

Memorandum



From: ROBERT KUNTZ, CITY ADMINISTRATOR

November 20, 2013

TO: Mayor Pogue
Board of Aldermen

RE: **LEGAL COMPENSATION**

In accordance with Mayor Pogue's suggestion and Board concurrence, we have calculated the cost impact of a supplemental compensation adjustment for our legal team. Two options, based on an April 1, 2014 effective date, are presented for your review and consideration.

POSITION	CURRENT	2%	3½%
City Attorney *	\$2,266.00	\$2,311.32	\$2,345.31
Judge	\$1,075.60	\$1,097.11	\$1,113.25
Prosecutor *	\$2,266.00	\$2,311.32	\$2,345.31

* Retainer – not hourly rate

We have not attempted to assess economic impact relative to the market basket pay plan, since there are so many variables regarding duties and responsibilities. Further direction is requested.


ROBERT KUNTZ, CITY ADMINISTRATOR

RK:MC

Municipal Judge

<u>City</u>	<u>Starting Minimum</u>	<u>Per court</u>
Bridgeton	2,000	500
Chesterfield	2,812	937
Clayton	900	300
Creve Coeur	1,666	417
Hazelwood	2,400	600
Kirkwood	1,600	400
Maryland Heights	2,666	666
O'Fallon	2,000	666
University City	2,050	512
Webster Groves	1,275	638
2014 Comparison Range:	2,688	556
Ballwin's Current Range:	1,075	537

Prosecutor

<u>City</u>	<u>Starting Minimum</u>	<u>Per court</u>	
Bridgeton	1,750	438	4
Chesterfield	3,208	1,069	3
Clayton	2,416	805	3
Creve Coeur	3,166	792	4
Hazelwood	3,350	838	4
Kirkwood		0	4
Maryland Heights	3,500	875	4
O'Fallon	3,750	1,250	3
University City	2,500	625	4
Webster Groves	3,000	1,500	2
2014 Comparison Range:	3,175	1,006	
Ballwin's Current Range:	2,266	1,133	2

July 2013 Municipal Court Statistics - All Cities Polled													
City	Monthly Pay		Tickets Issued 2013 January - June					No. of Cases		Included in Salary	If paid separately	Population	Court Dates
	Judge	Prosecutor	Total Violations Filed	DWI	Other Traffic	Non-Traffic	Parking	Certified					
										Prior Fiscal Year			
										Hourly Wage	Total Ann'l Payment		
1 Ballwin	\$1,075.00	\$2,200.00	4,525	15	3,955	555	0	31	no	\$90.00	\$13,097.00	30,404	2nd & 4th Tue
2 Brentwood	\$1,250.00	\$2,083.33	3,289	0	3,092	105	92	0	yes			8,055	2nd & 4th Mon
3 Chesterfield	\$2,812.50	\$3,208.33	7,338	71	6,150	918	199	45	no	\$110.00	\$4,356.00	47,484	2nd, 3rd & 4th Tue
4 Clayton	\$900.00	\$2,416.66	18,730	55	3,385	1,290	14,000	87	no	\$150.00	\$18,540.00	15,939	1st & 3rd Wed Traffic 2nd Thurs Housing
5 Creve Coeur	\$1,666.66	\$3,166.67	9,946	119	9,030	701	96	25	yes			17,833	Wednesdays
6 Des Peres	\$1,200.00	\$1,200.00	2,045	22	1,522	456	45	12				8,373	1st Mon
7 Fenton	\$1,000.00	\$1,500.00	2,486	24	2,048	381	33	5	no	\$160.00	\$687.50	4,022	2nd & 4th Mon
8 Ferguson												21,203	Tue & Thurs
9 Florissant	\$4,166.67	\$151 per hour for any hours spent at City Hall in preparation for court appearances and for handling court matters. \$551 per regular court session. \$676 per trial session. \$437 per DWS/DWR session. \$400 per red light camera court session.									\$151 per hour for handling any and all appeals in the Circuit Court of St. Louis County from a decision of the Municipal Division of the City of Florissant.	52,158	Wednesdays
10 Frontenac	\$1,000.00	\$1,500.00	2,351	38	1,969	344	0	21				3,482	Wednesdays
11 Glendale	\$600.00	\$600.00	2,337	11	1,610	81	635	4				5,925	2nd Mon
12 Hazelwood	\$600 per court session	\$3,350.00	17,590	31	11,904	5,655	0	99	no	Either \$150 or \$175	\$51,550.00	25,703	Tuesdays plus one day per month for red light tickets
13 Ladue	\$750.00	\$1,000.00	1,934	17	1,877	40	0	24	no	\$200.00	\$6,054.00	8,521	2nd Wed
14 Maplewood	\$1,205.00	\$1,654.00	7,120	23	4,249	2,003	845	10	yes			8,046	2nd, 3rd & 4th Mon 2nd & 4th Thurs
15 Maryland Heights	\$2,666.00	\$3,500.00	7,678	170	6,256	1,066	186	62	no	\$136.00	\$15,000.00	27,472	2nd & 4th Thurs
16 Olivette												7,737	2nd & 4th Wed
17 Overland												16,062	Wednesdays 2nd & 4th Mon Traffic
18 Richmond Heights	\$1,666.67	\$1,916.67	4,619	17	3,762	448	392	10	yes			8,603	3rd Wed Housing
19 Shrewsbury	\$1,025.00	\$1,250.00	2,960	10	2,187	737	26	2	yes			6,254	2nd & 3rd Wed
20 St. Ann	\$2,000.00	\$1,500.00	27,365	60	23,037	4,191	77	134	No	\$150.00		13,020	1st & 3rd Tues
21 University City	\$2,050.50	\$2,500.00	16,747	44	3,445	2,914	10,344	50	Yes	Only to Provisional Judges		35,371	Wednesdays
22 Webster Groves	\$1,275.00	\$3,000.00	9,571	40	8,140	375	1,016	17	yes			22,995	2nd & 4th Wed

