

**AGREEMENT BETWEEN THE CITY OF DUNWOODY AND SHERROD & BERNARD, P.C.  
FOR APPOINTMENT AS CITY ATTORNEY AND PROFESSIONAL LEGAL SERVICES**

THIS AGREEMENT is made this date, by and between the City of Dunwoody (Georgia) (hereinafter referred to as "City") and the law firm of Sherrod & Bernard, P.C. (hereinafter "Sherrod & Bernard"). The City hereby appoints and retains Sherrod & Bernard as General Counsel/City Attorney to represent the City on legal matters pertaining to the City for a period of one (1) year beginning the 14<sup>th</sup> day of February, 2022.

Sherrod & Bernard agrees to perform all necessary legal services as contract City Attorney.

The City Attorney shall designate such attorneys from Sherrod & Bernard it determines to be necessary to serve as assistant or deputy city attorneys for the City. All attorneys assigned to perform approved City business shall at all times while this Agreement is in effect and at their sole cost and expense, be fully qualified and licensed to practice law in the State of Georgia and before all appropriate courts and other administrative bodies of said state.

**SCOPE OF SERVICES**

General duties of the City Attorney shall include, but are not limited to the following:

Perform such other routine legal services as are required, from time to time, by the Mayor or the City Manager.

Represent the City and the City's officials, officers, and employees in litigation and administrative proceedings as directed by the Mayor or the City Manager.

Attend all regularly scheduled and special City Council meetings and City Council study sessions.

Attend the City Manager's regular staff meetings (normally weekly), as needed.

Attend certain Planning Commission and other meetings at City Hall or via conference call as requested by the Mayor or the City Manager.

Advise the Mayor, City Council; City Manager, any City Commissions, Committees, Boards, Authorities or Agencies; City staff and other City officials; on all legal matters pertaining to City business.

Prepare, review, and approve as to form, contracts, agreements, resolutions, ordinances, and all other standard City documents.

Prepare such written legal opinions as shall, from time to time, be requested by the City.

The scope of services does not include handling traffic court, citations, and nuisance matters in Dunwoody Municipal Court, which will be handled by other lawyers designated by the City.

**COMPENSATION**

In consideration of the advice, counsel, and professional services provided by Sherrod & Bernard, the City agrees to pay Sherrod & Bernard according to the following schedules:

- (a) For all legal matters pertaining to the City [except financing packages which include but are not limited to bond indebtedness, Tax Anticipation Notes, or other related public financing issuances (hereinafter collectively referred to as "Specialized Legal Services"); "Litigation Services" as defined below; and "Special Projects" as defined below], the City shall compensate Sherrod & Bernard the annual sum of Two Hundred Forty thousand Dollars (\$240,000.00) US, payable in equal monthly installments of Twenty Thousand Dollars (\$20,000.00) US (any partial month shall be prorated for that month). Said payment shall be due, no later than fifteen days after receipt of an approved invoice. The content of such invoice shall meet the requirements of the Finance Department policies.
- (b) For all public financing matters or "Specialized Legal Services", Sherrod & Bernard shall be compensated at a negotiable fair market rate for said legal services. The market rate is intended to be the negotiated compensation customarily paid to outside counsel representing governments on said financing matters. Sherrod & Bernard shall serve as lead issuer's counsel on all financing matters pertaining to the City, including but not limited to those created by contract or lease;
- (c) "Litigation Services" means litigation services where Sherrod & Bernard serves as lead counsel or co-counsel on a matter litigated in the courts, administrative bodies, or appellate courts. Same does not mean merely monitoring litigated matters which are being litigated on behalf of the City by third-parties exclusively. Further, the term "Litigation Services" does not include "Special Projects" as defined below. For Litigation Services, Sherrod & Bernard shall be compensated in addition to the monthly retainer at the rate of Four Hundred Dollars (\$400.00) US per hour for attorney time; One Hundred Fifty Dollars (\$150.00) US per hour for paralegal time;
- (d) "Special Projects" means a matter, claim, or litigation which does not occur in the ordinary course of business as a city attorney. For any "Special Project", Sherrod & Bernard will confer with the City in advance of same in order to mutually agree on a separate fee arrangement in writing.

