



STAFF REPORT

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TO: Andrew P. Powers, City Manager

FROM: Tracy M. Noonan, City Attorney

DATE: May 20, 2025

SUBJECT: Legal Services Agreements with Workplace Investigators

RECOMMENDATION:

1. Authorize the City Attorney to enter into legal services agreements with workplace investigators in an amount not to exceed \$125,000 in FY 2024-25 and not to exceed \$125,000 in FY 2025-26.
2. Approve budget appropriation and authorize expenditure in the amount of \$125,000 in FY 2024-25 from A/C #001-0000-311-1000 (General Fund, Fund Balance) to A/C #001-1610-611-56-13 (General Fund, Investigative Services).
3. Find that this action does not constitute a project as identified in the California Environmental Quality Act (CEQA).

LEVINE ACT ITEM: No

FINANCIAL IMPACT:

\$125,000 Increase to Adopted FY 2024-25 General Fund Budget. \$125,000 increase to the Adopted FY 2024-25 General Fund Budget will facilitate the hiring of workplace investigators to promptly review and investigate alleged workplace misconduct. Budget for FY 2025-26 will be included in the upcoming biennial budget process.

BACKGROUND:

The City is committed to providing a safe, secure, and respectful workplace for its employees, volunteers, residents, contractors, and vendors, free from threats, intimidation and acts of violence. Further, discrimination or harassment of an employee in the workplace is prohibited, and the City has an affirmative duty to maintain a working environment that is free from harassment. As part of this duty,

the City is periodically required to conduct investigations into alleged workplace misconduct.

DISCUSSION/ANALYSIS:

Investigations into workplace misconduct are performed in a number of situations. Administrative investigations are performed when there is reasonable suspicion that an employee has violated a City rule or regulation. In the case of alleged discrimination or harassment, the City is required by law to conduct an investigation and take prompt remedial action. Failure to promptly initiate or complete a required investigation could unnecessarily expose the City to liability.

While infrequent, investigations of alleged workplace misconduct are unpredictable. Some investigations are straight forward and can be quickly resolved without the need for outside assistance. Others can be complex, include multiple witnesses, and/or lead to additional areas of inquiry. The City Attorney's Office and the Human Resources Department review all allegations of workplace misconduct and determine if and how each matter should be investigated. Oftentimes, routine matters can be investigated by the Human Resources Department or the City Attorney's Office. However, complex investigations are best handled by outside investigators. Common to all investigations is the need to promptly initiate the inquiry and diligently complete the investigation.

The City Attorney's Office is requesting authority to enter and amend legal services agreements for investigation services up to \$125,000 for FY 2024-25 and FY 2025-26. This will allow the City Attorney the flexibility to promptly engage a workplace investigator when the need arises and complete the investigation in an expeditious manner. Provision of legal services are exempt from the City's Purchasing Policy.

COUNCIL GOAL COMPLIANCE:

Meets the following City Council goals:

B. Provide municipal government leadership which is open and responsive to residents, and is characterized by ethical behavior, stability, promoting public trust, transparency, confidence in the future, and cooperative interaction among civic leaders, residents, business representatives, and staff, while recognizing and respecting legitimate differences of opinion on critical issues facing the City.

C. Operate City government in a fiscally and managerially responsible and prudent manner to ensure that the City of Thousand Oaks remains one of California's most desirable places to live, work, visit, recreate, and raise a family.

PREPARED BY: Noel Doran, Assistant City Attorney