CITY OF
West Linn

Memorandum

Date: June 3, 2011

To: John Kovash, Mayor
Members, West Linn City Council

From: Chris Jordan, City Manager

Subject: City Attorney Services

This memorandum is in response to the May 16, 2011 City Council request for an analysis of City Attorney services. Please note that all information and analysis contained in this memorandum assumes that the City Attorney, whether in-house or contracted, reports directly to the City Council and not to the City Manager.

BACKGROUND

The City of West Linn currently contracts with Jordan Schrader Ramis for City Attorney services. Tim Ramis is named as the City Attorney in the contract, which was originally agreed to with Mr. Ramis' previous firm, Ramis Crew Corrigan.

The City Council chose Mr. Ramis as the City Attorney after conducting a Request for Proposal (RFP) process in 2005. Mr. Ramis has been the City Attorney for West Linn for over 20 years. He also serves as the City Attorney for Tigard, Milwaukie, Damascus and other cities, and the Jordan Schrader Ramis firm serves other cities and several special districts. The contract stipulates a payment of $165 per hour for attorney services and has not increased since 2005.

The City of West Linn also contracts for some specialty legal services such as:

- Labor relations and some personnel matters (Williams, Zografos & Peck);
- Prosecutor services (Rhett Bernstein);
- Bond counsel (Orrick; K&L Gates);
- Land use (Beery Elsner & Hammond; Miller Nash).

At times, we also contract with other attorneys for specific situations where the City Attorney has a potential conflict of interest. For example, we hired Pam Beery of Beery Elsner & Hammond to act as our attorney in the review of the Lake Oswego-Tigard Water treatment plant expansion project because Jordan Schrader Ramis currently represents the City of Tigard.

OTHER CITIES

There is no clear consensus in the Portland Metropolitan area for utilizing an in-house City Attorney or contracting for City Attorney services:

On-Staff City Attorney:

- Canby

- Lake Oswego
- Wilsonville
- Tualatin
- Beaverton
- Gresham

Contracted City Attorney, Firm & Rate:

- Hillsboro; Beery Elsner & Hammond; $190/hour
- Tigard; Jordan Schrader Ramis; $195/hour
- Milwaukie; Jordan Schrader Ramis; $180
- Oregon City; Garvey Schubert Barer; $200

FINANCIAL ANALYSIS

In the Proposed 2010-2011 Budget, funding was included to transition from a contracted City Attorney to an in-house attorney. As you may recall, the Citizens' Budget Committee and City Council engaged in discussions about the merits of a contracted City Attorney versus an in-house City Attorney, with the final decision at that time to continue with a contracted relationship. The Approved and Adopted 2010-2011 Budgets reflected a contracted City Attorney.

Per the recent City Council request, the same data used in the 2009 discussion has been updated as follows:

Contracted Costs:

In calendar year 2010, the City's invoices from Jordan Schrader Ramis totaled $199,145 which is the equivalent of approximately 1,200 hours of attorney time (or 0.58 FTE). Monthly invoices ranged from a low of $10,168 (May 2010), to a high of $31,850 (August 2010), with a mean average of $16,595.

In-House Estimated Costs:

	Salary	Benefits	TOTAL
City Attorney (1FTE)	$125,000	$56,000	$181,000
Paralegal (0.6 FTE)	$39,000	$22,000	$61,000
Contracted legal assistance*			$20,000
Other Costs			$10,000
TOTAL	**$164,000**	**$78,000**	**$272,000**
*(*Includes charges for attorney assistance to attend Planning Commission meetings, when necessary.)*			

The City would also expect to continue to contract for some specialty legal services described in the "Background" section of this memorandum.

ANALYSIS

The below analysis poses the advantages, from a staff perspective, of an in-house City Attorney and a contracted City Attorney:

In-house City Attorney Advantages:

- Singular focus:
  - City Attorney has only one client, therefore there are no conflicts of interest.
- Priorities:

    - Because there is only one client, priorities of the City Attorney mirror those of the City Council.
- Risk Management:
    - Because the City Attorney is in house and not billing by the hour for services, City staff and Council are more likely to engage the City Attorney for reviews of contracts, resolutions, land use cases, etc. as well as including the City Attorney on major policy initiatives.
- Meeting Coverage:
    - City Attorney would attend all Council meetings and work sessions.
- Planning for Costs:
    - Costs are consistent and predictable, and are budgeted similar to other FTEs.
- Communications:
    - The City Attorney is part of the management team and Council retreats, which allows for more direct communication between the City Attorney, City Manager and the Council.

Contracted City Attorney Advantages:

- Experience:
    - Access to the breadth, depth, and experience of the entire law firm, not just the one person who is named as City Attorney.
- Lower Costs:
    - Based on our current estimates, it is likely to continue to be less expensive to maintain contracted City Attorney services.
- Institutional Knowledge:
    - With Tim Ramis, we have the institutional knowledge of an individual who has been working for the City for more than 20 years.
- Regional Knowledge:
    - Many of the area firms that provide City Attorney services also work for other cities and special districts, which gives West Linn some access to regional issue knowledge and perspective.

OPTIONS FOR COUNCIL CONSIDERATION

1. Take no action at this time and continue with our contract with Jordan Schrader Ramis for City Attorney services.
2. Initiate an RFP process and solicit proposals from other firms interested in providing City Attorney services.
3. Direct staff to initiate the recruitment of an in-house City Attorney.