



# City of Morgan Hill

## Legislation Details (With Text)

**File #:** 17-049      **Version:** 1      **Name:**  
**Type:** Staff Report      **Status:** Consent Calendar  
**File created:** 1/24/2017      **In control:** City Council  
**On agenda:** 2/1/2017      **Final action:**  
**Title:** APPROVAL OF AN AMENDMENT TO THE LEGAL SERVICES CONSULTANT AGREEMENT WITH THE LAW FIRM OF GARY M. BAUM FOR OUTSIDE COUNSEL SERVICES TO INCREASE THE TOTAL NOT TO EXCEED AMOUNT TO \$60,000

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Law Offices of Gary M Baum - General FY 16-17 - 1st Amend - Agenda

Date	Ver.	Action By	Action	Result
2/1/2017	1	City Council	approved	Pass

## CITY COUNCIL STAFF REPORT

### MEETING DATE: FEBRUARY 1, 2017

PREPARED BY: Donald A. Larkin, City Attorney

APPROVED BY: City Manager

### **APPROVAL OF AN AMENDMENT TO THE LEGAL SERVICES CONSULTANT AGREEMENT WITH THE LAW FIRM OF GARY M. BAUM FOR OUTSIDE COUNSEL SERVICES TO INCREASE THE TOTAL NOT TO EXCEED AMOUNT TO \$60,000**

#### **RECOMMENDATION(S)**

Authorize the City Manager to execute and administer an amendment to the legal services Consultant Agreement with the Law Firm of Gary M. Baum for outside counsel services to increase the total not to exceed amount to \$60,000.

#### **COUNCIL PRIORITIES, GOALS & STRATEGIES:**

##### **Ongoing Priorities**

- Enhancing public safety
- Protecting the environment
- Maintaining fiscal responsibility
- Supporting youth
- Fostering a positive organizational culture
- Preserving and cultivating public trust

##### **2016 Focus Areas**

Planning Our Community  
Developing Our Community  
Enhancing Our Services  
Improving Our Communication  
Participate in Regional Issues

**REPORT NARRATIVE:**

The City Attorney is requesting an amendment to the existing contract with the Law Offices of Gary M. Baum to increase the not to exceed amount to \$60,000.

Gary Baum served as Interim City Attorney from November 18, 2015 through July 10, 2016. On July 11, 2016, at the request of the City Attorney, the City Manager approved a consultant agreement to allow Mr. Baum to aid in the transition of the newly appointed City Attorney and to provide back-up and support as necessary.

In addition to assisting in the transition to the City Attorney, Mr. Baum is currently representing the City in a real property dispute and providing coverage for the Deputy City Attorney, who is on a temporary leave of absence. In order to ensure that there are sufficient funds to allow Mr. Baum to provide these additional services, the City Attorney is requesting an increase in the not to exceed amount of \$30,000 through the remainder of the fiscal year. The amendment also reflects an increase in Mr. Baum's hourly rate of \$10 per hour, to \$275 per hour.

This amendment will increase Mr. Baum's contract's original not to exceed amount of \$30,000 by an additional \$30,000, for a new total not to exceed amount of \$60,000. Because the new contract amount will exceed City Manager contract authority, Council authorization is needed for the amendment.

The proposed hourly rate of \$275 per hour represents a discount from Mr. Baum's standard rate, and is lower than other outside counsel performing similar work.

**COMMUNITY ENGAGEMENT: Inform**

Consideration of this action by City Council has been duly noticed and posted as required by applicable law in order to inform the public of this matter.

**ALTERNATIVE ACTIONS:**

The Council could choose not to authorize the contract amendment. If the amendment is not approved, the City Attorney will seek input from the Council and City teammates regarding the prioritization of current projects and responsibilities.

**PRIOR CITY COUNCIL AND COMMISSION ACTIONS:**

This contract amendment has not been previously considered by Council or any City commission.

**FISCAL AND RESOURCE IMPACT:**

The additional \$30,000 for this contract amendment is included within the City Attorney's budget for outside counsel services.

**CEQA (California Environmental Quality Act):**

Not a Project

A contract for outside counsel services is not a project under CEQA

**LINKS/ATTACHMENTS:**

First Amendment to Agreement Signed by the Law Offices of Gary M. Baum