

Proposal to Provide  
Legal Services for  
North Ogden City

Anderson Call & Wilkinson  
*A Professional Corporation*

June 21, 2012

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## **OVERVIEW**

Anderson Call & Wilkinson is pleased to submit this proposal to provide legal services to North Ogden City. Anderson Call & Wilkinson has the experience which uniquely qualifies it to provide the wide range of legal services North Ogden requires, as well as the ability to provide those services at an optimal cost to the City. Our attorneys have a strong history of providing services in the municipal law disciplines of land use, eminent domain, constitutional rights, contracts, employment, construction, real estate, municipal boundaries, as well as state and local legislation and other related areas.

Our clients range from individual property owners and home builders to small and large communities. We understand that burdens imposed upon cities who are trying to balance the competing interests of citizens, the City, developers, employees, and many other important groups.

North Ogden is uniquely situated along the Wasatch front at the terminus of Washington Blvd, the major commercial thoroughfare in Weber County. As the City continues to grow there will be additional pressures placed upon the stake holders in the community. With the changes in the distribution of sales taxes, impact fees, development practices, along with other municipal concerns, Anderson Call & Wilkinson has the experience necessary to properly handle North Ogden's legal needs.

Anderson Call & Wilkinson has built enduring relationships with public officials, providing legal services in almost every discipline that touches public law. Our attorneys have taught continuing education classes almost exclusively on municipal topics as well as publishing and editing several authoritative books on the municipal topics. Our attorneys include those who have served as a city council member, as a state legislator, and as staff to federal officials.

Our proposed team for the North Ogden City Attorney position consists of two attorneys, both of whom are licensed to practice law in the State of Utah. Both are members in good standing with the Utah State Bar with no history of disciplinary actions. These two attorneys are committed to high standards of responsiveness, and have significant experience working with municipalities—their specific experience is detailed later in this proposal. Our attorneys frequently serve as municipal attorneys and consultants to municipalities and government agencies; therefore they understand the issues, concerns and needs of the municipalities from the inside out.

We look forward to being able to discuss this proposal further with the City and appreciate your consideration.

## **OUR LOCATIONS**

Ogden Offices  
139 Historic 25<sup>th</sup> Street  
Ogden, UT 84401

Salt Lake City Offices  
136 East South Temple  
Suite 2400  
Salt Lake City, UT 84111

## **PROPOSED SERVICES**

Anderson Call & Wilkinson proposes that North Ogden City hire our firm to represent the City in the majority of its municipal legal needs. Jonathan Call, a North Ogden resident, would be the primary attorney for the City. He would provide the typical day to day services, including attendance at City Council meetings and other appointments as requested by the City. Jonathan is also available to maintain regular hours at the North Ogden City offices so as to be accessible to administration and staff in addition to being available by phone and email during regular business hours.

Craig Call, who is a senior partner with our firm, would also provide legal services to the City by consulting and advising Jonathan and city staff on complicated issues. Craig would not normally attend regular meetings and would generally not participate in day to day issues which arise at the City. However, during vacation or other periods when Jonathan is not available, Craig would be able to assist the City with the issues which might arise. When Jonathan is unavailable on a planned vacation Craig's time will be billed at Jonathan's hourly rate. In the unlikely event that both Jonathan and Craig are unavailable our firm has additional attorneys which would help, though we do not expect this to ever occur without sufficient notice to make accommodations.

Our firm understands that the City does not require a full time attorney and is concerned about the costs of benefits and other employee related expenses. Our firm understands that the City would typically require approximately 14 hours a month for City County and Planning Commission meetings plus some additional time before each meeting to prepare for questions which might be asked of the attorney during the meeting based upon the agenda and topics to be covered during the meeting. We would anticipate this time to be approximately 6 to 10 hours a month as well.

In addition to regularly scheduled meetings we believe that our firm can provide the City with all of its additional legal needs. We are experienced in dealing with the drafting, reviewing, and implementation of municipal ordinances, contracts, policies, and resolutions. We also have experience representing the interests of municipalities before the Court and among interested parties including negotiation of settlements, supply contracts, service providers, and other areas.

