



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

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**To:** Honorable Mayor and Town Council                      **Date:** October 23, 2018

**From:** Doug Robertson, Town Manager                      **Item No:** 3  
Town Manager's Office

**Subject:** REQUEST APPROVAL TO CHANGE BEST BEST & KRIEGER'S  
REPRESENTATIVE TO THE TOWN AND DESIGNATION OF NEW  
TOWN ATTORNEY

**T.M. Approval:** \_\_\_\_\_                      **Budgeted Item:**  Yes  No  N/A

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### RECOMMENDED ACTION:

Consent to the designation of Thomas A. Rice as the Town Attorney and BB&K's representative to the Town, effective December 11, 2018.

### SUMMARY:

Best Best & Krieger, LLP ("BB&K") has served as Town Attorney to the Town since 2008. John E. Brown has served as the Town Attorney and BB&K's representative to the Town since that time. The Town's agreement with BB&K requires that the Town Council consent to any change to the named representative under the agreement.

### BACKGROUND:

On July 15, 2008, the Town and BB&K entered into the Agreement to Provide Town Attorney Legal Services to the Town of Apple Valley ("Original Agreement"). On August 14, 2012, the Town and BB&K amended the Original Agreement to reduce the monthly capped retainer and to provide for specialized legal services ("First Amendment"). On May 8, 2018, the Town and BB&K amended the Original Agreement, as amended by the First Amendment, to again reduce the monthly capped retainer and to freeze the retainer and rates for specialized legal services for two fiscal years ("Second Amendment"). The Second Amendment also refined the list of specialized legal services and provided an option for the Town to utilize BB&K's services to assist with lengthy or complex PRA requests.

Since 2008, John E. Brown has served as the Town Attorney and as BB&K's representative to the Town. Under the Original Agreement, as amended by the First Amendment and Second Amendment, no change in the assignment of Town Attorney and BB&K's representative may be made without the prior approval and consent of the Town Attorney. The proposed action would consent to the naming of Thomas A. Rice as the Town Attorney and BB&K's representative to the Town, effective December 11, 2018.

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

None