

**RESOLUTION NO. 23-020**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO  
AMENDING THE ELECTED OFFICIALS' COMPENSATION PROGRAM**



WHEREAS, the City Council desires to amend the Elected Officials' Compensation Program.

NOW, THEREFORE, BE IT RESOLVED that the Elected Officials' Compensation Program be amended which are incorporated in this resolution by this reference and attached as Exhibit B.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 17<sup>th</sup> day of January 2023 by the following vote:

Members of the City Council

AYES: Wei, Mohan, Chao, Fruen, Moore  
NOES: None  
ABSENT: None  
ABSTAIN: None

<p>SIGNED:</p>  _____ Hung Wei, Mayor City of Cupertino	<p>3/13/2023 _____ Date</p>
<p>ATTEST:</p>  _____ Kirsten Squarcia, City Clerk	<p>3/14/23 _____ Date</p>

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 1

PROGRAM PURPOSE AND DEFINITIONS FOR ELIGIBILITY

It is City of Cupertino policy that those certain persons holding positions hereinafter defined and designated as elected official positions shall be eligible for participation under the Elected Officials Compensation Program as hereby adopted by action of the City Council and as same may be amended or as otherwise modified from time to time.

Eligibility for inclusion with this Compensation program is limited to persons holding positions as elected officials. These are designated by the voters and may be modified as circumstances warrant.

The position in the following classification has been designated as elected official.

ELECTED OFFICIAL CLASSIFICATIONS:

Classification Title City  
Council Member

Adopted by Action of the City Council,  
July 2013

City of Cupertino  
ELECTED OFFICIALS COMPENSATION PROGRAM  
Policy No. 2

SALARY SCHEDULE

As rates of pay are set forth under the Cupertino Municipal Code 2.16.020, and hereby adopted by action of the City Council, so are those rates of pay included herein as a part of this Compensation program. The inclusion herein of said rates and schedules does not affect any effective dates or otherwise reflect on the approval processes required but is shown as an integral part of this Program for completeness of record.

Adopted by Action of the City Council  
July, 2013, October 2016

City of Cupertino  
ELECTED OFFICIALS COMPENSATION PROGRAM  
Policy No. 3

TRAINING AND CONFERENCES

I. POLICY

It is City of Cupertino policy that members of the City Council and the Council's commissions and committees, shall be reimbursed or receive a direct advance according to the schedules, terms and conditions as set forth herein for the expenses authorized below. This policy is established in accordance with California Government Code Sections 53232.2 and 53232.3.

III. AUTHORIZED EXPENSES

The City Council and their commission and committee members can receive reimbursements or advances toward actual and necessary expenses incurred by participating in the following activities or events:

1. Communicating with representatives of regional, state and national government on City adopted policy positions;
  2. Attending seminars, conferences, and training to improve skill and information levels;
  3. Participating in regional, state and national organizations whose activities affect the City's interests (such as the League of California Cities);
  4. Attending International Conferences, budget limited to \$2,500 per fiscal year, provided there is a benefit to the City;
  5. Attending City events;
- 
1. Attending functions of other local civic or community organizations where there is a clear nexus between the event and the member's attendance as an official representative of the City. Purely social events, service club dues and meals, and political or charitable contributions or events would be excluded. For purposes of this section, reimbursable fundraisers and events include, but are not limited to, Cupertino Union School District, Fremont Union High School District, Foothill- De Anza Community College District, Silicon Valley Leadership Group, Cupertino American Cancer Society (ACS) Relay for Life and Cupertino Chamber of Commerce activities.

The City will not reimburse or advance payment toward expenses including, but not limited to:

1. The personal portion of any trip;
2. Family expenses, including those of a partner when accompanying Council or commission member on City related business, as well as child or pet related expenses.
3. Entertainment expenses, including theatre, shows, movies, sporting events, golf, spa treatments, etc.
4. Meals and entertainment paid on behalf of third parties outside of the City;
5. Gifts of any kind for any purpose;
6. Alcoholic beverages;
7. Non-mileage personal automobile expenses including repairs, insurance, gasoline, traffic citations; and
8. Personal losses incurred while on City business.

#### IV. BUDGETARY LIMITATIONS

Reimbursement or advancement of expenses shall not exceed budgetary limitations. Changes in appropriations will be done through the budget process.

#### V. REIMBURSEMENT AND ADVANCE SCHEDULE

##### A. Intent

This schedule is written with the intent that the City Councilmember, commissioner, or committee member will make every effort to find the lowest possible cost to the City for traveling on City business. For example, if paying for parking at the airport is less expensive than paying for a taxi or airport shuttle, then officials should drive their car and park at the airport; or if renting a car is lower than taking taxis at the out-of-town location, then a car should be rented. Air reservations should be booked in advance to obtain discounted fares. The following procedures apply whether the expense is being paid through a reimbursement or a direct advance.

