



Board of Aldermen Request for Action

MEETING DATE: 3/5/2024

DEPARTMENT: Administration

AGENDA ITEM: Resolution 1327, Reappointing City Attorney

REQUESTED BOARD ACTION:

A motion to approve Resolution 1327, authorizing the reappointment of John Reddoch as City Attorney and Scott Sullivan as Assistant City Attorney at a new hourly rate of \$200 per hour.

SUMMARY:

In June, 2011, the Board of Aldermen appointed John Reddoch, with the firm of Kuhlman, Reddoch and Sullivan P.C. as City Attorney. Scott Sullivan was appointed Assistant City Attorney. At that time, a rate of \$150 per hour was established.

Although considered employees, the City provides no other compensation or support for these positions and the rate of compensation has not changed from the \$150 per hour originally established.

The costs of maintaining a law office have increased and in the last few months, Mr. Reddoch approached the City Administrator and Mayor regarding increasing the hourly rate for the positions of City Attorney and Assistant City Attorney and expanding the contract to allow for partners in the firm to work on assignments as appropriate at a contract rate of \$100 per hour, thus expediting some work and continuing to provide legal support in a more economical manner.

PREVIOUS ACTION:

Initial appointment was approved by the Board on June 21, 2011

POLICY ISSUE:

General Management

FINANCIAL CONSIDERATIONS:

None.

ATTACHMENTS:

- | | |
|---|--|
| <input type="checkbox"/> Ordinance | <input checked="" type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Plans |
| <input type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: Firm Resumes | |

RESOLUTION 1327

RESOLUTION OF THE CITY OF SMITHVILLE MISSOURI AUTHORIZING THE REAPPOINTMENT OF JOHN REDDOCH AS CITY ATTORNEY AND SCOTT SULLIVAN AS ASSISTANT CITY ATTORNEY AT A NEW HOURLY RATE

I. RECITALS AND FINDINGS

Whereas, the Board of Aldermen has previously approved the appointment of John Reddoch and Scott Sullivan as City Attorneys in 2011 at an hourly rate of \$150. Their rate of pay has not changed since 2011.

Whereas, the Mayor pursuant to (§79.230. R.S. Mo Appointive officers and §105.070(B) of the City Ordinances) reappoints to the position of City Attorney John Reddoch, and Scott Sullivan as assistant City Attorney on a part-time basis pursuant to the terms of the contract attached hereto as Exhibit 1.

II. RESOLUTION

Be it resolved by the City of Smithville that John Reddoch is reappointed as City Attorney, and Scott Sullivan as assistant City Attorney (both on a part time basis) at the new rate of \$200 per hour pursuant to the terms of the contract attached hereto as Exhibit 1. The Mayor is hereby given authority to execute the agreement on behalf of the City. That unless otherwise required by Law, said part-time employees, shall not be eligible for the employment benefits made available by the City to its employees.

III. EXECUTION/ADOPTION

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 5th day of March 2024.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

RESOLUTION EXHIBIT 1

CITY OF SMITHVILLE, MISSOURI EMPLOYMENT AGREEMENT FOR THE POSITION OF CITY ATTORNEY AND ASSISTANT CITY ATTORNEY

This Agreement is made and entered into this 5th day of March 2024, between the City of Smithville, Missouri (hereinafter called "CITY" or "EMPLOYER"), and John B. Reddoch and Scott Sullivan (hereinafter called EMPLOYEES), pursuant to these terms and conditions:

Whereas pursuant to the authority of §105.070 of the City Ordinances, the Mayor wishes to nominate, and the City wishes to accept the nominations to continue the employment of John B. Reddoch as the City Attorney and Scott Sullivan as the Assistant City Attorney.

Whereas on June 21, 2011 pursuant to §79.230. R.S. MO and City Ordinance §105.070 Appointive officers, John B. Reddoch was appointed as the City Attorney and Scott Sullivan was appointed as the Assistant City Attorney. They have worked for the City since that time at the rate of \$150 per hour. Although considered employees, the City provides no other compensation or support for these positions and their rate of compensation has not changed.

Whereas the cost of maintaining a law office has risen considerably since 2011. Accordingly, the Mayor has suggested, and nominated, and the City concurs, that John B. Reddoch as the City Attorney and Scott Sullivan as the Assistant City Attorney be reappointed at a new hourly rate of \$200 per hour effective April 1, 2024.

Whereas the City Attorney and Assistant City Attorney need to be and have been treated as City Employees. The Missouri Attorney General has determined that "*For the purposes of §§ 105.300, et seq., RS Mo Supp. 1979, providing for social security tax reporting, . . . The city attorney of a fourth-class city under § 79.230, RS Mo 1978, is an employee of a fourth-class city.*" Missouri Attorney General Opinion No. 3 April 3, 1980. This opinion has never been withdrawn or criticized by Missouri Courts. However, special Counsel need not be an employee for specific projects.

Whereas the City Attorney and the City Administrator and Mayor have become aware over the years that there are times when the City Attorney and Assistant Attorney need additional help and aid in the preparation and/or management of various city Projects.

Whereas John Reddoch and Scott Sullivan are partners in the law firm of Kuhlman, Reddoch and Sullivan P.C. As employees of the City, they do not have the option of using the staff of their firm. Accordingly, with the written permission of the City Administrator or Mayor (which may be by email) in addition to acting as City Employees, John Reddoch and/or Scott Sullivan are empowered to use staff members of Kuhlman, Reddoch and

Sullivan P.C. on specific projects at a rate not to exceed \$100 per hour. For those projects, the firm will bill the City for its time pursuant to this contract as contract labor.

