



CITY COUNCIL AGENDA REPORT

Meeting Date: July 17, 2025

From: Jeremy Dennis, City Manager

Subject: City Attorney Recruitment Request for Proposals

Recommendation

It is recommended that the City Council provide staff feedback and direction on the draft City Attorney Recruitment Request for Proposals.

Background

In 2013, the City hired the San Francisco based Renne Sloan law firm to provide City Attorney services following an extensive recruitment conducted by Bobbi Peckham. In 2014, Michael Roush associated with the firm and served as City Attorney, initially with the firm and later on his own until 2019, at which time he requested to step down as City Attorney.

At that time, Tom McMorrow, who had a long-standing relationship with the City agreed to step in as the City Attorney. On behalf of the City, Mr. McMorrow serves as primary counsel on California High Speed Rail, the Baylands Development, and state and federal public policy issues; Mr. Roush provides day-to-day and all other legal work for the City Manager and City departments. Since 2019, Mr. Roush has billed the City approximately 25 hours per month for his services.

Discussion

In January 2025, Mr. McMorrow provided written notice to the City Council informing Council of his and Mr. Roush's intention to step down from their respective roles at the end of 2025. In that memo, Mr. McMorrow laid out a process for recruiting and appointing a new City Attorney. As such, City staff have worked to provide the City Council to prepare a proposed Request for Proposals (RFP) that fulfills the core responsibilities and services of a City Attorney. Since the City Attorney is appointed by the City Council directly, staff requests feedback on the RFP and provide direction on the next steps of the recruitment process.

Fiscal Impact

Recruitment efforts are being provided by City staff. Aside from staff time, there is no known fiscal impact.

Attachments

1. Draft City Attorney Recruitment Request for Proposals

Jeremy Dennis

Jeremy Dennis, City Manager

CITY OF BRISBANE

Request for Proposals for City Attorney Services



City of Brisbane
25 Park Place
Brisbane, California 94005

Attn: Abby Partin, Human Resources Director
apartin@brisbaneca.org

Release Date:

Proposals Due:

City Attorney Services

RELEASE DATE:

CLOSING DATE/TIME:

All Proposals must be received by the closing date and time.

CONTACT PERSON: Abby Partin, Human Resources Director
apartin@brisbaneca.org

Brisbane City Hall
25 Park Place
Brisbane, California 94005
(415) 508-2100

I. PURPOSE OF REQUEST FOR PROPOSAL

The City Council of the City of Brisbane is seeking proposals from qualified law firms or individual attorneys in response to this Request for Proposal (RFP) for contract City Attorney services, as outlined in the Scope of Work in Section III of this Request for Proposals ("RFP").

The City Attorney is intended to serve as the primary legal advisor to the City, providing comprehensive legal services across all areas of municipal operations. Appointed by the City Council, the City Attorney will work in close collaboration with the City Manager and City staff to support the effective and lawful administration of City business. This position is designed to serve at the discretion of the City Council and will be structured as an independent position, not as a City employee.

II. BACKGROUND

Nestled on the slopes of San Bruno Mountain, Brisbane (pop. 4,851) is a small city located immediately south of San Francisco on the Peninsula. It enjoys a sunny climate, fine views of the Bay, and a diverse, small-town atmosphere with easy access to all the amenities of the surrounding metropolitan areas.

Brisbane residents place a high value on the unique charm and natural beauty of the city's mountain setting and on its close-knit community spirit. Partially surrounded by San Bruno Mountain State and County Park, Brisbane is bordered on the east by the San Francisco Bay and encompasses approximately 20.1 square miles (3 square miles of land and 17 square mile or 85% water). Due to the resulting lack of a standard lot size, Brisbane enjoys an individualistic housing style.

Brisbane is also home to industrial areas and modern office parks that, prior to the Covid pandemic, increased its daytime service population to approximately 12,000. The City is continuously looking for ways to incorporate future growth in a positive way that will enhance and preserve its small-town character while ensuring continued economic viability.

In 2018, Brisbane voters approved a General Plan Amendment that will allow a doubling of the size of the city through a large development on the Brisbane Baylands. This area is a historical railyard and refuse site (the landfill is now closed). This development will be complicated and necessitate extensive public engagement, which will require an exceptionally collaborative and astute attorney, who has the ability to establish a relationship and trust with the City Council, staff, and residents. The City's High Priority Issues are discussed in further detail below.

