

CITY OF SANTA ROSA
BOARD OF PUBLIC UTILITIES

TO: BOARD OF PUBLIC UTILITIES

FROM: SUE GALLAGHER, CITY ATTORNEY
JENNIFER BURKE, WATER DIRECTOR

SUBJECT: APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT FOR
LEGAL SERVICES WITH BOLD, POLISNER, MADDOW, NELSON
& JUDSON, PC

AGENDA ACTION: MOTION

RECOMMENDATION

It is recommended by the Board of Public Utilities Contract Subcommittee, City Attorney's Office and the Water Department that the Board of Public Utilities, by motion, approve a professional services agreement with the law firm of Bold, Polisner, Maddow, Nelson & Judson, PC for legal services for the Water Department and Board of Public Utilities in an amount not to exceed two hundred thirty thousand dollars (\$230,000).

EXECUTIVE SUMMARY

The City Attorney's Office provides legal services to the Water Department and the Board of Public Utilities (BPU). The Assistant City Attorney currently providing these legal services has resigned from the City effective October 8, 2020. Given the number of matters and scope of the work performed for the Water Department and the BPU, the City Attorney's Office does not have the resources necessary to immediately address this need and proposes seeking outside legal services for an interim period to allow the City to recruit for this position. The City Attorney's Office has negotiated a professional services agreement (PSA) with the firm based on the City's standard PSA with a not to exceed amount of two hundred thirty thousand dollars (\$230,000).

BACKGROUND

In addition to other City departments, boards and commissions, the City Attorney's Office provides legal services to the Water Department on a variety of issues, including providing legal support for the BPU. The City recently received the resignation of the Assistant City Attorney who has been providing these services for the past five years. The Water Department has a number of complex ongoing and upcoming projects and work that will require immediate legal services beyond the available resources of the City Attorney's Office. The City Attorney's Office proposes hiring an outside law firm to provide interim legal services.

PRIOR BOARD OF PUBLIC UTILITIES REVIEW

The BPU has previously considered and approved several outside legal services agreements for specialized work of the Water Department.

ANALYSIS

The City Attorney's Office provides legal services to every department in the City. One of the Assistant City Attorney's has been assigned to provide legal services for the Water Department and the BPU. The current Assistant City Attorney providing legal services to the Water Department for the last five years will be leaving the City Attorney's Office the beginning of October. The City Attorney's Office is in the process of recruiting to fill the vacant position, but this may take up to six months. The Water Department has a substantial amount of legal work, including some complex ongoing and upcoming projects. The City Attorney's Office does not currently have the resources to meet these needs and has proposed that the City hire an outside firm to provide these legal services on an interim basis.

The City Attorney and the Water Director requested Statements of Qualifications and rates from two reputable law firms capable of providing these services and conducted an interview via Zoom of each of these firms. After thorough consideration, the City Attorney and the Water Director determined that the firm of Bold, Polisner, Maddow, Nelson & Judson was the preferred firm to provide these services, with the lead counsel of Bob Maddow, an extremely experienced attorney in the field of water. The City Attorney's Office has negotiated a PSA for legal services with the law firm of Bold, Polisner, Maddow, Nelson & Judson, PC that is consistent with the City's standard PSA. The proposed contract amount is two hundred thirty thousand dollars (\$230,000), which is anticipated to cover outside legal services while the City completes its recruitment process. It is recommended by the City Attorney's Office and the Water Department that a contract

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amount of not to exceed two hundred thirty thousand dollars (\$230,000) be awarded at this time.

FISCAL IMPACT

Due to vacancies in the Water Department as well as salary savings due to the resignation of the Assistant City Attorney that is currently supporting the Water Department, there is adequate funding in the Water Department FY2020/21 adopted budget to provide for this expense.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On September 24, 2020, the Board of Public Utilities Contract Subcommittee reviewed the proposed agreement and recommended approval.

ATTACHMENTS

Attachment 1 - Professional Services Agreement with Bold, Polisner, Maddow, Nelson & Judson, PC

CONTACT

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