

STAFF REPORT

City Council Consent Item

DATE: October 17, 2022

TO: Honorable Mayor and Council Members

FROM: Merritt Perry, City Manager

SUBJECT: **Authorize City Manager to Contract with Clare Gibson Law to Provide Construction Legal Services**

STAFF RECOMMENDATION:

Staff recommends the City Council authorize the City Manager to execute a contract with Clare Gibson Law to provide legal services related to public contract code, procurement and construction law and find that it is in the best interest of the City to negotiate for these services and not seek competitive proposals.

EXECUTIVE SUMMARY:

Clare Gibson has provided construction related legal services to the City of Fortuna for several years. Ms. Gibson routinely provides the City with updated front-end documents for construction projects, provides advice on bidding and award of contracts and has provided assistance on past construction projects when differences have arisen and have needed to be resolved either formally or informally. Ms. Gibson has done an outstanding job and provided sound legal advice whenever asked and responds very quickly to requests from the City.

Ms. Gibson recently worked with Jarvis Fay LLP and recently left that firm to work independently for her own law firm Clare Gibson Law. Given Ms. Gibson's track record of providing a high quality service to the City for approximately ten years, staff would like to continue working with Ms. Gibson on construction related legal issues.

Section 2.50.060 of the Fortuna Municipal Code allows the City Manager to authorize the hiring of services for legal services and specify that the City manager shall negotiate for the authorized service, but that proposals shall be submitted whenever practicable by three firms. In this instance, staff is recommending that the council find that negotiations best serve the interest of the City to provide a continuity of service, and to not seek competitive proposals, in accordance with Fortuna Municipal Code Section 2.50.070.

The proposed contract from Clare Gibson Law was reviewed by our City Attorney Ryan Plotz and Mr. Plotz recommended staff continue to seek services from Ms. Gibson.

FISCAL IMPACT:

Legal services are budgeted for in the Fiscal Year 2022-2023 budget in the amount of \$50,000. Work by Clare Gibson Law would be conducted under this budget or under the budget of the capital improvement project for legal, which advice is being sought.

RECOMMENDED ACTION:

Authorize the City Manager to execute a contract with Clare Gibson Law to provide legal services related to public contract code, procurement and construction law and find that it is in the best interest of the City to negotiate for these services and not seek competitive proposals.

ATTACHMENTS:

- Draft Contract from Clare Gibson Law