

MEMORANDUM

To: Mayor and City Council

From: Eric Linton

Date: July 11, 2016

Subject: **City Manager's Report on Legal Counsel for Second Opinion**

ITEM DESCRIPTION

Update on selection of legal counsel to provide a second opinion on membership of City Boards

BACKGROUND

As directed by City Council at the June 24, 2016 meeting, the City Manager has contacted firms offering legal services to municipal governments to solicit proposals for a second legal opinion regarding membership on City boards. Proposals were received from two firms.

The attorneys of Turner & Ross, LLC, based in Marietta, offer more than thirty years of combined experience working with local governments in Georgia. Some of the jurisdictions served include Floyd County, Fulton County, DeKalb County, Hancock County, Forsyth County, City of Duluth, and City of East Point.

Hulsey, Oliver & Mahar, LLP, based in Gainesville, also offers a wealth of experience and expertise to local government clients. The firm's client list includes City of Gainesville, City of Blue Ridge, City of Blairsville, City of Dahlonega, Hall County, Fannin County, and Forsyth County, among others.

Both of these firms are well-qualified to perform the required scope of services. The City Manager is reviewing the proposals and will select one firm to conduct the legal review requested by City Council.

HULSEY, OLIVER & MAHAR, LLP
SUBMISSION TO THE CITY OF DUNWOODY TO PROVIDE LEGAL SERVICES

1) Overview of the firm (to include history of firm, staffing levels, physical location, services provided):

Hulsey, Oliver & Mahar, LLP enjoys an AV Preeminent Peer Review rating by Martindale Hubbell, which is the highest rating a firm can receive. Our law firm consists of fifteen (15) attorneys and eleven (11) staff. In 2014, we celebrated our founder E.D. Kenyon's 100th anniversary of providing legal services to the North Georgia community. We have a strong history of service to a myriad of nonprofit organizations in the area, and five (5) members of our law firm have served on the Gainesville City School Board. We are located at 200 E. E. Butler Parkway, N.E., Gainesville, Georgia 30501.

Colonel Ed, as E.D. Kenyon was affectionately called, began practicing law on June 1, 1914. In 1946, Colonel Ed was joined by his son, A. R. "Dick" Kenyon, and William D. Gunter in a partnership known as Kenyon, Kenyon & Gunter. William D. Gunter served as City Attorney for Gainesville during the 1950s and 1960s. Our firm offers a full-service legal practice, and we have developed a strong local government law practice over the years, representing the State of Georgia, agencies and authorities, municipal corporations, and counties. Our firm has expertise in a wide variety of issues relating to local government representation, including employment issues, eminent domain, zoning, real estate, and litigation.

2) Municipal services Hulsey, Oliver & Mahar, LLP are capable of providing:

Our firm is uniquely equipped to handle all local government legal matters because of our experience and concentration in the following areas:

- Open meetings and Open Records Acts
- Zoning and development codes
- SPLOST
- Election laws
- Condemnation, including road rights-of-way, sewer plant, and extensions of airport runways
- Employment law
- Water and sewerage
- Administrative law
- Government ethics
- Environmental law
- Local government finance and issuance of bonds
- Ad valorem taxation
- Real estate
- Law enforcement issues

Additionally, many of our attorneys are seasoned trial lawyers with experience in both state and

federal courts. We have extensive experience in the drafting of municipal ordinances, personnel matters, federal Section 1983 claims, zoning hearings, LOST and SPLOST negotiations, annexations, and other nuts and bolts issues pertaining to municipalities. One member is past chairman of the local government section of the State Bar of Georgia. A number of our attorneys serve as Special Assistant Attorneys General (“SAAGs”), by special appointment of the Attorney General of the State of Georgia in order to represent various State agencies and authorities, such as:

- Georgia Department of Transportation
- Lake Lanier Islands Development Authority
- Georgia Department of Natural Resources
- Georgia Mountain Community Services
- Georgia Environmental Finance Authority
- Superior Court Clerk’s Retirement Authority

3) What other governments do you currently serve or have you served in the past? How long have you served these governments?

