



Legislation Text

File #: Resolution 54-2016, **Version:** 1

Agenda Date: 10/04/2016

Subject:

A resolution appointing an acting city attorney, approving a legal services agreement and increasing the hours of the assistant city attorney

Presented By: Mark Relph, Acting City Manager

POLICY QUESTION:

Does city council support appointing Ken Fellman of Kissinger & Fellman, P.C. as the acting city attorney, approving a Legal Services Agreement, and increasing the hours of the assistant city attorney?

BACKGROUND:

City council is beginning a search for a new city attorney. There is a need for an acting city attorney to be appointed during the search period.

STAFF ANALYSIS:

As Acting City Attorney, Ken Fellman will be responsible for the supervision and management of the legal affairs of the city. He (or another attorney from Kissinger & Fellman) will attend council and planning board meetings and will provide office hours on a part-time basis, generally on Monday afternoons, Tuesday mornings or afternoons, and Thursday afternoons. He will also be responsible for supervising the Assistant City Attorney, Prosecutor and administrative assistants.

The current Assistant City Attorney is a part-time employee. At its September 27 study session, council expressed support for increasing the Assistant City Attorney's hours to full time during this interim period. Her responsibilities include legal research, contract drafting and review, open records requests, discovery requests, and serving as legal advisor at Licensing Authority, Board of Adjustment and Historic Preservation Board meetings.

Other attorneys that currently provide specialized legal services include Marni Nathan of Nathan, Dumm & Mayer (employment litigation); Andrew Ringel of Hall & Evans (litigation); Corey Hoffman (urban renewal); Ken Fellman (telecommunications); Eric Ziporin of Senter Goldfarb & Rice (land use litigation); Dan Brown of Fischer Brown Bartlett & Gunn (water) and Bernie Woessner of Nathan, Dumm & Mayer (worker's compensation).

Staff contacted CML and CIRSA for recommendations on firms or attorneys that have municipal experience. This resulted in eight firms or attorneys who work with municipalities that were called to determine if the firms had interest, any conflicts of interest, and/or capacity to provide temporary services as Littleton's City Attorney. Of the eight, three expressed interest, capacity and no conflict of interest. Each of these three firms have varying capacity, and of the three Ken Fellman's firm had the greatest capacity and the advantage of being

familiar with our city's code. The three firms with capacity to serve in the role of City Attorney are: Ken Fellman, Corey Hoffman, and Scott Krobb. The eight firms/attorney's that were contacted include Corey Hoffman, Linda Michow, Sam Light, Bob Widner, Jerry Dahl, Scott Krobb, Geoff Wilson and Ken Fellman.

FISCAL IMPACTS:

The hourly rates are included in Appendix A of the Legal Services Agreement. The rate for Ken Fellman is \$250 per hour and rates for associates and partners range from \$160 to \$250 per hour. The cost of increasing the part time Assistant City Attorney to full-time is estimated at \$3,500 to \$3,900 per month.

STAFF RECOMMENDATION:

Staff recommends approval of the resolution.

PROPOSED MOTION:

I move to approve the resolution appointing an acting city attorney, approving a Legal Services Agreement, and increasing the hours of the assistant city attorney.