As stated in the Overview section our firm has significant experience in dealing with municipalities both on behalf of and through the representation of individuals who have various disagreements with other municipalities over ordinances, impact fees, building permits, and contracts. We believe this unique perspective gives our firm a depth of knowledge from both sides of the municipal "counter" which will benefit North Ogden in many significant ways.

Typically our firm charges \$150 an hour for Jonathan's services to regular clients with Craig's hourly rate being significantly higher. Municipal clients receive a discount for these same services.

We would like to propose several options to the city based upon what the city believes its needs are. As base proposal amount for Jonathan to prepare for and participate in regularly scheduled City Council and Planning Commission meetings which we approximate to be 20-24 hrs a month

we would expect an annual retainer of \$24,000. This \$24,000 would cover up to 24 hrs a month of meeting time and preparation for meetings including reviewing, revising, and drafting ordinances, contracts, and any other documents to be used during the regularly scheduled meetings. At least 2 hours of the 24 would be Craig’s time to review any documents and in working with Jonathan through complicated issues. Any time over the 22hrs a month for Jonathan and 2 hrs a month for Craig would be billed at our regular rates as described below.

If the City believes that it would be likely to regularly exceed the 24 hrs a month of attorney services and would like to increase the annual retainer for yearly attorney services we would be happy to agree to a fixed amount which reduces the fees charged for Jonathan’s and Craig’s time. This idea would be used for any group of 10hr increments over the 24hrs in the base contract for services with additional discounts given for higher contract amount of services. A breakdown of costs will be shown in the table below. We are happy to contract with the City for any of the tiers set forth below at the City’s discretion.

Proposed Contract Amounts for Attorney Services						
	Jonathan’s Time	Craig’s Time	Monthly Contract Cost	Yearly Retainer	Monthly Regular Cost	Additional Time
Tier 1	22	2	\$2,000	\$24,000	\$3,200	Regular Fee
Tier 2	31	3	\$2,900	\$34,800	\$4,550	Regular Fee
Tier 3	40	4	\$3,750	\$45,000	\$5,900	-\$25.00/hr
Tier 4	50	4	\$4,500	\$54,000	\$7,150	-\$25.00/hr
Tier 5	76	4	\$5,500	\$66,000	\$10,400	-\$25.00/hr

In addition to any of the tiers selected above we are willing to provide additional attorney services as the City sees fit. These services would be provided at the rate of \$125 an hour for Jonathan’s time and \$225 an hour for Craig’s time billed in 1/10<sup>th</sup> of an hour increments. If the city elects for Tier 3 or above, additional time will be discounted \$25.00 an hour for both Craig and Jonathan.

All time, even contracted time will be tracked and submitted to the City so the City can evaluate each year the contract amount and determine which tier it would like to select for the upcoming 12 month period. Anderson Call & Wilkinson agrees to not increase tier or hourly rates for at least 3 years from the time this proposal is accepted. To accept this proposal North Ogden City needs to deliver to our Ogden office a signed statement which accepts this proposal, designates a tier the City wishes to select, and provides the first month retainer amount. Our firm agrees to accept any such offer made by the City.

In the event the City wishes to discontinue services they must provide 30 days written notice to our Ogden Office at 139 Historic 25<sup>th</sup> Street, Ogden, UT 84401. In the event our Firm wishes to discontinue services, we will provide the City with 120 days written notice to allow the City sufficient time to select another City Attorney.

## **STATEMENT OF QUALIFICATIONS OF JONATHAN CALL**

- Training: Georgia State School of Law, Juris Doctorate, 2011; Weber State University, Bachelor of Science, 2006.
- Member, Utah State Bar, 2011 – present.
- Years of Legal Experience: 4 (worked as legal clerk before obtaining JD, including internship with the City of Atlanta)
- Areas of Expertise: Municipal, Land Use, Eminent Domain, Impact Fees, Procurement
- Admitted Jurisdictions: All Utah State Courts, United States District Courts, Utah District
- Selected List of Clients:
  - Providence City
  - South Salt Lake City
  - Utah Valley Home Builders

As a result of being involved with the Utah Land Use Institute for several years Jonathan has had significant exposure to the laws and statutes which govern municipal organizations in Utah. Jonathan has been in charge of editing the Institute's book publications for the previous 3 years and thoroughly understands the relevant Utah statutes governing municipalities in several ways. His editing work includes the Utah Law of Eminent Domain; the Utah Impact Fees Handbook and Checklists; and the Utah Land Use Regulation Deskbook.

