



## Legislation Details (With Text)

**File #:** 17-324      **Version:** 4      **Name:**

**Type:** Resolution      **Status:** Agenda Ready

**File created:** 12/4/2017      **In control:** City Council

**On agenda:** 2/27/2018      **Final action:** 12/12/2017

**Title:** City Council Office recommending that the Council review the proposals for Council legal assistance.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. CouncilAttorneyRFP\_Executed, 2. Memo from City Purchasing Agent, 3. February 27 Memo to City Purchasing Agent

Date	Ver.	Action By	Action	Result
1/2/2018	2	City Council	adopted	Pass
12/12/2017	1	City Council	adopted	Pass

### Agenda Item Title:

City Council Office recommending that the Council review the proposals for Council legal assistance.

### Presenter:

Mike Applegarth and Dustin Fratto

### Description/Background:

On December 12, 2017 The Council directed Council office staff to assemble a RFP seeking contract legal services for the Council. The City Council appropriated \$50,000 in the Council Office FY 2017-18 budget for professional services. During the budget review process, the Council had some discussion about using the funds for contract legal services in the event that the City Attorney was conflicted between positions of the Council and Mayor. It is not likely that the Council would have need of a full-time attorney. However, having an attorney available in the event that the City Attorney is unable to provide advice to both the Council and Mayor, and/or having an attorney present and able to respond to the unique questions that arise from time to time during Council meetings may be advantageous. The RFP for Council legal services was executed near the beginning of January and advertised through normal City Channels by the City Purchasing Agent. In response to the RFP the Council received two proposals.

### Further action to be taken:

Prior to publicly naming and/or discussing the proposals for Council legal services the Council must first determine how best to review the proposals and select a vendor. According to the Sandy Purchasing Code a register of proposals responding to any RFP shall be made open for public inspection after award of contract, and not before. However, in circumstances where the City Council views compliance with a procedure from the purchasing code as *not in the best interest of the City* it may authorize the procurement of supplies, equipment and services without complying with the

provisions of section 11-1-8(g) of the code. In this instance, it may not be in the best interest of the City to fully comply, as doing so will prevent the full body of the Council from openly discussing the two proposals. Staff has contacted each of the applicants and received permission to make public their proposals prior to a final decision being made. It should also be noted that the review of these proposals does not qualify as a valid reason to close a Council meeting. The Council Office recommends the following:

It is not in the best interest of the City for the Council to review the proposals for Council legal service strictly adhering to Section 11-1-8(g) of the City Purchasing Code, which prevents an open discussion of the two applicants by the Council, staff recommends that the Council follow City Purchasing Code Section 11-1-6(i) directing staff to issue a memo to the City Purchasing Agent explaining why it isn't in the City's best interest (Motion 1). At this point, the Council may openly discuss the two proposals. The Council should then review each proposal and select a vendor to provide Council legal services. During the review process it is recommended that the Council clearly express the criteria that they are using to review the proposals. The Council might consider using criteria such as: cost, years of experience (in various settings such as law, local government, legal research, etc.), existing conflicts of interest, etc. to make a selection. The Council should avoid discussing any personal relationships or criteria that are not directly tied to the vendor's ability to provide the needed service. Once review is complete, the Council should select their desired vendor (Motion 2) and direct staff to execute a contract with that vendor.

#### **Recommended Action and/or Suggested Motion:**

##### **Motion 1: Review proposals and select a vendor as a Council (deviates from our purchasing code)**

Motion to move forward with review of the Council legal services proposals tonight selecting and approving a proposal. We also direct staff to notify the City purchasing agent in writing that the Council believes it in the best interest of the City to comply with Purchasing Code Section 11-1-6 for the procurement of Council legal services.

##### **Motion 2: Motion to Select a vendor for Council legal services**

Motion to direct staff to execute a contract for Council legal services with the selected vendor.