

A PROFILE OF LEGAL SERVICES

FOR

THE CITY OF HEARNE, TEXAS

PREPARED BY

LAW OFFICES OF

DAVIDSON TROILO REAM & GARZA

A Professional Corporation

RESPONSE TO REQUEST FOR PROPOSAL
City Attorney Services

Northwest Center
7550 West IH-10, Suite 800
San Antonio, TX 78229
Tel (210) 349-6484
Fax (210) 349-0041

Capitol Center
919 Congress, Suite 810
Austin, TX 78701
Tel (512) 469-6006
Fax (512) 473-2159

www.dtrglaw.com

EXECUTIVE SUMMARY

Qualification Statement

LAW OFFICES OF DAVIDSON TROILO REAM & GARZA

A Professional Corporation

Davidson & Troilo was established in 1962. The Firm has major client representations throughout the State of Texas in the following areas of law: administrative; appellate; banking; bankruptcy; commercial; construction; contract; corporations; creditors' rights; environmental; estate planning; health care; insurance; international; labor relations; litigation; municipal; probate; products liability; professional malpractice; real estate; school; taxation; tort; utilities and water. In 2012, the Firm celebrated its 50th anniversary and Lea Ream and Frank Garza, Partners in the Firm, were added to the prestigious name and the Firm changed to Davidson Troilo Ream & Garza.

We provide a wide variety of legal services for a broad spectrum of clients. We represent individuals, small businesses, public agencies, major corporations, financial institutions and other clients, large and small.

We maintain offices in San Antonio and Austin supported by state-of-the-art computer and technology allowing constant access and communication.

We are proud of our lawyers who possess a strong combination of experience and youth. A number of our lawyers are experienced and successful litigators. Others are highly skilled in corporate matters, real estate transactions and government regulations. Just as we have lawyers who are bilingual, we also have lawyers and professional staff who are conversant in the technical languages of science, engineering, medicine and industry.

In order to add a special depth of experience to our legal team, we have staffed our Firm with lawyers and professional staff who have held responsible positions in both business and government. Our long-standing involvement in civic and governmental affairs locally and at the state and national levels is proof of our commitment to staying abreast and involved with issues and legislation that impact our clients.

At Davidson Troilo Ream & Garza, our goal is to excel in carefully selected areas. Our most important goal is to serve our clients while using the latest advances in timesaving technology to continue to render quality legal services with greater efficiency.

CAPACITY AND CAPABILITY

Davidson, Troilo, Ream & Garza currently employs 24 attorneys, 5 paralegals and a fully staffed team of administrators and secretaries. The firm's top priority is serving the client's needs in a timely and efficient manner. Davidson, Troilo, Ream & Garza is one of the most established and fastest growing firms in Texas that specializes in representing governmental entities, including cities. With the availability of thirteen experienced attorneys familiar with representing public entities, the Firm is capable of handling any last minute requests the city may have. Should Ashley L. White, not be readily available, William "Cody" Faulk or Richard Lindner will serve as her stand in.

APPROACH TO COMMUNICATING WITH THE CITY

Our Firm is committed to providing quality and swift responses to legal questions. It is Firm policy to stay in continuous contact with our clients. We view ourselves as partners in the municipal government process not merely contractors. Our lawyers are available not only to the City Manager but to council members and City employees as well. We serve the City as a whole and do not limit ourselves in any way when communicating with the City. We understand that City projects are not limited to one individual, and that all employees deserve a constant understanding of the legal and regulatory issues being faced by the City.

The Firm maintains advanced telephone and computer systems allowing constant access and communication between Attorneys and clients. Should the City request a specific report, the Firm will comply with the City's needs.

The Firm is committed to upholding its role as an advocate and complying with the Texas Rules of Professional Conduct. In all professional functions, a lawyer should zealously pursue clients' interests within the bounds of the law. In doing so, a lawyer should be competent, prompt and diligent. A lawyer should maintain communication with a client concerning the representation. A lawyer should keep in confidence information relating to representation of a client except so far as disclosure is required or permitted by the Texas Disciplinary Rules of Professional Conduct or other law.

