City's massive capital programs improvement programs, including construction of the New City Hall. In the last several months since completion of City Hall, Terry has had the opportunity to begin focusing attention to the myriad of issues that the Airport needs to address as it continues work on the North Concourse, the consolidated rental car and public parking garage, as well as the design-build process for terminal development.

I have asked Terry Roberts to enter into a contract to provide consulting services to the Aviation Director during this critical period of the expansion of the Airport. The contract would provide payment at \$155 per hour plus necessary expenses on a temporary basis.

ANALYSIS

The Revolving Door Ordinance places limitations on the ability of the City and Agency to contract with former employees, including limiting the amount of compensation to be paid for transitional services to the amount of salary paid the employee. This is to prevent employees from leaving the City or Redevelopment Agency and performing the same work for a department at a higher rate. This is not the situation here and it is recommended that Terry Roberts be paid the professional rate of \$155 per hour plus necessary expenses. This rate is in line with other professional service rates paid by the City for similar services.

The Revolving Door Ordinance allows the City Council and the Agency Board to waive the limitations when the waiver is determined to be in the best interest of the City and/or Agency and the waiver is not inconsistent with the purposes of the Ordinance. The recommended waiver is limited to the services and compensation provided under contract and is not a waiver of the one-year restriction on lobbying by former employees.

Under the contract, Terry Roberts will be a consultant to Bill Sherry, Aviation Director, on a part-time basis through August 2006, although there may be a need to extend it for another few months to coincide with critical elements of the project. Terry's project goal as a consultant will be to negotiate a design-build contract for the terminal development program that meets all of the City's requirements and enables effective delivery of the design-build services. He will perform the consulting services work part-time in his role as advisor to the Aviation Director and will not supervise nor direct any staff. The services that he will perform as consultant differ from his duties and responsibilities as Deputy City Manager. As Deputy City Manager Terry had broad CIP program oversight, managed staff & established and carried out administrative directives and goals.

In his new role, Terry will be advising the Aviation Director on all aspects of preliminary project planning, design-build project negotiations, project implementation, operational and phasing requirements to meet airline and customer needs, and evaluating the optional projects (North Concourse and consolidated rental car and public parking garage) to determine if they should be folded into the design-build project to assume seamless project management.

OUTCOMES

Waiver of the prohibitions under the Revolving Door Ordinance will enable Terry Roberts to provide expert consulting services to the Airport during this critical time of expansion.

PUBLIC OUTREACH Not Applicable

COORDINATION

This report was coordinated with the City Attorney's Office

CEQA

Not a project.


Les White
City Manager