

# Mayor and Council Communication

**DATE:** 04/12/22

**M&C FILE NUMBER:** M&C 22-0259

**LOG NAME:** 12GRETACOWARTJW2021

**SUBJECT**

(ALL) Adopt Resolution Authorizing the City to Continue to Retain Greta E. Cowart as Outside Counsel for Legal Services Related to Employee and Retiree Health and Welfare Benefit Plan Services and Authorizing Payment of Legal Fees in an Amount Not to Exceed \$50,000.00

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**RECOMMENDATION:**

It is recommended that the City Council adopt the attached Resolution authorizing the City to continue to retain Greta E. Cowart, as outside counsel in accordance with Chapter VI, Section 3 of the City Charter, for legal services related to employee and retiree health and welfare benefit plan services and authorizing payment of legal fees in an amount not to exceed \$50,000.00.

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**DISCUSSION:**

The Human Resources Department and the City Attorney's Office have requested that the City continue to retain the services of Greta E. Cowart, with regard to the City's employee health and welfare benefit plans, in order to assist the City Attorney's Office in advising the Human Resources Department on legal issues related to such plans and other healthcare and benefits matters.

The City has previously engaged the legal services of Ms. Cowart in 2004 (M&C G-14301), 2005 (M&C G-14650), 2015 (M&C G-27268), 2018 (M&C C-28523), and 2019 (M&C C-29030) to provide advice on a myriad of trust, federal tax and regulatory compliance issues as well as the City's self-insured health and welfare benefit plans, including, but not limited to, legal services regarding the IAFF Local 440's decision to provide health and related benefits through a trust for active fire fighters, fire fighter retirees and their eligible spouses and dependents.

This area of the law represents some of the most complex material and consists of highly technical statutes, regulations, cases, letter rulings and other formal and informal guidance. While the City's legal and human resources staff routinely handle day-to-day matters in this area, complex issues periodically arise. Therefore, staff recommends engaging Greta Cowart as outside counsel because of her considerable experience in health care law, trust administration, municipal regulatory compliance and federal tax regulatory compliance.

Funding is budgeted in the Consultant & Other Professional Services account of the Human Resources Department's Group Health Insurance Fund, as appropriated.

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**FISCAL INFORMATION / CERTIFICATION:**

The approval of this action provides spending authority up to \$50,000.00 as specified. The Director of Finance certifies that funds are available in the current operating budget, as previously appropriated, in the Group Health Insurance Fund to support the approval of the above recommendation. Prior to any expenditure being incurred, the Human Resources Department has the responsibility to validate the availability of funds.

**Submitted for City Manager's Office by:** ALL ACMs 6222

**Originating Business Unit Head:** Laetitia Brown 6639

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