

## **STAFF REPORT**

**SUBJECT:** Authorize Executive Director to Increase  
Compensation to Neumiller & Beardslee, acting as  
SJCOG's General Counsel

**RECOMMENDATION:** Motion to Approve Authorizing the Executive  
Director to Increase Compensation From \$215 Per  
Hour to \$295 Per Hour in Three Annual Steps

The law firm of Neumiller & Beardslee (N&B) has served as general counsel to all functional units of the San Joaquin Council of Governments since 1992. Their current rate of \$215 per hour was set in 2005 when it was raised from the \$150 per hour rate established in 1992. Neumiller & Beardslee's current government rate is \$295 per hour and a non-government rate of \$390 per hour. Staff proposes to increase the hourly rate over three years to reach \$295 per hour with three equal increases.

Serving as general counsel, N&B provides legal support for SJCOG's general government activities, the habitat program, the Airport Land Use Commission, environmental expertise for NEPA and CEQA. Generally, the Board sees Rod Attebery as a representative for N&B, however, the firm offers and SJCOG has used several other areas of the practice. SJCOG has benefited from attorneys that litigate, right of way expertise, human resources, personnel and labor, contracting, and corporate law support.

Over the past four years, Neumiller has billed SJCOG an average of 336 hours annually or approximately \$72,240. Increasing their rate in the first year would increase the rate of \$27.00 per hour or \$8,960 with the new annual expense approximately \$81,200. The second-year would add another \$8,960 and the third year, the final increase that would total approximately \$99,120.

With the imminent retirement of the Executive Director and the loss of a great amount of the agency's institutional memory, SJCOG's continuing relationship with N&B ensures maintenance of another large reservoir of history.

### **FISCAL IMPACT**

The SJCOG Annual Financial Plan has an adequate budget to accommodate this increase. Additionally, these expenses are funded through fees, direct charges to projects, and incorporated in SJCOG's indirect cost plan and reimbursed through state and federal sources.

## **RECOMMENDATION**

The Executive Committee voted to recommend the Board approve this authorization.

That the Board of Directors authorizes the Executive Director to offer an increase in compensation to Neumiller & Beardslee from \$215 per hour to \$295 per hour in three annual, equal steps.