

## Eagle Mountain City Attorney Proposal

### INTRODUCTION:

In the current economy, everyone is looking to minimize expenditure and maximize the efficacy of what is being spent. It is even more imperative for our local government to do so than for the individuals within the community, and maintaining a contract with a legal firm that allows for excessive expenditure on the part of the city is not only unnecessary, but it is also an inefficient use of funds.

### CITY ATTORNEY PURPOSE:

The purpose of a city maintaining a City Attorney is to ensure that the City always has representation to assure legal compliance and protect the City's interest in all legal matters. Eagle Mountain City has stated that its attorney needs to attend all City Council meetings and represent the City in all legal actions against the City. Duties of a City Attorney would include preparing and reviewing all contracts, ordinances, resolution, litigation, and other documents as well as providing the governing body and staff with legal advice in compliance with applicable laws. It is also the City Attorney's responsibility to take care of legal questions arising in the general conduct of City business including defending the City and City officials in civil proceedings.

### CURRENT EXPENDITURE:

According to 2008-2009 and 2010-2011 published Eagle Mountain City Budgets:

Year	Attorney's Fees Approved	Actual Spent	Total Fees Approved	Actual Spent
2005	---	\$130,013	---	\$130,013
2006	---	\$162,436	---	\$238,871
2007	---	\$174,565	---	\$267,889
2008	\$207,500	\$250,594	\$297,500	\$357,178
2009	\$200,000	\$ 91,303	\$290,000	\$ 91,303
2010	\$189,000	\$207,470	\$279,000	\$297,158
2011	\$189,000	n/a	\$219,000	n/a

With the exception of 2009, Eagle Mountain City has spent significantly more on legal fees than was budgeted. In fact, in just the past 3 years, the city has spent over \$61,500 more than was budgeted on just attorney's fees, and over \$77,800 more than was budgeted on total legal fees.

More importantly, Eagle Mountain City has been made to budget and pay more than \$745,600 in legal fees in the past 3 years alone and more than \$1,382,400 in the past 6 years. This is an unnecessary amount of money when hiring a designated City Attorney on salary instead of retainer would provide more dedicated and specialized representation at a fraction of the cost.

#### CURRENT CITY ATTORNEY SALARIES:

According to the Utah's Right to Know website, the salaries of City Attorneys in the area ranges from \$87,905 to \$143,511, with an average annual salary of \$115,086:

##### South Salt Lake:

David Carlson  
\$143,511

##### Salt Lake City:

Edwin Palmer Rutan  
\$142,230

##### Roy City:

Andrew H. Blackburn  
\$119,754

##### Riverton City:

Ryan Carter  
\$119,612

##### Provo City:

Robert West  
\$118,147

##### Spanish Fork City:

S. Junior Baker  
\$116,734

##### Draper City:

Douglas Ahlstrom  
\$112,091

##### Tooele City:

Roger Evans Baker  
\$108,992

Pleasant Grove City:  
Christine M Petersen  
\$101,647

Clearfield City:  
Brian E. Brower  
\$95,332

Springville City:  
John A. Penrod  
\$87,905

#### PROPOSED SERVICES OF CITY ATTORNEY:

The Law Office of Paul Lydolph III, PLLC will represent Eagle Mountain City with Paul Lydolph III, Esq. as City Attorney in all legal matters. The City Attorney's responsibilities would include, but not be limited to:

- Advise the Council, City Boards and Commissions, and all City officials on municipal government legal matters including the Brown Act and parliamentary procedures for running meetings.
- Attend all City Council and Planning Commission meetings unless excused by the Mayor or Council. Attend other meetings as assigned by the City Manager or Mayor.
- Coordinate and manage the services and costs of all outside legal counsel.
- Provide legal advice to staff, upon request of the City Manager.
- Prepare and/or review all ordinances, resolutions, municipal contracts, joint powers agreements, and other agreements and contracts entered into by the Town.
- Research and submit legal opinions on municipal or other legal matters as requested by the City Council or City Manager.
- Provide written updates on new State or Federal legislation or judicial decisions impacting the Town and suggested action or changes in operations or procedures to assure compliance.
- Provide guidance on personnel matters, including employee disciplinary and grievance matters.

- Perform legal work pertaining to land use issues including but not limited to property acquisitions, property disposals, public improvements, easements, dedications and right-of-way vacations.
- Enforce City codes, zoning regulations, and building standards through administrative and judicial actions.
- Assist in the preparation of Environmental Impact Reports.
- Attend staff meetings at the request of the City Manager
- Hold office hours at Town Hall or office provided once a week for at least four (4) hours on a day to be set by the City Manager or Mayor.
- Communicate with the press, when authorized to do so by the City Manager or Mayor regarding City legal matters.
- Promptly return all calls and e-mails from the City Council and staff.
- Litigate City matters.
- Arbitrate or Mediate City matters.
- Work in conjunction with the Human Resources department to identify and address any and all complaints

#### EXPERIENCE:

Paul Lydolph has been a property owner in Eagle Mountain since 2006. He is familiar with the area and the needs of the City.

Mr. Lydolph is licensed to practice law in both Florida and Utah. Representatives from the Florida Bar have stated to Mr. Lydolph that he is the only licensed Florida attorney based in Utah. Since the City has active interests with parties from Florida, there is a unique opportunity to save the community money by hiring someone who can serve in both jurisdictions if necessary.

Additionally, the Law Office of Paul Lydolph III, PLLC also has attorneys of counsel barred in New York, Nevada, and Washington D.C. Mr. Lydolph maintains a Utah real estate license, owned a title company, and continues to act as a real estate investor.

He has experience as in house counsel for closely held corporations and is a panelist and speaker on asset protection.

Mr. Lydolph's LL.M. program was specifically focused on commercial litigation, managing corporations, director duties, and analyzing litigation defending the corporate structure.

His focus has always been on complex litigation. He has been a litigator since 1999, handling cases at all levels of State and Federal Court. Please see the attached resume for further information.

#### PROPOSED FEE SCHEDULE:

Mr. Lydolph would represent Eagle Mountain City as City Attorney in all legal matters for an annual salary of \$79,000.00 with benefits and vacation time equivalent to similarly situated City employees. This salary would cover all services listed in the Proposed Services section of this proposal. In addition, Mr. Lydolph will perform any and all additional duties as directed. The anticipated work week would be no less than 45 hours. If offered the position, Mr. Lydolph will resign from his existing duties within the firm and focus his energy completely on the needs of the City.

Eagle Mountain City would be responsible for the payment of any filing fees involved in litigation and the payment of outside experts for matters that Mr. Lydolph, the Mayor, and the City Manager agree need such additional expertise

#### CONCLUSION:

Mr. Lydolph would be proud to represent the legal interests of Eagle Mountain City. This office is willing to devote as much time as the City needs to the interests of the City Council and residents of the City. At an annual rate of \$79,000 for legal services, the City could retain an excellent litigator as City Attorney for one third (1/3) of what it has paid in the past. For example, the \$745,600 spent over the course of the past 3 years on legal services would pay for more than 9 years of representation.

Mr. Lydolph has no interests or clients that conflict with the interests of Eagle Mountain City. Representation at this rate could begin immediately.

Please do not hesitate to contact Mr. Lydolph directly at (801) 602-8378 or at [lydolphlawoffice@yahoo.com](mailto:lydolphlawoffice@yahoo.com) or [paullydolph@yahoo.com](mailto:paullydolph@yahoo.com).

Thank you for your time and consideration.