



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: May 31, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Jovan D. Grogan, City Manager

SUBJECT: Adopt Resolution Authorizing the Mayor to Execute an Agreement with Richards Watson Gershon to Provide Contract Interim City Attorney Services

BACKGROUND:

The City Council enters into separate contracts with the City Manager and City Attorney for their respective services to the City of San Bruno. Earlier this year, the City Attorney informed the City Council that he would be retiring. The City Attorney is currently a City employee. The City Council directed staff to solicit proposals for Contract Interim City Attorney Services from a private firm. Hiring a private firm to provide contract city attorney services is common among California municipalities and special districts.

DISCUSSION:

A Request for Proposals (RFP) for Contract Interim City Attorney Services was issued on April 6, 2022 (Attachment 1). The RFP was sent to law firms serving cities and special districts, posted on the City of San Bruno website, and the City Attorney issued a state-wide notice of the RFP to California municipal attorneys through the California League of Cities City Attorney list serve. Proposals were received by the April 29, 2022 deadline from the following nine firms:

Aleshire & Wynder
Best Best & Krieger
Burke Williams & Sorensen
Myers Nave
Renne Public Law Group
Richards Watson Groshon
Shute, Mihaly & Weinberger
White Brenner

Copies of the proposals are available for inspection in the City Attorney's Office in City Hall.

The City Council interviewed all nine firms over the course of two days (May 17, 2022 and May 19, 2022). At the conclusion of the interviews, a majority of the Mayor and City

Councilmembers directed staff to negotiate a contract with Richards Watson Gershon for Contract Interim City Attorney Services.

Richards Watson Gerson was founded in 1954 and provides legal services to municipalities and other public agencies from offices in San Francisco, Sacramento, Los Angeles, Orange County, Temecula, and the Central Coast. The firm currently serves as City Attorney to 26 California municipalities, and as general or special counsel to local and regional public agencies across the state.

The designated Interim City Attorney in the firm would be Trisha Ortiz. Ms. Ortiz lives in San Mateo County, is a shareholder in the San Francisco office and has spent her career at RWG representing public agencies. Ms. Ortiz counsels local governments on all aspects of municipal governance, including public meetings, elections, revenue matters, transactional matters, land use matters, the interpretation, application of, and compliance with the Brown Act, Public Records Act, Political Reform Act, and other conflict of interest and ethics laws. Reference checks with current and past clients confirmed that Ms. Ortiz is responsive, has broad knowledge of municipal legal issues, works well with a variety of individuals and can quickly access resources in her firm when needed.

An agreement has been negotiated with Richards Watson Gershon. The proposed agreement is attached (Attachment 2), conforms to the City's standard consultant services agreement and has been reviewed by the City Attorney. Key elements of the agreement include:

1. Term. The term of the agreement is for six months. If the City Council is satisfied with the service provided, the term could be extended by mutual agreement.
2. Scope of Services. A detailed scope of services (Attachment A to the Agreement) consistent with the RFP document.
3. Office time in City Hall. Commitment of a minimum of 2 days per week on site in City Hall.
4. Budget. Close budget coordination with the City Manager and City Council and timely reporting to the City Council regarding the cost of services. Billing would be based on an hourly rate of \$250.00 per hour for basic services as defined in Attachment B to the agreement.
5. Attendance at City Council meetings (and Planning Commission meetings as needed). The Interim City Attorney would attend City Council meetings by Zoom in the current format and in person if/when the City Council convenes in a hybrid or in person format.
6. Monthly report. The firm would provide a monthly report summarizing its work by topic area.
7. City authority to approve designated Interim City Attorney. The City would have the right to approve a new designated Interim City Attorney if Ms. Ortiz no longer served in the position.
8. Mutual termination clause. Both parties would have the ability to terminate the agreement without cause. The City could provide notice immediately. The firm would be required to provide 60 days notice.

FISCAL IMPACT:

The proposed agreement includes compensation billed on a time and materials basis. The cost of basic legal services will be \$250.00 per hour. Contracted legal services is a new model for the City and the total costs will be established during the first several months of service. Staff estimates approximately 200 hours per month of legal services from the firm during the first few months of work, which would total an estimated cost of \$50,000 per month. A budget for the City Attorney services would be included in the FY 2022-23 Budget currently under consideration by the City Council.

RECOMMENDATION:

Adopt resolution authorizing the Mayor to execute an agreement with Richards Watson Gershon for Contract Interim City Attorney Services.

ALTERNATIVES:

1. Direct staff to negotiate with another firm to provide Contract Interim Attorney Services

ATTACHMENTS:

1. Contract Interim City Attorney Services Request for Proposals: sanbruno.ca.gov/carfp
2. Agreement with Richards Watson Gershon
3. Resolution