



Shady Shores

Life Happens Here

SHADY SHORES TOWN COUNCIL

SPECIAL CALLED SESSION

FEBRUARY 27, 2024; 7:30 PM

101 S. SHADY SHORES ROAD

SHADY SHORES, TX 76208

TO VIEW THE MEETING LIVE

<https://shadyshores.tx.civicclerk.com/>

CALL TO ORDER

ROLL CALL

Establish a quorum.

ORDINANCE CANCELING THE MAY 4, 2024 GENERAL ELECTION OF CITY OFFICIALS

Consider and act on approval of an Ordinance canceling the May 4, 2024 Election of City Officials.

TOWN ATTORNEY

Consider and act on the position of the Town Attorney to include; review of current services, interviews with current and potential candidates for Town Attorney, the appointment or reappointment of a Town Attorney.

EXECUTIVE SESSION:

Pursuant to the provisions of Chapter 551, Texas Government Code, Vernon's Texas Codes Annotated, The Town Council may hold a closed meeting.

1. Section 551.074 - Personnel Matters - (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Town Attorney.

ACTION REGARDING EXECUTIVE SESSION

Consider and take appropriate action on the appointment of an individual or legal firm to provide legal services for the Town of Shady Shores.

Appropriate action may include the following:

1. Reappointment of the current Town Attorney pending a new contract.
2. Approval of a Resolution to remove the current legal counsel (requires a 2/3 vote of the Town Council)
3. Direct staff to prepare a resolution to appoint new legal counsel
4. Direct the Mayor and or appropriate staff to enter into contract negotiations with a new firm
5. Staff direction relative to timelines, and other administrative tasks.

ADJOURN

The Town Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberation about Real Property), 551.073 (Deliberation about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.087 (Economic Development).

I, Wendy Withers, Town Administrator of the Town of Shady Shores do hereby certify that the above notice of the Regular Town Council Meeting was posted on the bulletin board at the Community Center, 101 S. Shady Shores Road, Shady Shores, Texas on 23 Day of Feb 2024, at 9:25 A.M.

Wendy Withers

Wendy Withers, Town Administrator



AGENDA MEMORANDUM

DATE: February 27, 2024
TO: Town Council
FROM: Wendy withers, Town Administrator
SUBJECT: Consider and act on approval of an Ordinance canceling the May 4, 2024 Election of City Officials.

BACKGROUND/INFORMATION:

The sign-up period for candidates to file for a place on the ballot was held from January 17-February 16, 2024. As of February 16th, 2024 at 5:00 pm, each position was unopposed. Additionally, there were no candidates who filed to sign up as write-in candidates. In accordance with Texas Election Code section 2.082 a city and any other authority that orders an election may cancel the election only if there is specific statutory authority to cancel the election. Candidate elections may be canceled in accordance with this law.

The certification of unopposed candidates is included in your packet, therefore, the Town Council must declare the unopposed candidates elected to office. The Ordinance or Order will need to be posted at the voting location on Election Day.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

ATTACHMENTS/SUPPORTING DOCUMENTATION:

1. Cancellation of May 4, 2024 Election signed cancellation Wendy Withers

REVIEWED BY:

ORDINANCE NO. _____
(Cancellation of May 4, 2024, General Election of City Officials)

AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 4th, 2024, GENERAL TOWN ELECTION ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a general town election was called for May 4, 2024, for the purpose of electing Alderman Places 1,4 and 5; and

WHEREAS, the Town Secretary has certified in writing that there is no proposition on the ballot, that no person has made a declaration of write-in candidacy, and that each candidate on the ballot is unopposed for election to office (Exhibit A); and

WHEREAS, under these circumstance, Title 1, Chapter 2, Subchapter C, Texas Election Code, authorizes the Town Council to declare the candidate's election to office and cancel the election;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES AS FOLLOWS:

Section 1. The following candidates, who are unopposed in the May 6, 2023, General Election of City Officials, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

<u>Candidate</u>	<u>Place</u>
Jeff Belton	Alderman Place 1
Josh Juve	Alderman Place 4
Charles Grimes	Alderman Place 5

Section 2. The May 4, 2024, General Election of City Officials is canceled, and the Town Secretary is directed to cause a copy of an Order of Cancellation to be posted on Election Day at each polling place that would have been used in the election. (Exhibit B)

Section 3. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional.

Section 4. This ordinance shall take effect upon its final passage.

ADOPTED this ____ day of _____, 2024 by the Town Council of Shady Shores, Texas.

APPROVED:

Cindy Aughinbaugh, Mayor

ATTEST:

Wendy Withers, Town Administrator/Secretary

APPROVED AS TO FORM:

City Attorney James E. Shepherd

Exhibit A--Certificate of Unopposed Candidates
Exhibit B—Order of Cancellation

Exhibit A

TOWN OF SHADY SHORES CERTIFICATION OF Unopposed Candidates

State of Texas
County of Denton

I, Wendy Withers, certify that I am the Town Administrator/Secretary of the Town of Shady Shores and the authority responsible for preparing the ballot for the May 4, 2024, Town Election.

I further certify:

- a. that there is no proposition on the ballot,
- b. no person has made a declaration of write-in candidacy,
- c. a candidate is unopposed for election to an office if, were the election held, only the votes cast for that candidate in the election for that office may be counted; and, therefore,
- d. all of the following candidates are unopposed:

Candidate

Place

Jeff Belton
Josh Juve
Charles Grimes

1
4
5

Dated this 21st day of February, 2024.