**NARRATIVE
QUALIFICATION STATEMENT
PROPOSAL FOR LEGAL SERVICES**

FIRM: DAVIDSON TROILO REAM & GARZA , A Professional Corporation
ADDRESS: 7550 West IH-10, Suite 800; San Antonio, TX 78229
TELEPHONE: (210) 349-6484
FACSIMILE: (210) 349-0041
WEB SITE: www.dtrglaw.com
ESTABLISHED: 1962
Primary contact: Frank J. Garza
E-mail: fgarza@dtrglaw.com

FIRM EXPERIENCE WITH PUBLIC/GOVERNMENTAL ENTITIES

Davidson Troilo Ream & Garza has exceptional depth and experience in Public law and as General Counsel. For over five decades, the Firm has represented governmental agencies and municipalities throughout the State of Texas. Davidson Troilo Ream & Garza is one of the leading firms in Texas representing municipalities. The Firm's attorneys have extensive experience representing and advising all types of governmental entities on compliance with federal, state and local laws. Davidson Troilo Ream & Garza has represented municipalities, municipally owned public utilities, agencies of a municipality, Water Districts and other public entities. The areas of expertise varies from negotiating complicated real estate transactions to open meetings and public information laws, federal and state laws relating to taxation, procurement of personal and real property, public finances, and construction contracts. The Firm also routinely represents public entity clients in employment and personal injury defense. The Firm has several attorneys familiar with representing public entities in administrative, transactional and litigation matters such that it will have sufficient resources to handle any matter assigned to it.

Davidson Troilo Ream & Garza's current public entity clients include, among others, Brooks Development Authority (General Counsel), Brownsville Public Utility Board (General Counsel), Kerrville Public Utility Board (General Counsel), the Port Authority of San Antonio (General Counsel), the City of San Antonio (eminent domain, litigation, Civil Service counsel), the San Antonio Water System (personal injury litigation), City Public Service (Special Counsel), the Public Utilities Board of Brownsville (Special Counsel - Electric, Water and Wastewater), City of Alamo Heights (Special Counsel, City Charter), City of Poteet (City Attorney), City of Balcones Heights (City Attorney), City of Bulverde (City Attorney), City of Helotes (City Attorney), City of Karnes City (City Attorney and Municipal Court), City of Kyle (City Attorney and Municipal Court), City of Sabinal (City Attorney), City of Hondo (Special Counsel City Charter and Municipal Court), City of Olmos Park (General Counsel), City of Richmond (General Counsel for Charter Process), City of Terrell Hills (City Attorney), West Texas Municipal Power Agency (General Counsel), Kerrville Public Utility Board (Special Counsel), These listed are just a sampling of the Firm's public entity clients.

Examples of our municipal clients and the length of time we have represented them are as follows:

| | |
|--------------------------|------|
| City of San Antonio | 1967 |
| CPS Energy | 2003 |
| City of Alamo Heights | 2006 |
| City of Balcones Heights | 2003 |
| City of Brownsville | 1998 |
| City of Cotulla | 2007 |
| City of Bulverde | 2004 |
| City of Eagle Pass | 1977 |
| City of Hondo | 2006 |
| City of Karnes City | 2005 |
| City of Kyle | 2011 |
| City of Laredo | 2004 |
| City of Midlothian | 1988 |
| City of New Braunfels | 2005 |
| City of Olmos Park | 2012 |
| City of Pearsall | 1988 |
| City of Poteet | 2003 |
| City of Sabinal | 2005 |
| City of Seguin | 1999 |
| City of Terrell Hills | 2006 |
| City of Tyler | 2004 |
| City of Weatherford | 1986 |
| City of Wharton | 1995 |