July 2013 Municipal Court Statistics - All Cities Polled

City	Monthly Pay		Tickets Issued 2013 January - June						Certified Cases		Population	Court Dates		
	Judge	Prosecutor	Total Violations Filed	DWI	Other Traffic	Non-Traffic	Parking	No. of Cases Certified	Included in Salary	If paid separately			Prior Fiscal Year	
										Hourly Wage	Total Ann'l Payment			
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City Attorney Survey

City	Years retained by your City?	Hourly rate?	Retainer?	If so, what does retainer include or cover?	Required to attend City Council & Planning Commission mtgs?
Ballwin	4	\$175	\$2,200/mth	Legislation prep. and mtg attendance	Both
Berkley	11	\$145 for litigation	Yes	Council mtg and basic level of service	Yes to Council, no to PC, unless specifically needed
Chesterfield	6	\$135	Yes, \$2500	Covers ten hours	Both
Clayton	12	\$175	\$2500/mth	"Basic Services" Attendance at regular and special mtgs of the City Board of Aldermen, PC, Arch. Review Board, BOA, and other City boards, commissions and advisory bodies as directed by the City Manager and attendance at a regular meeting of the City staff each week. (per agreement)	Both
Creve Coeur	7.5	\$180 for time exceeding retainer	Yes, \$3500	Regular City Council (2/mth), regular mtgs of Planning and Zoning Commission (2/mth), availability for consultation by telephone or in person with the Mayor and members of City Council, City Administrator and Dept. Heads not to exceed 15 hrs per mth.	Both

City Attorney Survey

City	Years retained by your City?	Hourly rate?	Retainer?	If so, what does retainer include or cover?	Required to attend City Council & Planning Commission mtgs?
Des Peres	24 (2 yr contracts)	\$175	\$14,400	Attendance at 30 meetings (B of A and Planning & Zoning)	Yes, attends both unless excused by Mayor or City Administrator
Ellisville	8	\$175, \$180 for litigation services	\$2000 for city business	1) Prep, attendance and representation at all Council, P&Z and BOA mtgs 2) Mtgs with Council, City staff or Board and Commission members before or after regular mtgs 3) And unlimited phone and electronic communication with CM, City Council, City Clerk or City Planner	Both
Fairview Hts, IL	2	\$185	\$2,400/mth	Preparing for Muny Court, general questions on legislation, 40 hrs/mth, reviewing all contracts	Yes and other mtgs on request
Fenton	20	\$165	no		Both
Ferguson	8	\$175	no		Yes to City Council, no to PC
Ladue	11	\$150 p/h for work outside of retainer	\$24,000p/y	Prepare ordinances, review contracts, some personnel, meetings and other work as necessary	Council-yes; any other committee as required
Lake St. Louis	25	\$441	no		City Council-yes, he charges \$200p/h, PC-no

