

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
SPECIAL SESSION MINUTES
MARCH 15, 2016, 4:00 P.M.**

A SPECIAL SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MARCH 15, 2016, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. VICE MAYOR DOUG TREADWAY PRESIDED.

1. **Call to Order.** The meeting was called to order at 4:05 p.m. Vice Mayor Treadway presided.
2. **Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady (absent at roll call, arrived late at 4:08 p.m.), Dennis Repan (absent at roll call, arrived late at 4:24 p.m.), Nancy Wright; and Vice Mayor Doug Treadway were present. Mayor Terry Nolan was absent.
3. **Study Session.** No legal action to be taken.

3.1. Council preparing for the interviews.

Council discussed that Vice Mayor Treadway would ask the interview questions with Council Members asking any follow-up questions. Council consensus was that the outcome of the interviews (Attorney selection) will be decided at the April 5, 2016, regular session.

3.2. Town Attorney Interviews.

3.2.1. 4:00 – 4:30 p.m. Interview of firm representative for Sims Murray, Ltd.

This interview began at 4:10 p.m. Attorney Bill Sims of Sims Murray LTD introduced himself to the Council. Mr. Sims stated that his firm could offer one-stop shopping service. He would be the primary contact, but had the backup of his partner, Jeff Murray, who specializes in land use. Mr. Sims is currently seeking another attorney with his passion for community legal work, to fill his absence upon retirement in approximately three years. Mr. Sims stated that he conducts trainings on Public Records; Planning & Zoning; and Land Use to clerks and municipal personnel and has much experience in this area. Mr. Sims conveyed the importance of needing to work with the Town Manager. Mr. Sims indicated believing that he can assist getting the Town's attorney fees down and would work under a cap, if required, but expressed that Town Council needs to bear responsibility in reducing legal fees as well. The rates would be \$175 to \$200 per hour. His associate's fees would be \$175 per hour, while his rate is \$200 per hour. Mr. Sims expressed that his firm would be happy to take on D-H, which would cap his community work. This interview ended at 4:35 p.m.

3.2.2. 4:30 – 5:00 p.m. Interview of firm representative for Musgrove Drutz Kack & Flack, PC.

This interview began at 4:37 p.m. Attorneys Sharon Flack and Ken Kack were in attendance for the interview process. Mr. Kack explained that Sharon Flack would take primary responsibility for this account, with the other associates backing her up. Ms. Flack explained that she knows D-H is fiscally responsible and can achieve that by making one attorney (Ms. Flack) the point of contact. There would be no double billing for issues, even if an issue was deferred to an associate with expertise in the specific subject matter. Standard service rates are \$250 per hour for Mr. Kack and \$225 per hour for Ms. Flack, however, their proposal to D-H was an hourly base rate of \$150 for general matters, including attendance at Council meetings, and a \$175 hourly rate for litigation. Ms. Flack stressed that their firm is a local presence, just down the road, and a Tuesday evening presence at Council meetings, if required, would not be an issue. She reported that she is

familiar with Robert's Rules, but would be happy to do an in-depth study at no charge, understanding the need to keep an efficient meeting process. Ms. Flack is excited to work with D-H. This interview ended at 5:13 p.m.

3.2.3. 5:00 – 5:30 p.m. Interview of firm representative for Gust Rosenfeld PLC.

Attorneys Susan Goodwin and Phyllis Smiley attended the interview representing Gust Rosenfeld PLC. They currently represent the Town of D-H. Ms. Goodwin stated that she would continue to be the primary attorney, deferring to Ms. Smiley for ordinance work and other firm members for specialty issues, if necessary. She stated that representing small towns can be just as complicated as large cities. Ms. Goodwin indicated that the transition from her former firm to Gust Rosenfeld offered opportunity for more enhanced resources. Ms. Goodwin referred to D-H having its own unique challenges, one being that the primary reason for incorporation was to remain independent, likewise the Council remains an "independent bunch". Upon question, Ms. Goodwin agreed with a Councilmember statement that D-H could help keep their rates down by not sending her the boilerplate work and staff handling some of the ordinance work. Current fees were discussed at the first 15 hours being billed at \$200 per hour, and after 15 hours an increase to \$240 per hour. Ms. Goodwin stated not wanting to be put in a position of negotiating against herself. Ms. Goodwin asked Council how she should proceed regarding fees and if she should submit a proposal. Council discussed this and said they would get back to the firm with any questions regarding fees. This interview ended at 5:55 p.m.

4. Adjourn. Meeting was adjourned at 5:56 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk