CITY OF STOUGHTON, 207 S Forrest Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL			
To repeal Section 2-166 of the Stoughton Code of Ordinances, Related to the City Attorney Appointment			
Committee Action:	Finance Committee recommend approval ___ on 10/10/2023		
Fiscal Impact:	Publication costs only		
File Number:	O-xx-2023	**First Reading:** **Second Reading:**	October 24, 2023 November 14, 2023

RECITALS

WHEREAS, Section 2-166 of the Stoughton Code of Ordinances requires that the City Attorney shall be appointed annual by the council for a one-year period, the term to start on January 1 and end on December 31; and

WHEREAS, past practice has been to have multi-year contracts with the City Attorney as evidenced by the attached Agreement for Legal Services January 1, 2022 through December 31, 2025; and,

WHEREAS, the Director of Finance/Comptroller recommends the repeal of Section 2-166 of the Stoughton Code of Ordinances for the City Attorney;

ORDINANCE

NOW THEREFORE, The City Council of the City of Stoughton, Dane County, Wisconsin, ordains as follows:

1. Section 2-166 of the Stoughton Code of Ordinances is hereby repealed.

2. This ordinance will take effect immediately after publication or posting pursuant to law.

The foregoing ordinance was adopted by the Common Council of the City of Stoughton at a meeting held on _____.

APPROVED:

_____
Timothy Swadley, Mayor

ATTEST:

_____
Candee Christen, City Clerk

Posted: _____

Published: _____

Attest: _____

Sec. 2-166. - Appointment.

The city attorney shall be appointed annually by the council for a one-year period, the term to start on January 1 and end on December 31.

(Code 1986, § 1.05(1))

Matthew P. Dregne
Government Law Team Leader

222 West Washington Avenue, Suite 900
P.O. Box 1784
Madison, WI 53701-1784
MDregne@staffordlaw.com
608.259.2618

September 26, 2023

BY EMAIL: DEhlinger@cityofstoughton.com

Dave Ehlinger, Director of Finance
City of Stoughton
207 South Forrest Street
Stoughton, WI 53589

Re: 2024-2025 Stafford Rosenbaum Rates for Legal Services

Hi Dave,

I have attached a copy of our agreement with the City relating to the cost of legal services. Please note the change in rates that will take effect on January 1, 2024.

Sincerely,

STAFFORD ROSENBAUM LLP

Matthew P. Dregne

Attachment
MPD:pcl
cc: Rick A. Manthe (by email)

\\srlaw-smb.srlaw.local\StaffordLaw\Docs\005649\000004\CORR\3ZQ2803.DOCX
0925230945

AGREEMENT FOR LEGAL SERVICES
JANUARY 1, 2022 - DECEMBER 31, 2025

It is hereby agreed by and between the City of Stoughton, Wisconsin, hereinafter referred to as the "City," and the law firm of Stafford Rosenbaum LLP, hereinafter referred to as "City Attorney," as follows:

1. *Term of Agreement.* The term of this Agreement shall commence January 1, 2022 and shall terminate December 31, 2025, subject, however, to the termination provisions of paragraph 5.

2. *Duties and Responsibilities.* The City hereby retains the City Attorney to provide such municipal legal services as shall, from time to time, be requested in accordance with the City's CITY ATTORNEY CONTACT POLICY attached as Attachment A. The City Attorney may assume that requests for legal services that are made by or authorized by the Mayor, City Council, City Clerk, Police Chief, Parks Director, Finance Director, Utilities Director or Planning Director are in accordance with the City's Attorney Contact Policy.

3. *Compensation.* The City shall pay for legal services on an hourly basis as follows:

   A. January 1, 2022 through December 31, 2023.

Type of Services	Description of Services	Hourly Rates	
General Municipal Law Services	Advising on issues of municipal law; attending meetings as directed; drafting municipal ordinances, resolutions, public construction contracts and other instruments as may be required; and performing such other duties as may be prescribed by law or requested.	Partners Associates Paralegals	$220 $190 $135
Prosecutorial Services	Advising on matters relating to the issuance of citations and prosecution of ordinance violations; prosecuting ordinance violations.	Partners Associates Paralegals	$200 $175 $135
Land Use and Development Related Services	Advising and representing in the review, processing and action on land use and development-related matters, including annexation, zoning, land division, tax increment financing and urban service area amendments; negotiating and drafting permits, agreements and other documents relating to land use and development issues.	Partners Associates Paralegals	$280 $220 $145
Additional Services, including: Litigation, Environmental and Labor and Employment Services	Rates charged for a particular matter will be *determined on a case-by-case basis*.		