Wendy Withers

Wendy Withers, Town Administrator/Secretary
Town of Shady Shores, Texas

ORDER OF CANCELATION
ORDEN DE CANCELACION

The Town of Shady Shores hereby cancels the election scheduled to be held on May 4, 2024, in accordance with Section 2.053 of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

El Town of Shady Shores por la presente cancela la eleccion que, de lo contrario, se hubiera celebrado el 4 de Mayo 2024 de conjormidad, con la Seccion 2.053(a) del Codigo de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos unicos y por la presente quedan elegidos como se haya indicado a continuacion:

Candidate (<i>Candidato</i>)	Office Sought (<i>Cargo al que presenta candidatura</i>)
Jeff Belton	1
Josh Juve	4
Charles Grimes	5

A copy of this Order will be posted on Election Day at each polling place that would have been used in the election.

El Dia de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

Date of adoption (*Fecha de adopcion*) _____, 2024

Cindy Aughinbaugh (*alcalde*) Mayor

Wendy Withers (*Secretario*) Town Secretary



AGENDA MEMORANDUM

DATE: February 27, 2024
TO: Town Council
FROM: Wendy withers, Town Administrator
SUBJECT: **Consider and act on the position of the Town Attorney to include; review of current services, interviews with current and potential candidates for Town Attorney, the appointment or reappointment of a Town Attorney.**

BACKGROUND/INFORMATION:

This agenda item was previously discussed at a Special Called Town Council meeting that was held on February 19, 2024. After interviewing both respondents, the council tabled this agenda item.

Goal 6 of the 2023/2025 Shady Shores Strategic Plan is to research and discover new or additional revenue generation opportunities. In response to this goal, the Shady Shores Town Council created a subcommittee to review existing town contracts provided, and services for best pricing, and practices and ensure that the services provided meet the current needs of the Town. The subcommittee consists of Mayor Aughinbaugh, Town Administrator Wendy Withers, Council member Jeff Belton and Council member Charles Grimes.

An excerpt from TML's paper on Texas Procurement Law states:

Except for certain bond counsel and some contingent fee legal contracts, state law does not specify any particular procedures for obtaining the services of a lawyer or of a law firm. The Professional Services Procurement Act does not apply to attorneys, and the selection of an attorney is exempt from competitive bidding requirements as a "professional service." Thus, a city may choose to obtain the services of an attorney with or without the use of competitive bidding. Many cities simply hire their legal counsel by majority vote of the city's governing body and then execute a contract for such services. The committee did request submissions of qualifications from prospective attorneys and received two submissions.

Should the Council choose to remove the current Town Attorney, **Sec. 22.077. REMOVAL OF MUNICIPAL OFFICERS** needs to be followed. An excerpt is provided below:

Sec. 22.077. REMOVAL OF MUNICIPAL OFFICERS. (a) The governing body of the municipality may remove a municipal officer for incompetency, corruption, misconduct, or malfeasance in office after providing the officer with due notice and an opportunity to be heard.

(b) If the governing body lacks confidence in a municipal officer appointed by the governing body, the governing body may remove the officer at any time. The removal is effective only if two-thirds of the elected aldermen vote in favor of a resolution declaring the lack of confidence.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

ATTACHMENTS/SUPPORTING DOCUMENTATION:

1. Shady Shores RFP SOQ 2023 Shepherd (1)
2. Homyk, Kristen RFP for Legal Services

REVIEWED BY:

SHEPHERD LAW FIRM
1901 N. CENTRAL EXPRESSWAY, SUITE 430
RICHARDSON, TEXAS 75080-3528

JAMES E. SHEPHERD
ATTORNEY AT LAW

TEL: (972) 234-3117
JIM@JSHEPHERDLAW.COM

September 25, 2023

Wendy Withers
Town Administrator, Town of Shady Shores
SOQ – TOWN ATTORNEY
101 S. Shady Shores Road
Shady Shores, TX 76208

Dear Wendy:

This letter is in response to your Statement of Qualifications for the position of Town Attorney. After over 30 of representing Shady Shores, I would hope my dedication to the Town and its leadership would be clear, as well as any professional ability required for the Town. I am responding directly to the questions asked in the SOQ, below. Please do not hesitate to contact me for any further information you might require.

PROFESSIONAL CREDENTIALING AND LEGAL SERVICES

Q. The firm, (including all attorneys of the firm) or the individual attorney selected is to have a Juris Doctorate from an accredited law school, a license to practice law in the State of Texas, and the attorney or attorneys in the firm must be members in good standing of the State Bar of Texas, and carry malpractice coverage. Experience in Texas municipalities and knowledge of municipal law, municipal finance, personnel law, municipal prosecutions, land use and regulation are required.

A. All requirements in the paragraph above are met. I have had an AV Preeminent rating for Legal Ability and Ethical Standards for over 30 consecutive years. This is a peer review rating from Martindale Hubble. It is their highest rating.

The College of the State Bar association has made me a Fellow of the College for more than the last 20 years. This means for that period I have taken more than double the continuing legal education required by the State Bar of practicing attorneys.

