

CITY COUNCIL WORK SESSION
Tuesday, March 2, 2010 6:00 p.m.
Public Safety Building
3925 West Cedar Hills Drive, Cedar Hills, Utah

Present: Eric Richardson, Mayor, Presiding
Council Members: Marisa Wright, Jim Perry, Stephanie Martinez, Scott Jackman, Ken Kirk
Konrad Hildebrandt, City Manager
Kim Holindrake, City Recorder
Greg Robinson, Assistant City Manager
Others: Shawn Richins, Cliff Chandler

This work session of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 6:11 p.m. by Mayor Richardson.

- Review Requests for Qualifications for Legal Services

Nielson & Senior: Brett Rich –

See handouts.

Mr. Rich is one of the younger members of the firm, which is an older firm located in Salt Lake City. Prior to Nielson and Senior he worked as a director and legal counsel for an insurance company. In the past he dealt more with counties, but currently he deals mostly with government entities. He is the city attorney for some governmental entities and does all the legal work. Others he represents on an as need basis or project basis. One partner, Mark Anderson, is over the Association of Special Districts and represents a number of other special districts. He really likes private practice and the ability to brain storm about issues with members of his firm. It is extremely comforting and valuable to have members of the firm in their seventies, which have seen almost everything. His firm is extremely experienced. He grew up in the Cash Valley area, graduated from the University of Utah, and ran his own business. He graduated from law school at Brigham Young University. Nielson & Senior was located in downtown Salt Lake City for most of its existence until about four years ago. The Firm downsized to about nine attorneys about five years ago. The Firm is now located on State Street and 53rd South. Mr. Rich has represented Santaquin for ten years doing civil and criminal work. About six or seven years ago he thought Santaquin should get another attorney to do the criminal work. Santaquin found someone for 1.5 years, and then the Mayor asked him to continue the criminal work. He does all the legal work for Genola and Goshen on a regular basis. He does individual projects for other government entities. He has represented entities in Utah County, Salt Lake County, and Davis County. He prefers and works on an hourly basis but reduces his fee for government entities. Mark Anderson's regular fee is \$220 hourly and \$175 for government entities for substantial work. Mr. Rich's regular fee is \$200 hourly and \$145 for governmental entities for substantial work. He works for government clients because it is his expertise, and he enjoys it. The reason is because of volume and doesn't have to worry about collecting his fees, which happens with private clients. He is not a bond attorney; bond attorneys have to be registered. No one in the Firm is a bond attorney. He believes there needs to be a separation between a city attorney and bond counsel

because of the responsibilities. He doesn't see this as a conflict of interest, but for him there are different roles. There is some reliance between the two positions. He prefers separate and distinct. His primary areas are local government law, construction law (mechanics, liens), administrative law, and insurance law. He is very much involved in litigation. Nielson & Senior is a litigation firm. There are attorneys who will do the criminal work at a lesser fee. Nielson & Senior does not do patents or domestic (divorce, child custody) work. There are times when there is a conflict of interest and another attorney is needed, such as interlocal agreements. He has had one appearance before the Utah Supreme Court. Nielson & Senior doesn't have a lot of suits filed against its municipal clients. He makes sure that threatened litigation doesn't turn into litigation. If there is an issue between a city and a special district, he doesn't take either case. This has only happened three or four times, and another attorney is contracted to take the work. In court his personality traits depend on the case, opposing counsel, or the witness he is examining. He can be quite aggressive, but prefers to take a different stance. He does what's necessary but not what's unnecessary. If additional counsel is needed, he would always have the rates preapproved by the government agency. He looks out for the best interest of the client. Redevelopment issues would be referred to outside counsel. He has done redevelopment in the past but not for a period of time.

Carlton and Associates: Rick Carlton –

See handouts.

Mr. Carlton is originally from Alpine City, attended Utah State, and graduated from the University of Utah. His main focus has been on government issues and corporate work over the last 20 years. He has a broad background and grew up in the excavation business. He is the general counsel for his brother's corporation and was the Assistant Attorney General for Utah. He owned a title company and owns development companies. He knows how to lay pipe as well as how to push a project through the system. He has worked the Wasatch front to Castledale City. He has work extensively for Highland City and Alpine City. He helps Mona Town on a volunteer basis, which is where he currently lives. He is very detail oriented, and now scans all his files. He worked with Brian Talbot at the Attorney General's office for five years. He litigated at the Supreme Court and has litigated often. He has represented clients in front of city councils for 8-10 years and handled about 200 cases per year. He left the Attorney General's office because they couldn't pay enough. He loved the work and working with Brian. He will work on either salary or hourly and his rate is very flexible. His rate is well below what an attorney with 20 years of experience would charge. Many charge about \$250 per hour depending on expertise. He has other money generating interests. He works with cities not to charge but to work and make a decent living. He doesn't have a lot of overhead because he is a sole practitioner. His rate is \$125 per hour. If the City prefers a salary, he would charge \$5500 per month up to 55 hours. He is very willing to work with the City on the rate. He does not do bonding and would refer bonding to his cousin Blain Carlton, who does the UTOPIA bond work. He donates his time to youth-under-21 matters. He is up to speed on civil matters since working as the Assistant Attorney General. He has many associates he works with and discusses issues. He has worked as an Administrative Law Judge, Assistant Attorney General, in-house counsel for a very large company, owns businesses (buildings and houses), and has a construction background (common sense background). He can read an appraisal and drawings. He has bid projects and represented clients who do all these things. He worked with David Church on Highland City's town center. His practical

