

## City of Hercules

### Citizens' Legal Issue Ad Hoc Committee Meeting

Minutes – May 25, 2011

Members Present: Jennifer Ways, Chair; Phil Simmons; Toni Leance; Bill Kelly; Beth Bartke; Councilmember John Delgado; Councilmember Don Kuehne (for Councilmember Myrna DeVera; City Clerk Doreen Mathews

Others: Interim City Manager Fred Deltorchio, Eric Williams, Mike Bowermaster

1. Review Job Announcement, Identify Publications and Websites for Advertisement and Determine Dates for Publication

Chair Jennifer Ways noted that the recruitment ad had been circulated via email and there was now a third draft. There was a discussion as to whether there should be an emphasis on experience with litigation – trial to verdict, as other city attorney examples did not have such an emphasis. It was decided that the ad would not have the litigations emphasis, but it would be listed as a preferred qualification.

It was decided that the advertisement would be placed in the Western City magazine online version as soon as possible. It will not be listed in the print version due to the timing of the publication. It will also be listed in the Record.

2. Preparation and Review of a Request for Proposal for the Recruitment of a City Attorney/Agency Counsel

Several RFPs were discussed from other cities. It was decided to use the City of Clayton's Request for Proposal as it is current, and make changes to suit the City of Hercules. Members discussed the RFP, section by section, and agreed on changes. Beth Bartke will type a revised RFP based on the changes, for review at the next meeting.

There was a discussion again of hiring an employee versus contracting with a law firm. Advantages to contracting include: not needing a full time employee; a firm would have a broader scope of knowledge; and a firm would not have relationships with other employees.

Interim City Manager Deltorchio listed several law firms that have approached the City already.

Interim City Manager Deltorchio presented what he is looking for in a City Attorney. The individual or firm would work for the City Council. They may have to give the Council advice that it does not want to hear. That is another reason to contract with rather than employ a City Attorney. The City Attorney must be strong and respected.

3. Discuss and Create Timeline for Recruitment Process

The new City Council should be in place by the July 12 Council meeting. Ads could be placed by June 6<sup>th</sup> in Jobs Available, Western City (online), and the Record. The deadline for submissions will be July 1. The committee will review submissions at its meeting of July 6<sup>th</sup>. Initial interviews can be done as submissions come in.

There was a discussion of whether the submittals should be kept confidential or if they become public. Also discussed was whether the interviews should be public or confidential. City Clerk Doreen Mathews confirmed that the committee was not subject to the Brown Act. Other issues were: who should serve on the interview panel – the original committee or all interested parties; who should form the interview questions; and who should decide which firms to interview. These issues are yet to be resolved.

4. Discuss and Identify Items for the June 1, 2011 Agenda

- Composition of Interview panel
- Interview questions

Adjournment – the meeting was adjourned at 10:00 p.m. to the next meeting on Wednesday, June 1, 2011.

Submitted by:

Beth Bartke