



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: City Attorney

Prepared by: Genevieve Coyle, Assistant City Attorney

City Manager Approval: 

**TOPIC: LEGAL SERVICES AGREEMENT**

**SUBJECT: AUTHORIZE THE CITY MANAGER TO ENTER INTO THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BURKE, WILLIAMS & SORENSEN, LLP FOR GENERAL MUNICIPAL LEGAL SERVICES, IN AN AMOUNT OF \$130,000, INCREASING THE TOTAL NOT-TO-EXCEED AMOUNT OF THE AGREEMENT TO \$300,000**

**RECOMMENDATION:**

Authorize the City Manager to enter into the first amendment to the professional services agreement with Burke, Williams & Sorensen, LLP for general municipal legal services, in an amount of \$130,000, increasing the total not-to-exceed amount of the agreement to \$300,000.

**BACKGROUND:**

The City Attorney’s office is staffed with a part-time elected City Attorney, a full-time Assistant City Attorney, and a full-time Legal Assistant. In order to provide necessary legal services to the City, the office engages attorneys with the law firm of Burke, Williams & Sorensen, LLP (“BWS”) for as-needed services in general municipal law and subject-matter expertise in areas such as land use, zoning, housing, code enforcement, finance, real estate, public records requests, intellectual property, and telecommunications. In September 2023, the City entered into a professional services agreement (“PSA”) with BWS in an amount not-to-exceed \$170,000 for legal services covering fiscal year FY 2023-24. Payments are made at the firm’s standard public entity hourly rates. This PSA provides an average of over 40 hours of excess legal services per month, roughly equal to the services of a one-quarter-time staff attorney.

**ANALYSIS:**

This fiscal year, there has been a significant increase in demand for legal services from the City Attorney’s Office. This is due primarily to a marked increase in the volume and complexity of public records requests; matters concerning homelessness, code enforcement, and community development; and new City legislation, including the amended camping ordinance and the urgency ordinance for tenant displacement protections in the opportunity zone. With anticipated projects, there is a need for additional legal services to continue through the end of the fiscal year.

Staff recommends entering into a First Amendment to the PSA in an amount of \$130,000 for excess legal services through FY 2023-24.

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

**FISCAL IMPACT:**

Funds to cover the recommended amendment amount of \$130,000 are available in the FY 2023-2024 general fund budget.

**OPTIONS:**

The City Council has the following options to consider on this matter:

1. Authorize the City Manager to negotiate and enter into the professional services agreement.
2. Direct staff to return with more information.
3. Take no action.

**RECOMMENDED ACTION:**

Authorize the City Manager to enter into the first amendment to the professional services agreement with Burke, Williams & Sorensen, LLP for general municipal legal services, in an amount of \$130,000, increasing the total not-to-exceed amount of the agreement to \$300,000.

**ATTACHMENTS:**

1. Draft First Amendment

**FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH  
BURKE, WILLIAMS & SORENSEN, LLP FOR  
GENERAL MUNICIPAL LEGAL SERVICES**

**THIS FIRST AMENDMENT** to the Professional Services Agreement by and between the **CITY OF SAN RAFAEL** (hereinafter “**CITY**”), and **BURKE, WILLIAMS & SORENSEN, LLP** (hereinafter “**CONSULTANT**”), is made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**RECITALS**

**WHEREAS**, the **CITY** and **CONSULTANT** entered into a Professional Services Agreement dated September 6, 2023 to perform as-needed legal services in general municipal law, including but not limited to subject-matter expertise in areas such as land use, zoning, housing, code enforcement, labor and employment, finance, real estate, Public Records Act, and telecommunications, for an amount not to exceed \$170,000 (the “Agreement”); and

**WHEREAS**, the **CITY** and **CONSULTANT** wish to amend the Agreement to modify the total compensation payable to **CONSULTANT** so as to authorize **CONSULTANT** to provide additional legal services;

**AMENDMENT TO AGREEMENT**

**NOW, THEREFORE**, the parties hereby agree to amend the Agreement as follows:

1. Article II of the Agreement, entitled “COMPENSATION” is hereby amended to include additional compensation payable to **CONSULTANT**, in a not-to-exceed amount of \$130,000, and to change the total not-to-exceed amount under the Agreement to \$300,000.
2. Except as specifically amended herein, all of the other provisions, terms and obligations of the Agreement between the parties shall remain valid and shall be in full force.

**IN WITNESS WHEREOF**, the parties have executed this First Amendment on the day, month, and year first above written.

**CITY OF SAN RAFAEL:**

**CONSULTANT:**

\_\_\_\_\_  
CRISTINE ALILOVICH, City Manager

\_\_\_\_\_  
By: \_\_\_\_\_

APPROVED AS TO FORM:  
**Office of the City Attorney**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
By: GENEVIEVE COYLE,  
Assistant City Attorney

[If CONSULTANT is a corporation, add  
signature of second corporate officer]

ATTEST:  
**City Clerk**

\_\_\_\_\_  
By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
LINDSAY LARA, City Clerk