City Attorney Survey

City	Years retained by your City?	Hourly rate?	Retainer?	If so, what does retainer include or cover?	Required to attend City Council & Planning Commission mtgs?
Manchester	35	\$150	\$2575/mth	Certain phone calls and other correspondence on retainer, Ed believes, to a certain number of hours, and then his hourly rate kicks in.	In his retainer he attends 24 Board of Aldermen mtgs. Not required to attend P&Z, if he does, that usually is billable hrs, as well as other special meetings.
Maplewood	26	\$250	no		Council mtgs. Only
Maryland Heights	26	\$175	no		Both
O'Fallon, MO	4	\$225	no		Both
Olivette	8	\$150-\$200 for litigation	Yes	Council mtgs and basic level services	Yes to Council, no to PC, unless specifically needed
Richmond Heights	many years	\$200	\$2500/mth	General city business	City Council-yes, PC-no
St. John	28	\$175	Annual 18,000	Covers attendance at City Council mtgs, telephone conversations re: ordinances and daily inquiries	Yes to Council, no to PC, unless specifically needed
Town & Country	20	\$160 for litigation/ \$140 general legal services/ \$230 other legal	\$3500 prosecutor	Q&A elected official, City Administrator, meetings	Both
U-City	20	\$135	no		City Council and various other mtgs
Webster Groves	16	\$200	Yes	General City matters such as general P&Z matters, general F&A policy issues, and other departmental general administration issues.	Both

Bridgeton

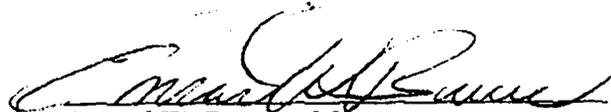
Section 5. **APPOINTED PART TIME HOURLY AND SALARIED POSITIONS.** The following positions are appointed in accordance with Section 5.02 of the City Charter. Those hourly wage and annual salary is established as follows:

City Attorney	\$237.00 per hour
Prosecuting Attorney	\$21,000 per year

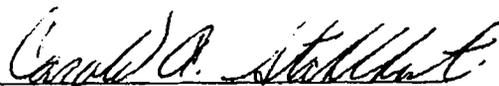
Section 6. **ENACTMENT.** This ordinance shall be in full force and effect upon its passage and approval.

PASSED THIS 19th DAY OF December, 2012

APPROVED THIS 19th DAY OF December, 2012.


Conrad W. Bowers, Mayor

ATTEST:


Carole A. Stahlhut, City Clerk

Morrison, Haley

From: Brian Whittle
Sent: Thursday, August 15, 2013 8:51 AM
To: Morrison, Haley
Cc: Michael Herring
Subject: RE: City Attorney Pay/Fee Structure

The billing rate is set at \$200 an hour for the City Attorney. When he delegates to the staff at his firm the rate is \$130 an hour.

From: Morrison, Haley
Sent: Thursday, August 15, 2013 8:48 AM
To: Brian Whittle
Cc: Michael Herring
Subject: RE: City Attorney Pay/Fee Structure

Would you be able to share the going rate?

Thanks!
Haley

From: Brian Whittle
Sent: Thursday, August 15, 2013 8:47 AM
To: Morrison, Haley
Cc: Michael Herring
Subject: RE: City Attorney Pay/Fee Structure

Haley,
We do not have a City Attorney on staff. The City Attorney is selected by City Council and paid as a '1099' vendor.
Let me know if you need anything else.
Thanks
Brian

From: Morrison, Haley
Sent: Thursday, August 15, 2013 8:32 AM
To: Carlye Lehnen (claytonmo); Deborah Hamilton; ofallon.mo; ducitymo; Priscilla Utley; Brian Whittle; creve-coeur.mo.us; webstergroves.org; Lori A. Helle (HAZELWOODMO)
Subject: City Attorney Pay/Fee Structure

Good morning,

I appreciate the help you all have given me regarding your pay ranges this year. I have one more position to review. If you could provide the pay structure or range for your city attorney, I would appreciate it.

