



STAFF REPORT – CITY COUNCIL MEETING

September 06, 2023

TO: Honorable Mayor and City Council Members

FROM: Karen T. Diemer, City Manager

PREPARER: Karen T. Diemer, City Manager

DATE: August 31, 2023

TITLE: **Discuss and Consider Approval of an Agreement for City Attorney Legal Services with White Brenner LLP.**

RECOMMENDATION:

It is recommended that the City Council Approve the Agreement for City Attorney Legal Services between the City and White Brenner LLP, as proposed in the Agreement; and Authorize the City Manager to execute the Agreement.

INTRODUCTION:

The City issued a Request for Proposal (RFP) for City Attorney Services in April 2023. As part of the RFP process, on June 6, 2023, the City Council conducted a mix of virtual and in-person interviews and narrowed the field to two firms for further consideration. Further interviews and background references were conducted for the two preferred firms. After reviewing all the input from the interviews and references, the White Brenner LLP Law Firm was selected by the Council.

BACKGROUND:

Long-serving City Attorney Nancy Diamond announced her intent to retire (from the City) in April of 2023. The City issued a Request for Proposals (RFP) for City Attorney Services with proposals being due on April 27, 2023. The City received five proposals for City services.

As part of the RFP process, on June 6, 2023, the City Council conducted a mix of virtual and in-person interviews and narrowed the field to two firms for further consideration. The Council also appointed a sub-committee of Mayor Sarah Schaefer and Councilmember Atkins-Salazar to further review each firm. The Subcommittee set up a second interview day with each firm that included an interview with the Subcommittee as well as an interview with City Department Directors. The Subcommittee also reviewed reference check assessments that were obtained for the top two firms.

After reviewing all the input from the interviews and references the subcommittee made a recommendation to the Council for the selection of the White Brenner LLP Law Firm.

One of the strengths of the White Brenner proposal was the firm's proposed City Attorney team of Doug White and Nubia Goldstein. The proposed team has over a decade of city attorney experience

working together for several cities through California and specializes in cities that are under 40,000 in population. Their qualifications and their proposal are attached to the staff report.

The City Attorney provides legal advice and training on a broad range of public agency topics. In addition to standard legal review and defense the City Attorney drafts and reviews numerous documents including contracts, leases, easements, deeds, right of entry agreements, hold harmless agreements and releases. The City Attorney often reviews Public Records Act requests, subpoenas and claims for review and/or response.

The City Attorney drafts resolutions, ordinances and associated staff reports as requested by Department Directors, the City Manager and/or the City Council. Periodic reviews of City policies and ordinances are conducted to determine if amendments are needed to comply with current law. Reports (written and/or verbal) are provided to staff and the City Council on a regular basis to report on recent developments in statutory or case law so that the City will proactively address new issues and legal requirements.

BUDGET IMPACTS:

The City has planned for the City Attorney transition in the 2023/2024 Fiscal Year Budget. The proposed fee schedule for legal services under the new agreement is as follows.

General Counsel Legal Services. \$200.00 per hour for all legal professionals (partners, of counsel, associates, paralegals, project assistants, and law clerks)

Special Counsel Legal Services. \$295.00 for all legal professionals (partners, of counsel, associates, paralegals, project assistants, and law clerks) per hour for all Special Counsel Legal Services which include, but are not limited to, litigation, water, complex real estate transactions, enterprise funds, complex environmental, and labor and employment services.

Reimbursable Services. \$395.00 per hour for all legal professionals (partners, of counsel, associates, paralegals, project assistants, and law clerks) that provide cost recovery legal services for City.

CPI Increase. The rates herein will be adjusted annually in accordance with an increase in the All Urban Consumer Price Index for the San Francisco-Oakland-San Jose (“CPI”).

ATTACHMENTS:

- A. 2023.08.18 City of Arcata Agreement for City Attorney Services (DOCX)
- B. White Brenner_2023.04.27 Response to City Attorney Services RFP_Redacted (PDF)