CURRENT MUNICIPAL CLIENTS AND REFERENCES

| | | |
|--------------------------|-----------------------|----------------|
| City of Alamo Heights | Mark Browne | (210) 822-1500 |
| City of Balcones Heights | Amy Buckert | (210) 735-9148 |
| City of Bulverde | Eugene Hoppe | (830) 980-8832 |
| City of Cotulla | Larry Dovalina | (830) 879-2367 |
| City of Helotes | Rick A. Schroder | (210) 695-8877 |
| City of Karnes City | Don Tymrak | (830) 780-3422 |
| City of Kyle | Scott Sellars | (512) 262-1010 |
| City of Olmos Park | Celia DeLeon | (210) 824-3281 |
| City of Poteet | Scott Moore | (830) 742-3574 |
| City of Richmond | Teri Vela | (281) 342-5456 |
| City of Rockwall | Rick Crowley | (972) 771-7701 |
| City of Sabinal | Mayor Victor Landeros | (830) 988-2218 |
| City of San Antonio | Martha Sepeda | (210) 207-8720 |
| City of Terrell Hills | Columbus Stutes | (210) 824-7401 |

PRACTICE AREAS

1. General Counsel:

Davidson Troilo Ream & Garza has exceptional depth and experience in Public law and as General Counsel. For over five decades, the Firm has represented governmental agencies and entities throughout the State of Texas and since 1996 has been the law firm providing general counsel guidance to the two fastest growing Development Authorities in Texas (Brooks Development Authority and Greater Kelly Development Authority).

Frank Garza has extensive experience in providing General Counsel to governmental entities. As City Attorney for the City of San Antonio, Mr. Garza provided these services to the elected officials, appointed officials of the City's Boards and Commissions as well as to the City's Executive staff. Mr. Garza is currently providing City Attorney services to the Cities of Balcones Heights, Bulverde, Karnes City, Kyle, Olmos Park, Poteet and Terrell Hills as well as to the Bexar County Metropolitan Planning Organization, Brooks Development Authority, Cibolo Canyons Special Improvement District, VIA Metropolitan Transit, Westside Development Corporation, and Westside 211 Special Improvement District.

Over the years, Public Law representation has been provided in the areas of general government practice, including water, real estate sales, leases, development and finance, condemnation including inverse condemnation, housing, environmental, administrative, employment and labor, land use regulation (i.e., zoning, platting, subdivision, annexation and other development controls), sewer, storm water, solid waste, telecommunications and cable TV, franchises, and general public contract law.

The Firms provide daily input to governmental entities formulating, negotiating, administering, amending and terminating various professional, procurement, construction, and intergovernmental agreements. This constant experience and exposure allows for routine, cost-effective and timely advice to our clients. Our longstanding reputation and integrity in managing such matters affords our clients instant credibility and leverage in negotiating such matters with other public and private parties of any stature.

Entities that deal with public authorities seek equal access, consistent and predictable treatment, fairness and opportunity. We assist our public clients in meeting these expectations through suggesting programmatic protocols, processes, documents, negotiations, advice and recordkeeping. In this manner, our proactive approach with the client results in fair and equitable procurements with predictable results. We practice preventive law cost-effectively, thus minimizing more expensive curative remedies. Parties dealing with our public clients appreciate this professional approach.

2. **Employment Matters:**

Davidson Troilo Ream & Garza has represented many private and public entities in employment-related areas of the law. The highly skilled attorneys responsible for overseeing Employment Law are qualified in drafting personnel rules for governmental entities. We are experienced in counseling our clients in the practical areas of human resource management. We assist in developing and drafting employment procedures, developing grievance procedures, and devising personnel policy manuals for supervisors and employees and provide needed training to public employers in the area of Sexual Harassment, ADA compliance, FLSA and FMLA.

Our legal services also include helping clients structure employee evaluation systems and promotion and transfer policies, develop affirmative action and/or EEO plans, implement drug testing procedures, draft non-competition agreements. Training supervisors and managers in the effective use of employee discipline and discharge and drafting and implementing procedures to comply with the various laws usually assists our clients in avoiding costly litigation.

Our firm has qualified trial attorneys with successful records in defending clients in a courtroom and monitoring a case for a favorable negotiated settlement. Our employment practice encompasses an extensive group of employment-related litigation including civil rights, discrimination, sexual harassment, wrongful termination/breach of employment agreement, EEO and affirmative action, workers' compensation, and non-competitive agreements, as well as representation at the Equal Employment Opportunity Commission, Texas Commission on Human Rights, and the Department of Labor.

Through the years, we have assisted our clients in addressing the numerous legal aspects encountered by employers, employees, and human resources departments. With each client, we pool our resources to ensure our high standards in legal assistance are met or even exceeded.

