

TO: TOWN COUNCIL  
FROM: TOWN MANAGER   
RE: TOWN ATTORNEY SEARCH

**ISSUE**

On April 26 Council chose legal firms to interview and the next step is to select an interview dates and questions to ask.

**RECOMMENDATION**

Select a date and time to conduct interviews, and identify questions that the Council wishes to ask firms to answer.

**CEQA**

There are no CEQA issues with this item.

**MONEY**

Money issues will be determined once Council decides on the attorney it would seek to hire.

**DISCUSSION**

At the April 26 Special Meeting, having reviewed proposals from nine firms, the Council decided to interview the following firms:

Abbott & Kindermann, LLP – Katherine Hart  
Best, Best & Krieger, LLP – Ann Siprelle  
Kronick, Moskovitz, Tiedemann, & Girard – Jeff Mitchell  
Mr. David J. Larsen  
Meyers, Nave – Krysten Hicks

The next steps are to select a date and time to hold interviews, and determine what questions Council wishes to ask of all the firms. A list of questions is provided that other towns have used and Council may find some questions applicable to Loomis or get inspiration to create questions that are applicable.

If a writing sample is desired you may want that submitted well ahead of time so as to have an opportunity to review the sample before the interviews.

Another method is to send firms the questions you would like answered, have them respond in writing, and then use the interview to clarify the answers. That

might be a way to go because Council indicated on the 26<sup>th</sup> that it would like to hold interviews to 30 minutes each. That can make for a tight schedule if there are a number of fresh questions to review.

As to conducting the interviews the Town Attorney advises that the Council can choose to do open or closed session. Govt Code Sec 54957 permits Council to meet in closed session for appointment/employment of a "public employee" (subd (b)(2)); the term "public employee" includes "an independent contractor who functions as an officer or employee" (subd (b)(4)). Final action approving a contract would be done in open session, but interviews and discussions (and even the vote on who to hire) can be done in closed session.

## **SAMPLE TOWN ATTORNEY QUESTIONS**

### **CITY OF CAPITOLA**

Most of the questions depend upon the issues facing your agency. However, there have been some approaches with regard to RFP's that seem to have generated some interesting results:

1. Give them a legal problem within the City and ask them to write an opinion on it. This gives a view of their style.
2. Ask them to list the disciplines covered by their competency. Be wary of firms that list too many. Some specialties like Bond Council and Labor really need to be separate Firms.
3. Ask about their fee structure. Know what kind of fee structure you would like. Do you want a yearly contingency fee, with litigation billed on an hourly basis? Are they will to consider a creative fee structure, such as charging a higher rate for reimbursable work such as review of development agreements, and a less hourly rate for City services? Ask other agencies about their billing structures and choose one that is best for you.
4. If a firm becomes your City Attorney, make sure you know which member of the firm will be the main go-to person.

5. Discuss fee reductions by paying City Attorney PERS.
6. Make sure that in the final contract language it is the City and not the attorney that decides whether a matter goes to the City Attorney or another attorney firm. This is most important in dealing with labor issues, and insurance matters, when your insurance firm has a list of attorneys it uses.

## **CITY OF GUSTINE**

- 1) Tell us about the scope of services your firm will be providing the City of Gustine should your firm be selected to be our next City Attorney.
- 2) What would be the reasonable turnaround time for your firm in responding to service requests if we were simply asking for interpretations of the law?
- 3) What experience or talents does your firm have to offer in the event we have land use issues? More specifically, we may have questions about the propriety of items in pre and post-annexation development agreements.
- 4) In the event the City finds itself involved in litigation, how is your firm prepared to assist us?
- 5) What cost saving measures does your firm have that might allow the City to save money? Has your firm ever used a flat retainer fee for routine services?
- 6) How available is your firm to attend both regular and special meetings of the City Council? Regular meetings are the first and third Tuesdays of each month.
- 7) How prepared do you feel your firm is to assist the City in the annexation of land, dealing with LAFCO, and dealing with developers.
- 8) In the event your firm's main assigned representative is unavailable to assist us, what arrangements will be made for back-up assistance?
- 9) Is there anything else you can tell us about your firm's ability to serve us as our City Attorney?
- 10) Do you have any questions for us?

## **CITY OF JACKSON**

Please detail your experience in the following areas:

1. Land Use – Environmental Law
2. Personnel/Labor Relations
3. Public Works Contracting
4. Law Enforcement Issues

What is the key to a positive City Council/City Attorney relationship?

The City's involvement in regional agencies is growing significantly. What are some of the key legal issues/concerns involved with participation in these organizations?

What are the biggest issues facing the City of Jackson in the next five years?

