



Legislation Text

File #: 19-632, **Version:** 1

Report Prepared by: Marti Garcia, Paralegal Office Administrator, City Attorney's Department

SUBJECT: Approval of Professional Legal Services Agreement with Goldman, Magdalin & Krikes and Yrulegui & Roberts for Workers' Compensation Litigation Matters in an Amount not to Exceed the Approved Budget Allocation

REPORT IN BRIEF

Considers approval of Professional Legal Services Agreements with 1) Goldman, Magdalin & Krikes and 2) Yrulegui & Roberts for workers' compensation litigation matters.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Professional Legal Services Agreement with Goldman, Magdalin & Krikes; and,
- B. Approving the Professional Legal Services Agreement with Yrulegui & Roberts; and,
- C. Authorizing the Finance Officer to make the necessary budget adjustments; and,
- D. Authorizing the City Manager or the Assistant City Manager to execute the Professional Legal Services Agreements with 1) Goldman, Magdalin & Krikes and 2) Yrulegui & Roberts.

ALTERNATIVES

- 1. Approve, as recommended by staff; or
- 2. Approve, subject to modification as conditioned by the City Council; or,
- 3. Refer to staff for reconsideration of specific terms (specific terms to be addressed in the motion); or,
- 4. Deny.

AUTHORITY

Charter of the City of Merced, Section 200.

CITY COUNCIL PRIORITIES

N/A.

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 to hire special counsel for specific legal

services. From time to time, there are matters for which the City requires legal representation utilizing the special skills and abilities of counsel specifically experienced in such areas.

The City has utilized the services of special legal counsel in the area of workers' compensation defense matters since 2003. The City is currently contracted with two law firms, which combined have represented the City in over 79 litigated workers' compensation claims. The City Attorney's Office has provided oversight of the legal services provided by these law firms by monitoring the quality of the legal representation provided and the cost therefore. Utilizing outside legal counsel specializing in the area of workers' compensation defense is both cost effective and allows for greater efficiency in handling the nuances of the workers' compensation system.

The City Attorney's Office issued Requests for Proposals to the firms currently representing the City, as well as seven other law firms with offices from Sacramento to Bakersfield.

City staff interviewed four firms. Based on the overall thoroughness of their proposal, familiarity and experience with relevant state law and other rules that specifically apply to public safety employees, including police and fire personnel, and the amount, rate, and method of compensation proposed, staff is recommending the firm of Goldman, Magdalin & Krikes, LLP. The Goldman firm is currently under contract with the City and has been handling a caseload of approximately 19 workers' compensation matters from its San Luis Obispo Office. The Goldman firm has, and continues to represent the City with favorable results, while keeping legal fees in line with the complexity of the case.

Staff is also recommending the firm of Yrulegui & Roberts. The City does not currently utilize the Yrulegui firm. With over 68 years of combined experience, the Yrulegui firm focuses its practice on the defense of employers and insurance companies. The firm's offices are based Fresno, with a satellite office in Bakersfield.

Funding for the Contracts is through the insurance/legal line for workers' compensation matters.

Based on the above, the City Attorney recommends that the Contracts be approved by the City Council.

IMPACT ON CITY RESOURCES

Funding is available as approved in the FY19/20 budget.

ATTACHMENTS

1. Agreement for Professional Services with Goldman, Magdalin & Krikes, LLP
2. Agreement for Professional Services with Yrulegui & Roberts