



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: March 14, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

SUBJECT: Consider Adopting a Resolution Authorizing the Mayor to Execute a Second Amendment to the Agreement With Richards Watson Gershon to Extend the Agreement for City Attorney Services

BACKGROUND:

In 2022, the former San Bruno City Attorney, who was a City employee, retired from the City. The City Council directed staff to solicit proposals for Contract Interim City Attorney Services from a private firm. The City received proposals from nine firms and the City Council interviewed those firms over the course of two days. On June 6, 2022, the City entered into an Agreement (“Agreement”), with Richards Watson Gershon (“Consultant”) to provide interim city attorney services for a term ending on December 16, 2022.

Additionally, on December 13, 2023, the City Council authorized a First Amendment to the Agreement, which extended the term to June 30, 2023 and formally designated Trisha Ortiz as City Attorney for the City. Additionally, the First Amendment maintained the same scope of services and hourly fee structure, without an increase in the rates.

DISCUSSION:

The proposed Second Amendment to the Agreement conforms to the City’s standard amendment process for consultant service agreements and includes the following key elements:

1. Term. The term of the Agreement shall commence on June 6, 2022 and shall continue in effect until terminated under Section 14 of the Agreement, which generally provides for termination by the City, in whole or in part, immediately, and by the Contractor provided that at least 60 days’ notice is provided to the City.
2. Scope of Services. The scope of services remains unchanged and is set forth as Attachment A to the Agreement.
3. Cost. The hourly rate for services is proposed to remain unchanged through June 30, 2024. Thereafter, the Second Amendment provides for annual increases on July 1 to the hourly rates provided in Attachment B of the Agreement by the percentage change in the U.S. Department of Labor All Urban Customers Index for the San Francisco-Oakland-San Jose Area for the twelve-month period published for the most recent calendar year. The Second Amendment also includes a provision that the annual price adjustment shall never be lower than zero percent nor more than three percent.

With the contract set to expire on June 30, 2023, the proposed resolution as described above provides for continuity of legal services to the City from Richards Watson Gershon and Trisha Ortiz's service as City Attorney.

FISCAL IMPACT:

The proposed agreement includes compensation billed on a time and materials basis. The cost of basic legal services is \$250.00 per hour through June 30, 2024 and rates for other services are outlined on Attachment B of the Agreement. Thereafter, on each July 1 of each year during the term of this Agreement, the hourly rates provided in Attachment B shall increase by the percentage change in the U.S. Department of Labor All Urban Customers Index for the San Francisco-Oakland-San Jose Area for the twelve-month period published for the most recent calendar year. The proposed Second Amendment states that the annual price adjustment shall never be lower than zero percent nor more than three percent.

RECOMMENDATION:

Adopt resolution authorizing the Mayor to execute a second amendment to the agreement with Richards Watson Gershon for City Attorney Services.

ALTERNATIVES:

1. Do not approve contract amendment and provide direction to staff on the City Council's desired process to renegotiate the legal services agreement with Richards Watson Gershon.
2. Allow contract to expire and direct staff to negotiate with another firm to provide City Attorney Services or recruit for an in-house City Attorney employee.

ATTACHMENTS:

1. Resolution
2. Proposed Amendment 2
3. Amendment 1 (*authorized on December 13, 2022*)
4. Agreement with Richards Watson Gershon (*authorized on May 21, 2022*)