



Legislation Text

File #: 24-167, **Version:** 1

Report Prepared by: Craig J. Cornwell, City Attorney, City Attorney's Department

SUBJECT: Approval of Professional Legal Services Agreement with Richard Watson & Gershon, Prentice Long, Approval of Hanson Bridgett, LLP Second Amendment and Approval of Wilke Fleury, LLP First Amendment in an Amount not to Exceed \$245,000

REPORT IN BRIEF

Considers approving a Professional Legal Services Agreement with Richard Watson & Gershon, Prentice Long, Law Offices of John W. Martin and Hanson Bridgett, LLP's Second Amendment in an amount not-to-exceed \$245,000.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving a two-year Professional Legal Services Agreement with Richard Watson & Gershon in an amount not-to-exceed \$125,000; and,
- B. Approving a two-year Professional Legal Services Agreement with Prentice Long in an amount not-to-exceed \$75,000; and,
- C. Approving a Second Amendment to an Agreement for Professional Services with Hanson Bridgett LLP in an amount not to exceed \$20,000, totaling \$120,000; and,
- D. Approving a First Amendment to an Agreement with Wilke Fleury, LLP in an amount not to exceed \$25,000, totaling \$61,000; and,
- E. Authorizing the City Manager to execute the necessary documents; and,
- F. Authorizing the Finance Officer to make the necessary budget adjustments.

ALTERNATIVES

- 1. Approve, as recommended by staff; or,
- 2. Approve, subject to conditions other than as recommended by staff; or,
- 3. Deny; or,
- 4. Continue to a future meeting.

AUTHORITY

Charter of the City of Merced, Section 200.

CITY COUNCIL PRIORITIES

As provided for in the 2023-24 Adopted Budget.

DISCUSSION

The Office of the City Attorney is responsible for representing the City of Merced in all legal actions involving the City unless the City Council determines contracting with a specialized law firm is prudent. Currently, the City Attorney's Office has three out of four attorney positions vacant, leaving the City Attorney to handle all matters requested of his office.

The City Attorney has identified an opportunity to supplement his ability to meet the demands of his office with outside law firms that specialize in various facets of municipal law at an hourly price point that is significantly lower than current market rates.

Richards Watson Gershon

RWG has specialized in public law for over 70 years. With 6 offices throughout California, RWG has the resources to assist the City of Merced legal in-house needs competently. RWG will oversee its agreement with the City through its San Luis Obispo office and its shareholder Craig Steele who also serves as City Attorney for the City of Monrovia and General Counsel to the Nipomo Community Services District.

The hourly rate for the Richard Watson Gershon will be \$275/hr.

Prentice Long, PC

Prentice Long, PC is a full range municipal law firm, founded in 2013, that boost a specialization in code enforcement. Prentice Long proposes to provide the City of Merced with code enforcement assistance under the guidance of the City Attorney. The firm has two main offices in Redding and Fresno, California and its primary point of contact for the City would be managing partner, Margaret Long. Ms. Long has an expertise in municipal law, civil litigation, labor and employment law, and business law.

The hourly rate for the Prentice Long, PC will be \$195/hr.

Hanson Bridgett's Second Amendment Request

On July 3, 2023, the City entered into an Agreement for Professional Services ("Agreement") with the law firm of Hanson Bridgett, LLP for legal services in support of the City Attorney's Department. The initial budget allocation was \$36,000.

On September 18, 2023, the City entered into a First Amendment to Agreement for additional funding in the amount of \$64,000. This First Amendment increased the not to exceed amount of the Agreement from \$36,000 to \$100,000.

This allocation has been sufficient to cover legal services thus far. However, additional funding in the

amount of \$20,000 is necessary to ensure that funds are available for this firm's assistance to the City Attorney's Office for review of housing related development agreements, Pitchess Motions and Planning Commission advisory work from January through February 2024. This Second Amendment will increase the not to exceed amount of the Agreement from \$100,000 to \$120,000.

Wilkes Fleury LLP's First Amendment Request

On or about January 12, 2023, the City entered into an Agreement for Legal Services with Wilke Fleury, LLP to assist the City with a Transient Occupancy Tax (TOT) collection matter. A TOT, also commonly known as "bed tax", is authorized under California State Revenue and Taxation Code Section 7280 and is charged to any person who occupies a room at a hotel, motel, inn, etc. for a period of less than thirty (30) consecutive calendar days.

The original allocation was for \$36,000 and the matter has continued into this current year and requires an additional allocation to cover legal fees. Staff is estimating \$25,000 is necessary to cover anticipated legal fees in this matter for the remainder of this fiscal year \$25,000. This First Amendment will increase the not-to-exceed amount of the Agreement from \$36,000 to \$61,000.

IMPACT ON CITY RESOURCES

Funding for these services is available within the City Attorney's current fiscal year operating budget.

ATTACHMENTS

1. Richard Watson Gershon Retainer Agreement
2. Prentice Long Retainer Agreement
3. Second Amendment for Hanson Bridgett Professional Services
4. First Amendment for Wilkes Fleury, LLP