



Takoma Park City Council Meeting – February 15, 2023 Agenda Item 3

Work Session

Discussion of City Attorney Contract Amendment

Recommended Council Action

Have the discussion and provide direction to City Management.

Context with Key Issues

The City entered into an agreement for general municipal legal services with Karpinski, Colaresi, and Karp, P.A. (now Karpinski, Cornbrooks, and Karp, P.A.) on January 3, 2020. Under that agreement, the partner rate was \$175 per hour, the associate rate was \$150 per hour, and the rate for paralegals and law clerks was billed at \$95 per hour.

Pursuant to the contract, beginning in 2021 the City and the firm are required to meet in the fall of each year to discuss the firm's rates. Mr. Cornbrooks met with City Manager Fox on November 19, 2021. He informed Mr. Fox that the firm was not seeking a rate increase for 2022.

On December 9, 2021, Mr. Cornbrooks sent a letter to Mayor Stewart and Mr. Fox to notify the City, in advance of the FY 23 budget process, that the firm would be requesting a rate increase beginning January 1, 2023. As proposed to the Mayor and Mr. Fox, the partner rate would increase to \$200 per hour and the associate rate would increase to \$175 per hour beginning January 1, 2023. The correspondence was forwarded to the entire Council on December 10, 2021.

On September 23, 2022, Mr. Cornbrooks and Mr. Fox spoke regarding the firm's fee in order to comply with the contractual requirement, which is documented via email. Mr. Cornbrooks proposed an additional increase in the partner rate effective July 1, 2023, in the amount of \$25 per hour, which would make the partner hourly rate \$225 effective July 1, 2023. At Mr. Fox's request for budget planning purposes, Mr. Cornbrooks indicated that he was inclined to propose an additional \$10 increase for the partner and associate rates, to be effective on July 1, 2024. Mr. Cornbrooks indicated that he would reevaluate the placeholder \$10 proposed increase in the fall of 2023 given the state of inflation.

On October 3, 2022, Mr. Cornbrooks sent a letter to the Mayor and City Council regarding the rates discussed with City Manager Fox and described in the email on September 23, 2022.

Council Priority

Engaged, Responsive & Service-oriented Government; Fiscally Sustainable Government

Environmental Impact of Action

N/A

Fiscal Considerations

The FY 2023 adopted budget includes \$400,000 for general legal services (City Attorney). Of this, \$125,000 is identified for additional fees.

Racial Equity Considerations

N/A

Attachments and Links

Letter from Karpinski, Cornbrooks & Karp, P.A. to Mayor and City Manager dated December 9, 2021

Email from City Attorney to Council dated December 10, 2021

Emails between City Attorney and City Manager dated September 23, 2022

Letter from Karpinski, Cornbrooks & Karp, P.A. to Mayor and Council and the City Manager dated October 3, 2022

Draft Amendment to the City Attorney's Contract

Draft Single Reading Ordinance Approving an Amendment to the City Attorney's Contract

KARPINSKI, CORNBROOKS & KARP, P.A.

ATTORNEYS AT LAW

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DANIEL KARP
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OF COUNSEL

RICHARD T. COLARESI
RETIRED

October 3, 2022

Via Electronic Mail Only

Mayor and City Council
City of Takoma Park
7500 Maple Avenue
Takoma Park, Maryland 20912

Re: KCK Rates
My File No: 339-193

Dear Mayor and Council:

This will confirm my telephone conversation with Mr. Fox on September 23, 2022, in which we discussed Karpinski, Cornbrooks & Karp, P.A.'s rates in accordance with requirements of Section IV of the City's contract with the firm. As you may recall, Section IV of the contract requires the City and the firm to meet in the fall to discuss adjusting the firm's rates. I believe the below proposed increases are fair and equitable and that my discussion with Mr. Fox on September 23, 2022 is sufficient to meet the contractual requirement.