The City shall reimburse Sherrod & Bernard for all reasonable and customary expenses actually incurred in connection with said representation. Sherrod & Bernard shall not bill local mileage, fax, typing, small reproduction matters (under 100 pages), or simple computer legal research costs. Additionally, it is agreed that the cost for administrative staff to perform clerical duties including but not limited to reviewing emails, scheduling meetings or general office filing will not be billable expenditures.

Sherrod & Bernard may charge the City for actual necessary costs incurred for all of the following: all reasonable and customary costs incurred in carrying out the scope of services, or related to any litigation, special projects, or specialized legal services, including but not limited to, court filing fees, jury fees, deposition costs, reporters' fees, witness fees, attorney services (includes service of process fees, arbitrators, and mediators), messenger services, Fed-Ex or other overnight delivery service, travel expenses, if applicable, including hotel, air travel and car rentals, parking fees, actual costs for large reproduction projects if performed by an outside service, title reports, and any other expense not listed above which becomes necessary to the successful resolution of a client matter.

- (e) The City reserves the right to retain, at its sole option, other legal counsel for litigation and other specialized legal matters. Use of other counsel shall be discussed with the City Attorney and the City Attorney shall supervise the work of other contracted attorneys. This reservation of rights does not preclude the City from assigning these matters to Sherrod & Bernard as part of the mutually agreed scope of duties or requesting recommendations concerning the selection of outside legal counsel.

## TERM

This contract shall be automatically extended for an additional period of one (1) year upon each annual anniversary of the execution hereof, unless the City notifies Sherrod & Bernard in writing ninety (90) days in advance of said annual anniversary that said contract shall not be extended.

Should the City terminate this contract early, the City shall pay Sherrod & Bernard the balance of any sums due for work completed hereunder through the date of termination, plus ninety (90) days transition assistance. Said payment shall be made to Sherrod & Bernard by the City in a single payment within thirty (30) days of said termination. At its option and without compensation to the City, Sherrod & Bernard may terminate this contract by giving the City ninety (90) days' advance written notice.

## INSURANCE

Sherrod & Bernard shall maintain and furnish the City with Certificates of Insurance from licensed companies doing business in the State of Georgia in its current form. The City reserves the right to request Sherrod & Bernard to acquire additionally insurance coverage reasonably available as mutually agreed. At a minimum Sherrod & Bernard shall maintain Workers' Compensation, General Liability, and Professional (Errors and Omissions) coverage in its present form as disclosed to the City.

All notices required hereunder shall be sent to:

### To City of Dunwoody (GA):

Eric Linton, City Manager  
City of Dunwoody  
4800 Ashford Dunwoody Road  
Dunwoody, GA 30338  
[eric.linton@dunwoodyga.gov](mailto:eric.linton@dunwoodyga.gov)

With copies to:

Sharon Lowery, City Clerk  
City of Dunwoody  
4800 Ashford Dunwoody Road  
Dunwoody, GA 30338  
[sharon.lowery@dunwoodyga.gov](mailto:sharon.lowery@dunwoodyga.gov)

### To S&B:

Kenneth R. Bernard, Jr.  
Sherrod & Bernard, P.C.  
8470 Price Avenue  
Douglasville, GA 30134  
[kbernard@sherrodandbernard.com](mailto:kbernard@sherrodandbernard.com)

With copies to:

Stephanie R. Thompson  
Sherrod & Bernard, P.C.  
P.O. Box 1154  
Douglasville, GA 30133-1154  
[sthompson@sherrodandbernard.com](mailto:sthompson@sherrodandbernard.com)

This is the complete and integrated agreement between the parties hereto. Time shall be of the essence. This Agreement shall be construed under the laws of the state of Georgia. This Agreement supersedes all prior understandings between the parties. All modifications hereto shall be in writing and executed by the parties.

This Agreement may be comprised of several identical counterparts, each to be fully executed by the parties, and each to be deemed an original having the same legal effect.

