



CITY OF POMONA

COUNCIL REPORT

August 5, 2019

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted By: Linda Matthews, Human Resources/Risk Management Director

SUBJECT: AWARD OF CONTRACT TO BEST BEST & KRIEGER, LLP FOR CITY ATTORNEY SERVICES

RECOMMENDATION:

It is recommended that the City Council take the following actions:

- 1) Approve the attached Agreement for Legal Services for City Attorney Services between the City and Best Best & Krieger for City Attorney services on a month to month basis at the rates as proposed in Exhibit C of the agreement; and
- 2) Authorize the Mayor to finalize and execute the agreement.

EXECUTIVE SUMMARY:

On December 3, 2018, the City Council appointed Christi Hogin of Best Best & Krieger as Interim City Attorney. Thereafter, a Request for Proposal (RFP) for City Attorney Services was issued. As a result of the RFP process, the City Council selected the firm of Best Best & Krieger (BB&K) as the permanent City Attorney for Pomona. Staff is seeking the City Council's approval of the attached Agreement for City Attorney Services between Best Best & Krieger, LLP and the City. Upon approval of the agreement, Sonia Carvahlo of BB&K will serve as the City Attorney.

FISCAL IMPACT:

The funding for City Attorney Services is included in the City's FY 2019/20 adopted budget.

PREVIOUS RELATED ACTION:

December 3, 2018 – City Council voted to remove Alvarez-Glasman & Colvin as City Attorney for Pomona and appointed Christi Hogin, Best Best & Krieger, LLP, as Interim City Attorney;

December 17, 2018 – City Council approved an interim Legal Services Agreement between the City and Best Best Krieger, LLP;

DISCUSSION:

The City Attorney serves as the chief legal advisor to the Council, the City Manager, and all City departments and appointed bodies. Additionally, the City Attorney has the authority to represent the City in all civil and criminal matters and performs such other duties as prescribed by the City Charter, by ordinance or resolution, or as requested by the Council or City Manager. Pursuant to Section 703 of the Pomona City Charter, the City Council has the authority to appoint and remove the City Attorney.

On December 3, 2018, the City Council voted to remove Arnold Alvarez-Glasman, Alvarez-Glasman & Colvin, as City Attorney and appointed Christi Hogin, Best Best & Krieger, LLP, as the Interim City Attorney. Thereafter, on March 28, 2019, a Request for Proposals for City Attorney Services was issued. A total of eight (8) responses were received. A committee of staff members including the Deputy City Manager for Economic Development, Development Services Director, Risk Manager, and Human Resources/Risk Management Director reviewed and ranked the responses. The City Council interviewed the top three firms based upon the staff ranking on June 4, 2019. At the conclusion of the selection process, Best Best & Krieger was selected as the City Attorney firm, with Sonia Carvahlo as the City Attorney.

Ms. Carvahlo is a senior partner in the Municipal Law practice group of BB&K. She currently serves as the City Attorney for the City of Santa Ana. She has served as City Attorney for cities throughout Southern California for two decades including the cities of Azusa (1998-2012), Colton (1998-2001), Claremont (1999-2017), and Yorba Linda (2001-2010). Ms. Carvahlo advises on all aspects of municipal law but focuses on land use, ethics, open government and elections law. She received her bachelor's degree in social ecology from the University of California, Irvine, and earned her law degree from the University of California, Los Angeles in 1992. During law school, she served as editor-in-chief of the Chicano-Latino Law Review. Ms. Carvahlo was recognized as a "Super Lawyer" by *Southern California Super Lawyer* magazine in 2009, 2011, and 2014 to 2018. She was named as one of Orange County's top lawyers by *OC Metro* magazine in 2009 and *Best Lawyers in America*® Municipal Law from 2016 to 2018.

The agreement provides for the following hourly rate structure:

Services	Partners/of Counsel	Associate Attorneys	Paralegals
General Municipal Services	\$210	\$210	\$170
Public Records Act and ARC	\$180	\$180	\$180
Code Enforcement	\$235	\$235	\$150
Telecommunications	\$330	\$275	\$160
Employee Benefits	\$350	\$275	\$160
Litigation and other specialized legal services	\$250 - \$375	\$275	\$160

The agreement also includes the following provisions for a cost of living adjustment each July. The adjustment will be increased based upon the change in the cost of living for the prior calendar year, as shown by the U.S. Department of Labor in its All Urban Consumers Index set forth for the Los Angeles–Long Beach–Anaheim, CA area; provided, however, that there shall

be a CPI cap of 2.5% on the General Municipal Services and a cap of 2.5% on Special Counsel Services.

The agreement also includes language regarding annual performance evaluations with a sample format.

Prepared by: Chris Millard, Risk Manager

ATTACHMENT:

Attachment No. 1 – Professional Services Agreement for City Attorney Services