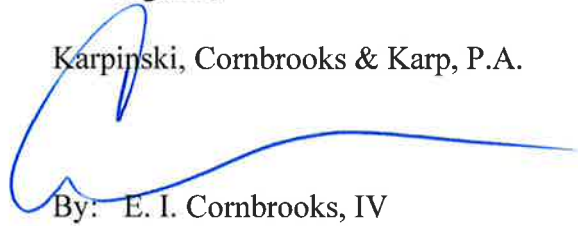
By way of reminder, the firm's initial hourly rate was \$175.00 per hour for partners and \$150.00 per hour for associates. Pursuant to my discussion with Mr. Fox in the fall of 2021, the firm's rates will increase on January 1, 2023, to \$200.00 per hour for partners and \$175.00 per hour for associates. It is my understanding that Council approved the increase as it is required to do.

In my September 23rd conversation with Mr. Fox, I proposed that the partner rate increase effective July 1, 2023, to \$225.00 per hour and that the associate rate would remain the same. At Mr. Fox's request to aid him in budgeting in the last year of the contract, I envision the firm requesting a \$10.00 increase per hour beginning July 1, 2024. Thus, the partner rate would increase to \$235.00 per hour and the associate rate would increase to \$185.00 per hour. I indicated to Mr. Fox that I would like to re-evaluate the proposed \$10.00 per hour increase in the fall of 2023 given the state of inflation. Throughout all these proposed increases, the firm's paralegal/law clerk rate will remain at \$95.00 per hour.

Please let me know if you have any questions or concerns.

Best regards,

Karpinski, Cornbrooks & Karp, P.A.

A handwritten signature in blue ink, appearing to be 'E. I. Cornbrooks, IV', written over the typed name.

By: E. I. Cornbrooks, IV

EICIV/bkh

cc: City Manager

Skip Cornbrooks

From: Skip Cornbrooks
Sent: Friday, September 23, 2022 12:31 PM
To: Jamal Fox
Subject: RE: City Attorney Contract
Attachments: KCK - TKPK - Executed Contract.pdf; Lt.Mayor and City Manager 12.9.21.pdf

Jamal:

Thanks for the conversation.

The contract is based on a calendar year and the City obviously budgets on a fiscal year. I hope I've set everything out clearly below.

You will find attached our contract (see section IV) regarding fees and meeting in the fall. Also attached is my correspondence from last year regarding the increase, if approved, taking effect in January 2023. That will put our rates at \$200/\$175/\$95 on January 1, 2023.

I propose an increase to the partner rate in the amount of \$25 per hour which would make my hourly rate \$225 effective July 1, 2023. I propose leaving the associate rate at \$175 and the paralegal rate at \$95. Thus, as of July 1, 2023, our rates would be \$225/\$175/\$95.

In the fall of 2023, my current thought (subject to what continues to happen with inflation) is to propose an increase of \$10 to the partner rate and associate rate which would take effect on July 1, 2024, and carry through the end of the contract on January 1, 2025. Thus, at the end of the contract term the rates would be \$235/\$185/\$95. Depending on where the City is with continuing the firm's contract (which will presumably be discussed in 2024), we can address additional rate increases (if any) at that time.

I am happy to discuss with you at your convenience. My schedule is flexible next week. I settled a case yesterday that I thought I would be prepping for trial next week.

Best,

Skip

From: Jamal Fox <Jamal.Fox@takomaparkmd.gov>
Sent: Friday, September 23, 2022 11:44 AM
To: Skip Cornbrooks <scornbrooks@bkcklaw.com>
Subject: Re: City Attorney Contract

Can you send me your contract?

As a reminder we built in the increase during the budget process for FY23 taking into consideration for the increase.

Jamal

On Fri, Sep 23, 2022 at 11:17 AM Skip Cornbrooks <scornbrooks@bkcklaw.com> wrote:

Jamal:

Pursuant to the contract, we are supposed to discuss the firm's fee in the fall. Please let me know a good time for you to discuss.

Best,

Skip

E.I. Cornbrooks, IV, Esquire

Karpinski, Cornbrooks & Karp, P.A.