CITY GOVERNMENT

The City of Brisbane is a General-Law City operating under a Council-Manager form of government. The City Council consists of five members elected at large to staggered, four-year terms, and the mayor is appointed by the Council each year. The Council serves as the City's legislative branch and makes final decisions on all major city matters, adopts necessary ordinances and resolutions, approves the budget, acts as a board of appeals, and appoints the City Manager, the City Attorney, and the members of the City's commissions and committees.

The City of Brisbane is a full-service local government, and Brisbane has the following departments: Administration, including the City Manager, City Attorney, City Clerk, Finance, Human Resources; Community Development (Building and Planning); Economic Vitality; Fire; Marina; Parks & Recreation; Police; and Public Works. The City Manager is responsible for all city departments except for the City Attorney.

HIGH PRIORITY ISSUES

The City of Brisbane has similar issues of concern and opportunity as most municipalities. The City seeks a law firm/attorney that is particularly knowledgeable in the following areas:

- Development and Land Use Issues
 - Baylands (compliance with and implementation of "Measure JJ" (the 2018 General Plan amendment noted above), the CEQA (Final EIR) document, Specific Plan for the project, a development agreement, agreements for water supply and wastewater treatment; application of recent state housing laws to the project, and developing residential and commercial use on a closed landfill)
 - Quarry Redevelopment Project (CEQA (EIR) document, development plan, development agreement, annexation, land swaps with County and State, potential formation of a Geological Hazard Abatement District, and reclamation of quarry)

- Sierra Point EIRs and related planning entitlements for proposed new R&D projects and hotel
- Protection of San Bruno Mountain assets in the City of Brisbane
- Municipal Operations Issues
 - Compliance with and implementation of settlement agreement with the California High Speed Rail Authority
 - Operation of a publicly owned Marina
- Taxation and Fees
 - Consideration of increased business license tax for liquid storage facilities and related legal work to place measure on the ballot for voter approval in light of a previously approved settlement agreement
 - Revenue enhancement to support and enhance City services.

III. SCOPE OF WORK

Services To Be Provided

The City Attorney is appointed by and reports to the City Council. The City Attorney is the chief legal counsel for the City of Brisbane and, as such, is responsible for advising on all legal matters. The following are the primary responsibilities for the legal services the City will require of a City Attorney:

- Advise the Council, City Commissions and Committees, and all City officials and employees on municipal government legal matters including the Brown Act, the Political Reform Act, election laws, and parliamentary procedures at meetings.
- Provide legal advice to staff on general municipal matters, including, but not limited to, the Public Records Act, the Mitigation Fee Act, Propositions 218 and 26, and public contracting and procurement.
- Promptly prepare and/or review all ordinances, resolutions, municipal contracts, joint powers agreements, and other agreements and contracts entered into by the city.
- Attend in person all City Council meetings (typically 2-3 times a month), attend in person Planning Commission as needed (typically 2-3 times a year, but subject to an increase when reviewing large development projects) and attend in person meetings assigned by the City Council or City Manager.
- Attend staff meetings in person and hold office hours at City Hall on identified days to work with City staff.
- Promptly return all calls and e-mails from the City Council and staff.

- Perform legal work pertaining to real property matters including but not limited to property acquisitions and disposition of City property, public improvements, easements, leases, development agreements, dedications and right-of-way vacations.
- Perform legal work pertaining to land use issues including but not limited to the Subdivision Map Act, California Environmental Quality Act, wetlands, inverse condemnation, takings, planning approvals, land use procedures, conditions and exactions, annexations, intergovernmental immunity, building and housing regulations, general plan provisions and zoning ordinances.
- Provide advice and support to enforce City codes, zoning regulations, and building standards through administrative and judicial actions.
- Keep familiar with and provide information as requested on new state or federal legislation or judicial decisions impacting the City and suggested action or changes in operations or procedures to assure compliance.
- Research and submit legal opinions on municipal or other legal matters as requested by the City Council or City Manager.
- Manage all litigation against the City or initiated by the City and coordinate and manage the services and costs of all outside legal counsel. Note that the City is a member of the Bay Cities Joint Powers Insurance Authority, a risk sharing pool, for purposes of tort liability. Through Bay Cities, the City also has coverage for employment related claims and litigation. Currently, the City's self-retained limit for tort liability and employment related claims is \$25,000. Historically the City has not initiated significant litigation.
- Provide guidance on personnel matters, including employee disciplinary and grievance matters and labor negotiations.
- Provide legal advice regarding the preparation and implementation of Environmental Impact Reports, Mitigated Negative Declarations and Mitigation and Monitoring Programs and other environmental documentation and review the same for legal adequacy.
- Represent the City, as needed, before federal, state and other entities including but not limited to the Army Corps of Engineers, the State Water Quality Control Board, U.S. Fish and Wildlife, State Department of Fish and Wildlife, OSHA, EEOC, San Mateo County, and the City and County of San Francisco
- Communicate with the press when authorized to do so by the City Council regarding City legal matters.