As an associate with Anderson Call & Wilkinson, Jonathan has been involved in several complex litigations involving municipalities including, petitions for disconnections, impact fee challenges, and eminent domain proceedings. Jonathan has also been involved in drafting, reviewing, and revising municipal ordinances, contracts, waivers, employment guidelines, and other common municipal documents.

Even before obtaining his JD, Jonathan has been actively participating in Continuing Education for municipal officials, municipal attorneys, and other government agency attorneys. Though Jonathan does not have an exhaustive knowledge of municipal law, his ability to learn quickly, understand the issues involved, research statutes and case law, as well as his connections in governmental agencies, educational organizations and others provide additional resources which will be available to North Ogden City as a result of having Jonathan represent them.

Before deciding to attend Law School Jonathan was the Purchasing Manager at the Ogden Clinic. He was in charge of maintaining supplies for five separate clinic locations. Jonathan was required to contract for supplies, manage employees, consistently monitor inventory levels, and communicate with administration, accounting, employees and physicians on a daily basis. The skills he learned during his career before becoming an attorney provided him with success in the healthcare business as well as preparing him for the pressures and responsibilities of the legal field.

  
Jonathan Call

6-21-12  
Date

## **STATEMENT AND QUALIFICATIONS OF CRAIG CALL**

- Training: J. Reuben Clark Law School, BYU, J.D., 1976 (Charter Class); B.S. in Education, Business and Accounting, BYU, 1972.
- Member, Utah State Bar, 1976 – present.
- Years of Legal Experience: 36
- Areas of Expertise: Municipal Law, Land Use Regulation, Eminent Domain, Impact Fees, Alternative Dispute Resolution.
- Admitted Jurisdictions: All Utah State Courts, United States District Courts, Supreme Court of the United States.
- Selected List of Clients:
  - Providence City
  - South Salt Lake City
  - Utah Valley Home Builders
  - Private Real Estate Development Firms

Craig is an attorney in private practice with Anderson Wilkinson & Call PC in Salt Lake City and Ogden and serves as the executive director of the Utah Land Use Institute, a non-profit educational organization. Craig was the Private Property Rights Ombudsman for the State of Utah from 1997-2007 where he assisted in the mediation and arbitration of several thousand land-related disputes and research of legal issues related to property rights. He has been a real estate broker, general contractor and attorney. He currently serves as the land use appeals hearing officer for Salt Lake City, South Salt Lake City, and Riverdale and is the lead City Attorney for Providence, Utah.

Prior to his entering law practice and state government service, Craig was the redeveloper of several dozen historic buildings in Provo, Utah and then held executive positions with Flying J Inc. of Ogden and its subsidiaries.

Craig served four years in the Utah Legislature and also on the City Council in Provo. He is a past president of the Utah Heritage Foundation and member of the Board of State History. He authored The Utah Citizen's Guide to Land Use Regulation: *How It Works and How to Work It* (2005), a 16-hour continuing education course on Alternative Dispute Resolution for the International Right of Way Association (2006), and the comprehensive Utah Law of Eminent Domain (2008). In 2009 the Utah Land Use Regulation Guidebook, which he jointly authored, was published by the Utah League of Cities and Towns. He also compiled the Utah Impact Fee Handbook and Checklists. He is an adjunct instructor in the Department of City and Metropolitan Planning at the University of Utah and the principal trainer for Utah land use appeals officials for the Utah League of Cities and Towns. He serves with the Utah Land Use Legislative Task Force, which crafts municipal legislation during the interim period between sessions of the Utah Legislature.

Craig has participated in conferences and seminars and lectured widely on property rights and dispute resolution in the U.S., as well as in Canada and the Peoples Republic of China. He and his wife Janine live in Plain City where they keep some old cars and work on finishing the restoration of their 1862 rock house. They have five children and five grandchildren.