Q. The legal services under consideration in this request for Statement of Qualifications involve (but are not limited to):

- 1. Providing a variety of proactive and timely legal opinions to the Town Council and Town Staff.**
A. Yes
- 2. Attend Regular and Special call meetings of the Town Council and all such boards and commissions as required.**
A. Yes
- 3. Being intimately familiar with the Town's Code of Ordinances, applicable state and federal laws, and other applicable documents, such as the Town Personnel policies, and Procedures, Code Enforcement process, etc.)**
A. Yes
- 4. Representing and advising the Town in legal matters.**
A. Yes
- 5. Reviewing and/or drafting ordinances, resolutions and other documents as requested by the Town Council, Town Administrator, and Town Secretary.**
A. Yes
- 6. Staying abreast and informing the Town of new or proposed state and federal legislation affecting the Town.**
A. Yes
- 7. Knowledge of land use laws and the ability of the Town to implement and administer such laws in conformance with state requirements.**
A. Yes
- 8. Knowledge of laws and experience in working with f franchise agreements, interlocal agreements, economic development, financial policies, investment policies, fiscal management planning and budgets.**
A. Yes
- 9. Knowledge of specialized laws relating to police and fire employees.**
A. Yes

PROPOSAL REQUIREMENTS

The Statement of Qualifications must address the following criteria:

Q. Name of firm, owner, address and contact information.

- A. Shepherd Law Firm
James E. Shepherd
1901 N. Central Expressway, Suite 430
Richardson, TX 75080
Office phone: 972-234-3117
Mobile phone: 972-658-1360
Email: Jim@JShepherdLaw.com

Q. Personnel Qualifications: Identify the key attorney who will serve in the position of Town Attorney, provide resume and summarize their experience. Provide the same for other attorneys (if any) in the firm who may assist with the provision of services.

- A. James E. Shepherd - Resume attached.

Shepherd Law Firm

The Shepherd Law Firm brings extensive experience and a broad perspective to municipal representation. The Shepherd Law Firm forges long-term relationships with its clients and has represented numerous municipalities for many years. The Town of Shady Shores has been represented for over 30 years. Other representations in the past include: the City of Parker, 20 years; Collin County, Texas, 15 years; Alvord, Texas, currently 10+ years; Buckingham, Texas, 20 years; Nevada, Texas, currently 8 years; City of Union Valley, TX (5). Due to Mr. Shepherd's service for twelve years on the City Council of Richardson, Texas, the Shepherd Law Firm has great insight not only into the requirements for providing effective and efficient legal representation to municipal clients, but also into the perspective of a City Council member of a home rule city.

Over the last 40 years Mr. Shepherd has assisted his clients in all of the municipal law issues identified by the City in its request for proposals for city attorney services. Additionally, the Shepherd Law Firm has experience in issues involving annexation. While working with Hunton and Williams, Mr. Shepherd was, in addition to his City Attorney duties, assigned by the firm as bond counsel in the Dallas office, assisting bond counsel in the firm's other offices. Mr. Shepherd also has experience with most forms of economic development incentive agreements, from special districts to Economic Development Corporations and Public Improvement Districts.

A summary: 45 years of local government legal practice. Primarily general law cities, and also Collin County for 10 years; Significant additional legal experience while serving as Richardson Independent School District Trustee (32,000 students, over 4,000 employees, 52 schools, \$100,000,000 budget) and City of Richardson Councilmember. (80,000 residents, eight-billion-dollar tax base, multiple economic development activities and agreements, including tax abatements, 380 agreements, tax incremental financing districts, and others, 900 employees).

Q. Specialized Legal Services Competence. Provide information about the attorney and firm's experience in providing legal services to municipal organizations. Provide at least three references from the list of organizations including names, contact persons and phone numbers.

A. See answer to prior question for local government representation history.

Current References:

Caleb Caviness
Mayor, Alford, TX
(682) 472-5887

Craig Waskow
Mayor, Union Valley, TX
(214) 403-7603

Ben Ponce
Mayor, Nevada, TX
(214) 405-0586

Q. Capability. Provide information about the attorney and firm's capability to perform on short notice and in a timely manner. If the appointed Town Attorney is not available describe how the attorney/firm would provide other means of responding to requests.

A. Any good firm with multiple clients is occasionally going to be overloaded with requests from all clients at once. Full-time staffing to match the peak periods would result in significantly higher fees to the client for the extra help needed. To improve timely response and resolve this issue, I have decided to eliminate most of my non-local government work by simply terminating most, if not all, of my estate and probate practice. The time this part of the practice has taken has increased significantly with probate law and court procedures changing. This will easily give me 10 hours or more

available time per week for local government work. I have also decided to lower my normal hourly fee rate for long term clients.

In addition, I have made associations with attorneys John Rosenberg and Mark Goldstucker (a former assistant city attorney to McKinney, TX) for assistance as needed.

Q. Approach to Communicating with the Town. Describe the attorney and firm's approach to communicating with the Town regarding progress reports, status reports, recommendations, status of opinions, etc.

A. We can provide these in any manner the Town prefers. The normal process is to copy staff on projects as they proceed. The monthly or weekly legal discussions are very helpful on this, both from a calendar and a question and answer perspective. Any suggestions for improvement are welcome.

Q. Understanding of Services Provided. Describe the attorney's/firm's understanding of the scope of the work.

A. The scope of the work for city attorney in Shady Shores, including the municipal court role of prosecutor, are both very familiar to me, having served in that capacity for many years.

Q. Approach to Project Management. Provide a plan for service delivery and an explanation of how tasks and projects are managed within the firm to ensure timely response and completion.

A. All projects from all clients are entered on a master electronic calendar. Due dates, appointments, meetings, etc are all online, and shared with my staff. This process is updated as required, and my assistant is very good at providing written and electronic reminders. The cut in time on non-local government work plus a sharing of the local government work should solve the problems of timely delivery. I have also added an additional secretary. A paralegal search is underway. The additional lawyers listed above are available if needed.

Q. Conflict of Interest. List any clients you currently represent that could cause a conflict of interest with your responsibilities as Town Attorney for the Town of Shady Shores and describe how you would be willing to resolve these or any future conflicts of interest.

A. None. The Shepherd Law Firm does not represent developers, builders, or other entities who occasionally conflict with a city. The cities I currently represent are in four different counties. The chance of another city, or individual, client having a conflict is very little. A lawyer who represented two neighboring cities would be in danger of conflicts. If there was a conflict, the ethical rule is to withdraw from both clients for that conflicting item, and have independent counsel represent each.

Please do not hesitate to contact me if there is any additional information needed. It is my sincere hope to continue with the Town.

Sincerely yours,

Shepherd Law Firm

By: _____
James E. Shepherd



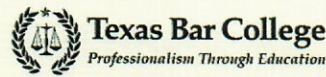
James E. Shepherd

Shepherd Law Firm

1901 N. Central Expressway, Suite 430
Richardson, Texas 75080-3528

Email: jim@jshepherdlaw.com

Telephone: [972-234-3117](tel:972-234-3117)



Areas of Law:

- * Municipalities
- * Land Use and Planning
- * Zoning
- * Special Districts
- * Impact fees
- * City Charters, Ordinances
- * Franchise, interlocal, and other contracts and agreements
- * Economic Development

Professional license and memberships:

- * Member, State Bar of Texas
- * Member, American Bar Association
- * Fellow, College of the State Bar of Texas
- * Member, Collin County Bar Association
- * Member, Texas City Attorney Association

Bar Admissions:

- * **State:**
 - * All Texas state Courts and Texas Supreme Court, 1978
- * **Federal Courts:**
 - * U.S. District Court, Northern District, Texas, 1980
 - * U.S. District Court, Eastern District, Texas, 1997
 - * U.S. Court of Appeals, 5th District, 1981
 - * U.S. Court of Military Appeals, 1982
 - * U.S. Supreme Court, 1989

Education:

Juris Doctor., Baylor Law School, 1977

* B.B.A.(Finance and Economics), Baylor University, 1976

Experience:

- * Represents an array of local governments in land planning, regulatory issues, and inter-local agreements.
- * Represents local governments in the organization and administration of special districts for infrastructure development, emergency services, and land use opportunities.
- * Represents clients in economic development plans and tax incentive plans.
- * Represents clients in zoning and land use issues as they relate to growth, development and re-development.

Career History:

- * Arthur Young & Co., 1977-1978
- * Ray Noah & Associates, 1978-1981
- * Law Office of James E. Shepherd, 1981-1999
- * Town of Buckingham, Judge, 1985-1989
- * Partner, Hunton & Williams LLP (formerly Worsham Forsythe Wooldridge), 2000-2007
- * Shepherd Law Firm, 2007-Present

Civic:

- * Richardson Bar Association; past President
- * Richardson Noon Lions Club, 1977-1990; President, 1985-1986
- * Neighborhood Youth Services, Richardson, Board of Directors, 1985-1987
- * YMCA, Richardson, Board of Directors, 1985-1993
- * Richardson Chamber of Commerce, Board of Directors, 1982-1992; Vice Chairman, 1986-1988
- * Richardson Medical Center Foundation, Inc., Board of Directors, 1987-1996; Chairman, 1992-1996
- * Baylor-Richardson Medical Center, Advisory Board, 1996-1999
- * Leadership Richardson Advisory Board 1986-1997; Chairman, 1988-1990
- * Boys & Girls Club of Richardson, Inc.; Vice President and Director, 1990-1992; Advisory Director, 1992-1995
- * Richardson Rotary Club, 1990-Present; President-2013-2014
- * Richardson Police Department, Citizen's Police Academy Alumni Association, 1992-Present; President, 1993
- * FBI Citizens Academy, Dallas, Speaker, 2014; Life Member-alumni association.; legal counsel to Alumni Association
- * Collin County Bar Association—President, 2015-2016

Local Government:

- * Richardson Independent School District, Board of Trustees,
1988-1992; Vice President, 1989-1991; President, 1991-1992
- * City of Richardson, City Plan Commission, 1992-1995
- * City of Richardson, City Council Member, 1995-2007
- * City of Richardson, Chairman, Public Education Committee, Audit; 1995-2007

Awards:

- * Martindale Hubble Peer Review - over 20 years - AV - highest possible rating in
legal ability and ethical standards.
- * Richardson Jaycees Billye Meyer Distinguished Service Award, Outstanding
Citizen, 1989
- * Leadership Richardson, Distinguished Service Award, 1989, 1990
- * Richardson Rotary Club - Ethics Award, 1994
- * Rotary Clubs of Richardson - Ethics Award, 2007