Executed under our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

By: CITY OF DUNWOODY:

SHERROD & BERNARD, P.C.:

\_\_\_\_\_



**Lynn P. Deutsch**  
Mayor,  
City of Dunwoody  
4800 Ashford Dunwoody Road  
Dunwoody, GA 30338

**Kenneth R. Bernard, Jr.**  
Managing Partner  
8470 Price Avenue  
Douglasville, GA 30134

ATTEST:

ATTEST: *Rebecca Keierleber*  
*2/10/2022*

(SEAL)

(SEAL)



# Kenneth R. Bernard, Jr.

8470 Price Ave, Douglasville, GA 30134 • (770) 920-8350 • [kbernard@sherrodandbernard.com](mailto:kbernard@sherrodandbernard.com)

Trial attorney focusing on serious injury, wrongful death, accident litigation, and special matters throughout Georgia.

## **Education:**

1982 – 1986 • University of Georgia • Athens, GA • Bachelor of Arts  
 1986 - 1989 • University of Georgia School of Law • Athens, GA • Juris Doctorate  
 1987 • United States Marine Corps Office Candidate School  
 1989 - 1990 • United States Marine Corps, The Basic Course  
 1990 • United States Naval Justice School • Newport, RI

## **Bar Admissions:**

- 1989 The State Bar of Georgia
- 1989 The American Bar Association
- The Douglas County Bar Association

## **Courts**

- All Georgia Trial Courts
- Court of Appeals of the State of Georgia
- Georgia Supreme Court
- United States District Court of Northern District of Georgia (N.D.G.A.)
- United States Court of Appeals for the Eleventh Circuit
- United States Court of Military Appeals

## **Professional Associations / Experience:**

- Former Special Assistant Attorney General (Douglas County DFCS)
- 1987 – 1996 - the U.S. Marine Corps where he attained the rank of Captain during Operation Desert Shield and Operation Desert Storm. Experience includes: Trial Counsel; Human Resource Officer; Legal Assistance Office
- 1992 – Present – Member of the Douglas County Chamber of Commerce
- 1993 – Present – Member of the Marine Corps Association of Georgia Lawyers
- 1993 - Leadership Douglas
- 1994 - 1996 –Marine Corps Association of Georgia Lawyers (Board Member)
- 1995 – 2003 – Member of the Seventh Congressional District Military Academy Review Board
- 1996 – 1997 –Distinguished President of the Douglas County Kiwanis Club
- 1997 – 1998 – Chairman of the Marine Corps Association of Georgia Lawyers
- 1998 – 1999 – Founder and Charter Member of the Chapel Hills Golden K of Kiwanis
- 1998 -1999 – Distinguished Lieutenant Governor, Division 20 of the Georgia District of Kiwanis International
- 1998 – 2009 – General Counsel for the Douglas County Board of Education
- 1998 – 2009 – Member of the Georgia Council of School Attorneys
- 1998 – 2009 – National Association of School Attorneys
- 2002 – Chairperson of Finance and Fundraising Chapel Hills Golden K
- 2003 – 2007 – Board Member and Vice Chairman of the Georgia Regional Transportation Authority (GRTA)
- 2003 – 2007 – Member of the Governor’s Developmental Council (GDC)
- 2005 – Present – Member of the Metro Atlanta County Attorneys Association
- 2007 - 2014 - Former Regent of the University System of Georgia Board of Regents
- 2008 – 2010 - Chairman of the Organization and Law Committee of the University System of Georgia Board of Regents (overseeing the legal affairs of the 35 public Universities (at the time) and colleges in Georgia)
- 2008 – 2014 - Member of the National Association of College and University Attorneys
- 2008 – Present – Member of the West Georgia Trial Lawyers Association
- 2008 - 2009 -Manager Boundary Waters Pony Baseball Georgia State Champions (10U & 12U)



## **Areas of Practice**

- Local Government
- Special Matters
- Personal Injury
- Wrongful Death
- Worker’s Compensation
- Premises Liability
- Nursing Home Neglect
- Defective Products
- Dog Bites
- Employment Law
- Business Law
- Mergers and Acquisitions