  
Craig Call

6/22/12  
Date

## **PROFESSIONAL REFERENCES FOR JONATHAN CALL**

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## **PROFESSIONAL REFERENCES FOR FIRM AND CRAIG CALL**

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# Jonathan Call

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## Experience

Law Clerk/Associate Attorney 2008 -Present

Anderson Call & Wilkinson, P.C.

Description: Working with clients drafting motions, doing research, giving advice, reviewing and editing documents, preparing for litigation, hearings, and other general attorney work.

Experienced in the areas of Land Use, Contracts, Eminent Domain, Constitutional and Federal Requirements, Real Estate, Disconnections.

Program Administrator 2008 - Present

Utah Land Use Institute

Description: Coordinating Educational Programs for Municipal Officials and Attorneys, Editing Institute Publications, Web Master.

Graduate Research Assistant: 2009 - 2010 school year

Center for the Comparative Study of Metropolitan Growth

Description: Planned and Organized Symposium in honor of Julian Juergensmeyer

Extern: Spring 2010

City of Atlanta

Description: Drafted motions and participated in meetings of city officials

Purchasing Manager: 2007-2008

Ogden Clinic P.C.

Description: Organized supply needs of 180+ physicians and 5 clinic locations

Materials Manager: 2005-2007

South Towne Surgery Center

Description: Managed Supplies for 3rd busiest Surgery Center in Utah

## Education:

Juris Doctorate, 2011

Georgia State University College of Law

Atlanta, GA

Classes in Water Law, Bankruptcy, Land Use, Municipal Law, Contracts, Criminal Procedure, Constitutional Law, Constitutional Rights, Oil and Gas Law, Property, and others

B.S., Business Administration, 2006

Weber State University

Ogden, UT

## Associations

Utah State Bar (2011), Member in Good Standing

North Ogden Kiwanis Club (2012)

## **Craig M. Call – Background Information**

In his thirty-six year legal career, Mr. Call has been involved in a variety of business and professional ventures. His legal work has focused on mediation and arbitration, real estate development issues, impact fees, eminent domain, legislation/administrative codes, and municipal law. He has also been extensively involved in raising the professional level of land use practitioners through publications, seminars, and workshops, as well as by training local leaders through the Utah League of Cities and Towns and teaching at the University of Utah.

### **Education**

- Juris Doctor, J. Reuben Clark Law School, BYU (1976 - Charter Class).
- Bachelor of Science: Business and Education, Brigham Young University (1972).

### **Experience**

- Attorney, Anderson Call & Wilkinson PC. (2007-present). Represents municipalities, property owners, institutions, and agencies on land use, eminent domain, and municipal law issues. Land Use Attorney for the cities of Providence and South Salt Lake City.
- Executive Director, Utah Land Use Institute. (1999-present). Published several books about Utah law and procedure (see below).
- Hearing Officer, Riverdale City; South Ogden City; Salt Lake City. (2010/2012/2012-present). Acting as the Appeal Authority and an administrative law judge in lieu of a Board of Adjustment or other appeals body. Hears and resolves cases involving land use appeals, variances, zoning enforcement and other administrative issues (depending on jurisdiction).
- Adjunct Instructor, Dept. of Urban and Metropolitan Planning, Univ. of Utah. (2010-present).
- Trainer, Utah League of Cities and Towns; Utah Local Governments Trust. (2004-present). Principle instructor for Appeal Authority training for the League and consisted presenter on land use appeals, meeting management, impact fees, and related topics at the ULCT Spring and Fall Conferences and other venues.
- Utah's founding Property Rights Ombudsman. (1997 – 2007) Resolved thousands of disputes between property owners and local and state government entities. Mediator, arbitrator, and author of a number of advisory opinions resolving land use disputes. He also appeared before the Supreme Court of Utah as an amicus on behalf of his state agency.
- Municipal liaison and land use representative, Flying J Corporation. (1994-1997).
- CEO of Snake River Marketing Inc. and EnviroVault, Inc., subsidiaries of Flying J Corp. (1988-1994). Developed and managed convenience stores, travel centers, and a company whose mission was to install an innovative and safe means for underground petroleum storage. Developer, manager, and employer of a staff of 80.
- Developer, Provo Town Square; Historic Utah, Inc. (1972-1988). General Contractor, Real Estate Broker and Leasing Agent, Developer and Manager. Restored several dozen buildings listed on the National Register of Historic Places in Utah and Idaho.
- Consultant, Historic Utah Inc. (1976-1977). Conducted field surveys of historic buildings, including extensive work in Ogden, Summit County, Utah County, and the Avenues of Salt Lake City.