Hulsey, Oliver & Mahar, LLP either currently serves or in the past has served as City Attorney or County Attorney for the following local governments:

- City of Gainesville (1954 – 1970 and 2016 to present)
- City of Blue Ridge (2003 to present)
- City of Baldwin (1994 to present)
- City of Clermont (2005 to present)
- City of Tallulah Falls (2006 – 2013)
- City of Maysville (2007 to present)
- City of Gillsville (1995 to present)
- City of Flowery Branch (1988 – 1997)
- Hall County (1979 – 1989)
- Jackson County (2005 – 2013)
- Jackson County Water and Sewerage Authority (2005 – to present)
- Jackson County Airport Authority (2005 – 2013)
- White County (2006 – 2012)
- Union County (1996 – 2000)¹

Additionally, in the past and at present, we continue to be employed by city and county attorneys to perform specific legal services on behalf of various local governments, identified as follows:

- City of Oakwood
- City of Blairsville
- City of Dahlonega

¹ The dates given are best estimates.

- Town of Braselton
- Hall County
- Dougherty County
- Lumpkin County
- Fannin County
- Pickens County
- Washington County
- Stephens County
- Towns County
- Forsyth County
- Morgan County
- Walton County
- Hart County

4) Who will be the primary attorney? (Provide resume)

Abbott S. Hayes, Jr. will serve as the primary attorney. His resume is attached.

5) What is the hourly rate for your attorneys, paralegals, secretaries, and other personnel?

Our hourly rate for all attorneys would be \$200.00 per hour. The \$200.00 per hour rate is significantly less than our standard rates for private clients. There is no charge for legal secretaries and other personnel.

6) References

Bryan Lackey
City Manager, City of Gainesville
678-602-2249
blackkey@gainesville.org

Matt Tate
Planner, City of Gainesville
770-531-6573
mtate@gainesville.org

VITA OF ABBOTT S. HAYES, JR.

DATE OF BIRTH: Born Gainesville, Georgia, May 21, 1969.

EDUCATION: Gainesville High School, 1987.

University of Georgia, B.A. Degree, 1990.

University of Georgia School of Law, 1994.

EMPLOYMENT HISTORY: Internships during Law School at Myers & Stroberg, Stewart, Melvin & Frost, Hulsey, Oliver & Mahar, and Hall County DA's Office, 1991-1994.

Law Clerk to Honorable Richard W. Story, 1994-1996.

Hulsey, Oliver & Mahar, 1996-present.

PROFESSIONAL AND CIVIC ACTIVITIES: President, Gainesville-Northeastern Bar Association, 2012-2013.

President, Chattahoochee American Inn of Court, 2010-2011.

Boys & Girls Clubs of Hall County Board member, including service as President, Vice-President, Board Development Chair, Resource Development Chair, 1996-2016.

Gainesville First United Methodist Church lifetime member, including service as chair of Capital Campaign, Debt Campaign, Outreach Committee, and Evangelism Committee.

President, Gainesville High School Athletic Booster Club, 2013 - 2015.

Meals on Wheels volunteer, 2003-present.

Hall County Mentor Program Board member, including service as President, 1995-2000.

Named Young Man of the Year for Gainesville/Hall County by Gainesville Jaycees, 2003-2004.

Kiwanis Youth Service Award winner, 2014.

Active member of the State Bar of Georgia and the Gainesville-Northeastern Bar Association.

Martindale-Hubble Lawyer Competency Rating is AV, which is highest rating given by fellow attorneys.

Turner & Ross, LLC

In January, 2008, attorneys Randy Turner and Valerie Ross merged their law practices to create the firm of Turner & Ross, LLC. Randy Turner and Valerie Ross have more than 30 years of combined experience representing local governments, elected and non-elected local government officials, as well as numerous individuals and business entities in a wide variety of litigation and transactional matters.

Turner & Ross, LLC is dedicated to client success. We believe in hard work, the application of sound legal principles, adherence to the highest professional standards and the development and implementation of winning strategies that minimize risks, control costs and achieve results.

William R. (Randy) Turner

Turner & Ross, LLC
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404-731-0656 (Mobile)

www.turnerross.com
RTurner@turnerross.com

Qualifications and Experience.

1990 Graduate -- Northern Illinois University College of Law
1987 Graduate -- University of Georgia (Political Science / Economics)

Admissions:

- * State Bar of Georgia November, 1990
- * Admitted to Practice in all State and Superior Courts
- * Georgia Court of Appeals April, 1996
- * Georgia Supreme Court November, 1995
- * U.S. District Court (ND Ga.) April, 1993
- * 11th Cir. U.S. Court of Appeals June, 1995
- * U.S. Supreme Court February, 2001

Summary of Experience:

