

CITY COUNCIL
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Marichal Price, Post 2
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City of Hogansville



Jonathan Lynn, City Manager
Lisa Kelly, Assistant City Manager
Alex Dixon, City Attorney

400 E Main St
Hogansville GA 30230-1196
706-637-8629 | cityofhogansville.org

COUNCIL ACTION FORM

MEETING DATE: September 8, 2020

SUBMITTED BY: Lynne Miller

LSM

AGENDA TITLE: Legal Services Agreement for USDA Loans

CLASSIFICATION (City Attorney must approve all ordinances, resolutions and contracts as to form)

- | | | | |
|--|-------------------------------------|---|---|
| <input type="checkbox"/> Ordinance (No. ____) | <input type="checkbox"/> Contract | <input type="checkbox"/> Information Only | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Resolution (No. ____) | <input type="checkbox"/> Ceremonial | <input checked="" type="checkbox"/> Discussion/Action | <input type="checkbox"/> Other |

BACKGROUND (Includes description, background, and justification)

The City of Hogansville has been tentatively approved by USDA for Capital Facilities Loans to purchase a new backhoe and 300 reconditioned, warrantied radio-read gas meters. The backhoe loan will be \$66,500 with a City match of \$25,000; and the gas meters loan will be \$9,000 with a City match of \$9,000.

USDA requires Legal Services Agreements specifically for these loans. The City Attorney typically provides these loan-related services under separate contracts with the City, to meet USDA requirements.

BUDGETING & FINANCIAL IMPACT (Includes project costs and funding sources)

This Legal Services Agreement will enable low interest USDA loans for a backhoe and 300 gas meters. Together, the two loans will total \$75,500, with a City match of \$34,000 from City budget. The proposed Legal Services Agreement for these loans will be billed at a rate of \$175 per hour plus expenses. Total hourly billing will not exceed \$3,500 and expenses will not exceed \$250. The one agreement will cover both the backhoe and gas meter loans.

STAFF RECOMMENDATION (Include possible options for consideration)

Approve the proposed Legal Services Agreement with City Attorney Alex Dixon, as required by the USDA Capital Facilities Loans program, for the backhoe and gas meters loans.

**UNITED STATES DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT**

Legal Services Agreement

This agreement made this ____ day of September, 2020, between the **CITY OF HOGANSVILLE, GEORGIA**, hereinafter referred to as the "Public Body," and **ALEX L. DIXON**, hereinafter referred to as the "Attorney."

WHEREAS, the Public Body is a political subdivision of the State of Georgia; and

WHEREAS, the Public Body intends to purchase one (1) backhoe and up to three hundred (300) gas meters to serve the City of Hogansville, Georgia; and

WHEREAS, the Attorney agrees to perform all legal services necessary to the planning, financing, and construction of the aforementioned purchases;

WITNESSETH

That for and in consideration of the mutual covenants and promises between the parties hereto, it is hereby agreed:

SECTION A – LEGAL SERVICES

That the Attorney will perform such services as are necessary to accomplish the above recited objectives including, but not limited to, the following:

1. Furnish advice and assistance to the governing officials of the Public Body in connection with (a) the notice for and conduct of meetings; (b) the preparation of minutes of meetings; (c) the preparation and enactment of such resolutions and ordinances as may be necessary in connection with authorizations, financing, construction, and operation of the system; (d) the preparation of such affidavits, publication notices, ballots, reports, certifications, and other instruments and advice as may be needed in the conduct of such bond elections as may be necessary; (e) the preparation and completion of such bonds or other obligations as may be necessary to finance the improvements to the system; (f) the completion and execution of documents for obtaining a loan made or insured or a grant made by the United States of America, acting through Rural Development; (g) entering into construction contracts; (h) preparation and adoption of ordinances concerning Rules and Regulations, rate schedules, etc.; and (i) such other corporate action as may be necessary in connection with the purchasing of the vehicles and equipment;
2. Review of any construction or procurement contracts, bid letting procedure, and surety and contractual bonds in connection therewith; and
3. Cooperate with the city officials regarding the preparation of any necessary title documents, permits, and other instruments.

SECTION B – COMPENSATION

1. The Public Body will pay to the Attorney for professional services rendered in accordance herewith, fees as follows:

The Public Body will pay the Attorney at the rate of \$175.00 per hour plus expenses. Total hourly billing will not exceed \$3500.00 and total expenses will not exceed \$250.00.

2. The fees specified in Paragraph 1 above will be payable monthly upon submission of appropriate invoice.

CITY OF HOGANSVILLE, GEORGIA (SEAL)

BY: _____
Mayor

ATTEST: _____
City Clerk



Alex L. Dixon, City Attorney