- Corporate Director, Caribou Four Corners, Inc. (Predecessor to Maverik Country Stores). (1976-79).
- Small Businessman. (1969-1997). Alpine Oil Company; the Eggertsen House Restaurant; The Downtown Provo Mercantile Company; Souper's Soup, Salad, and Sandwich Shops.
- Civic Volunteer. (1976-present).
  - President, Utah Heritage Foundation.
  - Secretary and President, Chesterfield Foundation (Mormon Townsite in Idaho).
  - Chair, Downtown Provo Merchants Committee.
  - Officer, Provo Chamber of Commerce.
  - Vice Chairman, Timpanogos Transit Authority.
  - Member, Provo Metropolitan Water Board.
  - Chair and Executive Director, Idaho Heritage Trust.
  - Member, Utah Board of State History.
  - Secretary and volunteer general contractor, Millcreek Chapel Fund. (Constructed interfaith chapel at state juvenile facility in Weber County).
  - President, Friends of Plain City, Utah.

#### Government Service

- State Representative, Utah Legislature. (1985-1988).
- Member, Provo Municipal Council. (1982-1983).
- Field Office Director, Congressman James V. Hansen (R-UT). (1981).

#### Honors and Awards

- *Utah Business Magazine* Legal Elite, Real Property Law Category. (2009-2011).
- J. Grant Iverson Service Award, Utah State Historical Society.
- Preservation Award, Utah Heritage Foundation.
- Outstanding Service to the Community, Faculty of the J. Reuben Clark Law School.

#### Professional Associations

- Admitted to practice before the Utah State Courts, the U.S. Federal Courts, and Supreme Court of the United States.
- Utah State Bar, Real Property and Alternative Dispute Resolution Sections.
- Utah Land Use Institute – Founder and Executive Director.
- Utah Chapter, American Planning Association.

#### Publications

- *Resolving Land Use and Impact Fee Disputes: Utah's Innovative Ombudsman Program, The Urban Lawyer* – The National Journal on State and Local Government Law, Fall 2010/Winter 2011.
- *Utah Land Use Deskbook* – 140 pp., Utah League of Cities and Towns, 2009, 2011. Lead author of publication vetted and polished by civic and business leaders.
- *Utah Law of Eminent Domain* – 280 pp., Utah Land Use Institute, 2008 - (updated annually).
- *Utah Impact Fee Handbook* – 90 pp., Utah Land Use Institute, 2009 - (updated annually).

- *Alternative Dispute Resolution for Right-of-Way Acquisition Agents*. 16 hour course with student manual, instructor manual, exams, and power point. International Right-of-Way Assn., 2006.
- *Utah Citizen's Guide to Land Use Regulation* – 270 pp., Utah Department of Natural Resources, 2005.
- *Chesterfield – Mormon Outpost in Idaho*. 90 pp. 1910. Compiled and published anthology through the Chesterfield Foundation and BYU Press. Won Mormon History Assn. award in 1980.

Presentations and Speaking Engagements – 2011 (representative of other years):

- American Bar Association Annual Conference, Toronto, Canada.
- Utah State Bar Association Annual Meeting, San Diego, CA.
- Utah Chapter, American Planning Association.
- Utah League of Cities and Towns – Appeal Authority Training (5 times).
- Utah League of Cities and Towns – Spring and Fall Conferences.
- Utah Chapter, American Public Works Association.
- Southern Utah Home Builders Association (Keynote Address).
- Utah Water Law Conference – CLE International.
- Utah Eminent Domain Update – Utah Land Use Institute.
- Utah Impact Fee Seminar – Utah Land Use Institute.

Mr. Call also served on a panel of experts with the China Law Center of Yale Law School which travelled to the Peoples Republic of China and made presentations in Beijing and Shanghai in 2008.

Personal Interests:

- Family – Wife, Children and Grandchildren
- History of the Intermountain West
- Utah and Idaho architectural history and preservation
- Vintage and classic automobiles

Contact Information:

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