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|------------------------------------|-----------------------------|--------------|
| Legal Aide | Georgia General Assembly | 1991-1992 |
| Staff Attorney | Floyd County, Georgia | 1992-1994 |
| Interim County Manager | Floyd County, Georgia | 11/1994 |
| Staff Attorney | Fulton County, Georgia | 1994-1997 |
| Associate | Freeman, Mathis & Gary, LLP | 1997-1998 |
| Senior Attorney | Fulton County, Georgia | 1998-1999 |
| Managing Attorney | Fulton County, Georgia | 1999-2004 |
| Randy Turner, Attorney at Law, LLC | | 2004-2008 |
| Turner & Ross, LLC | | 2008-Present |

Summary of Past Practice:

- * 12-plus years of in-house local government experience (Floyd County, Georgia / Fulton County, Georgia)
- * 5-plus years of government in-house legal management experience (Fulton County, Georgia)
- * 12 years of private practice experience
 - > Turner & Ross, LLC January, 2008 - Present
 - > Randy Turner, Attorney at Law, LLC Aug., 2004 - Jan., 2008
 - > Freeman, Mathis & Gary, LLP 1997-1998

Summary of Representative In-House Government Responsibilities:

- * Drafting and presentation of local acts and ordinances
- * Drafting and presentation of governing body rules and policies

- * Prepare legal opinions for elected and non-elected officials
- * Provide day-to-day advice to elected and non-elected officials

- * Provide legal opinions and advice in in the areas of local government finance, taxation, purchasing, land use and zoning, public safety, elections, personnel, governmental powers and the development, drafting and implementation of local government ordinances, policies and procedures

- * First and assisting chair litigation responsibilities in the areas of governmental powers, taxation, elections, constitutional rights, police misconduct and jail practices

- * Serve as presiding legal officer at meetings of governing body and various local government boards and authorities

Summary of Representative Private Practice Responsibilities:

- * Responsible for litigation on behalf of local governments and elected officials in the areas of civil rights, governmental powers, land use and zoning, elections, taxation, public safety and jail practices

- * Responsible for litigation and administrative proceedings on behalf of individuals in land use and zoning matters, civil rights, taxation, personal injury, professional licensing and in matters before the State Ethics Commission

- * Numerous transactional / non-litigation responsibilities representing local governments in personnel, taxation, public utilities and procurement practices

- * Numerous transactional responsibilities representing individuals in various claims and disputes

Representative Local Government Clients and Matters:

Floyd County, Georgia (In-House) 1992-1994

- * Prosecution of actions before personnel board
- * Drafting of local ordinances, policies and procedures
- * Provide advice to governing body, boards and authorities regarding taxation and governmental powers
- * Provide second chair assistance with the preparation and trial of police misconduct and jail cases

Fulton County, Georgia (In-House) 1994-1997, 1998-2004

- * Provide advice to governing body, boards and authorities regarding
 - * Finance, budgeting and procurement
 - * Taxation
 - * Board policies and procedures
 - * Ethics
 - * Elections and redistricting
 - * Intergovernmental relations and lobbying
 - * Land use and zoning
 - * Governmental powers
 - * Risk management and insurance
- * Directly handled or managed litigation regarding
 - * Budgeting and procurement
 - * Taxation
 - * Governmental powers
 - * Land use and zoning
 - * Employment
 - * Police misconduct

Sheriff of Fulton County, Georgia (Private Practice)

- * Serve as first chair in ongoing jail conditions litigation
- * Provide advice regarding budgeting and procurement matters

Hancock County, Georgia / BOC Chairman (Private Practice)

- * First chair in litigation of governmental powers matter
- * First chair in litigation of elections protest

DeKalb County, Georgia (Private Practice)

- * Served as member of legal team negotiating settlement in class action civil rights litigation
- * Serve as designated expert in tax appeal matter
- * Serve as independent investigator in personnel matter
- * Serve on litigation team in adult entertainment litigation

City of Duluth, Georgia (Private Practice)

- * Served as independent investigator in complex personnel matter

City of East Point, Georgia (Private Practice)

- * First chair in litigation of public safety matter
- * First chair in taxation litigation
- * First chair in civil rights / personal injury matter
- * Provide advice and expertise in public utility billing dispute
- * Assist City Attorney by acting as presiding legal officer at City Council meetings
- * Served as independent investigator in credit card matter
- * Served as independent investigator in purchasing matter

Fulton County Board of Tax Assessors

- * First chair in numerous property tax appeals

Fulton County Tax Commissioner (Private Practice)

- * First chair in litigation of tax collection matters
- * First chair in litigation regarding statutory powers

Representative Non-Governmental Clients and Matters:

Individuals and small businesses

- * Handle real estate disputes
- * Handle litigation and administrative proceedings in land use and zoning matters
- * Handle private insurance claims
- * Serve as first chair counsel in civil rights litigation
- * Various contract disputes / litigation and non-litigation
- * Wills and planning documents

