

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE CITY OF SAN JOSE PAY PLAN FOR VARIOUS JOB CLASSIFICATIONS**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The City Council hereby approves an amendment to the City of San José Pay Plan effective January 10, 2012, as follows:
  - a) To create the new classification of Deputy City Attorney U I (2151) with a pay range of \$76,782.60 - \$89,869.86 annually;
  - b) To create the new classification of Deputy City Attorney U II (2152) with a pay range of \$85,376.37 - \$102,957.13 annually;
  - c) To create the new classification of Deputy City Attorney U III (2191) with a pay range of \$97,809.27 - \$116,044.39 annually;
  - d) To create the new classification of Deputy City Attorney U IV (2192) with a pay range of \$110,242.17 - \$129,131.65 annually;
  - e) To create the new classification of Senior Deputy City Attorney U I (2195) with a pay range of \$97,994.37 - \$116,774.38 annually;
  - f) To create the new classification of Senior Deputy City Attorney U II (2197) with a pay range of \$111,144.65 - \$135,554.39 annually;
  - g) To create the new classification of Senior Deputy City Attorney U III (2137) with a pay range of \$128,776.67 - \$154,334.40 annually;
  - h) To create the new classification of Senior Deputy City Attorney U IV (2193) with a pay range of \$146,617.68 - \$173,116.05 annually;
  
2. The memorandum to the Mayor and City Council dated December 5, 2011, from the Deputy City Manager/Director of Human Resources recommending the amendment to the City of San Jose Pay Plan is attached as Attachment A and incorporated in this Resolution.

RD:EJM:ERD  
12-8-11

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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CHUCK REED  
Mayor

ATTEST:

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DENNIS D. HAWKINS, CMC  
City Clerk

T-18736/ 819927  
Council Agenda: 1-10-12  
Item No.: 2.10

**DRAFT--Contact the Office of the City Clerk at (408)535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for final document.**



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Alex Gurza

**SUBJECT:** AMENDMENTS TO THE CITY  
PAY PLAN FOR VARIOUS  
CLASSIFICATIONS

**DATE:** December 5, 2011

Approved

Date

12/12/11

## RECOMMENDATION

Adopt a resolution to amend the City of San José Pay Plan effective January 10, 2012, to create the following classifications:

- a. Deputy City Attorney U I/II/III/IV (2151, 2152, 2191, 2192)
- b. Senior Deputy City Attorney U I/II/III/IV (2195, 2197, 2137, 2193)

## OUTCOME

If the above recommendation is approved, the City of San José Pay Plan will be amended to add the classifications of Deputy City Attorney U I/II/III/IV (2151, 2152, 2191, 2192) and Senior Deputy City Attorney U I/II/III/IV (2195, 2197, 2137, 2193).

## BACKGROUND

When new job classifications are added or deleted, job titles are changed, or salaries are revised, the City of San José Pay Plan must be amended by Council resolution. The City Pay Plan reflects all job classification and compensation changes made through Council Resolution and is on file in the Human Resources Department and published on the City's internet and intranet sites.

## ANALYSIS

The proposed new classifications split the current unclassified Deputy City Attorney and Senior Deputy City Attorney into two sets of four level flexibly staffed classes (similar to what was recently done with the Council Assistant series). The new salary ranges for the different levels would remain within the current range for Deputy and Senior Deputy City Attorney U. The overall goal is to provide the City Attorney with more flexibility to recognize additional experience and skills within the existing salary ranges. As is the case with the existing Deputy and Senior Deputy City Attorney classifications, positions are appointed "at-will" with no rights to continued employment. Designation of current

attorneys to the new classifications is at the discretion of the City Attorney. Salary increases, also at the discretion of the City Attorney, will continue to be based on performance, with no automatic step increases.

