

**City Attorney and Legal Expense Summary  
City of Albany**

**City Attorney**

Period Ended	Base Salary	Benefits	Reimbursements		Fees	In-House Total
			Secretary	Expenses		
01/31/11	41,720	15,007	7,908	665	1,383	66,683
06/31/10	79,970	29,996	17,134	2,882	5,506	135,488
06/31/09	79,554	33,027	15,816	3,496	1,068	132,961

Outside Counsel	Total Expense
2,740	69,423
25,412	160,900
18,315	151,276

CITY ATTORNEY SURVEY		
City	Annual Salary	Other Benefits or Notes
Alameda	\$191,568.00	Benefits include: Auto Allowance: \$250/month Retirement - PERS 2% @ 55 1% Deferred Compensation Vacation - 25 days annually Same paid holidays & leave time as other department heads Medical - Up to the Kaiser rate paid by the city Life Ins - \$100k policy Exempt employee with flexibility to set her own hours, but is expected to work 5 days a week/40 hours.
Benicia	\$193,056.00	Auto allowance: none Retirement: 2.7% @ 55 9.5% contribution to deferred comp plan Vacation: 3-6 weeks depending upon years of service Admin Leave: 16 days per year Holidays: 12 Sick Leave: 96 hours per year Medical: Pays up to the Kaiser rate Life Ins: \$200k
Brentwood	\$187,536 - \$227,952 (range, 5 steps)	Auto allowance: none Retirement: 2.7% @ 55 Vacation: 208 hours per fiscal year Admin Leave: 60 hours per fiscal year Holidays: 12 + 2 floaters Sick Leave: 96 hours per year Medical: Pays up to \$1,084.89/month Life Ins: \$150k Mgt. Incentive Pay: \$700/month
Corte Madera		Uses the law firm, Walter & Pistoli (Sonoma) and pays their hourly rate. Mr. Walter is the city attorney, but the other attorneys within the firm perform services for them as well.
Emeryville	\$200,680.00	Auto allowance: \$475/month Retirement: 2% @ 55 Vacation: 0-9 years: 15 days/year, 10-20 years: 20 days/year Admin Leave: 10 days per year Holidays: 11 + 2 floaters Sick Leave: 15/days per year Medical: Cafeteria plan with the same benefits as the unrepresented employees Life Ins: \$175k
Foster City		Jean Savaree of Aaronson, Dickerson, Cohn & Lanzone (San Carlos)

Hillsborough		Norman Book of the law firm Carr, McClellan, Ingersoll, Thompson & Horn (Burlingame) <a href="http://www.carr-mcclellan.com/index.cfm">http://www.carr-mcclellan.com/index.cfm</a>
Livermore	\$195,363.00	Auto allowance: per contract Retirement: 2.7% @ 55 Vacation: based on years of service Holidays: 12 + admin. leave Sick Leave: 12 days per year Medical: Cafeteria plan Life Ins: \$175k policy (same benefits as executive management)
Mill Valley		Gregory Stepanicich of Richards, Watson & Gershon (San Francisco)
Mountain View	\$ 234,975.52	Auto allowance: \$300/mo Retirement: 2.7% @ 55 Vacation: based on years of service, between 12-22 days Admin Leave: 80 hours annually Holidays: 8 days Sick Leave: 96 hours annually Medical: city pays a max of \$1,779.47/month Life Ins: \$600k policy
Pleasant Hill	\$ 203,808.00	Auto allowance: \$466.58/month Retirement: 2% @ 55 Vacation: per contract Holidays: 13 Sick Leave: 12 days per year Medical: Employees contribute \$55/per month towards cost Life Ins: \$136k
San Rafael	\$ 109,644.00	Elected part-time position No car allowance Retirement: 2.7% @ 55 Deferred comp: 3% Medical: Cafeteria plan up to \$1,321.58 (2009 allowance) Life Ins: \$150k
Sausalito		Law Offices of Mary Anne Wagner Per contract, \$170/hour, plus health care benefits Budgeted for 794 hours per year (\$134,980)
<b>Current Recruitments</b>		
Lompoc	DOQ Former city atty salary: \$134,256	Auto allowance: Retirement: 2.7% @ 55 Vacation: 18 days per year Holidays: 12 days per year Sick Leave: 12 days per year Medical: city makes a substantial contribution towards cost Life Ins: amount equal to 1/2 annual salary
San Ramon		No details provided