Suite 1850

120 [East Baltimore Street](#)

[Baltimore, Maryland 21202-1605](#)

Telephone: 410-727-5000

Facsimile: 410-727-0861

scornbrooks@bkcklaw.com

Jamal T. Fox, MPA (Pronouns: He/Him/His)
City Manager

City of Takoma Park

7500 Maple Avenue

Takoma Park, MD 20912

Office: 301-891-7229

Jamal.Fox@takomaparkmd.gov

Twitter: @TkPkCityMgr

Skip Cornbrooks

From: Skip Cornbrooks
Sent: Friday, December 10, 2021 11:48 AM
To: City Council
Cc: kates@takomaparkmd.gov; Jamal Fox
Subject: FW: Correspondence from E. I. Cornbrooks, IV, Esquire; Re: KCK Rates
Attachments: Lt.Mayor and City Manager 12.9.21.pdf

Council:

Per the Mayor's direction, I am forwarding the attached to the entire Council. This letter was referenced in yesterday's legal status update.

Respectfully,

Skip

From: Brenda Hutson <bhutson@bkcklaw.com>
Sent: Thursday, December 09, 2021 11:46 AM
To: KateS@takomaparkmd.gov; jamal.fox@takomaparkmd.gov
Cc: Skip Cornbrooks <scornbrooks@bkcklaw.com>
Subject: Correspondence from E. I. Cornbrooks, IV, Esquire; Re: KCK Rates

Good morning,

Please see the attached sent on behalf of Mr. Cornbrooks.

Thank you.

Brenda

Brenda K. Hutson
Secretary to Daniel Karp, Esquire (Of Counsel)
and E. I. Cornbrooks, IV, Esquire
Karpinski, Cornbrooks & Karp
120 East Baltimore Street, Suite 1850
Baltimore, Maryland 21202-1617
(410) 727-5000

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KARPINSKI, CORNBROOKS & KARP, P.A.

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DANIEL KARP
OF COUNSEL

RICHARD T. COLARESI

MICHAEL B. RYND

RETIRED

December 9, 2021

Via Electronic Mail Only

Mayor Kate Stewart

Mr. Jamal Fox

City of Takoma Park

7500 Maple Avenue

Takoma Park, Maryland 20912

KateS@takomaparkmd.gov

Jamal.fox@takomaparkmd.gov

Re: KCK Rates
My File No.: 339-193

Dear Mayor Stewart and Mr. Fox:

This will confirm my meeting with Mr. Fox on November 19, 2021, in which we discussed Karpinski, Cornbrooks & Karp, P.A.'s rates in accordance with the requirements of Section IV of the City's contract with my firm. Beginning in 2021, section IV of the contract requires the City and the firm to meet in the fall to discuss any adjustment to the firm's rates. As Mr. Fox and I discussed, the firm will not be seeking a rate adjustment beginning in January 2022 for a variety of reasons. In my view, the November 19th discussion satisfied the contractual requirement to meet and discuss the firm's rates.

Although not discussed with Mr. Fox on November 19th, the firm will be requesting an increase in rates beginning in January 2023. Recognizing that the City's contract with the firm requires us to meet again in the fall of 2022 (after the budget process) to discuss a rate adjustment, it seems fair to let the City know prior to the start of the budget process in early 2022 that the firm will be seeking a rate increase in the amount of twenty-five dollars (\$25.00) per hour for both partners and associates set to commence in January of 2023. This will increase the hourly partner rate to \$200.00 per hour and the hourly associate rate to \$175.00 per hour. The paralegal/law clerk hourly rate of \$95.00 per hour will remain unchanged.

Best regards,

Karpinski, Cornbrooks & Karp, P.A.

By: E. I. Cornbrooks, IV

EICIV/bkh

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE 2023-

**AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT
TO THE CONTRACT FOR LEGAL SERVICES WITH
KARPINSKI, CORNBROOKS & KARP, P.A.**

WHEREAS, the City entered into a five-year agreement for general municipal legal services with Karpinski, Colaresi, and Karp, P.A. (now Karpinski, Cornbrooks, and Karp, P.A.) on January 3, 2020; and

WHEREAS, the term of the agreement is five years from the effective date and may be extended at the City's option for up to five additional one-year terms; and

WHEREAS, the fees to remain in effect until January 1, 2022 were \$175 per hour for partners, \$150 per hour for associates, and \$95 per hour for paralegals and law clerks, with a \$250 cap on travel time for any individual meeting; and

WHEREAS, pursuant to the contract, the firm and the City agreed to meet in the fall of 2021 and in the fall of each year thereafter to discuss adjustments to the firm's rates; and

WHEREAS, the firm did not request a rate increase in 2022, but did request an increase to begin on January 1, 2023; and