Speeches:

- * June 2008 "Plat & Subdivision Law in Texas,
Dallas, TX
- * December 2007 "Plat & Subdivision Law in Texas,
Ft. Worth, TX
- * August 2007 "Budgets, Taxes, and Politics",
Republican Headquarters, Dallas, TX
- * June 2007 "Plat and Subdivision Law", Dallas, TX
- * April 2007 "MUDS and SUDS", Land Use & Planning
Seminar, UT Law School, Austin, TX
- * September 2005 "Government & Tribal Obligations", Panelist,
Bond Attorney's Workshop, National Association
of Bond Lawyers, Chicago, IL
- * April 2005 "Basics of Municipal Law in Texas"
- * June 2004 "Special Utility Districts", Planning & Zoning
Law, Center for American & International Law,
Plano, TX

- * June 2003 "City Council - Public Watchdog or Developer's Lapdog?", Planning & Zoning Law, Center for American & International Law, Plano, TX
 "
- * June 2002 "An Elected Official's Perspective on Land Use Matters", Center for American and International Law, Dallas, TX
- * October 2001 Duties of the City Council, University of Texas at Dallas, Richardson, TX
- * September 2001 "Open Meetings Laws", Continuing Legal Education for Attorneys, Dallas, TX
- * June 2001 "The Politics of Zoning", Institute for Local Government Studies of the Center for American and International Law, Dallas and Plano, TX



AV Preeminent®

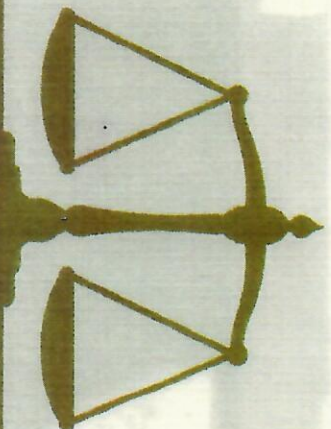
2021

James Shepherd

Highest Possible Rating in Both Legal Ability & Ethical Standards

The AV Preeminent® Rating is the pinnacle of professional excellence earned through a strenuous Peer Review Rating process that is managed and monitored by the world's most trusted legal resource, Martindale-Hubbell®

The Martindale-Hubbell® Peer Review RatingsSM have been an integral part of Martindale-Hubbell's services to the legal community since 1887. The Peer Review Rating process which evaluates lawyers in the United States and Canada is solely based on peer review.



Diana Schulz
President, Martindale-Hubbell
Peer Review Ratings and Client Review Ratings



James E. Shepherd

Rated AV® Preeminent™ for Twenty Years



The pinnacle of professional excellence earned through a strenuous Peer Review Rating process that is managed and monitored by the world's most trusted legal resource.

**Highest Possible Peer Review Rating
In Legal Ability & Ethical Standards**

A handwritten signature in black ink, appearing to read 'Diana Schulz', positioned above a horizontal line.

Diana Schulz
President, Martindale-Hubbell
Peer Review Ratings and Client Review Ratings

The Martindale-Hubbell® Peer Review RatingsSM have been an integral part of Martindale-Hubbell's services to the legal community since 1887. The Peer Review Rating process, which evaluates lawyers in the United States and Canada, is solely based upon peer review. A Martindale-Hubbell Peer Review Rating attests to a lawyer's legal ability and professional ethics, and reflects the confidential opinions of the Bar and the Judiciary.



PEACE & ASSOCIATES
— PLLC

February 7, 2024

Ms. Wendy Withers
Town Administrator, Town of Shady Shores
SOQ-TOWN ATTORNEY
101 S. Shady Shores Road
Shady Shores, TX 76208

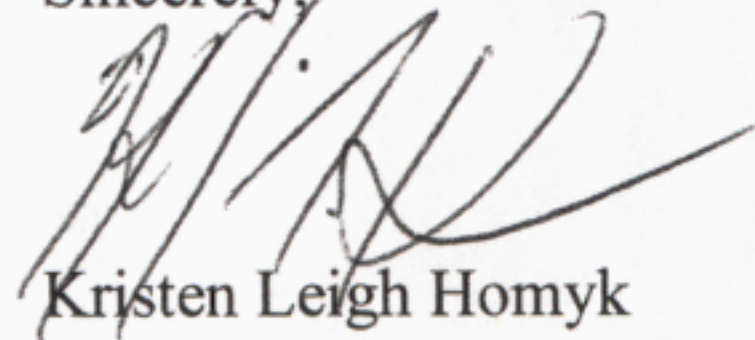
Re: Statement of Qualifications, Town Attorney

Dear Ms. Withers:

Please find enclosed my statement of qualifications and resume in response to the Town's request for Statement of Qualifications.

I appreciate your taking the time to review my submission and to consider me for this position. Please do not hesitate to contact me with any questions or for any additional information.

