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To: Lemoore City Council, Redevelopment Agency Board, and Public Finance Authority Item # 12
From: Jeff Britz, City Manager
Date: February 12, 2008
Subject: Legal Services, Agreements, and Appointment of City Attorney

Discussion:

As the Council will recall, former City Attorney Dale Bacigalupi informed the City in the summer of 2006 of his intent to resign as City Attorney, primarily due to time commitment conflicts; he had served as City Attorney for Lemoore since 1986. The City went through an extensive review process and evaluated several firms and attorneys, eventually selecting Hilda Cantu Montoy with the firm of Dowling, Aaron & Keeler as City Attorney in the fall of 2006. Ms. Montoy has been serving in that capacity since.

Shortly after the agreement with Dowling, Aaron & Keeler was approved, it was discovered that a conflict of interest would prevent the firm from advising the City on matters relating to the development and adoption of the General Plan Update. Former City Attorney Dale Bacigalupi was retained as Special Counsel, and has been advising the City on General Plan Update matters since.

Recently, the City learned that Mr. Bacigalupi no longer has conflicts with regard to time commitments, and would be willing to resume City Attorney duties for Lemoore. Staff has been working with both Dowling, Aaron & Keeler and Bacigalupi, Neufeld & Rowley to draft the necessary agreements to allow for this to occur, should the Council decide having Dale Bacigalupi return as City Attorney is the preferred course of action.

Attached for your consideration on Tuesday evening are two agreements, one with Dowling, Aaron & Keeler, the other with Bacigalupi, Neufeld & Rowley. If both are approved, the effect will be a bit of a reversal of roles, with Dale Bacigalupi serving as City Attorney, and Hilda Cantu Montoy and Dowling, Aaron & Keeler as Special Counsel. It is anticipated that the City will continue to have active relationships with both firms for the foreseeable future.

If these agreements are executed as drafted, Dale Bacigalupi will return to serve as City Attorney prior to the General Plan Update being considered for adoption by the Council.

Since the City Attorney provides services to the City of Lemoore, the Lemoore Redevelopment Agency and the Lemoore Public Finance Authority, the agreements are set up to represent all

three governmental entities; the portion of the meeting where this item is to be considered has been noticed as a joint City Council, Lemoore Redevelopment Agency, and Lemoore Public Finance Authority meeting.

Budget Impact:

Hourly rates for Attorney Services differ among the firms, and in general, Bacigalupi, Nuefeld and Rowley are less expensive by \$10 per hour.

Recommendation:

That the City Council, by motion, approve the revised agreements with both Dowling, Aaron & Keeler and Bacigalupi, Neufeld & Rowley specifying services available from each firm and naming Dale Bacigalupi as City Attorney effective March 1, 2008.