



MEMORANDUM

TO: City Council

FROM: Whitney McDonald, City Manager

BY: Aleah Bergam, Management Analyst

SUBJECT: Consideration of Agreement with Best Best & Krieger for Interim City Attorney Services

DATE: January 24, 2023

SUMMARY OF ACTION:

Approve the Agreement and appoint Isaac Rosen, of Best Best & Krieger, as the Interim City Attorney.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

There is no fiscal impact on the appointment of an Interim City Attorney. The services provided will be within the scope of the adopted FY 2022-23 budget. Services with Carmel & Naccasha will conclude at the commencement of the agreement with Best Best & Krieger.

RECOMMENDATION:

Approve the Agreement with Best Best & Krieger for City Attorney Services and appoint Isaac Rosen as the Interim City Attorney.

BACKGROUND:

The City Attorney is the City's chief legal officer and is responsible for the proper administration and coordination of all City legal affairs. The City Council directly appoints the City Attorney, which has been a contract-City Attorney since the City's incorporation. The law firm of Carmel & Naccasha, LLP, has contracted with the City to provide its City Attorney services since 2004.

ANALYSIS OF ISSUES:

Pursuant to the terms of the City's agreement with Carmel & Naccasha and the written notice of termination received on November 30, 2022, legal services from Carmel & Naccasha will be terminated no later than February 28, 2023. On January 3, 2023, City staff posted a [Request for Proposals \(RFP\)](#) (Attachment 2) for a permanent City Attorney.

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It is anticipated that the appointment of a permanent City Attorney will occur by March 28, 2023.

Until the RFP process is completed, and a new City Attorney is appointed by the City Council, Staff recommends approving an agreement with Best Best & Krieger for Interim City Attorney services (Attachment 1) and appointing Isaac Rosen as Interim City Attorney.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

1. Approve the Agreement and appoint Isaac Rosen, of Best Best & Krieger, as the Interim City Attorney; or
2. Provide other direction to staff.

ADVANTAGES:

Appointing an Interim City Attorney ensures the City has necessary legal expertise and continuity of legal services while the procurement process is conducted to enter into a new contract for City Attorney services.

DISADVANTAGES:

No disadvantages have been identified.

ENVIRONMENTAL REVIEW:

No environmental review is required for this item.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachments:

1. Proposed Agreement
2. Request for Proposals for City Attorney Services