How soon would you be available to start?

## **CITY OF WEED**

1. Give us a quick list of those specific items you would include in the scope of services and those you would include in extraordinary services as outlined in our RFP.\
2. How many hours of office time at City Hall could we expect in the scope of services category?
3. What meetings are included in the scope of services categories?
4. For what services would you require outside counsel?

5. When we need information of a routine legal nature, exactly who would we call?
6. How do you envision a transition between the current attorney and your office would occur?
7. What is your understanding of relationship between City Council, City Attorney and City Administrator?
8. When not in the City Hall, describe your availability to the Council, administrator and staff?
9. Will you expect staff questions and requests to be filtered through the City Administrator?
10. How do you expect to schedule your time to prepare ordinances, resolutions, contracts and other documents requested by the City?
11. Do you need a legal library to be provided by the City in order to perform your duties as City Attorney?
12. What is your expertise in Municipal Law and in serving small cities?
13. What is the firm's experience in Personnel issues?
14. What is the firm's experience in Land use issues?
15. What is the firm's experience in Brown Act issues?
16. What is the firm's experience in Public Records Act issues.
17. What is the firm's experience in Fair Political Practices Commission issues?
18. What is the firm's experience with Redevelopment law?
19. What is your feeling about the City's use of outside legal specialist such as for personnel?
20. What would be the monthly retainer that you feel would effectively cover the City's legal needs; and what services would this include?

21. What is your proposed fee structure for extraordinary services as outlined in our RFP?
22. Are there any potential conflicts between your being City Attorney and current clients of your firm?
23. What is your experience as a prosecutor to be able to serve this City in moving toward a pro-active code enforcement programs?
24. Do you view yourself as a legal advocate for the City Council or as an independent interpreter of the law?
25. What is your role in maintaining effective cost control while ensure sufficient legal coverage.
26. What techniques would you employ to assure that the City is practicing preventive law; that reasonable pro-active efforts are being made to avoid expensive litigation?
27. If selected, will the Council and staff know which attorney will show up at any given meeting?

## **CITY OF BRENTWOOD**

1. Please introduce yourself by summarizing why you are seeking this job and offering highlights of your career that you believe would make you a good fit for Brentwood.
2. Where does Brentwood fit in your career plans? How long might you stay?
3. Describe your current job. What are your principal responsibilities and what legal issues have you been dealing with.
4. What are your strongest areas of legal expertise" (e.g. Brown Act, conflict of interest, land use, development/redevelopment, contracts, HR, elections, affordable housing, etc)

5. In what aspects of municipal law have you had the least amount of hands on experience relatively speaking? How would you overcome these weaknesses?
6. What is your view of the City Attorney's role in relationship to the Council, City Manager, department heads, commissions and committees?
7. If you are the City Attorney, who is your client?
8. How do establish and maintain a successful working relationship with the Council and how will you keep them informed?
9. How would you deal with a legal recommendation that you believe should be made but which you know may be unpopular with members of the Council or public?
10. If you were appointed, what would your game plan be for the first three months in office?
11. How do you measure the success or failure of a City Attorney's office? In other words, how do you know if you are doing a good job?
12. How do you prefer that the Mayor and Council members communicate with you and your staff?
13. What role do you think the City Attorney should assume in relationship to the community in a city like Brentwood? What role are you comfortable with?
14. What are your expectations for the City Manager and department heads? What should they expect of you and your office?
15. How do you handle a disagreement between yourself and the City Manager or a department head over a recommendation to the Council?
16. Are you willing to take a risk in proposing recommendations to the Mayor and Council? Give a concrete example.
17. Who are your customers? How do you ensure the City Attorney's Office is producing a high quality, timely product? How will you establish priorities?

18. How do you motivate people to perform for you and what do you do when someone is not meeting your expectations?
19. What, in your opinion are the unique challenges facing cities like Brentwood? What can the City Attorney do to help the City improve the quality of life in the community?
20. How would you go about assessing the effectiveness of the City Attorney's Office? What are some examples from your prior experience of how you have improved organizational effectiveness?
21. What underlying values and principles guide your judgment and decision making? Please give an example of an actual situation where your values and principles played a role.
22. What would you realistically like to accomplish in your first six months on this job and why?
23. What would your present staff or colleagues tell us they appreciate most about you?
24. Do you have any final comments about your qualifications or is there information you would like to give us that our questions did not cover?

## **COUNCIL MEMBER LISS**

1. How would you keep costs down?
2. How would you administer the Brown Act?
3. How would you advise regarding litigation against neighboring cities?
4. Are you familiar with term limits and Quo Warranto?
5. How do you feel about property rights of current residents vs developers?