

RESOLUTION NO. 1635

A RESOLUTION OF CITY COUNCIL OF THE CITY OF SALISBURY
TO AUTHORIZE APPOINTMENT OF ANDREW C. MITCHELL, JR. AS
ASSISTANT CITY SOLICITOR FOR CONTRACT NEGOTIATIONS OF
CONTRACT RFP 11-06 WITH AES ARCHITECH, LLC (AES)

WHEREAS, AES contacted the City of Salisbury to request termination of Contract RFP 11-06
Engineering Services-Animal Health Building at the City Park Zoo; and

WHEREAS, the City of Salisbury may require legal counsel for contract negotiations related to
RFP 11-06; and

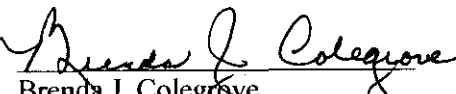
WHEREAS, Mr. Paul D. Wilber, City Solicitor for the City of Salisbury is unable to provide
legal counsel for the City due to an unrelated legal matter in which a member of his firm is representing
AES; and

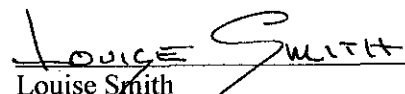
WHEREAS, a recommendation was made by the City Solicitor to appoint Andrew C.
Mitchell, Jr. as Assistant City Solicitor to represent the City of Salisbury in contract negotiations for
RFP 11-06; and Andrew C. Mitchell, Jr. is able to serve the City in this capacity;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Salisbury,
Maryland to appoint Andrew C. Mitchell, Jr. as Assistant City Solicitor, in order to represent the City
of Salisbury in contract negotiations for RFP 11-06.


THE ABOVE RESOLUTION was introduced and read and passed at the regular meeting
of the Council of the City of Salisbury held on this 10th day of March, 2008 and is to become
effective immediately upon adoption.

ATTEST:


Brenda J. Colegrove
CITY CLERK


Louise Smith
CITY COUNCIL PRESIDENT

APPROVED by me this 11th
day of March, 2008.


Barrie P. Tilghman
MAYOR, City of Salisbury

Memo

To: John Pick, City Administrator
From: Karen Reddersen, Assistant Director of Internal Services 
Date: February 28, 2008
Re: Request for Assistant City Solicitor

Under RFP 11-06., the City of Salisbury is under contract with AES ArchiTech, LLC (AES) for engineering services for an animal health facility at the Salisbury Zoo. An attorney representing AES has contacted the Department of Internal Services to discuss the termination of Contract # RFP 11-06 with the City and AES.

This negotiation may require legal council to ensure compliance with the contract terms and per the attached, Mr. Paul D. Wilber, City Solicitor, is unable to provide legal counsel to the City. Another attorney in Mr. Wilber's firm has an unrelated ongoing legal matter in which he is representing AES. He recommended utilizing Andrew Mitchell for this matter, as he has served as City Solicitor for Fruitland since 1989 and has represented other municipalities in legal matters.

Mr. Andrew C. Mitchell, Jr. has been contacted and is able to represent the City of Salisbury as Assistant City Solicitor for this matter, if needed. Per the attached, Mr. Mitchell's hourly billable rate is \$175.00, plus expenses, if incurred.

I am working with Jim Caldwell, Director of Salisbury Public Works to facilitate this contract negotiation, but request the ability to pursue legal counsel, if needed.

Thank you.

WEBB, BURNETT, CORNBROOKS,
WILBER, VORHIS, DOUSE & MASON, LLP

ATTORNEYS AT LAW

115 BROAD STREET

P. O. BOX 910

SALISBURY, MARYLAND 21803-0910

(410) 742-3176

FAX (410) 742-0438

JOHN W. T. WEBB
(1918-1990)

K. KING BURNETT
ERNEST I. CORNBROOKS III
PAUL D. WILBER
DAVID A. VORHIS
DAVID B. DOUSE
CHRIS S. MASON
CYNTHIA BRUBAKER MACDONALD

SUSAN K. HILL

March 3, 2008

pwilber@webbnetlaw.com

Ms. Karen Redderson, Purchasing
City of Salisbury
125 North Division Street
Salisbury, Maryland 21801

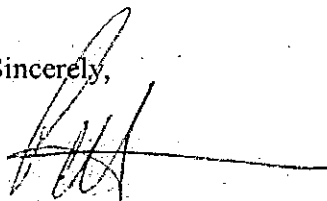
Re: City of Salisbury
Our File No. 30303

Dear Karen:

You have indicated that the City has an engineering services contract with AES for the construction of a building at the Zoo. AES has indicated they wish to negotiate a termination of this contract. The negotiation may require legal advice on the part of the City.

Another attorney in this firm has an unrelated ongoing legal matter in which he is representing AES. As a result, if legal advice is necessary, I request that you retain the services of Andy Mitchell, Esquire, for the sole purpose of advising the City on this matter. This law firm cannot represent either the City or AES in this contract negotiation.

Sincerely,



Paul D. Wilber

PDW/mam

ANDREW C. MITCHELL, JR.

ATTORNEY AT LAW

100A NORTH DIVISION STREET

SALISBURY, MARYLAND 21801

ADMITTED IN MD AND VA

410-546-9993

FAX 410-546-8049

February 28, 2008

John R. Pick, City Administrator
City of Salisbury
125 N. Division Street
Salisbury, MD 21801

RE: Response to Request to Act as Assistant City Solicitor

Dear John:

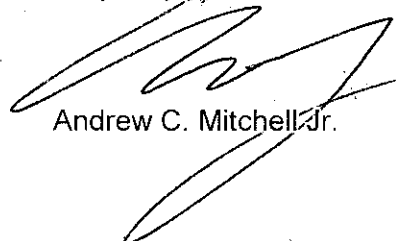
The City Solicitor has asked me if I would be willing to represent the City of Salisbury in regard to a potential contract/construction dispute between the City and the engineering firm of AES. I understand that Mr. Wilber has a conflict which would prevent him from representing the City in this matter. I am more than pleased to take on this assignment, if the City chooses to select me.

As you may be aware, I have served as Solicitor for the City of Fruitland since December of 1989. In the past I have represented the City of Salisbury in a conflict issue, and have also represented the Town of Delmar in a conflict situation.

Karen Reddersen has asked that I advise you of my hourly billing rate. My standard rate is \$210.00 per hour. I have, however, routinely discounted that rate when representing municipalities. Most recently I extended the rate of \$175.00 per hour in a case involving the Town of Delmar. I will, therefore, ask that my representation be considered at that rate of \$175.00 per hour plus, of course, any out-of-pocket expenses that may be incurred.

Should you have any questions, please feel free to contact me.

Very truly yours,



Andrew C. Mitchell, Jr.

ACM/jt

cc: Karen Reddersen

RECEIVED FEB 28 2008