



Takoma Park City Council Meeting – February 22, 2023 Agenda Item 3

Voting Session

Single Reading Ordinance Authorizing the Mayor to Execute an Amendment to the City Attorney's Contract

Recommended Council Action

Approve the ordinance.

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.

The City Council discussed the fee increase and contract amendment at a work session on February 15, 2023.

Council Priority

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

Environmental Considerations

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

Amendment to the City Attorney's Contract

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

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 2021~~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

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; and

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 are retroactive to January 1, 2023, and 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: