



# CITY COUNCIL STAFF REPORT



October 1, 2024

## ITEM TITLE

Agreements: Approve Amendments to Various Legal Services Agreements to Provide On-Call and Other Legal Services

**Report Number:** 24-0258

**Location:** No specific geographical location

**Department:** City Attorney

**G.C. § 84308:** Yes

**Environmental Notice:** The activity is not a “Project” as defined under Section 15378 of the California Environmental Quality Act (“CEQA”) State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

## Recommended Action

Adopt a resolution approving the amendments to the Legal Services Agreements with: 1) McDougal, Boehmer, Foley, Lyon, & Mitchell for a not-to-exceed amount of \$150,000; and 2) Lounsbury Ferguson Altona & Peak for a not-to-exceed amount of \$360,000.

## SUMMARY

The City Attorney’s Office provides legal review, advice, consultation, and representation on a wide variety of legal issues and litigation related to City operations and staff. The advisory and transactional section of the City Attorney’s Office is currently significantly understaffed and anticipates that it will remain so until new staff can be hired in the coming months. The amendments to these agreements will allow the City to continue to use the law firm of McDougal, Boehmer, Foley, Lyon, Mitchell & Erickson for on-call legal services; and will finalize and close out the Legal Services Agreement with Lounsbury Ferguson Altona & Peak for previous Acting City Attorney services.

## ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed activity for compliance with CEQA and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

## **BOARD/COMMISSION/COMMITTEE RECOMMENDATION**

Not applicable.

## **DISCUSSION**

The City Attorney's Office provides a wide variety of legal services to the City, including legal review, advice, consultation, and representation on diverse matters impacting the City, including its officials, management, and departments. The advisory and transactional section of the City Attorney's Office has been significantly understaffed for the past year and a half due to the City Attorney vacancy, retirements, and attrition. The office is anticipated to remain understaffed until new staff is hired in the coming months.

In the interim, the City Attorney's Office has utilized private law firms to assist in managing the City's legal needs. The City presently has legal services agreements with McDougal, Boehmer, Foley, Lyon, & Mitchell for general on-call legal services, and in the process of closing out a legal services agreement with Lounsbery Ferguson Altona & Peak for prior Acting City Attorney services. These firms have provided responsive, high quality legal assistance on a variety of matters pursuant to these agreements, including public contracting, general contract review, police and fire advisory services, among other civil advisory matters.

Given the large volume of legal work and the temporarily reduced level of staffing in the City Attorney's Office, the capacity in the existing two agreements have been expended. The requested second amendment to the legal services agreement for on-call legal services with McDougal, Boehmer, Foley, Lyon, & Mitchell will increase the capacity to a not-to-exceed amount from \$50,000 to \$150,000 and make amendments to reflect the firm's new name. The requested first amendment to the legal services agreement for Acting City Attorney services with Lounsbery Ferguson Altona & Peak will increase the capacity to a not-to-exceed amount from \$350,000 to \$360,000 to close out the final invoice from April 2024. The costs of these contract amendments were included within the current year budget, so no additional appropriation is necessary.

## **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.). Staff is not independently aware and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

## **CURRENT-YEAR FISCAL IMPACT**

There is no additional fiscal impact as a result of this action. Funding is available based on current year budget appropriations.

## **ONGOING FISCAL IMPACT**

There is no ongoing fiscal impact as a result of this action.

## **ATTACHMENTS**

1. Second Amendment to LSA with McDougal, Boehmer, Foley, Lyon, & Mitchell

2. First Amendment to LSA with Lounsbury Ferguson Altona & Peak

*Staff Contact: Megan McClurg, Assistant City Attorney*