



Legislation Details (With Text)

**File #:** 18-601      **Version:** 1      **Name:**

**Type:** Consent Item      **Status:** Passed

**File created:** 11/8/2018      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority

**On agenda:** 11/19/2018      **Final action:** 11/19/2018

**Title:** SUBJECT: Approval of Agreement for Legal Services with Berliner Cohen, LLP. at the Rate of \$300 Per Hour and in an Amount Not to Exceed \$50,000

**REPORT IN BRIEF**

Considers approving an agreement for legal services with Berliner Cohen, LLP., to provide legal services to the City under the direction of the City Attorney on an as needed hourly basis at a rate of \$300 per hour. The contract total is not to exceed \$50,000.

**RECOMMENDATION**

City Council - Adopt a motion approving an agreement for legal services with Berliner Cohen, LLP. not to exceed \$50,000; and, authorizing the City Manager or Assistant City Manager to execute the agreement.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Agreement for Legal Services with Berliner Cohen.pdf

Date	Ver.	Action By	Action	Result
11/19/2018	1	City Council/Public Finance and Economic Development Authority/Parking Authority	approved	Pass

*Report Prepared by: Phaedra Norton, City Attorney*

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**ALTERNATIVES**

1. Approve, as recommended by staff; or,
2. Provide direction on specific revisions to the Agreement; or,
3. Request additional information; or,
4. Continue the matter to a certain date; or,
5. Decline to take action.

## **AUTHORITY**

Charter of the City of Merced, Section 200.

## **CITY COUNCIL PRIORITIES**

N/A.

## **DISCUSSION**

Due to vacancies in the positions of City Attorney and Senior Deputy City Attorney, on August 15, 2016, the City Council approved an Agreement with the law firm, Berliner Cohen, LLP (hereafter Berliner Cohen) to provide Interim City Attorney and Deputy City Attorney services to the City. Subsequent to the approval of that Agreement, the City Council approved several amendments to the Agreement to increase the hours worked under the Agreement and to extend the term of the Agreement while recruitments for a permanent City Attorney were conducted. The Agreement with Berliner Cohen was terminated on November 2, 2018, due to the City hiring a permanent City Attorney.

The City is beginning a recruitment to fill the position of Senior Deputy City Attorney. Until that position is filled, the City Attorney would like to retain the services of Berliner Cohen to assist with specialized legal services related to the City's commercial cannabis activities ordinance and implementation thereof and City personnel issues as well as other legal matters assigned by the City Attorney. The City Attorney intends to primarily use the services of Ms. Flores. Ms. Flores's hourly rate for these services is \$300 per hour, with the Professional Services Agreement not to exceed \$50,000.

## **IMPACT ON CITY RESOURCES**

The Agreement for Legal Services will be funded under contracted services with the salary savings from the vacant Senior Deputy City Attorney position. Funding is available within FY2018-19 adopted budget under account 001-0301-512-17-00 (Professional Services).

## **ATTACHMENTS**

1. Agreement for Legal Services with Berliner Cohen