## B. Local Area

The local area is defined to be within Santa Clara and San Mateo Counties and within a 40 mile distance from Cupertino when traveling to Alameda County.

## C. Registration

The City will pay the registration fee for authorized attendance at a convention, conference, seminar or meeting.

## D. Transportation

The City will pay transportation costs on the basis of the lowest cost intent stated in paragraph A. Eligible transportation costs include airfare (with coach fare being the maximum), van or taxi service to and from the attendee's home and airport, destination or airport parking charges, taxi and shuttle services at the out-of-town location, trains, tolls, or rental cars. Use of a personal automobile for City business shall be reimbursed or advanced at the rate per mile in effect for such use, except in no case shall it exceed air coach fare if the vehicle is being used for getting to the destination. Government or group rates offered by a provider of transportation must be used when available.

## E. Lodging

Hotel or lodging expenses of the City official resulting from the authorized event or activity defined in this policy will be reimbursed or advanced if the lodging and event occur outside the local area. Not covered will be lodging expenses related to person(s) who are accompanying the City member, but who themselves are not on City business. In this instance, for example, the difference between single and multiple occupancy rates for a room will not be reimbursed.

Where the lodging is in connection with a conference or other organized educational activity, City-paid lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, providing that lodging at the group rate is available at the time of booking. If the group rate at the conference hotel is not available, then the non-conference lodging policy described in the next paragraph should be followed to find another comparable hotel.

Where lodging is necessary for an activity that is not related to a conference or other organized educational activity, reimbursement or advances shall be limited to the actual cost of the room at a group or government rate. In the event that a group or government

rate is not available, lodging rates that do not exceed the median price for lodging for that area and time period listed on travel websites like [www.hotels.com](http://www.hotels.com), [www.expedia.com](http://www.expedia.com) or an equivalent service shall be eligible for reimbursement or advancement.

#### F. Meals

##### 1. No Conference

The actual cost of a meal can be claimed, within a standard of reasonableness, but receipts must be kept and submitted for the expense incurred.

##### 2. As Part of a Conference

When City officials are attending a conference or other organized educational activity, they shall be reimbursed or advanced for meals not provided by the activity, on an actual cost basis. The actual cost rate shall follow the rules described in the meals with no conference paragraph.

#### G. Other Expenses

Payments toward or reimbursement of other expenses related to authorized activities or events shall be limited to the actual costs consistent with the application of reasonable standards. Receipts must be kept and submitted for all expenses.

### VI. DIRECT CASH ADVANCE POLICY

From time to time, it may be necessary for a City official to request a direct cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request for an advance should be submitted to the City Manager or Department Head no less than seven days prior to the need for the advance with the following information: 1) Purpose of the expenditure; 2) The anticipated amount of the expenditure (for example, hotel rates, meal costs, and transportation expenses); and 3) The dates of the expenditure. An accounting of expenses and return of any unused advance must be reported to the City within 30 calendar days of the official's return on the expense report described in Section VII.

## VII. EXPENSE REPORT REQUIREMENTS

All expense reimbursement requests or final accounting of advances received must be approved by the City Manager or Department Head, on forms determined by the Finance Department, within 30 calendar days of an expense incurred, accompanied by a business purpose for all expenditures and a receipt for each item other than mileage. The report will be a public record subject to disclosure under the Public Records Act.

## VIII. REPORTS TO CITY COUNCIL OR COMMISSIONS

At the next regular City Council or commission meeting, each councilmember or commissioner shall briefly report on publicly noticed meetings attended at City expense. If multiple members attended the meeting, a joint report may be made.

## IX. POLICY VIOLATIONS

Violations of this policy including falsifying expense reports may result in any or all of the following: (1) loss of reimbursement privileges, (2) demand for restitution to the City, (3) civil penalties of up to \$1,000 per day and three times the value of the resources used, and 4) prosecution for misuse of public resources.



City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 4

MILEAGE REIMBURSEMENTS

It is City of Cupertino policy that eligible persons under this Compensation Program shall be compensated fairly for the use of personal automotive vehicles on City business. Those persons who occasionally are required to use their personal automobiles for City business shall be reimbursed for such use at the established IRS rates. Submission of reimbursement requests must be approved by the City Manager.

Adopted by Action of the City Council  
July, 2013

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 5

ASSOCIATION MEMBERSHIPS AND  
PROFESSIONAL PUBLICATIONS

It is City of Cupertino policy that eligible persons under this Compensation Program shall be entitled to City sponsored association memberships as well as receiving subscriptions to professional and technical publications. Such sponsorship, however, shall be conditioned upon the several factors as set forth below.