El Cerrito

## CITY ATTORNEY

The City Attorney supports the City Council and City organization with legal advice and services. The City Attorney, whose services are retained by the City through a contract with the law firm Meyers Nave, is responsible for the following services:

- Providing legal advice and information to the City Council, Boards and Commissions, City Manager and staff
- Developing legally acceptable alternatives for accomplishing policy objectives
- Preparing legal documents including ordinances, leases and agreements
- Reviewing resolutions and contracts
- Representing the City in court and before administrative agencies
- Advising City staff on Municipal Code enforcement issues
- Updating the Municipal Code

## CITY ATTORNEY BUDGET SUMMARY

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Amended	FY 2010-11 Adopted
<b>Revenue</b>				
<u>Account: 46520 - Program Fees</u>				
101-1030 - General Fund, City Attorney	\$62,233.31			
<b>Revenue Grand Totals:</b>	<b>\$62,233.31</b>			
<b>Expenditures</b>				
<u>Account: 52120 - Legal &amp; Financial Svcs</u>				
101-1030 - General Fund, City Attorney	\$190,338.51		\$195,000.00	\$195,000.00
<u>Account: 52190 - Miscellaneous Prof Svcs</u>				
101-1030 - General Fund, City Attorney	\$185,622.31	\$297,716.16	\$120,000.00	\$120,000.00
<b>Expenditure Grand Totals:</b>	<b>\$375,960.82</b>	<b>\$297,716.16</b>	<b>\$315,000.00</b>	<b>\$315,000.00</b>

## EXHIBIT A

### COMPENSATION

**A. General Counsel Services:** General Counsel services will be billed at hourly rates ranging from \$195 to \$275, depending on the level of experience of the billing attorney. The hourly rate for Sky Woodruff will be \$250; the hourly rate for Inga Lintvedt will be \$210. "General counsel" services shall include:

- i. Attendance at regular and special meetings of the City Council, including study sessions and closed sessions.
- ii. Attendance at Planning Commission meetings or other City Commission or Board meetings upon request of the City Council or City Manager.
- iii. Review and/or prepare routine staff reports, ordinances, resolutions, orders, agreements, forms, notices, declarations, certificates, deeds, leases, and other documents required by the City.
- iv.. Consultation with the City Council and City staff as needed, including rendering of legal advice and opinions (oral and written) concerning legal matters that affect the City including new legislation and court decisions.
- v. Provide guidance and advice to the City Council and City Manager regarding what position the City (and associated bodies) and its advocate (e.g., lobbyist) should take on matters pending before legislative bodies.
- vi. Handle routine real estate transaction and acquisition issues, including lease review and negotiations.
- vii. Research and interpret laws, court decisions and other legal authorities in order to prepare legal opinions and to advise the City Council and management staff on legal matters pertaining to City operations.
- viii. Perform legal work pertaining to routine property acquisition, property disposal, public improvements, public rights of way and easements, and matters relating to public utilities.
- ix. Coordinate with in-house staff on risk management issues, include self-insurance authorities.
- x. Coordinate the work of outside counsel as needed and as directed by the City Council and/or City Manager.

**B. Services Excluded from the "General Counsel" Category:** City Attorney will provide general municipal services that are non-routine or complex at hourly rates ranging from \$205 to \$325 depending on the type of matter and expertise of the attorney performing the work. Examples of services excluded from "General Counsel" are as follows:

- i. Non-routine or highly specialized real estate, affordable housing and land use matters including property acquisition, leasing and disposition.
- ii. Complex CEQA analyses, such as on EIR's, exemptions, and negative declarations.
- iii. Updates of City's general plan, specific plans, complex zoning ordinances; preparation of impact fee analyses.
- iv. Annexations or other changes of organizations.
- v. Payroll and income tax issues.

- vi. Significant bid disputes, change orders or other disputes relating to construction preparation, award or management.
- vii. Non-routine elections issues, such as preparation of or advice regarding complex ballot measures.
- viii. Such other issues as discussed and agreed upon by the City Attorney and City Manager.

