



**CITY OF BALLWIN**  
14811 Manchester Road, Ballwin, MO 63011

**BILL NO.** 3871

**ORDINANCE NO.** \_\_\_\_\_

INTRODUCED BY  
ALDERMEN TERBROCK, FINLEY, STALLMANN, SCHWENT, FLEMING, LEAHY, KERLAGON, BOLAND

**AN ORDINANCE AUTHORIZING THE CITY OF BALLWIN TO EXECUTE A CONTRACT RETAINING SPECIAL LEGAL COUNSEL FOR THE LIMITED PURPOSE OF PROVIDING ADVICE AND DIRECTION WITH RESPECT TO THE SALES TAX LITIGATION INITIATED BY THE CITY OF CHESTERFIELD.**

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

WHEREAS, the Board of Aldermen ("Board") of the City of Ballwin, State of Missouri ("City") finds and declares that there is reason to believe that it needs legal representation with respect to sales tax litigation initiated by the City of Chesterfield;

WHEREAS, the Board finds and declares that its City Attorney is not in a position to render optimal advice and direction in this matter and it is in the best interests of all concerned, including but not limited to the taxpayers and residents of the City, that the City engage special counsel for advice and direction in this matter; and

WHEREAS, John Hessel, Robert Golterman and other lawyers in the law firm of which they are members, Lewis, Rice & Fingersh, L.C. are experienced local government attorneys who are qualified to render expert legal advice in this matter and such attorneys have been retained by other cities that are parties to the litigation, creating an opportunity to share fees and costs.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD AS FOLLOWS:

Section 1. John Hessel, Robert Golterman and Lewis, Rice & Fingersh, L.C., are hereby retained as Special Counsel to the City of Ballwin to render advice and direction to its Board with respect to sales tax litigation initiated by the City of Chesterfield. The City Administrator is hereby authorized to execute a retention agreement with Special Counsel.

Section 2. Special Counsel shall receive up to \$275.00 per hour for their legal services in connection with this matter.

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Board and approval by the Mayor. Any ordinances inconsistent with this Ordinance are hereby repealed.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2015. \_\_\_\_\_  
*TIM POGUE, MAYOR*

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2015. \_\_\_\_\_  
*TIM POGUE, MAYOR*

ATTEST: \_\_\_\_\_  
*ROBERT KUNTZ, CITY ADMINISTRATOR*