RECEIVED
DEC 29 2021

B. January 1, 2024 through December 31, 2025.

Type of Services	Description of Services	Hourly Rates	
General Municipal Law Services	Advising on issues of municipal law; attending meetings as directed; drafting municipal ordinances, resolutions, public construction contracts and other instruments as may be required; and performing such other duties as may be prescribed by law or requested.	Partners Associates Paralegals	$225 $195 $140
Prosecutorial Services	Advising on matters relating to the issuance of citations and prosecution of ordinance violations; prosecuting ordinance violations.	Partners Associates Paralegals	$205 $180 $135
Land Use and Development Related Services	Advising and representing in the review, processing and action on land use and development-related matters, including annexation, zoning, land division, tax increment financing and urban service area amendments; negotiating and drafting permits, agreements and other documents relating to land use and development issues.	Partners Associates Paralegals	$285 $225 $150
Additional Services, including: Litigation, Environmental and Labor and Employment Services	Rates charged for a particular matter will be *determined on a case-by-case basis*.		

C. The City shall reimburse the City Attorney for time spent traveling on City-related business at the hourly rates set forth in Sections A and B above.

D. The City shall reimburse the City Attorney for all expenses the City Attorney incurs in connection with services provided to the City.

E. The City Attorney shall provide to the City Finance Director an itemized statement each month that shows the total time worked and the nature of the work performed and the amount due the City Attorney. The City shall pay any amounts due within 30 days of receipt of such an itemized statement.

4. *Conflict of Interest.* The City Attorney will notify the City of any real or potential conflict of interest regarding the City Attorney's representation of the City. The City Attorney may decline or withdraw from representation of the City in a matter as a result of any real or potential conflict of interest.

5. *Termination.* Either party, upon written notice to the other, may terminate this Agreement without cause upon the expiration of 90 days from the delivery of such written notice to the other party. In the event the City Attorney is unable to represent the City in any matter as a result of a conflict of interest, the City may terminate this Agreement immediately upon delivery of written notice of termination to the City Attorney. In the event of termination, the City Attorney will be compensated for

services rendered and expenses incurred prior to such termination in accordance with the terms set forth above.

6. *Return of City Records.* The City Attorney shall return to the City all City Records and files upon termination or expiration of this Agreement.

7. *Non-Assignment.* The City Attorney's rights and obligations under this Agreement are not assignable without the City's prior written consent.

8. *Modification of Agreement.* No modification of this Agreement will be valid unless it is in writing and is duly executed by both parties. The parties further agree that the provisions of this paragraph may not be waived, except as specifically herein set forth.

CITY OF STOUGHTON

Date 12-2-21

Mayor Tim Swadley

Date December 2, 2021

Candee Christen, City Clerk

STAFFORD ROSENBAUM LLP

Date Dec. 10, 2021

Matthew P. Dregne, Partner

Attachment: City Attorney Contact Policy

ATTACHMENT "A"

CITY OF STOUGHTON
CITY ATTORNEY CONTACT POLICY

There are times when the City, City officials and City staff need legal advice or legal services from the City Attorney. Because legal services are costly, because the City may already have legal opinions available, and because requests for legal services should be coordinated to avoid unnecessary expense, the City adopts this CITY ATTORNEY CONTACT POLICY.

1. Any person seeking legal services from the City Attorney should first determine whether the City already has a legal opinion on file that addresses the question; the City Clerk will update the list of attorney opinions on a biannual basis and place them on a website with a hard copy available in the Clerk's office at City Hall. Changes in the law or different circumstances may make it advisable to obtain legal advice even where the City has an existing opinion.

2. The City Council, Mayor, City Clerk, Police Chief, Planning Director, Utilities Director, Parks Director and Finance Director are each authorized to request legal services from the City Attorney, on the City's behalf, as they deem necessary.

3. Any elected City official is authorized to directly request legal advice from the City Attorney on matters related to his or her individual compliance with the open meetings law, ethics laws, and open records law. Any elected City official or appointed member of any City committee or commission is authorized to request an advisory ethics opinion from the City Attorney pursuant to Wis. Stat. § 19.59(5)(a).

4. Individual alderpersons, department heads and others who wish to request legal services may make such request through the City Council, Mayor or City Clerk.

   Except as provided in Sections 3 and 4, individual alderpersons, department heads and others who wish to request legal services directly from the City Attorney shall do so as follows:

   a. The person requesting legal services shall inform the Mayor or City Clerk that he or she will be contacting the City Attorney.

      The person requesting legal services shall ask the City Attorney for estimate of the amount of time required to provide the legal services. If the estimated time is more than 1 hour, the City Council, Mayor or City Clerk must approve the request for legal services.

5. Legal services requests relating to personnel, employment or labor law related matters shall be directed to the City Clerk/Personnel Director, unless such request pertains to the City Clerk/Personnel Director, in which case such request shall be directed to the Mayor.

6. Written legal opinions from the City Attorney shall generally be provided to the Mayor, Alderpersons, and Department Heads, as deemed appropriate by the City Attorney,

Mayor and requestor. In some cases, such as ethics opinions under Wis. Stat. § 19.59(5)(a), confidentiality rules may apply to legal opinions. In some cases, distribution of communications with legal council may need to be restricted to protect the City's interests, as determined by the Mayor and/or City Council, in consultation with the City Attorney. Written and verbal communications between City Officials and the City Attorney may also be privileged. No person may disclose privileged communications without prior approval from the City Council or the Mayor.