



Staff Report

City of Manhattan Beach

TO: Honorable Mayor Tell and Members of the City Council

THROUGH: David N. Carmany, City Manager

FROM: Clay J. Curtin, Management Analyst *CC*

DATE: July 19, 2011

SUBJECT: Update from the Ad Hoc City Attorney Selection Subcommittee and Consideration of the Recommended City Attorney Finalists.

RECOMMENDATION:

Staff recommends the City Council discuss and approve the list of City Attorney finalists developed by the Ad Hoc City Attorney Selection Subcommittee to be interviewed by the City Council.

FISCAL IMPLICATION:

There is no fiscal implication associated with the staff recommendation.

BACKGROUND:

At its May 17, 2011, meeting, the City Council appointed Councilmembers Howorth and Lesser to the Ad Hoc City Attorney Selection Subcommittee. The subcommittee was tasked with developing a Request for Proposals for City Attorney Services ("RFP") and a process for selecting a City Attorney.

The subcommittee held publicly noticed meetings to gather public input regarding the form and content of the RFP on May 24, 2011, and May 31, 2011. It then worked with staff to revise the document based on input and comments made by subcommittee members and the public. Based on direction received from the City Council at its City Attorney Study Session on May 2, 2011, the RFP was structured to encourage proposals from individuals or law firms who would be independent contractors and not City employees.

Following its approval by City Council on June 7, 2011, the RFP was distributed and publicly advertised for over three (3) weeks. The document was directly shared with approximately thirty (30) municipal law firms, listed online with the League of California Cities' Western City magazine, numerous online municipal associations, and advertised in *The Beach Reporter*. The subcommittee held publicly noticed meetings on June 21, 2011, and June 28, 2011, to gather input from the public on how responses to the RFP should be evaluated.

A total of twelve (12) responses to the RFP were received prior to the July 1, 2011, deadline. Of

the twelve (12), there were eleven (11) proposals and one (1) no bid.

At its July 5, 2011, meeting, the City Council discussed and approved a process for selecting a City Attorney based on the recommendations of the Ad Hoc City Attorney Selection Subcommittee.

DISCUSSION:

Consistent with the selection process approved by the City Council on July 5, 2011, the Ad Hoc City Attorney Selection Subcommittee recommends four (4) of the eleven (11) law firms which responded to the RFP be interviewed by the full City Council. They are, listed in alphabetical order and without prioritization: (1) Aleshire & Wynder, LLP of Gardena, CA, (2) Colantuono & Levin, PC of Los Angeles, CA, (3) Jenkins & Hugin, LLP of Manhattan Beach, CA, and (4) Richards Watson Gershon of Los Angeles, CA. Individual councilmembers may suggest any additional attorney or firm which submitted a response to the RFP that they believe should be interviewed.

The subcommittee makes its recommendation of the four (4) law firms after undertaking the following steps.

Public Review of Proposals

The subcommittee directed staff to make copies of the eleven (11) proposals available in the City Clerk's Office and at the Manhattan Beach Public Library. Staff contacted each candidate for instruction on what confidential information and financial references contained in their proposals should be redacted before copies of their proposals were made available to the public. Redactions included personal contact information of references, tax identification numbers, and fees and rates that could impact the City's bargaining power prior to the conclusion of contract negotiations. Consistent with state law, all eleven (11) proposals and any proposed contract for City Attorney services will be publicly disclosed prior to the City's award of the final contract and with sufficient time for public review.

Public Subcommittee Meetings

The subcommittee held publicly noticed meetings on July 7, 2011, and July 15, 2011. At its meetings, the subcommittee received public testimony on the initial questions to ask representatives of each law firm the City Council decides to interview. The subcommittee also welcomed public comment regarding the eleven (11) proposals it received.

Subcommittee Review and Recommendation

To facilitate its "paper-screening" of the eleven (11) responses and to arrive at its recommendation, the subcommittee sought input from the City's senior management staff and department heads regarding their specific needs for legal services and how staff worked with legal counsel in the past. The subcommittee also conducted reference checks on each candidate, reviewed the attorney profiles with the California State Bar to ensure there were no records of public discipline, evaluated the legal expertise of each candidate, and reviewed how candidates responded to both the RFP and the request to redact confidential and financial information before their proposals were made public.

Based on its review, the subcommittee is recommending the City Council interview the four finalists. Individual councilmembers may suggest any attorney or firm they believe should be

added to the list of candidates to interview. The subcommittee anticipates staff will coordinate interview schedules with representatives of the firms identified by the City Council, and that these interviews will tentatively take place during the period of July 25th to July 29th.

Attachments:

- A. List of Proposals Received to the RFP for City Attorney Services
- B. Updated Timeline for Selection of City Attorney Services

**CITY OF MANHATTAN BEACH
RECEIPT OF RFPs FOR
RFP #842-11: CITY ATTORNEY SERVICES
JULY 1, 2011**

BIDDER

Albright, Yee & Schmit, LLP

Los Angeles, CA

Aleshire & Wynder, LLP

Gardena, CA

Burke, Williams & Sorensen, LLP

Los Angeles, CA

Colantuono & Levin, PC

Los Angeles, CA

Green, de Bortonwsky, & Quintanilla, LLP

Calabasas, CA

Jenkins & Hogin, LLP

Manhattan Beach, CA

Jimmy L. Gutierrez

Chino, CA

Leibold McClendon & Mann

Laguna Hills, CA

Meyers Nave

Los Angeles, CA

Richards Watson Gershon

Los Angeles, CA

Stutz Artiano Shinoff & Holtz, APC

San Diego, CA

Stephen C. Lepley*

Hermosa Beach, CA

*No Bid

Jones & Mayer*

Fullerton, CA

*Received after the 12:00 PM deadline

Timeline for Selection of City Attorney Services

May 17, 2011	Formation of a subcommittee and discussion by City Council of priorities for inclusion into a revised request for proposal for City Attorney Services. Announcement of the application process for community members to join the subcommittee.
May 31, 2011	Community meeting to discuss the City Attorney position and receive public comment and input into the process. The subcommittee would work with staff to revise the request for proposal specifications, based on City Council priorities and public input, for the City Council's review and approval.
June 7, 2011	City Council review and approval of the revised request for proposal specifications and consideration of the appointment of community members to the subcommittee to assist with evaluation of the bids and development of recommendations to the full City Council.
June 8, 2011 to July 1, 2011	Request for Proposals for City Attorney Services publically advertised.
July 1, 2011	Bid proposals due.
July 7-15, 2011	Subcommittee review and evaluation of proposals (paper-screening).
July 19, 2011	Subcommittee recommendation of finalists for interview to the full City Council.
July 25-29, 2011	Tentative dates for City Council interviews of finalists.
August 2, 2011	Tentative date for selection by the full City Council of the attorney or firm to be designated as the City Attorney.
August 3-26, 2011	Negotiation of the retainer agreement with the attorney or firm to be designated as the City Attorney.
September 6, 2011	Tentative City Council Award of Contract for City Attorney Services.