#### Creation of New Classifications

- a) Deputy City of San José Attorney U I/II/III/IV- with annual pay ranges of \$76,782.60 - \$89,869.86 (I); \$85,376.37 - \$102,957.13 (II); \$97,809.27 - \$116,044.39 (III); \$110,242.17 - \$129,131.65 (IV). This flexibly-staffed series is responsible for providing professional legal services for matters of moderate difficulty. The salary ranges fall within the current on-going pay range for Deputy City Attorney U (2150).
- b) Senior Deputy City of San José Attorney U I/II/III/IV- with annual pay ranges of \$97,994.37 - \$116,774.38 (I); \$111,144.65 - \$135,554.39 (II); \$128,776.67 - \$154,334.40 (III); \$146,617.68 - \$173,116.05 (IV). This flexibly-staffed series is responsible for providing professional legal services for matters of considerable complexity. The salary ranges fall within the current on-going pay range for Senior Deputy City Attorney U (2153).

#### EVALUATION AND FOLLOW-UP

No additional City Council action is expected following the adoption of the proposed resolution.

#### PUBLIC OUTREACH

-  **Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater; **(Required: Website Posting)**
-  **Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
-  **Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this does not meet any of the above criteria, this memo will be posted on the City's website for the January 10, 2012 Council meeting.

#### COORDINATION

This memorandum was coordinated with the Budget Office, Office of Employee Relations, the City Attorney's Office and the Human Resources Department.

**COST IMPLICATIONS**

There are no immediate cost implications pertaining to this resolution. Creation of new classifications does not create additional positions; new classes are created in order to better describe existing work. To the extent that the City Attorney designates employees to higher level positions within the new classification series in the future, the budget will need to be adjusted accordingly.

**ATTACHMENTS**

Deputy City Attorney U I/II/III/IV (2151, 2152, 2191, 2192) class specification  
Senior Deputy City Attorney U I/II/III/IV (2195, 2197, 2137, 2193) class specification



Alex Gurza  
Deputy City Manager/Human Resources Director

For questions please contact Sarah Nunes at 975-1458.

City of San José  
**Deputy City Attorney I (PT/FT) (2161/ 2151)**  
**Deputy City Attorney II (PT/FT) (2162/2152)**  
**Deputy City Attorney III (PT/FT) (2163/2191)**  
**Deputy City Attorney IV (PT/FT) (2164/2192)**

DEPARTMENT	ACCOUNTABLE TO	FLSA STATUS
City Attorney	City Attorney	<i>EXEMPT</i>

**CLASS SUMMARY**

Positions in these classifications provide the City professional legal services for matters of moderate difficulty under general direction and supervision of Senior Management in the Office of the City Attorney. Perform related work as required.

**DISTINGUISHING CHARACTERISTICS**

Incumbents in these positions may be appointed full-time or part-time, and benefited or unbenefitted. Positions are appointed "at-will" with no property rights to continued employment. Incumbents may terminate employment with or without notice or cause, and the City has the same right.

This is a four level flexibly-staffed series, designed to encompass positions with a wide range of skills and experience. Distinction between levels within this series is at the discretion of the City Attorney and may be based upon a number of factors including, but not limited to: the overall scope of the incumbent's job duties and responsibilities, complexity of assignments, initiative, ability to exercise independent judgment, level of expertise in assigned areas of law, and ability to effectively communicate with City officials and staff, colleagues, and outside parties.

These classifications differ from the Associate Deputy City Attorney classification in that Associate Deputy City Attorney incumbents perform basic legal services under close supervision, and initial employment does not require experience. These classifications differ from the Senior Deputy City Attorney classifications in that Senior Deputy City Attorney incumbents work more independently in providing legal services of greater complexity requiring the highest levels of experience, specialization and professional expertise.

Designation as Deputy City Attorney I, II, or III does not require that the attorney be promoted in sequential order, or limit the City Attorney's ability to promote the attorney to a higher level within the Deputy City Attorney series or to a Senior Deputy City Attorney I, II, III, or IV position based upon the attorney's skills and experience.

**QUALIFICATIONS**

**Minimum Qualifications**

**Education and Experience**

Successful completion of a Juris Doctor Degree from an accredited law school and one (1) year of experience as an attorney.

**Required Licensing (such as driver's license, certifications, etc.)**

Member in good standing of the California State Bar.

**City of San José**  
**Deputy City Attorney I (PT/FT) (2161/ 2151)**  
**Deputy City Attorney II (PT/FT) (2162/2152)**  
**Deputy City Attorney III (PT/FT) (2163/2191)**  
**Deputy City Attorney IV (PT/FT) (2164/2192)**

**Other Qualifications**

(Incumbents may be required to have different combinations of the listed qualifications, or more specific job-related qualifications depending on the position.)

