



**CITY OF STARKVILLE COVERSHEET  
RECOMMENDATION FOR BOARD ACTION**

**AGENDA ITEM DEPT.:** Board of Aldermen  
**AGENDA DATE:** 8/1/2017  
**PAGE:** 1

**SUBJECT:** Consideration of legal services proposals received.

**AMOUNT & SOURCE OF FUNDING:** N/A

**AUTHORIZATION HISTORY:** Board approved advertising on July 2, 2017 for legal services for the City of Starkville. One proposal was received and is attached.

**REQUESTING  
DEPARTMENT:**

**DIRECTOR'S  
AUTHORIZATION:**

**FOR MORE INFORMATION, CONTACT:**

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**SUGGESTED MOTION:**

**CITY OF STARKVILLE  
CONTRACT FOR LEGAL SERVICES**

**MITCHELL, McNUTT & SAMS, P.A.**

**August \_\_\_ 2017 - June 30, 2021<sup>1</sup>**

**DESCRIPTION OF SERVICES:** This firm, through Christopher J. Latimer, proposes to continue serving 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, building 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:
  - \$140/hour for shareholders; \$115/hour for associates. These rates shall be fixed for the duration of the proposed four-year term.
  - \$70/hour for paralegals, which shall also be a fixed rate for the four-year term.
  - The City will not be charged for any time or expenses incurred for counsel's travel to or from the City from any of the firm's offices.

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

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. In the event the bonds are never issued, such that there is no percentage fee to collect, the bond work leading up to an issuance shall be billed at \$190/hour.

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 John S. Hill, of Mitchell McNutt & Sams may fill in on that task in Mr. Latimer's absence. In addition, Mr. Latimer may direct the firm's associates, or other members of the firm, to work on City tasks, from time to time, if necessary for full and expedient service to the City. 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 budgeted 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 \_\_\_\_ day of August, 2017.

By: \_\_\_\_\_  
D. Lynn Spruill, *Starkville Mayor*

ATTEST:

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Lesa Hardin, *Starkville City Clerk*