Each association for which membership is claimed must be directly related to the field of endeavor of the person to be benefited. Each claim for City sponsored membership shall be submitted with their concurrence to the City Manager for approval.

Subscriptions to or purchase of professional and technical publications may be provided at City expense when such have been authorized by the City Manager providing the subject matter and material generally contained therein are related to municipal governmental operations.

Adopted by Action of the City Council  
July, 2013

City of Cupertino  
 ELECTED OFFICIALS' COMPENSATION  
 PROGRAM  
 Policy No. 7

HEALTH BENEFITS PLAN - CITY

CONTRIBUTION

It is the policy of the City of Cupertino to provide group hospital and medical insurance under which the elected official positions and their dependents may be covered. The purpose of this program is to promote and preserve the health of employees and their families through comprehensive health plans available only through employer sponsorship.

Although the premium cost for the insurance provided remains the ultimate responsibility of the employee in these positions, the City shall contribute the amounts listed below towards the premium or pay the full cost of the premium if less than the stated amounts. If the premium amounts for any employee covered by this policy are less than the amounts listed below per month, the difference between the premium amount and the stated amounts will be retained by the City.

Effective January 1, 2020	City Max Health Contribution	City Max *Dental Contribution	City Total Max Contribution
Employee	848.87	126.78	975.65
Employee +1	1,443.09	126.78	1,569.87
Employee +2	1,876.01	126.78	2,002.79

January 1, 2021	City Max Health Contribution	City Max *Dental Contribution	City Total Max Contribution
Employee	891.32	126.78	1,018.10
Employee +1	1,515.24	126.78	1,642.02
Employee +2	1,969.81	126.78	2,096.59

January 1, 2022	City Max Health Contribution	City Max *Dental Contribution	City Total Max Contribution
Employee	935.88	126.78	1,062.66
Employee +1	1,591.01	126.78	1,717.79
Employee +2	2,068.31	126.78	2,195.09

\*Dental Coverage: Effective the first month after Council adoption of MOU, dental coverage is capped at \$2,500.00 per dependent per annual plan year for the term of this contract.

.

Adopted by Action of the City Council  
July, 2013, October 2016, July 2019,  
December 2019, January, 2023

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 9

LIFE INSURANCE

It is the policy of the City of Cupertino to provide life insurance benefits to the elected officials to a maximum of \$16,000.

The elected officials may enroll in the life insurance program offered if eligible under the contract provisions of the policy and the personnel rules of the City. The full cost of premiums for these programs shall be paid by the City for such individuals.

Adopted by Action of the City Council  
July, 2013

City of Cupertino  
ELECTED OFFICIALS COMPENSATION PROGRAM  
Policy No. 10

DEFERRED COMPENSATION

It is the policy of the City of Cupertino to provide equitable current compensation and reasonable retirement security for the elected officials for services performed for the City. The City participates in the California Public Employees' Retirement System (PERS) and deferred compensation plans have been established. Both the elected official and City may make contributions from current earnings to these plans. The purpose of this policy is to promote means by which compensation may be provided in such manner and form to best meet the requirements of the City and the needs of the elected officials. .

The City shall maintain and administer means by which the elected officials in these positions may defer portions of their current earnings for future utilization. Usage of such plans shall be subject to such agreements, rules and procedures as are necessary to properly administer each plan. Individual contributions to such plans may be made in such amounts as felt proper and necessary to the elected official. The City contributions shall be as determined by the City Council.

Adopted by Action of the City Council  
July, 2013

City of Cupertino  
ELECTED OFFICIALS COMPENSATION PROGRAM  
Policy No. 11

PUBLIC EMPLOYEES' RETIREMENT SYSTEM CONTRIBUTION

A. Council Members occupying office on or before December 29, 2012 Only:

For Council Members occupying office on or before December 29, 2012, the City has contracted with CalPERS for a 2.7% @55 retirement formula.

Effective in the first full pay period in July 2017, each employee shall pay the full 8.0% of applicable salary of the employee's contribution towards CalPERS.

B. Council Members occupying office on December 30, 2012 or December 31, 2012 or a current CalPERS employee who qualifies as a classic member under CalPERS Regulations Only.

For Council Members hired on December 30, 2012 or December 31, 2012 or a current CalPERS employee who qualifies as a classic member under CalPERS Regulations only the City has contracted with CalPERS for a 2.0% @ 60 retirement formula, three year average compensation

Effective January 1, 2017, the City shall not pay the employee's contribution rate to the California Public Employees Retirement System (CalPERS) and each employee shall pay the full 7% of applicable salary of the employee's contribution towards CalPERS.

