

**AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL**

ITEM NUMBER: 7

DATE: January 6, 2004

STAFF: Steve Roy

SUBJECT

Second Reading of Ordinance No. 177, 2003, Amending Section 2-582 of the City Code Regarding the Employment Status of Deputy and Assistant City Attorneys.

RECOMMENDATION

The City Attorney recommends adoption of the Ordinance on Second Reading.

EXECUTIVE SUMMARY

This Ordinance, which was unanimously adopted on First Reading on December 16, 2003, clarifies that Deputy and Assistant City Attorneys are not management employees of the City but, rather, are unclassified employees whose positions are approved by the Council, and who are appointed by the City Attorney, and serve at the pleasure of the City Attorney.

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 18

DATE: December 16, 2003

STAFF: Steve Roy

SUBJECT

First Reading of Ordinance No. 177, 2003, Amending Section 2-582 of the City Code Regarding the Employment Status of Deputy and Assistant City Attorneys.

RECOMMENDATION

COPY

The City Attorney recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY

This Ordinance would clarify that Deputy and Assistant City Attorneys are not management employees of the City but, rather, are unclassified employees whose positions are approved by the Council, and who are appointed by the City Attorney, and serve at the pleasure of the City Attorney.

COPY

BACKGROUND

Recently, City staff has been discussing the various categories of employees who should be considered "unclassified management" for the purposes of certain City policies. At present, Deputy and Assistant City Attorneys are considered to hold "unclassified management positions" under such policies. Under Article VI, Section 1 of the City Charter, Deputy and Assistant City Attorney positions must be approved by the Council. They are appointed by the City Attorney who is, in turn, responsible directly to the City Council rather than the City Manager. Therefore, while Deputy and Assistant City Attorneys are unclassified employees of the City, they are not part of City management, and that distinction should be reflected in the City Code.

This Ordinance would amend Section 2-582 of the City Code accordingly. That section of the Code currently states that the salaries of Assistant City Attorneys shall be set by the City Attorney and that Assistant City Attorneys are to be considered "non-classified service employees" for purposes of position classification and the City's compensation plan. The proposed Ordinance would clarify that Deputy and Assistant City Attorneys are appointed by the City Attorney once their positions are approved by the Council; they serve at the pleasure of the City Attorney; and they are entitled to the same benefits, privileges, terms and conditions of employment as unclassified management employees, except to the extent that those terms and conditions of employment are modified by the City Attorney to ensure the efficient operation of the City Attorney's Office.

If this Ordinance is approved by the Council, the City's Personnel Policies will be modified in the same fashion. Copies of those proposed policy modifications are contained in the agenda materials.

ORDINANCE NO. 177, 2003
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 2-582 OF THE CODE OF THE CITY OF FORT COLLINS
REGARDING THE EMPLOYMENT STATUS
OF DEPUTY AND ASSISTANT CITY ATTORNEYS

WHEREAS, Section 2-582 of the City Code states that Assistant City Attorneys shall be deemed to be nonclassified service employees for purposes of the position classification and compensation plan; and

WHEREAS, under certain personnel policies of the City, Assistant City Attorneys are presently characterized as unclassified management employees of the City; and

WHEREAS, under the City Charter, Assistant and/or Deputy City Attorneys perform duties as assigned by the City Attorney, who is responsible directly to the City Council rather than the City Manager; and

WHEREAS, it is in the best interest of the City to clarify the employment status of Deputy and Assistant City Attorneys, not only in the City's personnel policies but also in the City Code; and

WHEREAS, the City Council wishes to amend Section 2-582 of the City Code in the manner shown below.


NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 2-582 of the Code of the City of Fort Collins is hereby amended so as to read in its entirety as follows:

Sec. 2-582. Salary and employment status of Deputy and Assistant City Attorneys.

(a) Pursuant to Article VI, Section 1 of the Charter, all Deputy and Assistant City Attorney positions shall be approved by the City Council. Such positions may then be filled by the City Attorney. Deputy and Assistant City Attorneys shall serve at the pleasure of the City Attorney, and shall have the same benefits, privileges, terms and conditions of employment as unclassified management employees of the city, except for such exceptions, additions or modifications thereto as the City Attorney, in his or her discretion, may deem necessary or advisable for the efficient operation of the Office of the City Attorney.

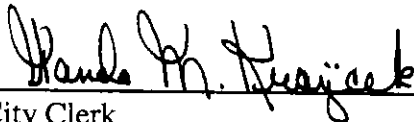
(b) The salaries of the Deputy and Assistant City Attorneys shall be set by the City Attorney.

Introduced and considered favorably on first reading and ordered published this 16th day of December, A.D. 2003, and to be presented for final passage on the 6th day of January, A.D. 2004.



Mayor

ATTEST:



City Clerk

Passed and adopted on final reading this 6th day of January, A.D. 2004.

Mayor

ATTEST:

City Clerk