**Basic Knowledge, Skills and Abilities**

(Needed at entry into the job in order to perform the essential duties.)

- Knowledge of municipal, state and federal laws, ordinances and codes affecting City government.
- Knowledge of civil and criminal court procedures.
- Knowledge of local court rules and procedures.
- Knowledge of rules of evidence and general statutory case law.
- Knowledge of governmental organization.
- Ability to interpret and apply various government codes and ordinances.
- Ability to perform legal research and prepare sound legal opinions.
- Ability to analyze and prepare a wide variety of legal documents.
- Ability to prepare for and present cases in court and administrative hearings.
- Ability to communicate effectively, both orally and in writing.
- Ability to establish and maintain effective working relationships with a variety of people, including City officials, City staff, opposing counsel, and the public.
- Ability to prioritize workload to efficiently meet deadlines in a timely manner.
- Ability to resolve problems in difficult and complex interpersonal situations.

**Desirable Qualifications**

(Knowledge, skills and abilities; licenses, certificates, education, experience that is more position specific and/or likely to contribute to more successful job performance.)

- Ability to thoroughly investigate and analyze legal issues, including municipal law matters, and proactively develop creative solutions that contemplate practical implications.
- Ability to exercise independent judgment, making decisions when appropriate and seeking guidance/direction when necessary.
- Ability to maintain confidential information and to exercise discretion.
- Ability to provide complete and accurate legal advice and counsel.
- Ability to produce a quality written work product and orally communicate in a manner that is organized, clear, concise, thorough, accurate, persuasive and with appropriate tone.
- Ability to make effective oral presentations in various public venues, including the courtroom, administrative hearings, training seminars, and City Council meetings.
- Ability to set forth persuasive written and oral arguments.
- Ability to negotiate settlements and contract terms.
- Knowledge of City organization, charter, policies and procedures.
- Knowledge of statutes and case law.
- Knowledge of industry standards/practices in assigned specialty areas.

City of San José  
**Deputy City Attorney I (PT/FT) (2161/ 2151)**  
**Deputy City Attorney II (PT/FT) (2162/2152)**  
**Deputy City Attorney III (PT/FT) (2163/2191)**  
**Deputy City Attorney IV (PT/FT) (2164/2192)**

DUTY NO.	<b>TYPICAL CLASS ESSENTIAL DUTIES:</b> (These duties and estimated frequency are a representative sample; position assignments may vary depending on the business needs of the department.) Duties may include, but are not limited to, the following:	FRE-QUENCY*
1.	Investigate claims and complaints by and against the City.	Continuous
2.	Prepare pleadings, briefs, discovery and other litigation documents.	Continuous
3.	Prepare and try cases by and against the City at state, federal and appellate courts.	Continuous
4.	Prosecute misdemeanor violations of City ordinances.	Continuous
5.	Participate in or prepare cases for administrative and quasi-judicial hearings.	Continuous
6.	Prepare and draft legal opinions, ordinances, permits, resolutions, contracts, deeds, leases and other legal documents.	Continuous
7.	Provide legal advice and counsel to Mayor, City Council, Council Appointees, and City departments.	Continuous
8.	Act in an advisory capacity at meetings of the City Council, boards, commissions, committees and other governmental bodies.	Frequently
9.	Represent the City and the City Attorney at meetings involving City officials, City staff or outside parties.	Frequently
10.	Analyze and interpret legislation and court decisions.	Frequently
11.	Perform legal research.	As Required
12.	Provide staff training on legal issues.	As Required
13.	Assist City departments in establishing policies and procedures to ensure compliance with the law; recommend changes in City policies or procedures to meet legal requirements.	As Required
14.	Respond to citizen complaints and requests for information.	As Required

\*Frequency defined as %, (totaling 100%) or "Continuous" (daily or approximately 20%+), "Frequent"(weekly or approximately 15%+), "Occasional"(monthly or approximately 10%+), "As Required"(Intermittent or 5% or less)

