



500 West Big Beaver
Troy, MI 48084
troymi.gov


REPORT TO CITY COUNCIL

Date: January 20, 2020

To: Honorable Mayor and City Council Members

From: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney

Subject: Authorization for Outside Counsel for City of Troy v. Troy BCBA



At its September 23, 2019 meeting, the Troy City Council authorized an appeal of the Building Code Board of Appeals (BCBA) decision that reversed City Administration's revocation of three billboard permits. (Resolution 2019-09-113-J-8)

Because of a conflict situation, caused by our role as legal counsel to both City Council and also the BCBA, our office solicited for outside counsel to represent both the City and also the BCBA. It was our hope that the total amount of attorney fees would be less than \$10,000. Based on unique billboard and zoning expertise, Carol Rosati of Rosati, Schultz, Joppich & Amtsbuechler was hired to represent the City, and Greg Need of Adkison, Need, Allen & Rentrop was approved as legal counsel by the BCBA. Unfortunately, due to some unanticipated issues and unique research requirements, the City's attorney has already incurred over \$10,000 in legal fees, even with the extremely reasonable rate of \$150 per hour. Although the legal fees exceeded this amount, they provided a discount to the City, so that we would not exceed the Charter threshold. However, they are unable to file reply briefs or prepare and present oral argument without additional authorized funding, which are critical to the appeal. We therefore request a resolution that waives the competitive bid process, since the engagement would exceed \$10,000, and authorizes payment of an hourly rate of \$150 per hour, plus reimbursement of expenses and costs.

Please let us know if you have any questions or concerns regarding this matter.