

R-53-2022 A Resolution to Approve the Appointment of Kevin J. Best as the City Attorney and Approve a Legal Services Contract

**City Council of the City of Glenarden, Maryland
2022 Legislation**

Resolution Number: R-53-2022
Sponsor: Derek D. Curtis, II, Council President
Co-Sponsor: Angela D. Ferguson, Council Vice President
Public Hearing: Tuesday, July 12, 2022
Session: Special Regular Session
Date of Introduction: Thursday, XXXX, 2022

A Resolution to Approve the Appointment of Kevin J. Best as the City Attorney and Approve a Legal Services Contract

WHEREAS, the City Council is authorized to appoint a City Attorney pursuant to Article IX “Personnel”, Section 903, “City Attorney”, of the Charter; and

WHEREAS, the City Council has requested proposals for selection of a City Attorney; and

WHEREAS, after review of the submissions and interviews with the candidates, the Council has decided to appoint The Law Office of Kevin J. Best, an independent contractor, as the City Attorney; and

WHEREAS, the contract for legal services between the City and the Law Office of Kevin J. Best as City Attorney is attached to this Resolution as Exhibit A; and

WHEREAS, the Council has determined that it is in the public interest to approve this appointment and the contract for legal services.

NOW, THEREFORE BE IT RESOLVED, by the City Council of Glenarden, Maryland sitting in **Special Regular Session this XXth day of XXXX 2022**, that

1. That the appointment of The Law Office of Kevin J. Best, as the City Attorney, pursuant to Article IX “Personnel”, Section 903 “City Attorney”, of the City Charter, be and it is hereby approved.
2. That the contract for legal services, in substantially the form attached, be and it is hereby approved.
3. This resolution shall take effect immediately following approved by the City Council.

Attachment:

Date Approved: _____

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ATTEST:

City Council of Glenarden

Victoria Lewis, Council Clerk

Derek D. Curtis, II, Council President

Angela D. Ferguson, Council Vice President

Erika L. Fareed, Councilwoman

Kathleen J. Guillaume, Councilwoman

Maurice A. Hairston, Councilman

James A. Herring, Councilman

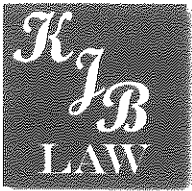
Robin Jones, Councilwoman

Votes:

Yes _____

No _____

Abstain _____



THE LAW OFFICE OF
KEVIN J. BEST

106B Defense Highway, Suite A
Annapolis, MD 21401
Tel. (410) 777-8506
Cell (410) 533-6019
Fax (410) 286-1876
kevin@kevinbestlaw.com

June 30, 2022

VIA E-MAIL (DCurtis@cityofglenarden.org)

The Honorable Derek Curtis II, Council President
City of Glenarden
James R. Cousins, Jr. Municipal Center
8600 Glenarden Parkway
Glenarden, MD 20706

Re: Legal Services as City Attorney

Dear Council President Curtis:

Last night's interview with the elected officials of the City of Glenarden was a pleasure. It is understood from your telephone call this morning that your colleagues wish to retain my firm's services as City Attorney. I am grateful for the opportunity and look forward to this exciting professional municipal endeavor. This letter outlines the proposed terms of a new engagement as City Attorney.

It is understood that you wish to offer me an appointment as the City Attorney in accordance with your municipal charter, which includes serving as legal counsel for the City's governing body, administration, boards, commissions, and committees. Pursuant to Section 903 of the City Charter, it is understood that the Council has the power to employ such consultants as deemed necessary from time to time, and that the City Attorney serves at the pleasure of the Council.

With regard to my fees, the billing rate is a discounted municipal rate of \$210.00 per hour. The standard mileage reimbursement rates as established by the IRS or City policy, as applicable, for travel on behalf of the City may be charged as well as other out of pocket expenses (i.e., Fedex charges, or filing fees, etc.). My law office will honor the terms of this particular engagement through the end of Fiscal Year 2025 (June 30, 2025).

Please let me know if I may provide you with any additional information regarding my practice. The Town will be invoiced on or about the 5th day of each month, which will be due for payment within 30 days. Any retainer fee is waived but I reserve the right to terminate or suspend my representation in this matter should my invoices become delinquent. I am happy to have this opportunity to serve the City of Glenarden.

If the terms of this engagement letter are acceptable to the City, please so indicate by completing the acknowledgment below and returning the duplicate of this letter to my attention. If further discussion is warranted, please do not hesitate to contact me.

Very truly yours,



Kevin J. Best

(Retainer Letter of Kevin J. Best, Esq. for Legal Services as City Attorney)

ACCEPTED AND AGREED TO BY RESOLUTION AND/OR MOTION PLACED INTO THE MINUTES OF THE CITY COUNCIL OF THE CITY OF GLENARDEN, MARYLAND, THIS _____ DAY OF _____, 2022.

Attest:

THE CITY OF GLENARDEN

_____ By: _____
Derek Curtis II, Council President



THE LAW OFFICE OF
KEVIN J. BEST

410-777-8506 (o) or 410-533-6019 (c)
kevin@kevinbestlaw.com

Municipal Qualifications of Kevin J. Best

Legal training: While working a full-time position on the staff of the Maryland Municipal League (“MML”), Mr. Best entered the evening program at the University of Baltimore School of Law in August 1999 and graduated in May 2003. Mr. Best was admitted to the Bar of the State of Maryland on December 16, 2003, and has practiced law for more than eighteen years. (Mr. Best was also admitted to the Bar of the District of Columbia on August 8, 2005 and was admitted to the Bar of the District Court for the District of Maryland (federal trial court) on January 18, 2008.)