## **Awards and Honors**

- 1990 • National Defense Service Medal • USMC
- 1992 • Meritorious Unit Commendation • USMC
- 1992 • Navy Achievement Medal • USMC
- 1995 • Outstanding Kiwanian
- 1996 • Outstanding Kiwanian
- 1997 • Outstanding Kiwanian
- 1998 • Lt. Governor Award
- 1999 • Georgia F. Hixson Fellowship Award
- 1999 • Georgia Distinguished Leadership Recipient
- 1999 • Circle K International • Emory Award
- 2011 • Client Distinction Award
- 2012 • AVVO Client’s Choice Award
- 2012 • Client Distinction Award
- 2012 • AVVO Rating 10 Superb
- 2013 • Douglas County Chamber Small Business of Excellence
- 2013 • AVVO Client’s Choice Award
- 2013 AVVO Rating 10 Superb
- 2013 • Client Distinction Award
- 2014 • AVVO Rating 10 Superb
- 2014 • AVVO Client’s Choice Award
- 2014 • BV Distinguished Attorney
- 2014 • Client Distinction Award
- 2015 • AVVO Rated 10 Superb

- 2008 - 2014 – Board of Trustees for the University System of Georgia Foundation, Inc.
- 2010 - Manager Boundary Waters USSSA Travel Baseball Georgia State Champions (12U)
- 2010 - 2011 - Chairman of the Health Professions and Education Committee of the University System of Georgia Board of Regents
- 2010 – 2013 - Chairman of the University of Georgia Foundation, Inc.
- 2011 – 2012 – Chairman of the on Internal Audit, Risk, and Compliance Committee of University System of Georgia Board of Regents
- 2011 – 2012 - Chairman of the Finance and Business Operations Committee of University System of Georgia Board of Regents
- 2012 – Present - Member of the Southern Trial Lawyers Association
- 2012 – 2016 - Member of the State Bar of Georgia Board of Governors, which included service on the Judicial Nominations Committee and Audit Committee
- 2013 - 2014 – Member of the Executive and Compensation Committee of the University System of Georgia Board of Regents
- 2019 - Present- Marine Corps Association of Georgia Lawyers (Board Member)
- Former Member, United Way Advisory Board
- Former Board Member, Boy Scout Area Council
- Past Volunteer, Georgia Special Olympics
- Former Board Member, Wellstar Foundation
- Past President and Founding Member, Douglas County Youth Baseball League, Inc.

#### **Legal Experience:**

##### **1992 – Present • Sherrod & Bernard • *Managing Partner***

8470 Price Ave

Douglasville, GA 30134

*Civil litigation firm representing local government, injury victims, and specializing in civil litigation.*

##### **2005 – Present • Douglas County • *Attorney***

*Firm has over 30 years' experience representing local governments including Douglas County Board of Education, Douglas County Board of Commissioners, and other authorities. Mr. Bernard has an extensive history in local government and government relations as evidenced by his 32 years of legal practice. He has served in a variety of roles with government including, but not limited to; General Counsel to Douglas County Board of Education; County Attorney for Douglas County, Georgia; Special Assistant Attorney General for Douglas County DFCS; and counsel to other governmental entities, including development authorities. During his career, Mr. Bernard has been involved in all aspects of local government, including, but not limited to: litigation; administrative claims; insurance management; contracts; employment law; zoning; finance; including bond issuances and issuances of Tax Anticipation Notes (TANs); administration claims; and provided counsel to numerous elected and constitutional officers. Mr. Bernard has been involved as local counsel on bond transactions for local governments involving nearly a half billion dollars in transactions (\$493,255,000.00) and has represented local governments on Tax Anticipation Notes (TANs) in excess of \$200 Million. Mr. Bernard has also been heavily engaged in reapportionment legislation and litigation for over three decades. His local government experience includes negotiating, litigating, and drafting service delivery agreements for local governments.*

##### **1998 - 2009 • Douglas County • *School Board Attorney***

*Provided service as general counsel to Douglas County School System which included both administrative, civil, and related litigation. Focus included all areas of legal oversight, including but not limited to risk mitigation; civil litigation; government compliance; employment law; business; finance; including the issuance of general obligation bonds, ESPLOST; ballot referendums; issuance of Tax Anticipation Notes (TANs); and negotiating cooperative service agreements with other local, State, and Federal governments.*