Sincerely,



Kristen Leigh Homyk

Kristen Leigh Homyk
Attorney
kris@peacefamilylaw.com

3212 Long Prairie Rd., Suite 200
Flower Mound, TX 75022
Phone: (940) 591-6006 / Fax: (940) 241-0404

Kristen Leigh Homyk
Flower Mound, Texas
(940) 591-6006
kris@peacefamilylaw.com

**STATEMENT OF QUALIFICATIONS
TOWN ATTORNEY
TOWN OF SHADY SHORES, TEXAS
FEBRUARY 7, 2024**

A. Name of firm, owner, address and contact information.

Peace & Associates, PLLC
3212 Long Prairie Road, Suite 200
Flower Mound, Texas 75022
Telephone: (940) 591-6006
Fax: (940) 251-0404

Amie S. Peace, owner
amie@peacefamilylaw.com

B. Personnel Qualifications: Identify the key attorney who will serve in the position of Town Attorney; provide resume and summarize their experience. Provide the same for other attorneys (if any) in the firm who may assist with the provision of services.

I will serve as the attorney in the position of Town Attorney. My resume is attached.

I have served as an assistant city attorney for three home rule cities in the State of Texas and prosecuted in their municipal courts of record. For the City of Wichita Falls, municipal prosecution was only fifty percent of my role, and the remainder of the time, I was a general legal advisor to city departments and offices.

I served the State of Texas as an Administrative Law Judge for two years. I heard and decided cases concerning the Department of Family and Protective Services Central (Abuse and Neglect) Registry, the Texas Alcoholic Beverage Code, health care licensing, law enforcement discharges, and the Department of Public Safety Administrative License Revocation process.

For private law firms, I have practiced criminal, family, CPS, and Section 1983 civil rights law. My last law firm sued government entities for violations of individuals' civil rights involving jail suicide, use of force, and the denial of medical care in jails. I managed our litigation and developed expertise in federal procedure and discovery matters.

I am the only attorney in the firm offering services pursuant to this SOQ. However, the other biographies of the other attorneys are available on the firm website at peacefamilylaw.com.

C. Specialized Legal Services Competence. Provide information about the attorney and firm's experience in providing legal services to municipal organizations. Provide at least three references from the list of organizations including names, contact persons and phone numbers.

I have served as an assistant city attorney for three home rule cities in the State of Texas: Dallas, Wichita Falls, and Plano. In all three, I prosecuted in municipal courts of record.

I served in multiple roles in the City of Wichita Falls. I was a general legal advisor to city departments and offices, including police, health, municipal court operations, property administration, building inspections, code enforcement, housing, parks, public utilities, environmental, and the city fire marshal. I advised on direct enforcement activities in Municipal Court, such as obtaining warrants, conducting investigations, drafting probable cause affidavits, gathering evidence, and testifying. I drafted ordinances, analyzing the enforceability of chosen policies, ensuring compliance with applicable state and federal law, attending and assisting with citizen stakeholder meetings concerning ordinance changes, presenting to the city council, and finalizing enforceable language. I counseled departments in decisions from the processes required for TCEQ-compliant environmental enforcement to water shut-offs for health concerns to the best procedure for fair reporting and enforcement of sprinkler violations. Wichita Falls was self-insured, and I chaired the city's Accident-Incident Review Board to track city vehicular incidents. I served on the committee which oversaw the transition from handwritten to computer-generated citations for the Wichita Falls Police Department. In all of these roles and projects, I formed effective working relationships with staff members and strove to integrate my advice seamlessly into their operational knowledge and needs.

References:

The Honorable Michael Acuna
Municipal Judge
City of Dallas, Texas
214-671-9901

Judge Acuna was the Assistant Chief Prosecutor when I worked for the City of Dallas. He has since taken the bench in that city.

Stan Horton
Municipal Court Administrator

City of Wichita Falls, Texas
940-761-7882

Mr. Horton became acting Municipal Court Administrator in 2007 and took the permanent position approximately one year later. He has served in that capacity ever since, so he was my municipal court administrator for the majority of my employment with Wichita Falls, and he also served with me on the Accident-Incident Review Board.

Ms. Pat Hoffman
Property/Lake Lot Administrator
City of Wichita Falls, Texas
940-761-8816

Ms. Hoffman has served as the Property/Lake Lot Administrator for Wichita Falls since before I worked for that city. I directly advised her department, reviewing policies and leases for properties owned by the city.

D. Capability. Provide information about the attorney and firm's capability to perform on short notice and in a timely manner. If the appointed Town Attorney is not available describe how the attorney / firm would provide other means of responding to requests.

I serve at the pleasure of my clients, and work hard to ensure I am available to meet their legal challenges. I am able to work fully remote by laptop, and I receive and engage with email on my cell phone as often during the course of a day as I am able. (Trial and hearing settings may prevent my being available hourly, but on days without court appearances, I do check my email hourly during the business day.) I believe attorneys are responsible for triaging their clients' projects and for communicating the initial status of the project within twenty-four hours of client contact. Town staff can also expect routine updates. I do not like to miss deadlines and work most efficiently and effectively when facing one.

If I am selected as Town Attorney, I would anticipate that I would be unavailable to the Town only for preplanned absences, lengthy court settings for other clients, or emergencies. In the first two instances, I would make my Town contact aware of my intended absence and plan ahead with him or her to determine whether Town business needs to be addressed before the absence and/or can wait until I return. Office staff at my firm will still be able to reach me at those times should a town legal emergency occur. In the third instance, should I be selected as Town Attorney, it would still be prudent for the Town to seek an additional relationship with other municipal counsel that could serve in the event of an emergency. I could take the opportunity to network with past municipal contacts and determine if I could secure suitable backup, or Counsel could utilize the SOQ process and select an additional backup attorney of which it approves should there be an emergency necessitating same.