3. **Litigation:**

The Firm's skilled and knowledgeable litigators are highly regarded in the legal community. The multi-disciplined backgrounds and interests in specialized areas of litigation afford both firms the ability to represent various individuals, governmental agencies, and business entities at all levels of state and federal court.

The Firm has extensive litigation experience in banking, bankruptcy, collections, commercial transactions, construction, corporate, employment, environmental, governmental liability, insurance, lender liability, municipal, personal injury, professional liability, real estate, regulatory, securities, and tax law. We are also adept in the state and federal administrative law proceedings concerning environmental and utility regulatory agencies.

Our distinguished legal expertise and dexterity in handling voluminous and complex litigation renders our litigators well prepared. Such cases are readily given the attention to detail that is necessary to ensure successful results. For example, Davidson Troilo Ream & Garza assembled litigation teams with superior trial ability and extensive physical science backgrounds in representing a major municipal utility that encountered widespread leaks from plastic service connections in its residential water distribution system. In this case, we utilized our expertise and backgrounds to find the cause of the mysterious pipe failures to prosecute the city's claims for damages. We thoroughly researched the facts, located highly respected scientific experts to pinpoint the causes of failure, and ultimately summarized a very technical case into understandable terms. In the end, our involvement led to settlements totaling more than \$28 million with some of the largest manufacturers in U.S. industry.

The Firm's attorneys have also represented a number of small, developing, and medium size entities in litigation and litigation related matters. However, regardless of the size of the client, we pride ourselves on meeting our client's specific needs by providing superior legal services.

In some instances, our clients have not needed to go to trial because we aided them in settling the case without the client cost, anxiety, and inconvenience of doing so. When circumstances permit, we have also utilized our trial experience to emphasize counseling on compliance programs and litigation prevention.

The Litigation attorneys provide legal evaluations and specific recommendations that afford our client's decision-makers the ability to assess risk and make well-informed business decisions. We utilize all our resources to provide the best possible legal representation. In the tradition of Davidson Troilo Ream & Garza, every litigation client is offered our extensive knowledge of and dedication to quality legal services.

4. **Business and Real Estate:**

Our Business and Real Estate attorneys provide a wide variety of highly specialized legal services to our general corporate, business, local governments, state and federal governmental agencies, and individual clients.

Since several of our Business and Real Estate Law attorneys have acquired valuable experience in government service at the local, state and federal levels, we are uniquely prepared to handle cases involving municipal franchising, state or federal regulation and sales tax interpretations, zoning and land use controls application, and eminent domain. We also represent businesses and individual landowners affected by local, state and federal government regulations. The financing of public/private projects and the special municipal law considerations inherent in such efforts have also been a specialized expertise of the Firm's Business and Real Estate Law attorneys.

We provide counseling on forming business entities, taxation concerns, complex corporate and business acquisitions, mergers, and sales and purchases of ongoing businesses. We have experience negotiating and documenting every type of business

contract. In the area of real estate, we are experienced in leasing, purchase and sales, land use and development. In the area of lender representation and creditors' rights we represent major commercial banks in commercial and construction loan documentation. Board certified attorneys in commercial and residential real estate, estate planning, probate, and bankruptcy are part of the Firm's Business and Real Estate Law team.

Our Business and Real Estate Law attorneys have in depth experience in all the important aspects of business law. This experience, plus the resources of our board certified specialists provide the basis for serving any clients with expert advice and service at reasonable rates. Individually, or as a team, the Business and Real Estate Law attorneys are well prepared to provide legal services as required by individuals, local, State and federal government agencies or private business entities.

The Firm's Real Estate attorneys provide a wide variety of highly specialized legal services to our general corporate, business, local governments, state and federal governmental agencies, and individual clients. We offer our extensive experience in the areas of corporate, tax, real estate, and financial institutions/banking law.

