

City Council

Jose Esteves, Mayor
Carmen Montano, Vice Mayor
Garry Barbadillo, Councilmember
Debbie Indihar Giordano, Councilmember
Marsha Grilli, Councilmember



CITY OF MILPITAS NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that a Special Meeting of the City Council will be held at 4:30 p.m. on Tuesday, September 22, 2015, at Milpitas City Hall, 455 East Calaveras Blvd., Milpitas, CA in the Council Chambers on the second floor. The agenda for the meeting is as follows:

SPECIAL MEETING AGENDA

September 22, 2015

4:30 PM

Milpitas City Hall

Council Chambers, 2nd Floor

455 E. Calaveras Blvd., Milpitas, CA

I. CALL TO ORDER/ROLL CALL

II. PUBLIC EMPLOYEE APPOINTMENT/HIRING

Pursuant to California Government Code Section 54957

Position: City Attorney

Approve Contract with Best Best & Krieger LLP to Provide City Attorney Services (Staff Contact: Tom Williams, 408-586-3050)

Background: At the May 19, 2015 Budget Hearing, City Council voted to form an ad-hoc subcommittee to review the cost benefit of retaining in-house legal services versus contracting out legal services. The ad-hoc city attorney subcommittee convened three times (from May 29, 2015 to August 27, 2015). At the June 16, 2015 City Council meeting, the subcommittee recommended and the City Council directed staff to prepare a Request for Proposals (RFP) for contract City Attorney services. The RFP was issued on July 2, 2015. In response, the City received four (4) qualified proposals by the deadline of August 15, 2015. The subcommittee reviewed each proposal and invited all four law firms to interview.

As a result of the interview process, the City Council approved entering into contract with the law firm Best Best & Krieger. The attached contract was drafted by the Interim City Attorney and contains a number of provisions to ensure that the City receives the maximum level of legal services for the lowest cost. These include provisions requiring that the City billing must be controlled and well documented and prohibit double billing or billing for "getting up to speed". A few changes were requested and made based upon request from the law firm, such as including additional attorneys who were preapproved by the City.

The contract is for a two year and 10 month term due to the desire to end the contract at the end of the fiscal year. The first fiscal year of the contract is in the amount of \$458,333 for the 10

month term involved. The second year of the contract is for not to exceed \$550,000 and the third year of the contract is the sum of \$550,000 increased by the CPI of the prior year.

Fiscal Impact: At the proposed rate, the annual budget would be \$550,000 of the total adopted budget of \$852,040, exclusive of litigation. And far less than the \$1,300,000 budget proposed by the previous in-house City Attorney.

Recommendation(s): Approve the contract with Best Best & Krieger LLP to provide City Attorney Services, effective September 23, 2015.

III. ADJOURNMENT

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall at 455 E. Calaveras Blvd., Milpitas during normal business hours.

For more information on your rights under the Open Government Ordinance or to report a violation of the ordinance, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA
Phone: 408/586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.