E. Approach to Communicating with the Town. Describe the attorney and firm's approach to communicating with the Town regarding progress reports, status reports, recommendations, status of opinions, etc.

I believe as a legal advisor, I should move to meet elected representatives where they are. This means that it is incumbent upon me to maintain the lines of communication and provide timely progress and/or status reports on projects without council's having to request them. I will proactively seek any agenda items or executive sessions necessary to update the full council. I consider it my responsibility to assess and appreciate the necessary timeline for any legal question or project assigned to me as a part of that assignment. I will need to coordinate with Town staff to get any information needed to make such an assessment.

I will coordinate with staff on the necessity of updates on legal projects. I believe deadlines for such updates should be established at the beginning of the project and as the project progresses, so that all parties' expectations are appropriately managed. It is my responsibility to ensure the Town and its staff and council know what to expect from me from the start to preserve an effective working relationship. Disappointment wastes time and energy better spent on actual city work and unanticipated delay frequently brings actual monetary expense.

F. Understanding of Services Provided. Describe the attorney's / firm's understanding of the scope of work.

The Town of Shady Shores is a Type A General Law city in the State of Texas. That will mean that the Town has fewer subjects on which it may govern than the home rule cities I have represented, and that specific authorization must be available for each municipal action. Much of this authorization will be available in the Texas Local Government Code. I understand a large portion of the legal work needed by a general law municipality will involve the Town Attorney's ensuring that the municipality has legal authority to act as it desires to act and advising the municipality not to act when it has no authority.

Specifically, I understand that the Town needs an attorney to perform this function while:

- Appearing at council meetings and providing legal advice to council;
- Appearing as requested at the meeting of any Town commission or committee and providing legal advice thereto;
- Advising on the practicability or enforceability of current or considered policies and ordinances;
- Conducting research on legal questions brought to me by council, the members of commissions or committees, or Town staff;
- Drafting documents for the Town, including contracts, memoranda of understanding, and ordinances;

- Bringing actions on behalf of the Town in its municipal court as prosecutor;
- Bringing actions on behalf of the Town in courts of appropriate jurisdiction when disputes arise that necessitate legal action on behalf of the Town;
- Advising the town on the necessity of specialized outside counsel for any highly specialized legal matters and assisting the Town in locating same; and
- Ensuring compliance with the Texas Open Meetings Act and the Texas Public Information Act.

G. Approach to Project Management. Provide a plan for service delivery and an explanation of how tasks and projects are managed within the firm to ensure timely response and completion.

Our firm utilizes Rocket Matter for file management. The Town will have a master folder in which individual legal projects are separated by a title recognizable to me and to the Town. Clients are invoiced approximately every two weeks if there are charges. Invoices are arranged by project title, so that the Town will be able to determine exactly how much time and money are being billed for any given legal activity. This allows the Town to constantly review and control its legal costs for any given project. Additionally, Rocket Matter has a portal to which a Town representative can be given access for review and exchange of documents, or the Town can exchange documents with me by email.

I bill in 6-minute increments for my time and will only respond to official legal inquiries as determined by the Town. The Town may wish to determine that only specific individuals/roles can make official legal inquiries as a cost/services control measure, or it may decide that it is small enough that I should respond to any Town matter addressed to me, no matter who brings it to my attention. Either way, this determination should be clarified in my letter of engagement so there is no confusion as to who has authority to create legal expenses for the Town.

Rocket Matter also has a project management component that allows me to create the next task or all of the tasks to be performed on a given project and assign them dates. I manage my projects by task list and assign deadlines as tasks are created. While these deadlines can be flexible and triaged based on the needs of my current cases, I use the list to drive production so I do not neglect client matters. I plan to discuss with the Town staffer creating the task a timeline for completion and then adjust my Town task list accordingly.

H. Conflict of Interest. List any clients you currently represent that could cause a conflict of interest with your responsibilities as Town Attorney for the Town of Shady Shores and describe how you would be willing to resolve these or any future conflicts of interest.

I currently represent clients in family law matters. I would not be available to prosecute current family law clients or former family law clients whose citation matter in any way implicated

information or the subject matter of their family law matter. The Town would need to have a special prosecutor for those citations.

I also would not be available to advise the Town against family law clients should a specific legal dispute arise with such an individual.

Again, the Town should consider locating another attorney to serve as a special prosecutor in case of conflict or as Town attorney in case I have an unforeseen emergency and cannot address Town matters. The Town and I should be able to network available municipal attorneys through the Texas Municipal League and other contacts and locate someone who can be called in these very unlikely events.