Since several of the Firm's attorneys have acquired valuable experience in government service at the local, state and federal levels, we are uniquely prepared to handle any real estate transaction involving the Authority, including, state and federal regulation and sales tax interpretations, zoning and land use controls application, and eminent domain. The financing of public/private projects and the special local government law considerations inherent in such efforts have also been a specialized expertise of the Firm's Real Estate Law attorneys

In the area of real estate, we are experienced in leasing, purchase and sales, land use and development. In addition, board certified attorneys in commercial and residential real estate, estate planning, probate, and bankruptcy are part of the Firm's Business and Real Estate Law team.

5. **Environmental Law:**

In the area of environmental law, Davidson Troilo Ream & Garza is acutely aware that in today's environment, public clients need to be kept informed of rapidly changing environmental regulations. New regulations, government enforcement activities and advancing technologies challenge all clients in the daily conduct of business affairs.

Our knowledge of legislative and regulatory trends at local, state, and federal levels enables the Firm to practice preventive law on behalf of clients who may perceive an environmental concern, but cannot pinpoint and assess a potential risk or exposure. Preventive management of risk by involving multi-disciplined professionals with legal and engineering expertise can prove most cost effective in meeting client needs. Clients generally prefer prevention and mitigation when possible.

The Firm's offices in both San Antonio and Austin offer clients a broad perspective of fast breaking environmental enactments and activity while providing important access to regulatory and legislative centers.

The Firm's Environmental Law attorneys combine previous governmental service with backgrounds in litigation, real estate, construction, utilities and public law that enables them to fully integrate their knowledge and services with the Firm's other attorneys that specialize in non-environmental areas. This team approach enhances the internal resources and efficiency of the Firm. This approach is especially important in analyzing risks associated with business mergers and real estate transactions.

The Firm benefits from these diverse inputs in representing political subdivisions, public utilities and private sector clients. This experience provides us the opportunity to view environmentally oriented matters from both the perspectives of the regulator and those regulated.

Our Environmental Law attorneys routinely appear before local, state, and federal public agencies in negotiation and administrative law roles for both public and private clients. The Firm has represented both applicants and opponents in contested facility permit hearings and represents clients in litigation in both state and federal district courts. Additionally, the Firm maintains political awareness across the state through active membership in numerous trade organizations and performs legislative monitoring, drafting and lobbying for clients.

ATTORNEYS
TO ASSIST THE CITY OF HEARNE

FRANK J. GARZA
State Bar No. 07731590

Education: Trinity University (B.A., 1983)
Catholic University (J.D., 1986)

Experience: Mr. Garza is a shareholder, Chairman of the Firm's Public Law Section and a member of the Public Law, Utility/Environmental Section. He helps manage the Firm by serving on the Management Committee.

Mr. Garza holds a Merit Certification in Municipal Law from the Texas City Attorney's Association.

Mr. Garza is currently serving as City Attorney for the Cities of Balcones Heights, Bulverde, Karnes City, Kyle, Olmos Park, Rockwall, Richmond and Terrell Hills. Mr. Garza is currently doing legal work for the Cities of San Antonio, Alamo Heights, New Braunfels, Pearsall, Richmond, Seguin, Tyler and Brownsville.

Mr. Garza served as City Attorney for the City of San Antonio from 1996 to 2002. His duties as City Attorney included providing general counsel services to the Mayor and Council Members as well as to the City Manager and the executive team. The executive team included over 50 department directors and assistant directors as well as the City Manager and her assistants. His duties also included providing general counsel services to the over 30 boards and commissions. His approach is to have hands on responsibility to the legal needs of the public officials and the executive administrator while also making sure that the legal needs of the governmental entity are being addressed.

Mr. Garza has extensive experience in the areas of public law, grievance procedures, labor, employment, employee hearings, procurement /contracting, taxation, professional services contract issues, insurance, public construction, grants and appropriations issues. Mr. Garza has also provided training to boards and public officials on Ethics, Open Records, Open Meetings, ADA, FLSA, FMLA, Procurement, Governmental Liability as well as in employment related matters to public clients.

Mr. Garza is a current Adjunct Professor in the Public Administration Graduate Program at St. Mary's University. He teaches two classes, Ethics and Public Officials and the Basics of Municipal Government.

