

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: December 5, 2011
Reviewed by: BP

SUBJECT: Contract #C11-17 with Craig Labadie for City Attorney services

REPORT BY: Beth Pollard, City Manager

STAFF RECOMMENDATION

That Council approve contract #C11-17 with Craig Labadie to serve as the City Attorney for the City of Albany effective January 1, 2012.

BACKGROUND

Robert Zweben has been the City Attorney for the City of Albany since he was first elected to that office in 1978. In 2010, Mr. Zweben informed the Council of his intention to retire at the end of the following year. With the assistance of the Charter Review Committee, the City Council developed a ballot measure to change the City Attorney position from elected to appointed.

In November, 2010, the voters of Albany approved Measure N, a modification to Albany City Charter, Section 3.01, to provide that the City Attorney be elected at the November 2, 2010 election to a one year term, and that in December 2011, the City Attorney be appointed by the City Council.

At its meeting of January 18, 2011, the City Council appointed a Council subcommittee comprised of Council Members Lieber and Thomsen to work with staff to identify alternatives for a process to recruit and select an appointed City Attorney, and to develop some initial criteria and structure options, for Council discussion and direction. The subcommittee presented initial options on March 21. Council accepted the recommendations, and directed staff to return with a draft Request for Proposals (RFP) for city attorney services that was timed with the anticipated retirement of the incumbent City Attorney.

Following the City Council approval on July 18, the RFP was issued and more than 20 responses were received. The City Council reviewed the responses, interviewed a select group of applicants, and ultimately selected Craig Labadie as the attorney with the skills, knowledge, and abilities most well suited for the Albany City Attorney position.

DISCUSSION

Craig Labadie has been Concord's City Attorney for 11 years. Prior to that appointment, he was a private practitioner who provided special legal counsel service to numerous cities, as well as being the contract City Attorney for Mill Valley, Hercules, and Sausalito.

Labadie served in a volunteer capacity as an officer and ultimately President of the City Attorneys Department of the League of California Cities from 2004 to 2007, providing him with experience in advancing educational and appellate advocacy efforts on behalf of California cities. His responsibilities in Concord have included serving as legal counsel for the City, the Concord Redevelopment Agency, and the Local Reuse Authority for the Concord Naval Weapons Station.

Labadie will begin work with the City on January 1, 2012. Robert Zweben will contract with the City to provide one-half month service in January to assist with the transition of files and information.

SUSTAINABILITY IMPACT

N/A

FINANCIAL IMPACT

The contract provides for a monthly retainer of \$9,000 for general services, and a rate of \$175 per hour for specialized services such as litigation and legal services for which the City receives reimbursement from a third party. The amount of the retainer and the hourly rate is consistent with the compensation paid to the incumbent, and the total cost is expected to fall within the current Legal Services budget.

Attachments

1. Contract #C11-17 between City of Albany and Craig Labadie