



CITY COUNCIL AGENDA REPORT

MEETING DATE: October 18, 2004 **ITEM NUMBER:** Item Number

SUBJECT: RETAINER AGREEMENT FOR CITY ATTORNEY SERVICES AND
 APPOINTMENT OF CITY ATTORNEY

DATE: OCTOBER 7, 2004

FROM: City Manager's Office

PRESENTATION BY: STEVEN E. HAYMAN, ASSISTANT CITY MANAGER

FOR FURTHER INFORMATION CONTACT: **Steven E. Hayman 714/754-5328**

RECOMMENDATION:

1. Approve Retainer Agreement with Jones and Mayer for Legal Services and authorize the City Manager to sign.
2. Appoint Kimberly Hall Barlow as City Attorney, effective November 1, 2004.

BACKGROUND:

The City Council, at the meeting of September 7, 2004, directed staff to negotiate a contract with the Law Offices of Jones and Mayer. Staff began working with Ms. Kimberly Hall Barlow as the firm's representative towards that end. A transition plan was developed and discussed with staff and subsequently, the City Council at the Study Session of October 11, 2004 (Attachment 1). Following that discussion, staff indicated that a Contract (Attachment 2) can be prepared for the meeting of October 18, 2004 and is hereby presented for your consideration.

Discussion:

As indicated above, Ms. Barlow has prepared and developed the transition plan and implementation program (Attachment 1) and is gearing up to "hit the ground running" relative to understanding our organization and our needs. Staff has had sufficient input on both the plan and the Retainer Agreement and is satisfied that the transition will be both productive and efficient. The Agreement is structured to ensure flexibility on behalf of both parties and to ensure the City Council is well represented.

ALTERNATIVES CONSIDERED:

The City Council could choose not to approve the contract, nor appoint Ms. Barlow as City Attorney and provide staff with new direction.

FISCAL REVIEW:

Sufficient funds exist in the City Attorney's Office General Fund Operating Budget, along with the Self Insurance Fund, to cover the expenses associated with this contract. It is anticipated that legal fees and salaries will be reduced as a result of this action. It should be noted that the fees have been locked in for the next two years with the first billing rate adjustment being allowed for in November of 2006.

LEGAL REVIEW:

Staff retained Mr. Phil Kohn of Rutan and Tucker, LLP to review the proposed agreement. His recommendations have been incorporated into the agreement.

CONCLUSION:

It is recommended that the City Council approve the attached Retainer Agreement for Legal Services and appoint Ms. Kimberly Hall Barlow as City Attorney effective November 1, 2004.

STEVEN E. HAYMAN
Assistant City Manager

ALLAN L. ROEDER
City Manager

MARC R. PUCKETT
Director of Finance

- ATTACHMENTS: 1 [Memorandum from Kimberly Hall Barlow dated October 5, 2004](#)
 2 [Retainer Agreement for City Attorney Services](#)