



CITY OF DUNWOODY

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MEMORANDUM

To: Mayor and City Council

From: Brian Anderson, City Attorney

Date: December 10, 2009

Subject: 2010 – City Attorney Services

Experience with the several startup municipalities clearly shows that during the early years of a city's existence, it is imperative to have daily, on-site attorneys with City start up experience who function and interact with staff on a hands-on level. The need for legal services after the startup years of 2008 and 2009 continues to remain substantial. City of Dunwoody has been provided an unparalleled level of service. During the City's initial start up, City Attorney and the Assistant City Attorneys provided in excess of 80 hours per week of legal services. In addition, the City's legal team has successfully thwarted challenges to the city existence, moratorium on the erection of new bill boards, and legality of adopted ordinances. The City still has a need for extensive legal services with adoption of new and refinement of its current ordinances and policies and to guide the City staff in the numerous new challenges faced daily.

The services to be provided by the City Attorney and the legal team include the provision of legal advice, counsel, consultation and opinions to the Mayor, City Council, all City Boards and Commissions, and all City staff. Further routine services include research, prepare, and review ordinances, resolutions, contracts and other legal documents for legal form and compliance with Federal, State and local laws. Legal representation will be routinely provided at regular Council meetings and work sessions, and at other meetings when requested. The City Attorney or an Assistant City Attorney will appear before courts and administrative agencies to represent the City's interests, coordinate with outside counsel as needed for special projects, and act as Solicitor for the Dunwoody Municipal Court.

The staffing plan includes the City Attorney services a minimum 30 hours per week and the additional Assistant City Attorney services at least 15 hours a week. Offsite specialists are available as needed. The flat fee retainer for this level of service is \$15,500 a month for general legal services. The City Attorney shall be eligible to participate in the City's health and medical plans as all other appointed statutory city officials. Litigation and land acquisitions are excluded from the general flat rate and will be charged at a rate of \$150 an hour. Bond work and Council approved specialist services are also excluded from the general flat fee and will be handled on case by case basis. In addition, Solicitor work will be billed at \$100 per hour.

The City Attorney and the legal staff are proud to represent the newly created City and have provided and will continue to provide numerous hours of service far beyond the minimums required. This current proposal is reflective of the current needs of the City. The blended rate for the general services is under \$90 per attorney hour, and when factoring in actual hours worked, the rate is in reality significantly less. The legal staff thanks the City for the opportunity to be of service and looks forward to continued success in future.

A RESOLUTION TO RENEW THE APPOINTMENT
OF THE CITY ATTORNEY FOR
THE CITY OF DUNWOODY

WHEREAS, The City of Dunwoody has the authority and duty pursuant to Article III, Section 3.08 of the City Charter to appoint a City Attorney; and

WHEREAS, The Mayor and City Council wish to renew the appointment of the City Attorney; and

WHEREAS, The current City Attorney for Dunwoody is a current member of the State Bar of Georgia and actively practices law; and

WHEREAS, The City Attorney shall be responsible for representing and defending the City in all litigation and legal matters.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council for the City of Dunwoody that Brian Anderson, Esq. is hereby reappointed as the City Attorney, effective January 1st, 2010.

Approved:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk

(Seal)