Kristen Leigh Homyk

Flower Mound, Texas

(940) 591-6006

kris@peacefamilylaw.com

*Precise, mission-focused legal advisor, investigator, and litigator
with extensive public service experience.*

EXPERIENCE

Peace & Associates, PLLC, Aug. 2023 to present

- Represents clients in private family law and CPS matters
- Appears at jury and bench trials and in hearings
- Performs legal research, writing, and motion practice
- Investigates pending cases; conducts discovery

Law Offices of Dean Malone, P.C., Feb. 2020 to June 2023

- Briefing Attorney for Section 1983 civil rights litigation team
- Managed motion practice and federal procedure; appeared in related hearings
- Performed extensive legal research into novel questions
- Oversaw written discovery and 702 expert admissibility
- Directed work of paralegals and legal assistants and conducted investigations

City Attorney's Office, City of Plano, Texas, Sept. 2018 to Jan. 2020

- Assistant City Attorney II / Municipal Court Prosecutor

State Office of Administrative Hearings, Mar. 2016 to Sept. 2018

- Administrative Law Judge
- Interpreted and applied procedural and substantive statutes, rules, and policies pertinent to state agencies that referred cases
- Presided over contested case hearings, prehearings, and evidentiary matters
- Wrote orders and proposals for decision

The Law Offices of Jeff McKnight, P.C., May 2012 to Feb. 2016

- Of Counsel in criminal, family, business, and civil litigation
- Appellate brief writing
- Appeared at jury and bench trials and in hearings
- Performed legal research, writing, and motion practice
- Investigated pending cases and conducted discovery
- Provided legal advice to appointed and retained clients

City Attorney's Office, City of Wichita Falls, Texas, Feb. 2007 to Mar. 2012

- Assistant City Attorney / Municipal Court Prosecutor
- Responsible for all functions of the Municipal Court Prosecutor's Office with limited supervision

- Prosecuted jury and bench trials and managed municipal court dockets
- Provided legal advice to a variety of municipal departments from the health district to the public works department in legal conduct, interactions with the public, the provision of due process to citizens, and compliance with local, state and federal laws
- Researched, composed and analyzed local ordinances
- Investigative and administrative duties
- Chaired Accident/Incident Board for risk management department

Law Office of Kristen Homyk Howcroft

- Solo Practitioner

U.S. Department of Education, Office for Civil Rights, Dallas Office

- Civil Rights Attorney and government investigator, GS-13/2

City Attorney's Office, City of Dallas, Texas

- Assistant City Attorney, Prosecution Section

Criminal District Attorney's Office, Dallas County, Texas

- Assistant District Attorney for Sexually Oriented Business Prosecution

County Attorney's Office, Bell County, Texas

- Assistant County Attorney

EDUCATION

Texas Tech University School of Law

- Doctor of Jurisprudence
- Jurisprudence Award for Superior Academic Achievement in Family Law

University of North Texas

- Bachelor of Science in Journalism
- University of North Texas President's Writing Award
- Kappa Tau Alpha
- Pi Sigma Alpha

ADMITTED

State Bar of Texas

United States District Court, Northern District of Texas

United States District Court, Southern District of Texas

United States District Court, Eastern District of Texas

United States District Court, Western District of Texas

United States Court of Appeals for the Fifth Circuit



AGENDA MEMORANDUM

DATE: February 27, 2024
TO: Town Council
FROM: Wendy withers, Town Administrator

Consider and take appropriate action on the appointment of an individual or legal firm to provide legal services for the Town of Shady Shores.

Appropriate action may include the following:

- SUBJECT:**
1. Reappointment of the current Town Attorney pending a new contract.
 2. Approval of a Resolution to remove the current legal counsel (requires a 2/3 vote of the Town Council)
 3. Direct staff to prepare a resolution to appoint new legal counsel
 4. Direct the Mayor and or appropriate staff to enter into contract negotiations with a new firm
 5. Staff direction relative to timelines, and other administrative tasks.

BACKGROUND/INFORMATION:

Consider and act on any items from the executive session, including the appointment, dismissal or reappointment of the Town Attorney.

1. Reappointment of the current Town Attorney pending a new contract.- Should the council choose this option, a new contract for clarification of duties, expectations fee schedule and allowing for a review period should be drafted and agreed to before final reappointment.

2. Approval of a Resolution to remove the current legal counsel (requires a 2/3 vote of the Town Council)- Per state law, if council chooses to remove a public officer it may be done for the two reasons listed:

Sec. 22.077. REMOVAL OF MUNICIPAL OFFICERS. (a) The governing body of the municipality may remove a municipal officer for incompetency, corruption, misconduct, or malfeasance in office after providing the officer with due notice and an opportunity to be heard.

(b) If the governing body lacks confidence in a municipal officer appointed by the governing body, the governing body may remove the officer at any time. **The removal is effective only if two-thirds of the elected aldermen vote in favor of a resolution** declaring the lack of confidence.

3. Direct staff to prepare a resolution to appoint new legal counsel-recommend 3 &4 be done together, ex: motion to approve a Resolution appointing xx to serve as Town Attorney and Prosecuting Attorney pending contract negotiations with the new firm.

4. Direct the Mayor and or appropriate staff to enter into contract negotiations with a new firm motion to proceed with contract negotiation with new legal counsel and approve the contract and resolution at a future agenda.

5. Staff direction relative to timelines, and other administrative tasks- Tasks items to consider;

1. Transfer of projects items, etc. (Wendy/Mayor)
2. Municipal Court Cases transfer of any case information (Amber/Judge/Attorney)
3. Code Enforcement Cases (Katie)
4. Timeline for transfer
5. Other

6. Council could decide to Take no action pending more information- motion to table

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

ATTACHMENTS/SUPPORTING DOCUMENTATION:

None

REVIEWED BY: