



CITY OF FERNLEY

CITY COUNCIL

AGENDA REPORT

Meeting Date: November 17, 2021

REPORT TO:	Mayor and City Council
REPORT FROM:	Daphne Hooper, City Manager
REVIEWED BY:	Brandi Jensen, City Attorney
REVIEWED BY:	Denise Lewis, City Treasurer

FINANCIAL IMPACT: Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	CURRENTLY BUDGETED: Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	FUND/ACCOUNT: 100-414-100
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ACTION REQUESTED: Consent Ordinance Resolution Motion Receive/File

AGENDA ITEM: Staff Report (For Possible Action): Approval for the reclassification of the part-time Legal Secretary position to a full-time Legal Secretary position, modification of the City's organizational chart, and authorize \$21,478.68 to be used from contingency for FY 2021-2022.

Business Impact (per NRS Chapter 237):

A Business Impact Statement is Attached.

A Business Impact Statement is not required because this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B).

Agenda Item Brief: The City Attorney's Office is requesting a reclassification of a part-time Legal Secretary position to a full-time Legal Secretary position and authorize \$21,478.68 to be used from contingency for FY 2021-2022.

See attached report for background, analysis, alternatives.

RECOMMENDED MOTION:

“I move to approve the reclassification of the part-time Legal Secretary position in the City Attorney’s Office to a full-time Legal Secretary position, modification of the city’s organizational chart, and authorize \$21,478.68 to be used from contingency for FY 2021-2022.”

ALTERNATIVES:

- **Council may choose not to reclassify the position.**
- **Council may request additional information.**

BACKGROUND: With increased growth and development in the City of Fernley, more complex civil legal issues are occurring. This creates additional responsibilities for the City Attorney’s Office. Currently, there are eight active lawsuits. Four of those lawsuits are being handled by outside law firms. One case is being handled internally with the support of an outside law firm, two are being handled internally, and one case has been settled.

Currently, the City Attorney’s Office has two full-time attorneys, one full-time legal secretary that focuses solely on criminal cases, and one part-time legal secretary. Recently, the City Attorney hired a temporary, part-time legal assistant to assist with file organization for civil litigation. The rate of pay for this position is \$30/hour, and the total anticipated cost through the end of December is approximately \$5,000. If a full-time position is approved, the temporary, part-time position will not continue. There will be a vacancy in the City Attorney’s Office at the end of the calendar year, and with increasing responsibilities, the City Attorney would like to request that the part-time position be reclassified to a full-time position.

On October 6, 2021, City Council approved an amendment to the Inter-Local Contract between the City of Fernley and North Lyon County Fire Protection District related to legal services. In July 2020, the City approved the contract with the district to provide various services including legal services in the amount of \$5,000. The Fire Chief and the City Attorney have discussed the time and staffing required to continue providing the services. The amendment was the result of negotiations upon which the Fire District agreed to an increase to \$20,000, which allows for additional staffing in the City Attorney’s office.

On October 14, the North Lyon County Fire Protection District board approved the contract with an amendment, which changed the language, removing “*or a bonus to the City Attorney.*” Therefore, the language reads:

“City agrees to provide legal services, but for litigation and conflict issues, for an annual flat fee of \$20,000 annually, payable July 1st in advance of the upcoming year. The parties agree that said funds are only to be used to hire and/or contract for *additional* staff for the City Attorney’s Office ~~or a bonus to the City Attorney.~~”

The City Council will have to approve the changes made by the Fire Board.

The requested reclassification includes responsibilities such as case file preparation, discovery, calendaring, and preparation of pleadings.

LEGAL IMPLICATIONS: Rule 1.3 of the Nevada Rules of Professional Conduct requires Attorneys to skill reasonableness and thoroughness in representation of their clients. As the City is the client for the City Attorney’s Office, it is the obligation of counsel to keep up with increasing litigation demands.

Without additional administrative assistance, the City Attorney’s office will be challenged to meet the increasing caseload with the thoroughness necessary in representation of the city. This could put the Attorneys’ Bar Licenses at risk as well as put the city at risk of additional liability in litigation.

FMC Sec. 2.02.04(c)(3) states, in relevant part, "The city manager shall submit personnel decisions regarding the creation of new positions, reclassifications of any positions, and any rate increase or raise to the city council for its approval...."

FINANCIAL IMPLICATIONS: Currently, funding for the part-time position is \$24,460.65. A full-time position, at the same rate of pay, including benefits would be \$67,418, a difference of \$42,957.35. While the North Lyon County Fire Protection District will provide \$20,000, those revenues would not be available until FY 2022-2023, and the salaries would need to be reflected in the established budget. The additional amount required for this year, prorated, for 6 months (\$21,478.68) would need to be taken from contingency. The budget for the following year would be increased and included in the city's workforce plan and the City Attorney's departmental budget.

ATTACHMENTS: Proposed organizational chart.