



MEMORANDUM

TO: Honorable Mayor and Board of Commissioners
FROM: Robin I. Gomez, City Manager
DATE: October 2, 2023
RE: City Attorney Agreement

Background

At the September 13, 2023, Commission Regular meeting, the City Commission selected Thomas J. Trask of the firm Trask Daigneault LLP to serve as the City Attorney for the City of Madeira Beach. Enclosed is an agreement stipulating the services and related costs for the services of the City Attorney for a period of three (3) years beginning October 1, 2023. City Commission to vote on the City Attorney agreement.

Fiscal Impact

2. FIRM shall be paid a monthly retainer of \$7,500.00 for the first 40 hours of billable retainer time to perform the general work of the City Attorney. Any billable retainer time in excess of 40 hours will be billed at the hourly rate of \$225.00. Except as provided in the next paragraph, the general work of the City Attorney shall include all duties of the City Attorney including, but not limited to, attending meetings of the Board of Commissioners, handling all inquiries from the Board of Commissioners and CITY staff, conducting necessary research, preparing opinions, reviewing and drafting ordinances, resolutions and contracts. It is the intent of this agreement that all services performed by FIRM for the CITY as the City Attorney shall be compensated by the retainer except for those services set forth in paragraph 3 of this agreement.

3. Matters billable separately and not included within retainer.

a. For the following services, which are separate and distinct from the services performed under the retainer, FIRM shall be compensated at the rate of \$225.00 per hour for attorney services and \$90.00 per hour for paralegal services:

i. Litigation services. Litigation services is defined as the representation of the CITY or CITY employees or boards in any mediation, arbitration, administrative, civil, criminal, judicial or quasi-judicial proceeding (excluding quasi-judicial proceedings conducted by the Board of Commissioners). Litigation services include any pre-suit mediation or arbitration and time expended in an effort to avoid litigation, and processing administrative fine or lien settlement requests.

ii. Attendance at meetings of CITY boards and committees (other than the Board of Commissioners) and necessary legal services in support of those boards and committees, including special magistrate hearings.

iii. Real estate services.

iv. Collective bargaining negotiations.

v. Special projects or ordinances. A special project or ordinance is a complex and complicated matter requiring extensive time, involvement, research, preparation and review by FIRM. The negotiation and preparation of Development Agreements shall be considered a special project. Special projects or ordinances must be approved by the Board of Commissioners.

vi. Bond and bank loan opinions. Bond and bank loan opinions shall be billed separately on a set fee basis based on the size of the loan or bond issuance.

vii. Travel for services outside of those to be provided under the retainer.

4. The CITY shall pay all costs incurred or advanced by FIRM in representing the CITY pursuant to this Agreement. Such costs include, but are not limited to, court filing fees, deposition charges, court reporter fees, witness fees, expert witness fees, photocopying charges, postage, courier charges, computer research fees, and other out-of-pocket costs.

Recommendation

Approve the enclosed agreement.