



# FAIRFAX TOWN COUNCIL MEETING

## STAFF REPORT

**MEETING DATE:** June 5, 2024  
**PREPARED FOR:** Mayor and Town Council  
**PREPARED BY:** Heather Abrams, Town Manager  
**SUBJECT:** Consider and Approve Agreements for Town Attorney Services

---

### RECOMMENDATION

Consider and Approve Agreements for Town Attorney Services

### BACKGROUND

The Town of Fairfax has maintained an agreement with the law firm of Best Best & Krieger (BBK) since 2015 for Town Attorney services. During that time and under a previous firm, the designated Town Attorney has been a licensed attorney and firm Partner, Janet Coleson. During her more than eleven years of service with Fairfax, Town Attorney Coleson has successfully defended the Town against lawsuits, provided expert legal advice on land use, Brown Act, and many other Town specific concerns, objectively spanning several Town Managers and Councils. The hourly rates for general services rendered by the BBK Partner Attorney, Janet Coleson have not changed since 2018. Throughout Marin County, Town Attorney's fees have been updating, recent examples include Ross Valley Fire Department and Town of Ross. The Town Attorney's current firm plans to raise general services hourly rates significantly to better align with the market. In order to preserve services and reduce the cost impact on Fairfax, a number of options are available and are described below.

### ANALYSIS

The following options are available for consideration:

1. Remain with BBK at significantly higher hourly rates and onboard a new BBK attorney who will have less experience as an attorney and will have no experience in Fairfax. The current general services rate is \$225 per hour and the new rate would be \$275 per hour, effective July 1, 2024. Specialized services would continue to be provided by BBK at specialized rates between \$350-\$380 per hour from the current \$245-\$295 per hour and that varies depending on specialty and year. The following Marin jurisdictions contract with BBK: Sausalito
2. Contract with Town Attorney Janet Coleson's new firm called Public Agency Law for the general services rate of \$245 per hour. The Town will contract separately with BBK and potentially other firms, when needed for specialized services.
3. Release a Request for Proposals (RFP) for Town Attorney services in the next Fiscal Year. This would require the Town to stay with BBK at their significantly increased rates until the RFP process was complete, which could take several months, and would mean that the Town would need to onboard one and perhaps two (if BBK was not selected) new Town Attorneys in approximately six months' time and is very unlikely to reduce costs.

4. Hire an in-house Town Attorney. There are no jurisdictions in Marin that still use this model. The City of San Rafeal has an elected Town Attorney and contracts with their firm for Associate Attorneys and support services. There are no comparable towns that use the in-house model; it is not considered cost-effective for a town of Fairfax’s size.

This table shows the rates paid at comparable jurisdictions in Marin for Town Attorney services. Staff recommends that the Council enter into an agreement with the Town Attorney’s newly created firm (option 2 above), which provides a skilled Town Attorney who is very familiar with Fairfax and will also oversee the provision of specialized services on an as needed, on-call basis through Town contracts with one or more firms.

| Jurisdiction | General Services    | Special Services    | Effective Date |
|--------------|---------------------|---------------------|----------------|
| Mill Valley  | \$265               | \$325+              | March 2024     |
| Corte Madera | \$305               | \$335               | July 2024      |
| San Anselmo  | \$275               | \$315               | January 2024   |
| Tiburon      | \$295               | Stand PA Rate*      | September 2024 |
| Belvedere    | \$315               | \$335               | February 2024  |
| Larkspur     | \$250 approximately | \$300 approximately | June 2024      |
| Ross         | \$295               | Stand PA Rate*      | September 2024 |
| Novato       | \$275               | \$300               | April 2024     |
| Sausalito    | \$295-\$325         | \$350+              | 2023           |

*\*Standard Public Agency Rate*

**FISCAL IMPACT**

The FY24-25 budget provides for Town Attorney services in fund 01-121. Choosing option 2 is recommended not only to keep the services of the experienced and skilled Town Attorney, but also as the least costly option.

**ATTACHMENTS**

Draft contracts will be provided by June 5, 2024.