Excluded Services

The City has customarily retained outside counsel for legal services related to:

- The issuance of financing tools such as municipal bonds or certificates of participation.
- Primary review of CEQA, development agreements and related issues for larger scale development projects.
- Labor negotiations with employee organizations; and
- Complex litigation that the City has initiated.

IV. PROPOSAL SUBMISSION REQUIREMENTS

General Instructions

Proposals should be prepared simply and economically and provide a straightforward, concise description of the firm or individual, background, qualifications, response to legal services to be provided, and capabilities to satisfy the requirements of this RFP. Emphasis should be on completeness and clarity of content. Glossy sales and marketing brochures are not necessary or desired. Proposing parties are responsible for all costs incurred in preparation and submittal of proposals.

Proposals should be organized and consistent with the outline provided below under Proposal Format.

Proposal Format

Proposal must be structured, presented, and labeled in the following manner:

1. Cover Letter
2. Executive Summary
3. Applicant/Firm Information
4. Applicant/Firm Background
5. Applicant/Firm Qualifications
6. Principal Attorneys
7. References
8. Pricing
9. Additional Information

Failure to follow the specific format, to label the responses correctly, or to address all of the subsections may, at the City's sole discretion, result in the rejection of the Proposal.

Proposals shall not contain extraneous information. All information presented in the Proposal must be relevant in response to a requirement of this RFP, must be clearly labeled, and, if not incorporated into the body of the proposal itself, must be referenced to the appropriate place within the body of the Proposal.

Cover Letter

The Proposal must include a cover letter which addresses each of the four bulleted items.

- A brief statement demonstrating the proposer's qualifications to provide the services as described in this RFP
- A statement affirming:
 - your agreement as Proposer that any and all elements of the Proposal are and shall remain valid for no less than 120 days from the later of the date City Receives the Proposal or the Closing Date.

- your agreement that the protections afforded the City during the 120-day period shall automatically be extended, in 30-day increments, until a City Attorney is selected and accepts the position.
- A statement that the Proposer, or any individual who will perform work in accordance with the Proposal, is free of legal conflicts of interest and any ethical challenges that may create an impression that the City Attorney may be unable to discharge the duties of the office free of any actually or apparently disqualifying interests
- A statement that the signer of the Proposal is authorized as a matter of law to bind the Proposer to the terms and conditions of the Proposal and the RFP.

Please limit the Cover Letter to three pages.

Executive Summary

This section of the Proposal should provide a concise synopsis of the Proposal and the Proposer's credentials to deliver the services sought under the RFP. Provide a general overview of the Proposer's philosophy for City Attorney services and approach to mitigating risk to cities.

Applicant/Firm Information

This section of the Proposal must include the following Information:

- Provide the legal entity name, Federal Employer Identification Number (EIN), and form of business (e.g., sole proprietorship, partnership, corporation, etc.).
- Identify if the Proposer is a subsidiary of a larger firm. If so, whom and from where will services be provided?
- Provide the Proposer's contact name, address, phone number, and email address.
- Identify the principal attorney who will serve as the City Attorney and any other functions requested under Scope of Services and, if applicable, the attorney who will provide legal services in the absence or unavailability of the principal attorney
- Identify the location of the office which will provide legal services.

Applicant/Firm Background

This section should identify the following:

- A description of the Proposer's background and organizational history.
- A statement of how long the Proposer has been providing legal services to municipalities.
- Location of office that will be providing services to the City.
- Staff services available (clerical support, paralegals, other non-attorney staff)
- Awards, honors or public recognition of Proposer concerning providing legal services.

Applicant/Firm Qualifications

In this section of the Proposal, the Proposer should identify firm/staff qualifications and experience concerning the legal services to be provided. More specifically, this section should identify the following:

- Experience, in detail, of providing government/municipal legal services.
- Experience, in detail, working with California local government agencies.
- List all public clients for whom the Proposer currently provides legal services under a fee for service or retainer basis. For the prospective principal attorney, indicate the schedule of meetings at which the attorney is expected to attend.