**CLASSIFICATION HISTORY** *Created 10/11; 2151s000*

City of San José  
**Senior Deputy City Attorney I (PT/FT) (2165/2193)**  
**Senior Deputy City Attorney II (PT/FT) (2166/2195)**  
**Senior Deputy City Attorney III (PT/FT) (2167/2197)**  
**Senior Deputy City Attorney IV (PT/FT) (2168/2137)**

DEPARTMENT	ACCOUNTABLE TO	FLSA STATUS
City Attorney	City Attorney	<i>EXEMPT</i>

**CLASS SUMMARY**

Positions in these classifications provide the City professional legal services for matters of considerable complexity under general direction and supervision of Senior Management in the Office of the City Attorney. These positions require the highest levels of experience, specialization and professional expertise; as well as the ability to exercise independent judgment. Perform related work as assigned.

**DISTINGUISHING CHARACTERISTICS**

Incumbents in these positions may be appointed full-time or part-time, and benefited or unbenefitted. Positions are appointed "at-will" with no property rights to continued employment. Incumbents may terminate employment with or without notice or cause, and the City has the same right.

This is a four level flexibly-staffed series, designed to encompass positions with a wide range of skills and experience. Distinction between levels within this series is at the discretion of the City Attorney and may be based upon a number of factors including, but not limited to: the overall scope of the incumbent's job duties and responsibilities, complexity of assignments, initiative, ability to exercise independent judgment, level of expertise in assigned areas of law, and ability to effectively communicate with City officials and staff, colleagues, and outside parties.

These classifications differ from the Deputy City Attorney classifications in that Deputy City Attorney incumbents perform work of more moderate scope and difficulty and may receive greater guidance. This class differs from the Chief Deputy City Attorney classification in that incumbents in that classification are responsible for supervision of attorneys in the Office of the City Attorney.

Designation as Senior Deputy City Attorney I, II, or III does not require that the attorney be promoted in sequential order, or limit the City Attorney's ability to promote the attorney to a higher level within the Senior Deputy City Attorney series or to a Chief Deputy City Attorney position based upon the attorney's skills and experience.

**QUALIFICATIONS**

**Minimum Qualifications**

**Education and Experience**

Successful completion of a Juris Doctor Degree from an accredited law school and four (4) years of experience as an attorney.

**Required Licensing (such as driver's license, certifications, etc.)**

Member in good standing of the California State Bar.

City of San José  
**Senior Deputy City Attorney I (PT/FT) (2165/2193)**  
**Senior Deputy City Attorney II (PT/FT) (2166/2195)**  
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**Other Qualifications**

(Incumbents may be required to have different combinations of the listed qualifications, or more specific job-related qualifications depending on the position.)

**Basic Knowledge, Skills and Abilities**

(Needed at entry into the job in order to perform the essential duties.)

- Knowledge of municipal, state, and federal laws, ordinances and codes affecting City government.
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City of San José  
**Senior Deputy City Attorney I (PT/FT) (2165/2193)**  
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1. 2. 3. 4. 5. 6.	Investigate claims and complaints by and against the City. Prepare pleadings, briefs, discovery and other litigation documents. Prepare and try cases by and against the City at state, federal and appellate courts. Prosecute misdemeanor violations of City ordinances. Represent the City at administrative and quasi-judicial hearings. Prepare and draft legal opinions, ordinances, permits, resolutions, contracts, deeds, leases and other legal documents.	Continuous Continuous Continuous Continuous Continuous Continuous
7.	Provide legal advice and counsel to Mayor, City Council, Council Appointees, and City departments.	Continuous
8.	Act in an advisory capacity at meetings of the City Council, boards, commissions, committees and other governmental bodies.	Frequently
9.	Represent the City and City Attorney at meetings involving City officials, City staff or outside parties.	Frequently
10.	Analyze and interpret legislation and court decisions.	Frequently
11.	Perform legal research.	As Required
12.	Provide staff training on legal issues.	As Required
13.	Assist City departments in establishing policies and procedures to ensure compliance with the law; recommend changes in City policies or procedures to meet legal requirements.	As Required
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<b>CLASSIFICATION HISTORY</b> <i>Created 10/11</i>
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