

NICHOLS, JACKSON, DILLARD, HAGER & SMITH, L.L.P.

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ROBERT L. DILLARD, JR. (1913-2000)
H. LOUIS NICHOLS
LAWRENCE JACKSON
OF COUNSEL

December 3, 2015

Mayor and City Council
City of Farmers Branch
13000 Wm. Dodson Parkway
P.O. Box 819010
Farmers Branch, Texas 75234

Re: Amended Engagement Agreement for Services for Legal Representation

Dear Mayor Phelps:

This will serve to amend the letter agreement for legal services between the City of Farmers Branch and the firm of NICHOLS, JACKSON, DILLARD, HAGER & SMITH, L.L.P. ("Firm"), effective October 1, 2008.

Previously the City of Farmers Branch, by letter agreement, engaged the Firm to provide legal services to the City effective October 1, 2008 (the "Letter Agreement"). Pursuant to the Letter Agreement the Firm provided City Attorney and legal services beginning October 1, 2008, continuing through and including September 31, 2009, following which the engagement continued on an annual basis until terminated by the City Manager. The City Council desires to amend the Letter Agreement to provide that the Firm continues to provide legal services on an annual basis until terminated by the City Council as set forth herein.

The Firm will designate an individual to serve as City Attorney and will designate one or more individuals to serve as municipal court prosecutors. Mr. Peter G. Smith will continue to serve as the City Attorney for the City of Farmers Branch, who may be contacted by email at psmith@njdhs.com, cellular telephone (214) 535-3818, direct dial telephone (214) 665-3365, which has voicemail, or at the Firm's general telephone line (214) 965-9900, which also has an automated voice mail after normal working hours. In addition, you may contact Mr. Smith at home at (972) 671-6765. Mr. Kevin B. Laughlin will continue to be the secondary attorney for the City of Farmers Branch. He may be reached by email at klaughlin@njdhs.com, cellular telephone (432) 770-3763, or direct dial telephone (214) 665-3337. Mr. Evan Fischer will serve as the municipal court prosecutor. He may be reached by email at efisher@njdhs.com, cellular telephone (214) 952-25440, or direct dial telephone (214) 665-3347. The City Attorney and the secondary attorney are available to provide legal services to the City Council, City Manager and staff, attend City Council meetings, conduct office hours, and attend City staff meetings and any other meetings as required by the City Council or City Manager. All attorneys of the Firm are available to provide legal services to the City Council, City Manager, and staff as needed. The

Firm will provide opinions, contracts, ordinances or other documents to the City via U.S. Mail, facsimile transmission, email, or by courier, as required.

The Firm and the individual designated as the City Attorney owe both the duty of undivided loyalty and confidentiality to the City of Farmers Branch, as the organization. The Firm and designated City Attorney will be responsive to the City Council and receive direction from the City Council as a whole, with the City Manager providing day to day direction as to the required legal services consistent with the directions and policies of the City Council.

NICHOLS, JACKSON, DILLARD, HAGER & SMITH, L.L.P. will provide the required legal services at the hourly rate of \$170.00 per hour billed in .25 increments. The Firm reserves the right to increase its hourly rate and will provide written notice to the City prior to consideration of the City budget for the ensuing budget year. This rate applies to all attorneys, regardless of experience. The Firm does not charge for paralegal time. The City will be provided with a monthly itemized invoice for legal services which will include the date, description of the activity or transaction, the initials of the person performing the service, the time used for that service, the amount charged, client cost and a total of the fees and costs due for the monthly period. The Firm charges for the cost of copies and for outgoing facsimile transmissions, courier service, reimbursement for mileage at current IRS rates and for travel expenses as approved by the City Manager. If at any time the City Council and/or City Manager have any questions regarding the charges shown on the monthly invoice, the Firm will immediately investigate and, if necessary, eliminate such charges or provide a credit in the next billing.

The parties understand and agree that the City Council for the City of Farmers Branch or the Firm may terminate this engagement for any reason upon ninety (90) days prior written notice. In the event of termination, the Firm shall be compensated for all services rendered prior to the effective date of such termination.

Thank you for this opportunity to be of service to the City, we look forward to working with you and your staff. If you have any questions in this regard, please do not hesitate to contact me. If the terms are acceptable, please execute in the signature block provided below and return a conformed copy to us.

Very truly yours,

**NICHOLS, JACKSON, DILLARD,
HAGER & SMITH, L.L.P.**

By: 
PETER G. SMITH

PGS:tlo

Mayor and City Council
City of Farmers Branch
December 3, 2015
Page 3

ACCEPTED:

CITY OF FARMERS BRANCH

By: 

Bob Phelps, Mayor

NICHOLS, JACKSON, DILLARD, HAGER & SMITH, L.L.P

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ROBERT L. DILLARD, JR. (1913-2000)
H. LOUIS NICHOLS (1916-2010)

ROBERT L. DILLARD, III
OF COUNSEL
LAWRENCE W. JACKSON
OF COUNSEL

June 3, 2016

Mr. Charles Cox
City Manager
City of Farmers Branch
13000 William Dodson Parkway
Farmers Branch, Texas 75234

Dear Mr. Cox:

Due to the increased costs of health care, other employee benefits, technology, and inflation, it will be necessary to increase our hourly rate for general legal services to \$185.00 per hour, effective beginning October 1, 2016. Our hourly rate for municipal court services will remain \$170.00 per hour.

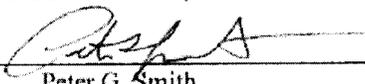
We have not increased our hourly rates in two (2) years. As a result, the Firm's hourly rate has not kept track with the costs of inflation and operational increases. Even with an increase, our rate for legal services is very competitive compared to other law firms providing legal services to local governments and the public sector.

We will continue to provide the best legal services on a cost effective basis. As always, it is an honor and pleasure to serve you.

Thank you for your attention. If you have any questions please do not hesitate to contact us.

Very truly yours,

**NICHOLS, JACKSON, DILLARD
HAGER & SMITH, L.L.P.**

By: 

Peter G. Smith

PGS:cb:cc

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