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**TO:** FRUITA CITY COUNCIL AND MAYOR

**FROM:** MARGARET SELL, FINANCE DIRECTOR/CITY CLERK

**DATE:** NOVEMBER 15, 2022

**AGENDA TEXT:** CITY ATTORNEY ENGAGEMENT LETTER – A request to approve the continued engagement of Garfield and Hecht as the City Attorney

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**BACKGROUND**

The Fruita City Council appointed the firm of Garfield and Hecht, PC, as City Attorney in 2018. This engagement letter continues and updates that arrangement with Mary Elizabeth Geiger as the primary contact. The terms of the engagement letter are the same as the previous arrangement with the addition of providing legal services for water rights. Fees for legal services are the same as currently charged for the next year and then may increase at an annual rate not to exceed 10%. There is no charge for travel time to attend one City Council meeting per month and additional travel time is charged at ½ the hourly rate. The agreement also contains provisions for the continued formal and informal evaluation process of the City Attorney by the City Council in September and March of each year. The agreement may be terminated by either party upon written notice.

**FISCAL IMPACT**

Legal fees are included in the 2022 and proposed 2023 Draft Budgets and include fees for the city attorney, municipal prosecutor, employment attorney, legal services provided by Mesa County for TMDL services, and special counsel as needed. The 2022 Budget is \$110,000 and the 2023 Proposed Budget is estimated at \$135,000.

**APPLICABILITY TO CITY GOALS AND OBJECTIVES**

The Fruita City Charter requires the appointment of an attorney (or firm of attorneys) to perform duties as determined by the City Council. Legal services provided by a City Attorney are part of the Core Services of the City and has an impact on all of the City’s strategic outcomes for Quality of Place, Economic Health and Lifestyle.

**OPTIONS AVAILABLE TO THE COUNCIL**

Approve the engagement letter with Garfield & Hecht for legal services

Request that staff solicit proposals for legal services for the City

**RECOMMENDATION**

It is the recommendation of the Fruita City Staff that the Council move to:

**APPOINT MARY ELIZABETH GEIGER WITH THE FIRM OF GARFIELD & HECHT, P.C. AS THE DESIGNATED CITY ATTORNEY FOR THE CITY OF FRUITA WITH OTHER ATTORNEYS WITH THE FIRM GARFIELD & HECHT PROVIDING GENERAL LEGAL SERVICES AS NEEDED; AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE ENGAGEMENT LETTER WITH GARFIELD & HECHT, P.C.**