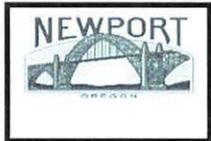


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**AUTHORIZATION FOR AGREEMENTS, MOUs, OR OTHER DOCUMENTS OBLIGATING THE CITY**

All contracts, agreements, grant agreements, memoranda of understanding, or any document obligating the city (with the exception of purchase orders), requires the completion of this form. The City Manager will sign these documents after all other required information and signatures are obtained.

Document: LEGAL ENGAGEMENT LETTERS Date: 4/23/24

Statement of Purpose: LEGAL GUIDANCE FROM LOCAL GOVT LAW GROUP REGARDING SB 1537 IMPLEMENTATION

Department Head Signature: [Signature]

Remarks, if any: \_\_\_\_\_

City Attorney Review and Signature: (EMAIL ATTACHED) Date: 4/25/24

Other Signatures as Requested by the City Attorney: \_\_\_\_\_

Name/Position  
Date: \_\_\_\_\_

Budget Confirmed: Signature Yes  No  N/A

Certificate of Insurance Attached: Yes  No  N/A

City Council Approval Needed: Yes  No  Date: \_\_\_\_\_

After all the above requested information is complete and signatures obtained, return this form, along with the original document to the City Manager for signature. No documents should be executed prior to the City Manager's approval as evidenced by signature of this document.

City Manager Signature: [Signature] Date: 4/23/24

Once all signatures and certificates of insurance have been obtained, return this document, along with the original, fully-executed agreement, MOU, or other document to the City Recorder. A copy of grant agreement and all project funding documents, must be forwarded to the Finance Department for tracking and audit purposes.

City Recorder Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Date posted on website: \_\_\_\_\_

## Derrick Tokos

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**From:** David Allen  
**Sent:** Tuesday, April 23, 2024 8:19 AM  
**To:** Derrick Tokos; Spencer Nebel  
**Cc:** Melanie Nelson  
**Subject:** Re: Engagement Letter for City Special Project - SB 1537

Engagement letter looks fine, assuming you and Spencer are okay with the hourly rates for attorneys/staff. --David

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**From:** Derrick Tokos  
**Sent:** Monday, April 22, 2024 3:39 PM  
**To:** David Allen  
**Cc:** Spencer Nebel  
**Subject:** FW: Engagement Letter for City Special Project - SB 1537

Hi David... I reviewed the document and don't have any comments. Let me know if it is acceptable, and I'll walk it over to Spencer for a signature.

Derrick I. Tokos, AICP  
Community Development Director  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0626 fax: 541.574.0644  
d.tokos@newportoregon.gov

\* \* \* \* \*

Carolyn H. Connelly  
Ross M. Williamson\*  
Mark A. Wolf  
Diana Moffat  
Lori J. Cooper  
Armand Resto-Spotts  
\*Also Admitted in Washington

**ENGAGEMENT LETTER AND  
BILLING PROCEDURE MEMO  
FOR  
CITY OF NEWPORT**

We appreciate the City of Newport's (City) interest in the Local Government Law Group P.C. This engagement letter is intended to cover special project services our firm will provide to the City pertaining to City land use ordinance and development code amendments intended to implement SB 1537.

The relationship between client and attorney works best when we both have a clear understanding of the firm's policies regarding legal services, the inquiry process, and our billing practices. If the policies explained in this document are acceptable to you, please sign a copy of this memo and return it to the firm. If you have any questions, please do not hesitate to call us.

**Working with your Attorneys**

During the course of our representation, it is our goal to maintain open lines of communication with the City and your staff. To this end, it is important that the City also communicates with us. This will allow us to better serve you and keep you fully informed about the status of the work we are doing.

You have retained our firm specifically to provide legal services related to staff questions regarding permissible amendments pursuant to SB 1537. This is a limited engagement that will end upon completion of this special project.

During our representation of the City, please remember to provide us with any changes to your current addresses, telephone numbers, Council and staff members, and other relevant information.

**Billing Statements and Hourly Rates**

You will receive a monthly statement for any services we provided to your City that month. Most statements for services are simply the product of the hours worked multiplied by the

hourly rates for the attorneys, law clerks and legal assistants who did the work. However, if we feel that too much time was expended for the nature of the matter, we will reduce the fee accordingly.

Our hourly rates for attorneys and other members of the professional staff are as follows:

- A. General Attorney time: (Through June 30, 2024) \$295.00 per hour  
General Attorney time: (Starting July 1, 2024) \$315.00 per hour
- B. Law clerk and paralegal time: (Through June 30, 2024) \$115.00 per hour  
Law clerk and paralegal time: (Starting July 1, 2024) \$150.00 per hour

One-half of the time required for necessary travel will be billed at the applicable attorney fee rate, plus the IRS mileage rate. The City is responsible for all costs incurred by the firm, including but not limited to document recording fees, filing fees, service fees, court reporter fees for depositions and hearings, court trial fees, and other necessary court and office costs. However, you will not be charged for basic computer research, phone, or photocopy charges.

If we determine, in partnership with you, that a matter requires outside counsel, then we will ask the outside counsel to prepare a bill for our firm to review. Once that bill has received our approval, we will forward it to you for payment. We will not work with outside counsel for specialty services without first consulting the City. City projects may involve current or former clients of our firm, potentially giving rise to conflicts of interests. We will discuss those situations with you as they arise, which may require a waiver of conflict letter or our firm to recuse itself from representing the City for that specific project.

We bill for time expended on your behalf from the initial consultation to the closing of the matter. Activities requiring the expenditure of time may include office conferences, telephone discussions, preparation and review of correspondence, document preparation and review, and any other services associated with the work we have undertaken on your behalf.

Your monthly statement will indicate the amount of time spent, the attorneys who worked on the matter, and the charges for services based upon your current rates. You will receive an itemized billing statement each month, at which time the amount billed is due and payable. A late fee of 1.5% per month will be imposed on unpaid charges within 60 days after they are billed. We try to ensure that our billings are accurate and understandable. If ever you wish to discuss your bill or the legal services rendered, please call Jenny Hornby in our accounting department or contact the attorney working on the matter. If we receive no questions or comments from you within 30 days of the billing statement's date, we will assume that you agree to the charges billed.

**File Closing and Relationship Wind Up**

At the conclusion of each legal matter, we review the file to ensure that you have copies of all important documents, return any original documents to you, and close the file. We store closed files for 10 years (and may do so in an electronic format). After 10 years, we

destroy the file. By signing below, the City is giving us its consent to destroy files pursuant to this policy.

We each have the right to terminate our attorney-client relationship at any time. If there is any unresolved dispute over our representation or fees and it is necessary to initiate a claim, the prevailing party will be entitled to reasonable attorney fees to be set by the court.

Again, thank you for considering the Local Government Law Group. We appreciate your business and look forward to working with you.

READ AND APPROVED:

CITY OF NEWPORT

By:   
Authorized Signature

04-23-24  
Date

Printed Name: Spencer R. Nebel

Title: City Manager

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