WHEREAS, under the proposal, the partner rate would increase to \$200 per hour, the associate rate would increase to \$175 per hour, and the cap on travel time for any individual meeting would increase to \$400; and

WHEREAS, the firm proposed an additional increase of \$25 in the partner rate, to \$225 per hour, and an increase in the cap on travel time for an individual meeting to \$450, to begin July 1, 2023;

WEHREAS, the FY 2023 Budget includes \$125,000 designated for additional fees for the City Attorney.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT:

SECTION 1. The Mayor is authorized to execute the First Amendment to the Agreement for General Municipal Legal Services between Karpinski, Cornbrooks & Karp, P.A. and the City of Takoma Park, Maryland.

SECTION 2. The amendment and associated fees will remain in effect until January 1, 2024.

SECTION 3. This ordinance shall become effective upon adoption.

THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS _____ DAY OF FEBRUARY, 2023 BY ROLL-CALL VOTE AS FOLLOWS:

AYE:

NAY:

ABSTAIN:

ABSENT:

DRAFT

FIRST AMENDMENT TO THE AGREEMENT FOR GENERAL MUNICIPAL SERVICES BETWEEN KARPINSKI, CORNBROOKS & KARP, P.A. AND THE CITY OF TAKOMA PARK, MARYLAND

THIS FIRST AMENDMENT to the January 3, 2020 Agreement for General Municipal Legal Services between the Parties, hereinafter referred to as the “Agreement,” is made this _____ day of _____ 2023 by and between the **CITY OF TAKOMA PARK**, an incorporated municipality of the State of Maryland, hereinafter referred to as the “City,” and **KARPINSKI, CORNBROOKS & KARP, P.A.**, a law firm located at 120 East Baltimore Street, Suite 1850, hereinafter referred to as “Firm,” and collectively referred to herein as the “Parties.”

RECITALS

WHEREAS, on January 3, 2020, the Parties entered into an Agreement, under which the Firm agreed to provide general municipal legal services to the City;

WHEREAS, the Parties have not previously adjusted the Firm’s rates under Section IV of the Agreement; and

WHEREAS, the Parties agree that an adjustment of the Firm’s rates under the Agreement is appropriate and necessary.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the sufficiency of which is hereby mutually acknowledged, the City and Firm agree as follows:

TERMS

AMENDMENT SECTION I

1.1 Pursuant to Section XXI of the Agreement, Subsection IV of the Agreement is hereby amended by modifying the applicable rates for applicable legal services, with the following additions (indicated in bold) and deletions (indicated by strikethroughs):

IV. Fees and Costs

A. Fees. The Firm will provide legal services to the City at the partner rate of ~~\$175.00~~ **\$200.00** per hour, and firm associates rate of ~~\$150.00~~ **\$175.00** per hour **through June 30, 2023**. Paralegals and law clerks will be billed at \$95.00 per hour. **Effective July 1, 2023, the Firm will provide legal services to the City at a partner rate of \$225.00 per hour, and the rates for firm associates and paralegals will remain the same.** Billing will be by the tenth of an hour (i.e., 6-minute increments). Billing matter categories (e.g., “contracts,” “building code matters”) that are feasible for the Firm and meaningful to the City will be established. The Firm will submit statements monthly to the City using the agreed upon billing matter categories.

The foregoing rates, as set forth in the paragraph immediately above, will remain in effect until January 1, 2022~~4~~⁴. The Firm and City agree to meet in the fall of 2024~~3~~ to discuss adjustments to the Firm's rates. This process will be followed annually in subsequent years. No more than ~~\$250~~ \$400 will be charged in travel time for any individual meeting. **The cap on travel time will increase to \$450 on July 1, 2023.**

1.2 No other modification to the Agreement is agreed to herein.

1.3 The recitals above are hereby incorporated into the Agreement.

IN WITNESS WHEREOF, the City and the Firm have executed this Agreement as of the date first written above.

Witness:

KARPINSKI, CORNBROOKS & KARP, P.A:

By: _____

By: _____

Kevin Karpinski,
Managing Partner

Date

CITY OF TAKOMA PARK:

By: _____

By: _____

Talisha Searcy,
Mayor

Date