Municipal law experience: Mr. Best has over eighteen (18) years of experience as a municipal attorney, having served as Special Counsel to the Town of Chesapeake City, Special Counsel to the City of Pocomoke City, Special Counsel to the Town of Poolesville, and special counsel and Town Attorney for the Town of Capitol Heights. He currently also serves as Town Attorney for the Town of Upper Marlboro, the Town of Cottage City, the Town of North Brentwood, the Town of Eagle Harbor and the Town of Forest Heights. In the past, Mr. Best also has handled various litigation and administrative matters for the City of Bowie, the Town of St. Michaels, the Town of Sudlersville and several county governments.

Public sector law experience: Mr. Best has experience with public sector law/private law office experience in local government. Mr. Best has practiced before several local government administrative bodies including the City of Annapolis Board of Port Wardens, the City of Annapolis Board of Appeals, the Anne Arundel County Office of Administrative Hearings, the Anne Arundel County Board of Appeals, the Cecil County Liquor Control Board, the Prince George’s County Tax Assessment Appeals Board, the Prince George’s County Planning Board, the Prince George’s County Board of Appeals and the Prince George’s County Council sitting as the District Council. Mr. Best drafted the first formula business ordinance in the State of Maryland for the Town of Chesapeake City and several other unique legislative items including state statutes, charter amendments, annexation resolutions, emergency ordinances and resolutions. Mr. Best also serves as counsel to the Charles County Board of Zoning Appeals.

Knowledge of Maryland municipal law: Mr. Best has provided legal services to more than a dozen municipalities since being admitted to the Bar. While serving as an employee of MML for over eight years (April 1996 - December 2003), Mr. Best became one of the leading experts in Maryland municipal law, management, history and operations in the United States. Mr. Best answered literally thousands of inquiries posed by municipal and State officials from around the State. Mr. Best has written numerous articles that have been published in the Municipal Maryland Magazine and the International Municipal Lawyers Magazine. This practical experience has informed Mr. Best’s ability

to provide general counsel services to Maryland municipalities; he has seen first-hand the fiscal, operational, legislative and administrative limitations that many Maryland municipal corporations have sought to overcome. Mr. Best has significant experience in general municipal law, contracts, negotiations, Open Meetings Act and Public Information Act proceedings, ethics, annexations, public utility law, litigation, subdivision issues, personnel matters, code enforcement, speed cameras, land use issues, zoning and environmental law.

Other legal experience: Mr. Best has also represented private individual clients regarding rezonings, special exceptions, variances, public utility projects, boundary disputes, lot merger, MPIA litigation, tree encroachment, subdivisions, ordinances, homeowners' associations, port wardens, debt collection, recorded covenants, landlord-tenant matters, critical area violations, tax appeals, road abandonment, corporate matters, non-conforming uses, trespass and adverse possession disputes. Mr. Best's practice has included litigation, administrative and transactional law.

Litigation experience: Mr. Best has represented litigants in the District Court of Maryland for Anne Arundel County, the District Court of Maryland for Prince George's County, the District Court of Maryland for Baltimore County, the District Court of Maryland for Calvert County and the District Court of Maryland for Montgomery County. Mr. Best has also argued cases before the Circuit Courts of Anne Arundel, and Prince George's Counties as well as the Court of Special Appeals of Md. and the Court of Appeals of Md. His litigation experience includes annexations, parking regulation, landlord-tenant, wrongful detainer, breach of contract, debt collection, business entities, municipal infractions, public official misconduct, critical area and State wetlands violations, guardianship, declaratory and injunctive relief actions. Mr. Best argued and won a landmark municipal annexation case in the Court of Appeals in 2019. As indicated, Mr. Best has also argued numerous cases before various administrative bodies throughout the State.

Office location: Mr. Best's office is in Annapolis near U.S. 50.

Scholastic and military honors: Mr. Best graduated magna cum laude (16 of 234 law students) from the University of Baltimore School of Law, Class of 2003 (combined day and evening programs). He was inducted into the Heuveler Honor Society and received certificates of achievement for the highest law school class grades in the following courses: Contracts I, Legislation, and Maryland Constitutional Law Seminar. He was competitively selected as staff member of the University of Baltimore Law Review, 2002-2003. Mr. Best is a graduate of the U.S. Naval Academy and served as an U.S. Marine infantry officer on the east coast and Japan where he was decorated with the Navy Commendation Medal and other awards.

Professional affiliations: Mr. Best is a member of the Maryland State Bar Association, Past Chair of the State and Local Government Section of MSBA, Maryland Municipal League Legislative Committee (former member), Maryland Municipal Attorneys Association, International Municipal Lawyers Association (Former State Chair), Maryland Defense Force Judge Advocate General Corps (Lt. Colonel, Ret.), the Anne Arundel County Bar Association, and the Prince George's County Bar Association

Other licenses or professional certifications: Mr. Best holds a Master's degree in Public Administration with a concentration in Local Government from The George Washington University, 1994.