



City Attorney's Office

AGENDA REPORT

DATE:	May 17, 2022
TO:	Mayor Butt and Members of the City Council
FROM:	Heather McLaughlin, Interim Senior Assistant City Attorney
Subject:	Amendment to the Interim City Attorney Agreement with Aleshire & Wynder
FINANCIAL IMPACT:	<p>Approval of this item will increase the fiscal impact of this agreement by an additional \$40,000/month for a monthly total of \$100,000.</p> <p>Appropriate \$160,000 for FY2021-2022 account string: 01151014-400206</p>
PREVIOUS COUNCIL ACTION:	The original agreement was approved by the City Council on December 21, 2021
STATEMENT OF THE ISSUE:	This item proposes to amend the agreement with Aleshire & Wynder to increase the monthly flat rate to \$100,000 per month from \$60,000 per month, and to extend the term of the agreement to September 30, 2022.
RECOMMENDED ACTION:	APPROVE amendment to the Interim City Attorney Agreement with Aleshire & Wynder and APPROPRIATE \$376,000 from the General Fund – City Attorney's Office (Heather McLaughlin 510-620-6509)

DISCUSSION:

The existing agreement with the law firm of Aleshire & Wynder for interim City Attorney services was initially contemplated to end on June 30, 2022. Given that the City Council has not, as of the writing of this staff report, reviewed the candidates for City Attorney, it appears that additional time for Aleshire & Wynder should be taken into account. It is proposed that the services be extended through September 30, 2022.

The existing agreement also caps the fees at a maximum of \$60,000 per month. This equates to 240 hours using the main billing rate of \$250 per hour. This works out to be about 8 hours per day using a 30-day month. The \$60,000 cap also includes travel expenses and time. Under the agreement there is a flat rate of \$500 plus two hours of attorney time for travel up to Richmond. This reduces the number of attorney work hours. At the time the existing agreement was approved, it was noted that it was unclear whether the \$60,000 was sufficient to provide the necessary services. The agreement provided for a review in two months to evaluate this.

MONTH	AMOUNT	HOURS	OVERAGE
December	\$7,096.50	26.10	0
January	\$43,588.00	152.60	0
February	\$61,640.06	208.60	\$ 1,640.06
March	\$95,675.00	232.90	\$35,675.00
April	\$87,999.01 ***Estimate****	309.50	0

As a result of this review, it appears that additional funds are needed to provide adequate legal services. The salary and benefit offset from the city attorney position for a 6-month term is approximately \$168,000 or \$ \$28,000/month. An additional appropriation from the general fund, account string 01151014-400206, is needed to pay for the difference between the salary offset and the contract amount. With the proposal to increase the contract amount to \$100,000/month commencing with the March bill, the additional appropriation required is \$376,000 including \$160,000 for FY 2021-2022 and \$216,000 for FY 2022-2023.

The primary attorneys will continue to be David J Aleshire, Lona Laymon, Pam Lee, Anthony Taylor, Alison Flowers, Joan Newman, Priscilla George, and Danny Aleshire. Other attorneys may be assigned from time to time so long as David Aleshire works at least 30 hours per month for the City.

DOCUMENTS ATTACHED:

Attachment 1 – Original Legal Services Agreement

Attachment 2 – First Amendment to the Legal Services Agreement