C. For Council members occupying office on or after January 1, 2013, or former CalPERS employees that do not qualify as Classic employees hired by the City of Cupertino on or after January 1, 2013

For Council Members occupying office on or after January 1, 2013 CalPERS has by statute implemented a 2% @ 62 formula, three year average and employees in this category shall pay 50% of the normal cost rate as determined by CalPERS.

Adopted by Action of the City Council  
July, 2013, October 2016, July 2019

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 12

DENTAL INSURANCE - CITY CONTRIBUTION

It is the policy of the City of Cupertino to provide dental insurance under which the elected official positions and their dependents may be covered.

The premium cost for the insurance provided by the City shall not exceed \$126.78\* per month per individual. Enrollment in the plan or plans made available pursuant to this policy shall be in accordance with Personnel Rules of the City and the provisions of the contract for such insurance between the City and carrier or carriers.

\*Dental Coverage: Effective the first month after Council adoption of agreement, dental coverage is capped at \$2,500.00 per dependent per annual plan year for the term of this contract.

Adopted by Action of City Council  
July, 2013, October 2016, July 2019



City of Cupertino  
ELECTED OFFICIALS COMPENSATION PROGRAM  
Policy No. 14

EMPLOYEE ASSISTANCE PROGRAM

It is the policy of the City of Cupertino to provide an Employee Assistance Program for the benefit of the elected officials and their eligible dependents. The purpose of this program is to provide professional assistance and counseling concerning financial, legal, pre-retirement, and other matters of a personal nature.

Adopted by Action of the City Council  
July, 2013

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 17

VISION INSURANCE – CITY CONTRIBUTION

It is the policy of the City of Cupertino to provide vision insurance under which employees and their dependents may be covered.

The premium cost for the insurance provided by the City shall not exceed \$14.94 per month per employee. Enrollment in the plan or plans made available pursuant to this policy shall be in accordance with the provisions of the contract between the City and carrier or carriers providing vision insurance coverage,

Adopted by Action of the City Council  
July, 2013

City of Cupertino  
ELECTED OFFICIALS' COMPENSATION PROGRAM  
Policy No. 18

## TECHNOLOGY POLICY

### **Purpose**

This policy establishes guidelines and standards regarding the provision of technology hardware and software for Councilmembers.

### **Scope and Applicability**

This policy applies to all City Councilmembers for the provision and maintenance of City issued technology hardware and software. This technology is in addition to City technology equipment and software residing within the Mayor's and Council's office at City Hall.

### **Technology Provision**

To facilitate communications with citizens, staff and other Councilmembers, each Councilmember may elect to be issued the following technology hardware at the beginning of each term.

- 1 Laptop
- 1 Docking Station
- 1 Monitor
- 1 Webcam
- 1 Keyboard & Mouse
- 1 Phone with Voice/Data Plan

Each Councilmember's issued laptop will have the following additional software applications:

- Office productivity platform, e.g., Microsoft O365
- Cybersecurity Tools, e.g., end point protection and multifactor authentication
- Video Conferencing, e.g., Zoom

Each Councilmember's issued phone will have the following additional software applications

- Office productivity platform
- Cybersecurity Tools
- Video Conferencing

Issued technology hardware and software will meet current City hardware and software standards to ensure proper security, maintenance, and support.

Councilmembers who wish to not use City issued equipment must provide written acknowledgement that the technology they will use has current antivirus software and all software applications are up to date from a cyber security standpoint.

Councilmembers use the issued equipment for the performance of official City business. Data contained within the equipment is public property and considered a public record, therefore subject to all Public Records Act and Brown Act policies.

Councilmembers, upon completion of their term, will return all issued equipment to the Innovation & Technology Department. City equipment and/or software is not available for purchase.

### **City Support**

Innovation & Technology staff are solely responsible to provide technical support and maintenance for issued equipment and may be reached at [helpdesk@cupertino.org](mailto:helpdesk@cupertino.org) or (408) 777-3381. If required, Councilmembers shall bring their equipment to City Hall for repair and/or service.

Adopted by Action of the City Council  
July, 2019, January, 2023

**City of Cupertino**

City Council

and

Planning Commission

Compensation

Effective January 1, 2017

CITY OF CUPERTINO CITY COUNCIL  
AND PLANNING COMMISSION  
EFFECTIVE January 1, 2017

The salaries, wages or rates of pay for members of the City Council and Planning Commission are set forth below. Only the City Council can modify these rates.

Members of the City Council	\$737.54/month
Members of the Planning Commission*	\$50.00/meeting (maximum \$200 monthly)

Effective first full pay period in July 2017

Members of the City Council	\$743.07/month
Members of the Planning Commission*	\$50.00/meeting (maximum \$200 monthly)

\*Benefits as set forth in this document do not apply to members of the Planning Commission.