Affiliations: San Antonio Bar Association
Texas City Attorneys Association
United States District Court for the Northern District of Texas
United States District Court for the Western District of Texas
United States Supreme Court

WILLIAM "CODY" FAULK, III

State Bar No. 24075674

Education: Southwestern University (B.A., 2008)
St. Mary's University School of Law (J.D., 2011)

Experience: Mr. Faulk is a member of the Firm's Litigation and Public Law Sections. **Mr. Faulk is currently serving as City Attorney for the Cities of Helotes and Kyle.** He has also advised various local governments on open meetings and open records issues, ethics/conflicts issues, as well as on procurement, contract, and other general public law issues. He has aided in the investigation of employee disputes, attended hearings with the Texas Workforce Commission, done extensive work with non-compete and non-disclosure agreements, as well as other general employment law issues. He has participated in advanced corporate litigation in both Texas Federal and State Courts.

Mr. Faulk is a certified mediator.

Membership: State Bar of Texas
Northern District of Texas (Application Pending)

Affiliations: American Bar Association
Austin Bar Association
San Antonio Bar Association
Texas Young Lawyers Association
Texas Young Professionals Association
Active participant in Bexar County Community Justice Program

ASHLEY L. WHITE
State Bar No. 24079647

Education: Southern Methodist University (B.A., 2006)
University of Tennessee – Knoxville (M.P.A, 2010)
University of Tennessee – Knoxville (J.D., 2010)

Experience: Ms. White is a member of the Firm's Public Law Section. In her current position, she serves as general counsel representing cities, special districts and other local governmental entities across the State of Texas. She advises our governmental clients in a variety of subject matter areas including open meetings and open records issues, ethics/conflicts issues, zoning and land use regulation, economic development, home-rule charters, as well as on procurement, contract, and other general public law issues.

Ms. White has significant experience in municipal prosecution. Before coming to our firm, she worked for the City of Corpus Christi, Texas. There, she was the sole juvenile prosecutor, one of two adult municipal prosecutors and the back-up prosecutor for environmental court. **Ms. White is lead municipal prosecutor for our firm and serves as the City Attorney for Sabinal and Poteet. Ms. White is the lead prosecutor in the cities of Balcones Heights, Helotes, Poteet and Sabinal.**

Membership: United States District Court for the Eastern District of Texas
United States District Court for the Northern District of Texas

Affiliations: American Bar Association
San Antonio Bar Association
Texas Young Lawyers Association
San Antonio Young Lawyers Association
State Bar of Texas Leadership Academy: Leadership SBOT, Class of 2014-2015

PROPOSED RATE SCHEDULE

PROPOSED RATE SCHEDULE

The Firm offers the City two options to provide legal services to the City. Option 1 will charge hourly rates for its professional legal services based upon the experience of the principal attorneys who will be assigned to handle the City of Hearne's legal matters as follows:

HOURLY RATES:

Attorneys per hour:

- | | |
|---------------------------------|----------|
| 1. City Attorney Representation | |
| Frank J. Garza | \$200.00 |
| William "Cody" Faulk | \$150.00 |
| Ashley White | \$150.00 |

2. Litigation not covered by TML Risk Pool

| | |
|--------------------------------|----------|
| Preparation Time – Hourly Rate | \$225.00 |
| Court Room Time – Hourly Rate | \$225.00 |

3. Court Prosecution \$125.00

5. Other Charges

 Travel rate for attorney to travel to Hearne 50% of hourly rate

 Miscellaneous charges

- | | | |
|---------------------------------|------|-------------------|
| • Copies | | (\$.10) each |
| • Travel to Hearne | | IRS rate per mile |
| • Electronic research | | cost |
| • Long distance telephone calls | cost | |
| • UPS, FedEx | | cost |

There is no charge for clerical staff. Other routine expenditures are charged at cost but will be clearly identified per your pricing schedule.

CONFLICT OF INTEREST STATEMENT

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Firm is unaware of any clients that are currently represented that could cause a conflict of interest with the City of Hearne. If a conflict were ever to arise in the future, both clients would be contacted and informed. If the conflict is between the City and a private entity, the City's representation will be continued. If the conflict is between two public entities, the client with the longest history with the firm will be maintained.

Firm **does not represent clients against municipalities**. Firm has no history of any litigation ever against the City of Hearne.