Engineering and consulting firms

- * Local government contracting
- * Landfill matters
- * State administrative proceedings

Elected Local Government Officials

- * Handle administrative proceedings before State Ethics Commission

Valerie A. Ross

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2001 Graduate -- Texas Southern University, Thurgood Marshall
College of Law
1996 Graduate -- Oakwood University

Admissions:

- | | |
|--|------------|
| * State Bar of Georgia | June, 2001 |
| * Admitted to Practice in all State and Superior Courts | |
| * Georgia Court of Appeals | May, 2002 |
| * Georgia Supreme Court | June, 2002 |
| * U.S. District Court (ND Ga.) | July, 2002 |
| * 11th Cir. U.S. Court of Appeals | May, 2003 |

Summary of Experience:

Assistant State Court Solicitor Forsyth County, Georgia 2001-2002

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|---------------------------------|------------------------|--------------|
| Staff Attorney | Fulton County, Georgia | 2002-2006 |
| V.A. Ross, Attorney at Law, LLC | | 2006-2008 |
| Turner & Ross, LLC | | 2008-Present |

Summary of Past Practice:

- * 5 years of in-house local government experience
- * 9 years of private practice experience
 - > Turner & Ross, LLC January, 2008 - Present
 - > V.A. Ross, Attorney at Law, LLC 2006 - 2008

Summary of Representative In-House Government Responsibilities:

- * Prosecution of misdemeanor criminal cases
- * Drafting and presentation of local ordinances
- * Prepare legal opinions for elected and non-elected officials
- * Direct responsibilities in the areas of zoning and land use, tax appeals, parks and recreation, code enforcement and community development
- * First and assisting chair responsibilities in the litigation of land use and zoning cases, tax appeals, code enforcement matters, grievance board and personnel board hearings
- * First chair responsibility in the litigation of Fulton County's sign ordinance
- * Serve as presiding legal officer at meetings of the Fulton County Board of Zoning Appeals and the Code Enforcement Board

Summary of Representative Private Practice Responsibilities:

- * First chair litigation responsibilities representing the City of East Point, Georgia in land use and zoning matters

- * Serve as presiding legal officer at meetings of the City of East Point Planning and Zoning Commission
- * First chair representation of Fulton County Sheriff's Deputy in Section 1983 police misconduct litigation
- * Represent City of East Point in various civil proceedings
- * Represent individuals and homeowner association in zoning and land use matters
- * Represent individuals in personal injury claims, including medical malpractice and wrongful death

Representative Local Government Clients and Matters:

Forsyth County, Georgia (In-House / Assistant State Solicitor)

- * Prosecute misdemeanor cases in State Court

Fulton County, Georgia (In-House)

- * Provide advice and serve as first or assisting chair in litigation regarding
 - * Land use and zoning
 - * Parks and recreation
 - * Tax assessment and appeals
 - * Environment and community development
 - * Permitting and code enforcement

City of East Point, Georgia (Private Practice)

- * Provide advice and serve as first or assisting chair in litigation regarding
 - * Land use and zoning
 - * Civil rights and personal injury

Representative Non-Governmental Clients and Matters:

Individuals and small businesses

- * Provide advice and handle litigation and/or administrative proceedings in land use and zoning

- * Provide advice and/or handle litigation regarding personal injury, including medical malpractice and wrongful death

Accessibility.

Turner & Ross, LLC is located just outside of Marietta, Georgia. The offices of Turner & Ross, LLC are open and staffed by a receptionist from 8:30 - 5:00, Monday through Friday.

It is the policy of the attorneys at Turner & Ross, LLC that all client phone calls be returned during the same business day, or no later than the morning of the next business day. Attorneys Turner and Ross are available at virtually any time by phone and email; emails can usually be responded to within an hour of their receipt. Questions involving routine matters can frequently be handled over the phone or by email within the same business day; or, if a more formal response is requested or appropriate under the circumstances, written letters of advice or legal opinions of the firm can be provided within 1-3 business days. With respect to any request for assistance, however, whether it be routine or complex, the attorneys at Turner & Ross, LLC will endeavor to react as quickly as possible and will provide a fairly immediate and realistic estimate of the time required for a complete response.

If you would like additional information or if you have specific questions, please contact a member of the firm at your convenience.

Turner & Ross, LLC

| | |
|--------------------------|------------------------|
| <i>Randy Turner</i> | <i>Valerie Ross</i> |
| William R. Turner | Valerie A. Ross |

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