



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: July 11, 2023

REQUESTER: Kathryn Walker

PRESENTER: Kathryn Walker, City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF RESOLUTION R-2324-16: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AUTHORIZING THE CITY ATTORNEY TO RETAIN CERTAIN OUTSIDE COUNSEL DURING FISCAL YEAR ENDING JUNE 30, 2024 IN A CUMULATIVE AMOUNT NOT TO EXCEED \$215,000 , TO PROVIDE LEGAL SERVICES TO AND ON BEHALF OF THE CITY WHEN REPRESENTATION BY THE CITY ATTORNEY'S OFFICE MAY CONSTITUTE A CONFLICT OF INTEREST, WHEN A PARTICULAR SUBJECT MATTER OR CASE REQUIRES ADDITIONAL EXPERTISE, OR WHEN NECESSITATED BY WORKLOAD DEMANDS.

BACKGROUND:

The City's budget for many years has included funding for the City Attorney's office to hire outside legal counsel. Typically, outside legal counsel is utilized when an issue arises requiring additional expertise, when representation by the City Attorney's office may constitute a conflict of interest, or when workload demands are such that additional help is needed. Attorneys charge by the hour and it is difficult to predict the amount that may be spent in a given fiscal year on a particular case or issue, but Staff is required to ask Council for additional appropriation if the budgeted funds are not adequate. In FYE24, \$215,000 is allocated for outside legal counsel within the Services and Maintenance line item of the Legal Department's budget. These funds are also spent on deposition costs, appraisals, expert witnesses, etc.

DISCUSSION:

For the first time, Resolution R-2324-16 would formally authorize the City Attorney's office to engage certain firms, as well as others that may be needed during the fiscal year upon written communication to Council, to provide legal services to and on behalf of the City. The goal of the resolution is to ensure Council is aware of the situations in which outside counsel may be used and the identity of the firms or attorneys that may be utilized within the approved budgeted amount. The firms listed in the Resolution are also provided below, along with a general practice area with which they typically assist with:

- A. Phillips Murrah Law Firm – Employment matters
- B. Margaret McMorrow-Love – Employment matters
- C. Stefan P. Smith, Baker Hostetler Law – Employee benefits law
- D. Spencer Fane – Miscellaneous municipal and state issues
- E. Center for Economic Development Law – Affordable housing, economic development
- F. Collins, Zorn & Wagner – Police department – use of force cases
- G. Fellers, Snider, Blankenship, Bailey & Tippens – Miscellaneous municipal issues

There is also provision in the Resolution for other firms or attorneys that may be engaged as needs arise based on qualifications and expertise. The resolution would require that such firms or lawyers be engaged only after written communication is provided to City Council.

RECOMMENDATION:

Staff recommends approval of Resolution R-2323-16.