Morrison, Haley

From: Lori A. Helle <lahelle@HAZELWOODMO.ORG>
Sent: Friday, August 16, 2013 8:23 AM
To: Morrison, Haley; Carlye Lehnen([REDACTED]claytonmo.); Deborah Hamilton; [REDACTED]ofallon.mo.; [REDACTED]ucitymo.; Priscilla Utley; Brian Whittle [REDACTED]chesterfield.mo.; [REDACTED]creve-coeur.mo.; [REDACTED]webstergroves.
Subject: RE: City Attorney Pay/Fee Structure

Our City Attorney gets \$13,800 per year for attending 2 council meetings per month. Any additional work is \$175/hour.

Sincerely,

Lori Helle

Finance Director
City of Hazelwood
415 Elm Grove Lane
Hazelwood, MO 63042

314-513-5040 office
314-839-0249 fax
314-348-9048 cell
lahelle@hazelwoodmo.org

From: Morrison, Haley [<mailto:hmorrison@ballwin.mo.us>]
Sent: Thursday, August 15, 2013 8:32 AM
To: Carlye Lehnen ([REDACTED]claytonmo.); Deborah Hamilton; [REDACTED]ofallon.mo.; [REDACTED]ucitymo.; Priscilla Utley; Brian Whittle [REDACTED]chesterfield.mo.); [REDACTED]creve-coeur.mo.; [REDACTED]webstergroves.; Lori A. Helle
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Have a good day and thanks again!

Haley

Morrison, Haley

From: Reiche, Lynne
Sent: Tuesday, September 10, 2013 3:31 PM
To: Morrison, Haley
Subject: RE: CA Retainer

\$2266.00 \$175.00 per hour

From: Morrison, Haley
Sent: Tuesday, September 10, 2013 12:30 PM
To: Reiche, Lynne
Subject: CA Retainer

What is the retainer for Jones and then his hourly rate?

Thanks!
Haley

Morrison, Haley

From: Rick Brown [redacted]@ofallon.mo.
Sent: Wednesday, November 20, 2013 11:29 AM
To: Morrison, Haley
Subject: RE: question

From our Finance Director (Kevin is the City attorney)

We pay Kevin \$225 per hour, but his associates may be paid at a different rate based upon their position. Their rates would be lower than the \$225 per hour.



Rick Brown, SPHR
Human Resources Manager
City of O'Fallon, MO 63366
rbrown@ofallon.mo.us
Ph. 636-379-5511
Cell 636-233-0364
Fax 636-379-5509

From: Morrison, Haley [<mailto:hmorrison@ballwin.mo.us>]
Sent: Wednesday, November 20, 2013 11:01 AM
To: Rick Brown
Subject: RE: question

What about your city attorney?

From: Rick Brown [redacted]
Sent: Tuesday, November 19, 2013 7:52 AM
To: Morrison, Haley
Subject: RE: question

Judge - \$24,000.00
Prosecutor - \$45,000.00



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Human Resources Manager
City of O'Fallon, MO 63366
rbrown@ofallon.mo.us
Ph. 636-379-5511
Cell 636-233-0364
Fax 636-379-5509

From: Morrison, Haley [<mailto:hmorrison@ballwin.mo.us>]
Sent: Monday, November 18, 2013 3:09 PM
To: Rick Brown
Subject: question

Morrison, Haley

From: Lori A. Helle <lahelle@HAZELWOODMO.ORG>
Sent: Friday, August 16, 2013 8:23 AM
To: Morrison, Haley; Carlye Lehnen(clehnen@claytonmo.gov); Deborah Hamilton; rbrown@ofallon.mo.us; tcharumilind@ucitymo.org; Priscilla Utley; BrianWhittle (BWhittle@chesterfield.mo.us); sstott@ci.creve-coeur.mo.us; bestm@webstergroves.org
Subject: RE: City Attorney Pay/Fee Structure

Our City Attorney gets \$13,800 per year for attending 2 council meetings per month. Any additional work is \$175/hour.

