



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
November 2, 2021

TOPIC: City Attorney Evaluation and Restated Legal Services Agreement

AGENDA TITLE:

City Attorney Evaluation and Restated Legal Services Agreement with Best Best and Krieger LLP to reflect positive performance evaluation conducted on October 5, 2021

RECOMMENDED ACTION

Authorize the Mayor, on behalf of the Council, to execute the Restated Legal Services Agreement with Best Best and Krieger LLP for City Attorney and Special Counsel Legal Services.

DISCUSSION

The City of Santa Ana City Charter provides that the City Council shall conduct evaluations of its appointees on an annual basis. In addition, the City's Legal Services Agreement with Best Best and Krieger LLP, for City Attorney Sonia Carvalho's services, provides for an annual evaluation and opportunity for consideration of adjustments based on a positive evaluation. On October 5, 2021, the City Council conducted this evaluation of City Attorney Carvalho and agreed that Ms. Carvalho is doing an excellent job as City Attorney. Based on their evaluation, the City Attorney has proposed adjustments to the Legal Services Agreement, which has not been amended since 2014 and, in that instance, compensation for the City Attorney's annual retainer services were decreased.

The City Attorney's Legal Services Agreement was adopted by the City Council on April 2, 2012 and provided for an annual retainer of \$300,000 with provisions for hourly rates for discretionary services to only be provided upon by written requests. In September 2014, during economically challenging times, employees were asked to take reductions and the City Attorney took part in this effort and agreed to a reduction of her annual retainer to \$270,000 per year which the City Council approved an amendment to the Agreement. The legal services agreement has not been adjusted or amended since 2014 and during the ten-year period, since services were initially engaged upon in 2012, other employee bargaining units negotiated salary and benefit increases. For example and comparison, the Santa Ana Management Association negotiated and received salary increases of 24% and the Police Officers Association 35%. The City Attorney has requested an adjustment. The City Council has agreed to an annual retainer in the amount of \$325,000 with a possible additional increase in six months based on continued

positive performance. The proposed agreement also provides for terms and increased hourly rates for the discretionary services which can only be provided upon written approval of department directors and the City Manager. For example, additional discretionary hourly rates depending on the type of matter and the complexity of the work are adjusted:

General from \$254 per hour to \$295 per hour; and
Complex from \$225-\$350 per hour to \$250-\$375 per hour

The annual retainer amount of \$325,000 for the City Attorney provides cost savings to the City as the City does not pay any additional benefits such as medical insurance, car allowances, retirement health plan, or any long-term CalPERS pension payments. In comparison, see total costs for a City Attorney in the following cities:

City of Anaheim	\$460,516
City of Newport Beach	\$338,958
City of Huntington Beach	\$367,560
City of San Jose	\$629,574
City of Pasadena	\$416,410
City of Glendale	\$413,472
City of Riverside	\$410,652
City of Vallejo	\$375,100
City of Burbank	\$364,876

ENVIRONMENTAL IMPACT

There is no environmental impact associated with this action.

FISCAL IMPACT

The City Council's adoption of the Restated Agreement will result in an annual total increase in costs of \$55,000. There are sufficient funds in the City Attorney's Office Contractual Services Account to cover the increased expenses. The increase in hourly rates will only have an impact if additional services are requested and generally the costs for those services are covered by the department requesting the services.

EXHIBIT(S)

1. Restated Legal Services Agreement

Submitted By: Sonia Carvalho, City Attorney

Approved By: Kristine Ridge, City Manager