

**Re: City Attorney Contract**

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**From:** Shanna Draheim  
**To:** Aaron Stephens; Tom Yeadon  
**Date:** Friday - April 5, 2019 2:44 PM  
**Subject:** Re: City Attorney Contract

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Hi Tom -

Thanks for the note and counter-proposal. I just got back in town yesterday, so I'm just getting through all my email. Aaron and I plan to provide your counter offer and our thoughts to the rest of Council. This may warrant discussion and need to go on an agenda. Is there any circumstance where we can do that in closed session? If you request it (or does that not meet the threshold for performance review of staff)?

Stay tuned...we'll be back in touch soon.

>>> Tom Yeadon <tomyeadon@mcgintylaw.com> 04/03/19 2:03 PM >>>  
Shanna and Aaron,

I have been reviewing your proposal and our discussion regarding the same. As you are aware, the proposed new rates are still significantly below the Seacrest Wardle bid from 2016. I think one of the issues is that the current \$70/hour rate is so extraordinarily low that raising it to \$95/hour as you have proposed, skews the percentages allotted to the other rates. Compared to the Seacrest Wardle bid a 12% increase on some of the other rates is not that unreasonable. Given that it is probably in everyone's best interest to not put this out for bids right now, I am doing what I initially told myself I wouldn't do and have attached a counter proposal. My attached counter proposal has some rates above the 12% mark and some below.

In order to make it more palatable, the counter proposal in most instances distinguishes rates between partner rates and associates (as did the Seacrest Wardle bid). The partner rate for everything but litigation is proposed to be billed at \$140.00 per hour. This is still the lowest hourly partner rate that was bid by anyone 3 years ago and significantly below everyone but Seacrest Wardle (\$176 to \$210 per hour). That, however, would be the rate no matter what the partner is working on for the City except litigation, which I am proposing would be at \$150.00 per hour. (Note that a 12 % increase in the current general litigation rate of 138/hour would be \$155/hour.)

I am proposing an associate rate of \$125 per hour for District Court trials and housing matters. (This is \$5/hour less than the Seacrest Wardle bid and only a 13% increase from the current \$111.00 per hour rate.)

I am proposing an associate rate of \$140 per hour for general litigation and general retainer (only a 1% increase from the current rate of \$138/hour).

The combined rates as shown on the attached spreadsheet result in an 11% overall increase from the current annual budget of \$520,530. This is due partly to a reduction in District Court retainer hours of 500 hours per year but also due to distinguishing the rates and the small percentage increase for some of the rates. Obviously if there is a riot and a lot of arrests resulting from it, the estimate for the number of District Court hours would not be met in the current proposal.

Please let me know your thoughts or if you have any questions. As a reminder, I am out of town this Thursday through Sunday.

Tom