

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2018-071

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
AUTHORIZING THE MAYOR TO EXECUTE A LEGAL SERVICE AGREEMENT WITH
G.R. MOZINGO, ESQ, APC (A PROFESSIONAL CORPORATION) EFFECTIVE JULY
1, 2018 AND ENDING JUNE 30, 2023.**

WHEREAS, the City Attorney is appointed by the City Council and serves as the chief legal officer for the City; and

WHEREAS, after 33 years of service, Don Freeman retired in 2017, and

WHEREAS, the City then conducted a search for a new City Attorney and 16 applicants applied for the position, and

WHEREAS, in June 2017, upon selection, the City entered into a one-year contract with G. R. Mozingo, ESQ, APC, and

WHEREAS, the current agreement with Mr. Mozingo expired on June 30, 2018, and continues on a month-to-month basis in the interim, and

WHEREAS, the attached proposed agreement is presented to the City Council for approval, establishing the terms and conditions for service as City Attorney.

**NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL DOES
HEREBY FIND AND ORDER THE FOLLOWING:**

1. A five-year term ending June 30, 2023, locking in a discounted hourly rate for an extended period of time.
2. Continued service from Glen Mozingo, Esq. APC, as City Attorney. Fees for either the Assistant City Attorney or Deputy City Attorney are included in the fees established in this agreement.
3. A monthly retainer of \$30,000 for general counsel services, incorporating the majority of all primary responsibilities routinely performed by the City Attorney's office, factored upon and covering up to 154 hours per month, at the rate of \$195 per hour.
4. Extraordinary services are billed at the rate of \$275 per hour, as in the previous contract, as well as any hours in excess of 154 hours per month.
5. Modest annual cost of living adjustments based on the CPI Index, commencing in June of 2019.
6. A 90-day written notice period for either party to terminate the agreement.

And further be it resolved that:

This Contract reflects a more realistic understanding of the amount of work actually needed to meet the demands and expectations of the City on an ongoing basis. The contract also more accurately represents the City's monthly legal expenses.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 6th day of August, 2018 by the following roll call vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

SIGNED:

Steve G. Dallas, Mayor

ATTEST:

Thomas A. Graves, MMC
City Clerk