

<b>Meeting Date (?)</b>	03/22/2016
<b>Subject Matter* (?)</b>	Legal Services Contract for Mathews and Freeland LLP This must match rolling agenda entry
<b>Department of Origin*</b>	WATER SERVICES
<b>Submitted By*</b>	Jayson Barfknecht
<b>Type of Meeting*</b>	<input type="radio"/> BCD <input type="radio"/> Special <input checked="" type="radio"/> Regular
<b>Classification*</b>	<input type="radio"/> Public Hearing <input type="radio"/> Consent <input checked="" type="radio"/> Statutory <input type="radio"/> Regular
<b>Ordinance*</b>	<input checked="" type="radio"/> None <input type="radio"/> First Read <input type="radio"/> Second Read <input type="radio"/> First & Only Read
<b>Strategic Initiative*</b>	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Service <input checked="" type="checkbox"/> Economic Development <input checked="" type="checkbox"/> Infrastructure <input checked="" type="checkbox"/> Quality of Life
<b>Agenda Item Description*</b>	Consider approving the First Amended Agreement for Legal Services with the law firm of Mathews and Freeland L.L.P for representation in connection with the ground water district, Texas Commission on Environmental Quality (TCEQ), and other water law-related matters in a not to exceed amount of \$150,000.
<b>Summary Statement*</b>	<p>For certain specialized areas, the City of Bryan relies on external legal expertise for counsel, recommendations, and representation. For example, the City pursued an application to amend its water utility certificate of convenience and necessity (CCN) with both Brushy and OSR (both issues now closed), the City of Bryan went through a process to obtain bed and banks (B&amp;B) authorization to reuse the City's municipal return flows (i.e. the City's treated wastewater), and the City is continuing to follow Brazos River Authority's (BRA) pursuit of a system wide permit for the Brazos River basin. The City of Bryan also is following closely the groundwater district and actions that may negatively impact the permitted water to the City of Bryan. These topics require the need to rely upon legal counsel specializing in State of Texas water law and a familiarity with water issues.</p> <p>This proposed contract with the law firm of Mathews and Freeland L.L.P. includes billing fees by the firm up to \$300.00 per chargeable hour. Typically, the City's services are provided by Jim Mathews whose current billing rate is \$300.00 per chargeable hour. Other personnel rates, such as briefing clerk fees and paralegal fees, are \$75.00 per chargeable hour. Additionally, incidentals, such as photocopies and facsimiles sent are costs the City should expect to incur. Out-of-pocket expenses incurred and charged to the City include a fifteen (15%) overhead charge. The proposed annual agreement has a total not exceed amount of \$150,000.00.</p> <p>This annual contract, if renewed, will expire on September 30, 2016. The City has expended the following amounts on legal services: 2009 - \$98,592.99; 2010 - \$37,480.01; 2011 - \$123,196.43; 2012 - \$54,823.22; 2013 - \$57,832.67; 2014 - \$104,622.35; 2015 - \$64,365.20; 2016 (to date) - \$43,014.55. Water Services budgeted \$40,000 in legal services and \$165,000 in contractual services for FY2016.</p> <p>Staff recommends approval of this contract. Utilizing another firm at this stage in the B&amp;B process, groundwater related issues, and other water-related items and issues could be detrimental to the City's progress. Additionally, another firm would need to become familiar with the City's pending agreements and applications.</p>
<b>Staff Analysis &amp; Recommendation*</b>	Staff recommends approving the proposed contract with Mathews and Freeland, L.L.P to provide legal representation in connection with the groundwater district and other water-related matters. As a recognized expert in water legislation and other matters, the law firm of Mathews and Freeland, L.L.P provides beneficial legal counsel to the City of Bryan.

**Options\***

(In Suggested Order of Staff Preference)

1. Approve the First Amended Agreement
2. Do not approve the First Amended Agreement and utilize another outside firm.
3. Do not approve the First Amended Agreement and have City staff perform this work.
4. Do not have legal representation.

**Funding Source\***

Water Services fund (as budgeted)

**Attachments**

Mathews Freeland - First Amended Agreement for Legal Services (2015-2016).pdf 13.89KB

Please detail attachments and note attachments available for viewing in City Secretary's Office:

1. Proposed First Amended Agreement

**Dept. Head Signature**

JAYSON E. BALFNECHT 03/12/16

**Deputy City Manager  
Signature**

Hugh R. Walker

**City Manager Signature**



**City Attorney Signature**

Janis K. Hampton