C. City Attorney will provide services outside the range of general municipal services at hourly rates ranging from \$200 to \$350, depending on the type of matter and expertise of the attorney performing the work. Examples of such services are as follows:

- i. Litigation, eminent domain, arbitration, mediation, administrative hearings and related matters leading to such proceedings.
- ii. Brownfields and other environmental and hazardous waste remediation and compliance.
- iii. Cable TV franchises and regulations, FCC appeals and related matters.
- iv. Negotiation and preparation of franchise agreements and related legislation.
- v. Labor negotiations, Skelly hearings, disciplinary hearings, similar non-routine personnel matters, and matters leading to such proceedings.
- vi. Redevelopment and inclusionary housing matters.

D. City Attorney will provide services for which the City may recoup its expenses through cost recovery and similar mechanisms at hourly rates ranging from \$200 to \$350, depending on the type of matter and expertise of the attorney performing the work. Examples of services excluded are as follows:

- i. Work related to bond issuance.
- ii. Redevelopment.
- iii. Code enforcement.
- iv. Water rights.
- v. Land use and development issues, including development agreements.
- vi. Formation or modifications to assessment districts, community facilities districts, and related foreclosures.
- vii. Advice and other work related to adjustments to or preparation of development impact and similar fees, as well as taxes such as transient occupancy tax, transactions and use tax, business license tax, utility users tax and parcel tax.
- viii. Bankruptcy and foreclosures.
- ix. Enterprise fund matters, such as modifications or increase to water, sewer, and transportation fees.
- x. Those other matters to which the City may pass payment on to third party.

E. City Attorney will charge for travel time or mileage only for matters listed in Section 2(D) of this Exhibit A. For those matters, travel time may be charged at the billing attorney's hourly rate and mileage may be charged at the then-current Internal Revenue Service rate. City Attorney shall bill the City monthly at its internal cost for the overhead costs incurred such as charges for normal duplicating, long distance telephone, express mail, postage, messenger services, computer research, and the like. However, the parties agree to discuss annually a fixed percentage overhead charge in lieu of itemized billing.

Pinole - Contracts with Meyers Nave  
 FY2010/11 \$161,499 (no detail available)

Rate Schedule 501 / 502 effective 7/1/08		0.045		
Category	Current Hourly Fees		Fees Adjusted by CPI	Rounded up to nearest \$5.00 / Effective 7/1/08
		CPI-U= 4.5%		
<b>(a) General Municipal legal services (paid out of general fund)</b>				
Principals / City Attorney	\$190.00		\$198.55	\$200.00
Associates	\$170.00		\$177.65	\$180.00
Paralegals / Law Clerks	\$110.00		\$114.95	\$115.00
<b>(b) Redevelopment Agency Work</b>				
Principals/ Redevelopment Agency Counsel	\$210.00		\$219.45	\$220.00
Associates	\$195.00		\$203.78	\$205.00
Paralegals / Law Clerks	\$120.00		\$125.40	\$130.00
<b>(c) General Municipal Litigation Work</b>				
Principals / City Attorney	\$215.00		\$224.68	\$225.00
Associates	\$195.00		\$203.78	\$205.00
Paralegals	\$110.00		\$114.95	\$115.00
<b>(d) Attendance at City Council Meetings</b>				
Principals/ City Attorney	\$170.00		\$177.65	\$180.00
Associates	\$155.00		\$161.98	\$165.00
<b>(e) Attendance at regularly scheduled RDA meetings</b>				
Principals/ RDA Counsel	\$190.00		\$198.55	\$200.00
Associates	\$170.00		\$177.65	\$180.00



(f) Cost Recovery Rates[1]. . .				
Principals	\$255.00		\$266.48	\$270.00
Associates	\$240.00		\$250.80	\$255.00
Paralegals	\$165.00		\$172.43	\$175.00
<b>Specialized Legal Services</b> (including public contracting, labor and employment, eminent domain, taxation, elections, public power, and environmental matters)				
Principals	\$255.00		\$266.48	\$270.00
Associates	\$240.00		\$250.80	\$255.00
Paralegals	\$165.00		\$172.43	\$175.00

[1] all legal services performed by attorneys in our office which are reimbursed by a third party, including, but not limited to applicants for land use entitlements and developers.