THE CITY OF SMITHVILLE

By: _____
Damien Boley, Mayor

EMPLOYEES

By: _____
John B. Reddoch

By: _____
Scott J. Sullivan

KUHLMAN, REDDOCH & SULLIVAN P.C.

Attorneys at Law

1201 W. College Street Liberty, Missouri 64068

Phone: 816-781-3700

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Website: KRSR.net

P. Wayne Kuhlman (1940-2010)

GOVERNMENT SERVICES, QUALIFICATIONS & EXPERIENCE

John Reddoch and Scott Sullivan have represented Missouri Government entities for over twenty-five years. Currently John Reddoch & Scott Sullivan serve as City Attorneys for several Missouri Cities including: Weatherby Lake Missouri (2005 - present); Smithville Missouri (2011-Present); Lake Waukomis Missouri (2015 – Present) and Northmoor Missouri (2015 – present). We also serve as general counsel for the Village of Oaks (2015 to present) and the Village of Oakwood (2023 to present). We also serve as General Counsel for Clay County Water District #9 (2006 to present), and the Ray-Lafayette County Levee District (2023 to present).

Individual Information

JOHN B. REDDOCH:

johnr@krsr.net

Born Kansas City, Missouri.

Graduated Oak Park High School.

Preparatory Education: University of Missouri, Kansas City (B.A., with Distinction).

Legal Education: Washington University in St. Louis (J.D.).

Other Government Clients: In addition to the previously mentioned Government Employment/Representation John Reddoch has served as: Special Counsel for the City of Pleasant Valley Missouri; Special Counsel for Ray County Memorial Hospital; Special Counsel for Saline County Missouri and as a Consultant for the City of Richmond Missouri and as an Assistant Clay County Counselor working primarily with Contracting and Purchasing and Land Use Planning and Development and as assistant counsel for Northwestern Missouri State University.

Licensed: In all Missouri State Courts, the United States Supreme Court; U.S. Court of Appeals, for the Eighth Circuit; and the Western District of Missouri.

Member: The Missouri Municipal Attorney's Association; Missouri Organization of Defense Lawyers; the Missouri Bar Association; and The Clay County Bar Association (Past Chairman, Clay County Bench Bar Committee).

SCOTT J. SULLIVAN

scott@krsr.net

Born St. Louis, Missouri.

License: Admitted to practice in Missouri since 1989, and Kansas since 1990.

Courts: Admitted to practice before all state courts of Missouri, U.S. Court of Appeals, for the Eighth Circuit, Western District of Missouri, and District of Kansas.

Preparatory Education: William Jewell College (B.S. Magna Cum Laude, 1986).

Legal Education: University of Missouri, Kansas City (J.D. 1989).

In addition to the previously mentioned Government Employment/Representation Scott Sullivan is and has served as: General Counsel for Northwest Missouri State University; City Prosecutor for Weatherby Lake Missouri; Lake Waukomis, and Northmoor. Special Counsel for Ray County Memorial Hospital; Special Counsel for Liberty Hospital; Special Counsel for Saline County Missouri; and as an Assistant Clay County Counselor working primarily with Contracting and Purchasing and Law Enforcement.

Member: Clay County Bar Association, Missouri Bar Association, Missouri Organization of Defense Lawyers; and president of the Missouri Municipal and Associate Circuit Prosecutors Association.

SAMPLE SERVICES

Board Support –When requested, subject to availability we attend Board meetings for our government clients.

Contract Development and Review –We have drafted and reviewed hundreds of contracts (RFPs) & (RFQs) for our government and business clients regarding issues relating to the purchase of goods, provision of services, land acquisition and sale, leases, business acquisition and sales and many other matters. We have drafted and helped negotiate many cooperative agreements between government entities. We have worked closely with several government purchasing departments regarding developing and improving purchasing policies and answering frequent questions regarding statutory and other requirements for governmental purchasing. We have significant experience regarding issues relating to government and private contracting.

Real Estate Acquisition and Sale –We have actively participated in matters regarding the purchase, sale, and lease of government property. We have drafted and/or reviewed lengthy and complicated leases and sale agreements including agreements with private individuals and other governmental entities. We have experience in condemnation actions should that be deemed necessary.

Litigation Support – We have many years of experience in civil litigation in Missouri’s State and Federal Courts. On behalf of our government and private clients, we have defended and brought claims on issues involving statutory construction, contract claims; the contracting process; sunshine law issues; employment law, statutory issues; condemnation, personal injury claims and many more.

Sunshine Law. We have an extensive understanding of the Sunshine Law and its requirements. We have worked with the government entities to develop policies, procedures, and forms to assist in compliance with Missouri’s Sunshine law and regularly make sunshine law presentations to Government Clients and others.

General operations of the Governing Body. We have provided advice and counsel to County Commissions, City Councils and Government Boards. We have reviewed and drafted hundreds of ordinances and resolutions. We regularly attend meetings and provide legal opinions upon the request of the Government Entities on a wide variety of legal issues. We have attended and assisted at Board of Aldermen and Trustee meetings.

Personnel/Human Resources. For our Government Clients we have participated actively in disciplinary and termination investigations and proceedings, worker's compensation issues, benefits issues, and other related topics.

Planning and Zoning. We have significant experience in planning and zoning and land use issues. We have represented Planning and Zoning Commissions as well as private developers regarding such issues and litigated zoning issues. John Reddoch has represented the Cities in all types of Planning Commission and Board of Adjustment matters. Additionally, John Reddoch has represented many applicants, landowners and developers in the planning and zoning process.