



AGENCY: City Council
MEETING DATE: May 13, 2019
DEPARTMENT: City Manager
PRESENTED BY: Tabatha Miller
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AGENDA ITEM SUMMARY

TITLE:

Receive Report and Consider Adoption of Joint City Council/Improvement District/Redevelopment Successor Agency Resolution to Approve Amended Agreement with Jones & Mayer for City Attorney Services and to Appoint Keith Collins as City Attorney Effective May 13, 2019

ISSUE:

The City contracted with the firm of Jones & Mayer for City Attorney services in November 2017. At that same time, the City appointed Russell Hildebrand to serve as City Attorney and Ryan Jones to service as Deputy City Attorney. The contract provided for 45 hours of attorney services each month and the cost of two monthly trips by the City Attorney to Fort Bragg to attend the regularly scheduled City Council Meetings. At the time of the contract, Mr. Hildebrand was residing and practicing law out of the greater Sacramento Valley.

In November 2018, Mr. Hildebrand relocated to Texas with the intention of continuing to provide services to the City and commuting for the twice monthly City Council and management staff meetings the following day. Recently, staff and City Council concluded that this arrangement was not in the best interest of the City and that an attorney more closely involved with the firm and state of California was needed.

Additionally, the City continued to use far less than the 45 hours of attorney services provided for in the contract and paid for through the monthly retainer. The excess hours and trips to Fort Bragg carry forward and may be utilized in future months.

The attached revised Contract designates Keith Collins as the Fort Bragg City Attorney, effective May 13, 2019, and reduces the number of service hours contained in the contract from forty-five (45) per month to thirty-five (35) per month, including travel expenses for one City Council meeting instead of two, effective January 1, 2019.

ANALYSIS:

The unused service hours as of December 31, 2018 will be applied as a credit to the City's monthly retainer bill, starting with the March 2019 invoice and applied in three credits through the May 2019 bill. Unused hours from calendar year 2019 will continue to be rolled forward and available for projects. As of March 31, 2019 (most current invoice as of the writing of this report), the City has a rollover balance of 66 hours of attorney time for calendar year 2019 that can supplement the 35 included in the monthly retainer. Two additional credits in the amount of \$5,357.33 will be applied to the April and the May invoices to offset the monthly charge of \$7,150.

The Amended Agreement provides for a review of the hours used and billed after six months. A strictly hourly contract has been discussed and considered. This may be a better agreement for both parties in the future and is available to the City at any time upon request.

The City also has the option to review the City Attorney appointment at this requests.

RECOMMENDED ACTION:

Adopt Joint City Council/Improvement District/Successor Agency Resolution to:

- (1) Approve a Revised Professional Services Agreement, effective January 1, 2019, with Jones & Mayer for City Attorney Services and Authorize City Manager to Execute Same; and
- (2) Appoint Keith Collins to Serve as City Attorney, District General Counsel, and Agency General Counsel; and continue the appointment of Ryan Jones to Serve as Deputy City Attorney, Deputy District Counsel and Deputy Agency General Counsel, effective May 13, 2019.

ALTERNATIVE ACTION(S):

- (1) No Action. Provide alternative direction to staff regarding procurement of legal services and appointment of City Attorney.

FISCAL IMPACT:

Each year, the City Council adopts a legal services budget in the annual budget. The FY 2018/19 Budget establishes a legal services budget of \$135,000, based in part on prior year costs. Barring any unforeseen litigation, legal costs in the coming year are expected to be below the budgeted amount. The unused service hours as of December 31, 2018 will be applied as a credit to the City's monthly retainer bill, starting with the March 2019 invoice and applied in three credits through the May 2019 bill. Unused hours from calendar year 2019 will continue to be rolled forward and available for projects.

CONSISTENCY:

N/A

IMPLEMENTATION/TIMEFRAMES:

The Amended Agreement is dated January 1, 2019, when the monthly retainer was reduced to 35 hours of service and included travel expenses for only one trip to Fort Bragg. This reduced the monthly retainer from \$10,960 per month to \$7,150. Appointment of Keith Collins as the City Attorney is effective May 13, 2019.

ATTACHMENTS:

1. Resolution Approving Amended Contract with Jones & Mayer and Appointing City Attorney.
2. Amended Contract

NOTIFICATION:

1. Lauren Budd, Jones & Mayer