

TO: James L. App, City Manager
FROM: Lisa R. Solomon, Chief of Police
SUBJ: City Attorney Fees for Code Enforcement
DATE: November 6, 2007

NEEDS: To consider a rate adjustment for city attorney fees relative to code enforcement legal services.

- FACTS:**
1. The City of Paso Robles has contracted with Shipsey & Seitz, Inc. for legal services related to code enforcement activity since 2001.
 2. The rate for attorney services is \$145 per hour, and has not increased since the contract was established.
 3. Shipsey & Seitz has requested to increase the hourly rate for these services to \$160 per hour.
 4. The Police Department used approximately 147 attorney hours in FY 2007, totaling \$21,400. To date in FY 2008, approximately 110 hours have been used, totaling \$16,000.
 5. As personnel in the Code Enforcement program have been added, and activity has increased, legal services have been engaged at a greater rate. It is expected the Police Department will use approximately 300 hours in FY 2008, totaling \$48,000 at the new rate.

**ANALYSIS &
CONCLUSION:**

Shipsey & Seitz has been serving as legal counsel for the Code Enforcement program since 2001. The Police Department has been satisfied with services provided. Shipsey & Seitz is requesting an increase of \$15 per hour due to rising business costs over the years.

In FY 2007, the Police Department used approximately 147 hours of legal services. As the code enforcement program has grown in personnel and programs, the number of legal service hours have also grown. In FY 2008, we have used 110 hours year to date. At this rate, we expect to use approximately 300 hours of legal service for the code enforcement program this fiscal year. If the Police Department paid Shipsey and Seitz the new rate for the projected hours estimated this fiscal year, the cost would be \$4,500 greater than if paid at the current rate. However, true budgetary impact is expected to be approximately \$26,600 due to both the rate increase and the need for additional legal services due to program expansion.

Although exact figures are difficult to determine, Code Enforcement efforts are generating off setting revenues through compliance efforts. Examples are found in the business license compliance program (\$7,700 potential revenue return), sign ordinance permit compliance program (1,400 potential revenue return), etc. The administrative citation fees introduced in May, 2007 also increase the penalties for code enforcement violations. These new fee rates should result in higher fine revenues.

**POLICY
REFERENCE:** None.

**FISCAL
IMPACT:**

Fiscal impact of \$26,600 will be absorbed in the FY 2008 budget through salary savings. These increased service costs will be further analyzed and addressed in future budget cycles.

OPTIONS:

1. Adopt Resolution 07-xx authorizing the City Manager to contract with Shipsey and Seitz , Inc. for code enforcement legal services at a new rate of \$160 per hour
2. Amend, modify or reject the above option.

Re: 01 OCT 07
92L

MICHAEL W. SEITZ
JON S. SEITZ

SHIPSEY & SEITZ, INC.
A LAW CORPORATION
1066 PALM STREET
POST OFFICE BOX 953
SAN LUIS OBISPO, CALIFORNIA 93406
(805) 543-7272 FAX (805) 543-7281

JOHN L. SEITZ
(1924-1986)
GERALD W. SHIPSEY
(RETIRED)

September 25, 2007

Jim App
City Manager
City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446

Re: Code Enforcement for the City of El Paso de Robles

Dear Mr. App:

As you know, I have been the code enforcement attorney for the City of Paso Robles since the year 2001. It has been my pleasure to be of service to the City and I have enjoyed my work with the City Staff. I believe that this arrangement has been mutually satisfactory.

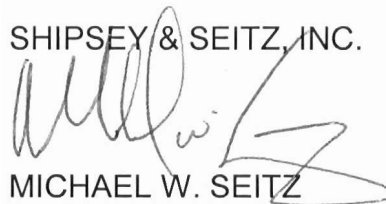
Since 2001, I have been charging at an hourly rate of \$145 per hour. Due to increasing costs associated with the law practice, and other factors, I hereby request that this rate be increased to \$160 per hour.

I have discussed this proposal with the Chief of Police. I believe that Lisa Solomon supports this request. I ask that this request be placed on the City Council Agenda for approval.

Should you have any questions regarding the above, please don't hesitate to contact me.

Very truly yours,

SHIPSEY & SEITZ, INC.



MICHAEL W. SEITZ

MWS/vab
cc: Lisa Solomon

RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
EL PASO DE ROBLES AUTHORIZING THE CITY MANAGER
TO CONTRACT FOR CODE ENFORCEMENT LEGAL SERVICES

WHEREAS, the City of El Paso de Robles has contracted with Shipsey and Seitz, Inc. for code enforcement legal services for many years; and

WHEREAS, the current hourly rate for these code enforcement legal services is \$145.00 per hour; and

WHEREAS, the proposed new contract rate for continued services is \$160.00 per hour.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of El Paso de Robles does authorize the City Manager to contract for code enforcement legal services at the newly proposed contract rate of \$160.00 per hour.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 6th day of November, 2007 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Frank R. Mecham, Mayor

ATTEST:

Deborah Robinson, Deputy City Clerk