

RESOLUTION NO. 2023- _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS APPROVING AN HOURLY RATE INCREASE FOR THE FIRM OF LOUNSBERY FERGUSON ALTONA AND PEAK FOR CONTRACT CITY ATTORNEY AND CITY PROSECUTOR SERVICES, AND PROVIDING CONTINUED AUTHORIZATION FOR ATTORNEYS AFFILIATED WITH SAID FIRM, AS WELL AS SPECIAL COUNSEL RETAINED BY THE CITY, TO INITIATE AND TO PROSECUTE SAN MARCOS MUNICIPAL CODE ENFORCEMENT ACTIONS, WHETHER CIVIL OR CRIMINAL

WHEREAS, attorneys of the firm of Lounsbery Ferguson Altona & Peak ("Firm") have provided high quality legal services for the City of San Marcos ("City") for over twenty years, with Helen Holmes Peak currently serving as the City Attorney; and

WHEREAS, the Firm continues to provide effective, timely, efficient, and cost effective legal services for the City; and

WHEREAS, a diversity of legal backgrounds is represented within the Firm's professional staff, all of whom are available to provide services to the City when and as needed; and

WHEREAS, the City Council desires to reaffirm that the City Attorney, who acts as the City Prosecutor, members of the Firm, and outside special counsel retained by the City, are authorized to initiate either civil or criminal proceedings to enforce the San Marcos Municipal Code, and to prosecute the same.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of San Marcos, as follows:

1. The foregoing recitals are true and correct.
2. An hourly rate increase of \$10.00 per hour for the Firm's municipal legal services, a change from the current blended rate of \$255.00 per hour to \$265.00 per hour, is hereby approved effective as of July 1, 2023. The Firm's rate(s) for transactional and litigation work reimbursed to the City by third parties, and/or paid directly by third parties, will remain at the current 30% discount from the Firm's hourly

rates charged for non-municipal work. The minimum time commitment by the City Attorney will remain the same, generally consisting of office hours at City Hall all day Tuesday and on alternate Friday mornings, together with additional time on an as-needed basis.

3. The City Attorney/City Prosecutor and the Firm continue to be authorized to initiate either civil or criminal proceedings to enforce the San Marcos Municipal Code; further, each of the Firm's attorneys have been and continue to be authorized by the City Council to initiate and prosecute such actions, and/or defenses relating thereto, as directed by the City Attorney in consultation with the City Manager. This authorization extends to outside special counsel when and as retained by the City.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos at its regular meeting held on the _____ day of _____, 2023, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Rebecca D. Jones, Mayor
City of San Marcos

ATTEST:

Phillip Scollick, City Clerk
City of San Marcos