- 2015 • Gridiron Secret Society of The University of Georgia
- 2015 • America's Most Honored Professional
- 2015 • BV Distinguished Award
- 2015 • Client Distinction Award
- 2016 • Client Distinction Award
- 2016 • Martindale Hubbell Distinguished Attorney
- 2017 • AVVO Rated Top Lawyer
- 2017 • Client Champion Award
- 2017 • Distinguished Attorney
- 2017 • Martindale Most Honored Professional Award
- 2018 • Martindale Most Honored Professional Award
- 2018 • AVVO Top Rated Lawyer Award
- 2019 • Martindale-Hubbell Client Champion Award Platinum
- 2020 • Martindale-Hubbell Client Champion Award Platinum
- 2021 • Martindale-Hubbell Client Champion Award Platinum
- 2021 • AVVO Client's Choice Award

**1987 – 1996 • U.S. Marine Corp • Judge Advocate General’s Corp (JAG) •*****Attorney***

*Served as Trial Counsel prosecuting general and special courts-martial and Administrative Discharge Boards involving violations of the Uniform Code of Military Justice. Served as Defense Counsel representing Marines and Sailors in general and special courts-martial and Administrative Discharge Boards. Represented military personnel and their dependents in a myriad of general civil litigation matters. Also, served as Human Resource Officer assisting Commanding General on labor issues involving urinalysis testing, administrative discharge, and family readiness issues. Previously served under the Special Assistant U.S. Attorney for Camp Lejeune, North Carolina (1988). Awarded Navy Achievement Medal, Meritorious Unit Citation, and National Defense Service Medal. Highest Rank Attained: Captain.*

**Personal References:**

• **Sheriff Tim Pounds • Douglas County Sheriff’s Office** • 8470 Earl D. Lee Blvd, Douglasville, GA 30134 • (770) 920-4980 • tpounds@sheriff.douglas.ga.us  
 • **David Corbin • Terminus Group, Inc.** • 3330 Cumberland Blvd SE # 660, Atlanta, GA 30339 • (404) 418-7903 • David.corbin@smcterminus.com  
 • **Guy Logan • Citigroup Global Markets, Inc.** • 3455 Peachtree Road, Suite 620, Atlanta, GA 30326 • 404-915-4532 • guy.t.logan@citi.com  
 • **Kelly Pridgen • General Counsel ACCG** • 191 Peachtree Street NE, Suite 700, Atlanta, GA 30303 • 770-365-3878 • kelly-pridgen@gmail.com

**Sample Community Contributions:**

Alexander Cheerleading Booster Club • Alexander Dugout Club • Arch Foundation for the Law School Fund • Beyond the Front Porch • Big Daddy Humanitarian Foundation, Inc. • Birdies Fore Brighten • Boy Scouts of America • Carrollton High School Tennis Team • Carrollton Kiwanis Club • CDT Charities, LLC • Chapel Hill High School Panther Club • Chapel Hill Touchdown Club • Children’s Voice CASA • Community Character Coalition of Douglas County • COVID Relief Contributions • Crossfire Softball • Denim & Diamonds Charities of Douglas County, Inc. • Dinners on Us • Douglas County Boys and Girls Club • Douglas County Boys and Girls Club Teen Center • Douglas County Chamber of Commerce • Douglas County High School Theatre • Douglas County Senior Services • Douglasville Gymnastics & Cheerleading Cheer Stars Team Fund • Douglasville Pregnancy Resource Center • Downtown Development Authority • Ephesus Baptist Church • Fairplay Youth Sport Association, Inc. • Faith in Action • First Baptist Church of Douglasville Building Fund • Helping Hands Ministries, Inc. • Heritage School • Hurricane Michael Relief • Kiwanis Club of Douglas County Foundation, Inc. “Kids Christmas Special” • Knights of Columbus • Lithia Springs High School • Margaret Marchman Fund for Christian Education c/o First Baptist Church of Douglasville • Mustard Seed Communities • St. Julian’s Episcopal Church • Saint Jude Hospital • Susan G. Komen for The Cure • Team Jesus Outdoors • The Bedford School’s Bedord Dasher 5K Run/Walk • The Cultural Art Council of Douglasville/Douglas County • Toys for Tots • University System of Georgia Foundation, Inc. • Westside Elite Youth Basketball of America • Wounded Warrior Project