



TO: City Council

FROM: Lori J. Barker, City Attorney

RE: Consideration of Request for Proposals - City Attorney Services

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As previously announced, I will be retiring effective April 12, 2014, and the Council has indicated that it is interested in analyzing its options in regard to how it obtains City Attorney services. Those options include continuing to retain an in-house City Attorney or entering into a contract with a law firm for contract City Attorney services, with variations on how each of those options is structured, as described below:

- Maintain the current office structure with an in-house City Attorney and Assistant City Attorney who provide the day-to-day legal services and manage litigation matters handled by outside counsel;
- Contract with a law firm with experience in representing California cities for all City Attorney services;
- Move to a hybrid system with one in-house City Attorney and enter into a contract with a law firm experienced in representing California cities for additional day-to-day general municipal services, which could also include some or all of the City's litigation; or
- Move to a hybrid system with a contract City Attorney from a full-service law firm but maintain an assistant city attorney and/or paralegal in-house to provide day-to-day, on-site, legal services and/or assistance.

A way to conduct a comprehensive evaluation of those options would be to issue a request for proposals for the alternatives of contracting out for all City Attorney services and for the two hybrid systems. A draft of a Request for Proposals which would solicit proposals for those three alternatives is attached to this memo.

The attached draft would solicit proposals from law firms with experience representing California cities in a broad range of municipal law practice areas and responses would be due by January 31, 2014.

After the receipt and evaluation of the responses, the Council could choose to award a contract under one of the alternative scopes of work described in the RFP or to maintain the current department structure. If, after analyzing the responses, the Council chose one of the alternatives utilizing an in-house City Attorney, the Council could then initiate the recruitment process for an in-house City Attorney.

It was requested that historical financial and workload comparisons between the City Attorney's Department and City as a whole be provided for consideration in relation to this item. In response to

that request, the Administrative Services Department has provided the attached document with that analysis.

**Recommendation:**

That the Council consider whether to issue a Request for Proposals for City Attorney services and, if it desires to do so, provide direction as to which of the Alternatives should be included in the Request.



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Lori J. Barker, City Attorney

**Attachments:**

- A. Request for Proposals for City Attorney Services
- B. Comparative Financial and Workload Information