Sincerely,

Lori Helle

Finance Director
City of Hazelwood
415 Elm Grove Lane
Hazelwood, MO 63042

314-513-5040 office
314-839-0249 fax
314-348-9048 cell
lahelle@hazelwoodmo.org

From: Morrison, Haley [<mailto:hmorrison@ballwin.mo.us>]
Sent: Thursday, August 15, 2013 8:32 AM
To: Carlye Lehnen (clehnen@claytonmo.gov); Deborah Hamilton; rbrown@ofallon.mo.us; tcharumilind@ucitymo.org; Priscilla Utley; Brian Whittle (BWhittle@chesterfield.mo.us); sstott@ci.creve-coeur.mo.us; bestm@webstergroves.org; Lori A. Helle
Subject: City Attorney Pay/Fee Structure

Good morning,

I appreciate the help you all have given me regarding your pay ranges this year. I have one more position to review. If you could provide the pay structure or range for your city attorney, I would appreciate it.

Have a good day and thanks again!

Haley

Morrison, Haley

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Ph. 636-379-5511
Cell 636-233-0364
Fax 636-379-5509

From: Morrison, Haley [<mailto:hmorrison@ballwin.mo.us>]
Sent: Monday, November 18, 2013 3:09 PM
To: Rick Brown
Subject: question

Hi Rick,

I was wondering if you could share with me the salary of your municipal judge and prosecutor.

Thanks,
Haley

Sponsored by: Finance Committee

RESOLUTION NO. 2008-974

A RESOLUTION MODIFYING THE COMPENSATION OF THE CITY ATTORNEY

WHEREAS, Ordinance 7 of the City of Maryland Heights provides for the appointment of Howard Paperner as City Attorney.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Maryland Heights, as follows:

RESOLVED, that Howard Paperner shall be compensated in the amount of One-Hundred Seventy-Five (\$175.00) Dollars per hour for professional services rendered to the City, payable monthly upon submission of itemized statements.

FURTHER RESOLVED, that Howard Paperner may designate additional attorneys who shall provide legal services under the direction of Howard Paperner, said services to be compensated at the rate of One Hundred Seventy-Five (\$175.00) Dollars per hour.

This Resolution shall be in effect as of October 3, 2008.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 2nd DAY OF OCTOBER 2008.

MAYOR/PRESIDING OFFICER

ATTEST:

CITY CLERK

CITY OF KIRKWOOD
PROPOSAL FOR LEGAL SERVICES

The law firm of Lewis, Rice & Fingersh proposes the following terms and conditions for legal services rendered after April 1, 2013:

I. **RETAINER SERVICES:**

- A. The following legal services shall be rendered to the City for the fee of \$4,200.00 per month for the period of April 1, 2013 through March 31, 2014 and for the fee of \$4,250.00 per month for the period of April 1, 2014 through March 31, 2015:
1. Attendance at:
 - (a) Regular meetings of the City Council;
 - (b) Meetings of Board of Adjustment
 2. Maintain "Office Hours" at City Hall on the second and fourth Tuesday morning of every month, or at a comparable time as may be directed by the Chief Administrative Officer, to meet with members of City Council, department heads and staff.
 3. Draft and review ordinances, resolutions memos and legal opinions at City Hall during the regular "Office Hours".
 4. Consult with members of City Council and Chief Administrative Officer and render verbal legal opinions as may be requested by the members of the City Council and the Chief Administrative Officer.

II. **HOURLY SERVICES:**

The following services shall be rendered to the City at the rate of \$275.00 per hour for the period of April 1, 2013 through March 31, 2014 and at the rate of \$280.00 per hour for the period of April 1, 2014 through March 31, 2015:

- A. Attendance at meetings not included in the retainer service.
- B. Telephone consultation with department heads, members of Boards and Commissions and preparation of memos and legal opinions outside of the "Office Hours" provided that the research and preparation of such memos and opinions does not exceed two (2) hours.