References

The Proposer must provide three to five references. At least two of the references should be for similar services provided in the last three years. The City prefers references from local government agencies with populations of 10,000 or less if possible. For each reference, the Proposer should provide the following information and permission to contact each reference:

- Entity name
- contact information (name, title, phone, and email) for the person most knowledgeable about the legal services provided by the Proposer
- Scope of work performed identifying the services provided
- Start date

Fee Schedule/Pricing

While the City is open to reviewing various cost structures, it is anticipated that the City will receive cost proposals wherein “general” services are provided under a fixed monthly retainer and any additional “special” services are billed at a pre-negotiated hourly rate.

- Describe what is included in the retainer (including the proposed number of office hours on site each week.
- Provide an hourly rate for any specialized legal services.
- Provide the retainer fee and rates in a tabular format.
- Explain what type of work you would consider to be extra or specialized that would be billed in addition to basic service and state the hourly rates for the designated legal staff for such services. You may do so, by completing the Cost Proposal Worksheet (Attachment A) with your proposal.

The City anticipates that the vast majority of work required under the Scope of Work will fall under the monthly retainer service fee. Such services are to be provided by the City Attorney within the retainer.

V. SELECTION PROCESS

The evaluation of proposals will allow the City to identify a list of qualified individual/firms. This RFP provides the criteria that serve as the basis for review of qualified individuals/firms. Qualified individuals/firms that best meet the needs of the City will be invited to an on-site interview and presentation.

Proposals will be evaluated based on the following evaluation criteria:

- Demonstrated understanding of the City’s needs
- Quality, clarity, and responsiveness of the Proposal

- Anticipated value and price
- Results of interviews and presentations
- References
- Ability to prepare and execute a contract in a timely manner

The City reserves the right, at its sole discretion, to request clarifications of Proposals or to conduct discussions for the purpose of clarification with any or all Proposers. The purpose of any such discussions shall be to ensure full understanding of the Proposal. Discussions may be limited to specific sections of the Proposal identified by the City and, if held, shall be after the initial evaluation of Proposals is complete. If clarifications are made as a result of such discussion, the Proposer must put such clarifications in writing.

After the evaluation of Proposals and on-site interviews are complete, the City Council, in its sole discretion, will select the Individual/firm to serve as the City Attorney. The City and the individual/firm selected by the City Council will enter into contract negotiations. In the event the City determines, in its sole discretion, that an agreement cannot be reached, the City reserves the right to enter into contract negotiations with an alternate Proposer.

VI. ANTICIPATED TIMELINE INFORMATION

Date	Issue Request for Proposals
Date	Deadline to Submit Questions and/or Comments
Date	City Issues Responses to Questions/Comments
Date	Deadline for Receipt of Proposal
Date	Tentative Legal Firm Interviews/Presentation
Date	Selected Firm Contract Negotiations
Date	Tentative Award of Contract

VII. PROPOSAL SUBMISSION INFORMATION

The City of Brisbane is committed to minimizing the use of natural resources in the course of conducting its business. In support of this commitment, Proposers are required to submit their completed Proposals electronically.

Proposers that are unable to submit their Proposals electronically must contact the RFP Coordinator prior to the filing deadline to arrange an alternative submission method acceptable to the City.

RFP Coordinator

All communications concerning this RFP should be sent via email to the **Human Resources Director, Abby Partin**. The RFP Coordinator shall be the sole point of contact for this RFP, including with respect to any request(s) and to make other City officials available to answer any questions a proposer may have before submitting a Proposal. The coordinator may be reached at:

Email: apartin@brisbaneca.org Phone: 415-508-2115

The City is not responsible for delayed or lost e-mail, regardless of the cause.

Instructions for Electronic Submission:

1. The Proposers completed Proposal must be emailed to RFP Coordinator with a copy to [Jeremy, Christina/Ingrid], at or before [5:00 PM PT, August __, 2025].
2. The Proposal must be submitted in pdf, zip, or equivalent format.
3. The total number of pages being submitted should be indicated on the cover page of the completed Proposal.
 - a. For example, on the cover page you can "Page 1 of 266 total pages."
 - b. Each page of the submission, including cover pages, blank pages, etc., counts as a page in determining the total page count.
 - c. The submission should identify the total number of pages submitted (e.g., cover pages, exhibits, etc. should be included in the total number).

If you have any questions about this submission process, please contact the RFP Coordinator.

The City reserves the right to reject any and all Proposals submitted, to request clarification of services submitted, to request additional information, and to waive any irregularity in the Proposal. Following Proposal evaluations, interviews and reference checks, the award of a Professional Services Agreement will be at the sole discretion of the City Council.