

STATE OF TEXAS

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Know ALL Persons By These Presents

COUNTY OF BURNET

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### CONTRACT FOR CITY ATTORNEY SERVICES

This Contract for City Attorney Services (hereinafter the "Contract") by and between Habib H. Erkan Jr., 115 Vandeventer Drive, Burnet, Texas 78611, ("herein referred to as "*Attorney*") and the City of Burnet, Texas P.O. Box 1369, Burnet, Texas 78611 (herein the "*City*"). Collectively Attorney and City shall be referred to as the "*Parties*".

NOW THEREFORE, in consideration for the mutual promises and consideration described below the Parties agree as follows

- (1) **ROLE AND SCOPE OF WORK:** Attorney shall serve as the City Attorney for the City of Burnet, Texas in accordance with Burnet City Charter Section 4.02.
- (2) **WORK LOCATION AND HOURS:** Attorney shall work at City Hall at an office with computer provided by City. Although there shall be some flexibility in working hours, it is the intent of the Parties for City Attorney to work between 12 and 18 hours per week, Tuesdays through Thursdays; and Attorney shall inform the City Manager of those instances where he deviates from that schedule. Attorney shall be available to attend City Council and appointed board meetings, and times other than those prescribed above, at the request of the City Manager.
- (3) **FEES AND EXPENSES FOR MATTERS WITHIN THE SCOPE OF WORK:**
  - (a) *City Attorney Services Fee.* For City Attorney services provided under this Contract the City agrees to pay Erkan at the rate of \$125.00 per hour. Attorney shall not charge City for travel time, within Burnet County, or telephone calls less than 10 minutes in length.
  - (b) *Municipal Prosecutor Services.*
    - Regular court session. Currently, Municipal Court pretrial and trial docket are held one day every other month, which equals six court appearances annually (hereinafter "regular session"). The City agrees to pay Attorney a flat rate of \$2,000.00 per month for each month the services described in Section (1) are provided (6 x \$2,000 = \$12,000 annually).
    - Special session. A Municipal Court pretrial and trial special session docket is one which is called in addition to a regular session docket. In the event a special session docket is called the City agrees to pay Attorney for his services at the rate of \$200.00 per hour for the time Attorney appears in court for the special session docket.
  - (c) *Expenses.* Any out-of-pocket expenses incurred by Erkan shall require the approval of the City Manager prior to submission to City for reimbursement.
- (4) **BILLING AND COMPENSATION:** Attorney shall submit monthly invoices to the City for matters included in this Contract. Monthly invoices shall include a log of hours work to the nearest tenth of an hour, and the date the work was performed. All invoices (s) shall be submitted by Attorney as soon as possible after the end of each calendar month and are due and payable by the City within thirty (30) day of receipt

by the City.

- (5) **TERM.** This Contract shall be effective as of the date signed by the Mayor and Attorney and shall terminate as provided in the Section immediately below.
- (6) **TERMINATION:** This Contract may be terminated by either Party on thirty-days' notice to the other. Should the City give notice of termination, Attorney shall cease work on any pending matter, promptly return any open files to City with an invoice for services provided up to the date of notice of termination.
- (7) **NON-EXCLUSIVITY.** Nothing in this Contract shall impair the City's ability to engage an attorney or law firm, other than the City Attorney, to perform legal services. Additionally, Attorney and the City Manager may collaborate on sending legal work to other attorneys or law firms where Attorney and the City Manager believes it to be in the best interests of both Parties.
- (8) **QUALIFICATIONS AND PERFORMANCE:** Attorney shall provide competent, zealous legal services in a professional, skilled manner consistent with an attorney's responsibilities under the Texas Disciplinary Rules of Professional Conduct and the Texas Codes of Civil and Criminal Procedure. Attorney must maintain the minimum qualifications to practice law in the state of Texas and must immediately inform the City Manager and City Attorney of any change in the status of the Attorney's licensure.
- (9) **OTHER AGREEMENTS:** This Contract supersedes and replaces all former agreements between the Parties.

Executed to be Effective on the \_\_\_\_\_ Day of August 2025.

City of Burnet

Attorney

By: \_\_\_\_\_  
Gary Wideman, Mayor

By: \_\_\_\_\_  
Habib H. Erkan Jr.

Attest:

By: \_\_\_\_\_  
Maria Gonzales, City Secretary