



**CITY OF STARKVILLE
RECOMMENDATION FOR BOARD ACTION**

**AGENDA ITEM NO: X.X.
AGENDA DATE: 7-2-13
PAGE:**

SUBJECT: Consideration of the contract for the reappointment of Chris Latimer of Mitchell, McNutt & Sams, PA, as the city attorney for the City of Starkville.

AMOUNT & SOURCE OF FUNDING:

FISCAL NOTE:

**REQUESTING
DEPARTMENT:** Board of Aldermen

**DIRECTOR'S
AUTHORIZATION:** Alderman Perkins

FOR MORE INFORMATION CONTACT: Lynn Spruill @ 323-2525 or Alderman Perkins @ 242-7300

PRIOR BOARD ACTION: The previous Board of Aldermen approved a contract with Mitchell, McNutt & Sams, PA that was from October 1, 2012 to October 1, 2013.

BOARD AND COMMISSION ACTION: N/A

PURCHASING: N/A

AUTHORIZATION HISTORY:

<u>AMOUNT</u>	<u>DATE – DESCRIPTION</u>
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STAFF NOTE:

SUGGESTED MOTION: “MOVE APPROVAL OF THE CONTRACT FOR THE REAPPOINTMENT OF CHRIS LATIMER WITH MITCHELL, MCNUTT & SAMS, PA, AS THE CITY ATTORNEY FOR THE CITY OF STARKVILLE.”

**CITY OF STARKVILLE
CONTRACT FOR LEGAL SERVICES**

MITCHELL, McNUTT & SAMS, P.A.

July 2, 2013 - June 30, 2017¹

DESCRIPTION OF SERVICES: This firm, through Christopher J. Latimer, proposes to serve as general counsel to the Mayor and Board of Aldermen of the City of Starkville, which will include the following:

1. Provide legal counsel on administration of municipal government, the exercise of municipal authority and police power, the preparation of official actions of the Mayor and Board of Aldermen, review of minutes, and attendance at regular and special meetings of the Board of Aldermen and Starkville Planning and Zoning Commission.

2. Serve as litigation counsel for the protection of the municipality and its public officials against liability; representation in state and federal courts and before administrative boards and commissions.

3. Legal services and advice regarding labor and employment, municipal taxation and finance, purchasing and government contracts, and environmental regulations and other general and/or routine legal issues. Such services will be upon demand and provided only at the request of those persons authorized by the Mayor and Board of Aldermen.

4. Legal services and advice regarding the issuance of bonds and other debt instruments by the City.

5. Rates for legal services will be as follows:

- \$125/hour for attorneys, capped at \$100,000 yearly for non-litigated matters² unless additional expenditures are approved by the Starkville Board of Alderman. The \$125/hour rate shall be fixed for the duration of the proposed four-year term.
- \$55/hour for paralegals to be counted towards the yearly cap.

¹ Pursuant to annual review and appointment under Miss. Code Ann. § 21-15-25.

² Litigated matters not covered through the City's insurance will be billed at \$125/hour outside the cap. Litigated matters covered by the City's insurance will be billed to the City at \$125/hour outside the cap up to the amount of the City's deductible. Then the City Attorney will bill the insurer directly at a negotiated rate.

- The City will not be charged for any time or expenses incurred for counsel's travel between Columbus and Starkville.

6. In addition to the fees listed above, fees for legal services as counsel for the issuer on bonds and other debt instruments shall be 1% of a bond issuance up to \$3 million, and ½% of any bond issuance over \$3 million. This fee can include, among other things, drafting the opinion letter validating the legality of the bond and overseeing validation proceedings in Chancery Court. Out-of-pocket expenses, including cost of publication and filing fees, will be billed separately. All bond fees will be outside of the yearly cap.

7. If Christopher J. Latimer is delayed, for example, by involvement in depositions, trial, or out-of-state work or travel, from immediately addressing an urgent and necessitous task of the City of Starkville, Ronald L. Roberts or Richard H. Spann, of Mitchell McNutt & Sams may fill in on that task in Mr. Latimer's absence. Further, the Mayor and Board of Aldermen reserve the right to employ other counsel for any matter if such action is deemed to be in the best interest of the City of Starkville.

8. This proposal does not include legal services as municipal prosecutor, municipal public defender or municipal judge or services related to municipal court, as such services are performed by other independent counsel retained by the City.

9. It is the goal of this firm to provide legal services to the City of Starkville for the next term within a predetermined level as established by the administration and the Board of Aldermen.

MITCHELL, McNUTT & SAMS, P.A.

By: _____
Christopher J. Latimer

APPROVED BY MAYOR AND BOARD OF ALDERMEN on the 2nd day of July, 2013.

By: _____
Parker Wiseman, *Starkville Mayor*

ATTEST:

Taylor Adams, *Starkville City Clerk*