

**ORDINANCE #22-22:**

**AN ORDINANCE AMENDING THE ORDINANCE APPROPRIATING FUNDS FOR OPERATIONS OF THE VILLAGE OF PINEHURST FOR FISCAL YEAR 2023, REGARDING REVENUES AND EXPENDITURES OF THE GENERAL FUND FOR THE VILLAGE OF PINEHURST, NORTH CAROLINA (LEGAL FEES AND CONTRACT RATIFICATION)**

**THAT WHEREAS**, the Village of Pinehurst engaged the legal services of Hartzog Law Group when defending a recent lawsuit regarding alleged open meeting law violations; and

**WHEREAS**, on September 29, 2022, the judge ordered in the Village’s favor; and

**WHEREAS**, as of November 7, 2022, total legal services expenditures for this case were \$53,304; and

**WHEREAS**, the plaintiff appealed the decision and additional expenditures may likely be incurred; and

**WHEREAS**, funding for these services was not included in the FY 2023 Budget when originally adopted; and

**WHEREAS**, when the contract was executed, expenditures were expected to be within the Village Manager’s delegated authority of \$50,000 as indicated in the annual budget ordinance #22-05; and

**WHEREAS**, the Village Manager signed the agreement between the Village and Hartzog Law Group for these services based on the original estimated costs;

**NOW, THEREFORE, BE IT RESOLVED** by the Village Council of the Village of Pinehurst, North Carolina, in the regular meeting assembled this 15<sup>th</sup> day of November 2022, as follows:

**SECTION 1.** To amend the FY 2023 General Fund budget with regard to revenues and expenditures, the revenue and expenditure accounts are to be changed as follows:

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-00-210-5800	Professional Services	\$ 50,000	
10-00-190-3905	Fund Balance Appropriated		\$ 50,000

**SECTION 2.** Copies of this budget amendment shall be furnished to the Village Clerk, Village Manager, and Financial Services Director for their direction and implementation.

**SECTION 3.** The Village Council hereby accepts the agreement between the Village and Hartzog Law Group as shown in Exhibit A attached hereto and made part of this ordinance.

**SECTION 4.** The Village Manager’s signature is hereby ratified on the attached agreement with an effective date of May 20, 2022.

THIS ORDINANCE passed and adopted this 15<sup>th</sup> day of November, 2022.



Attest:

Kelly Chance  
Kelly Chance, Village Clerk

VILLAGE OF PINEHURST  
VILLAGE COUNCIL

By: John C. Strickland  
John C. Strickland, Mayor

Approved as to Form:  
Michael J. Newman  
Michael J. Newman, Village Attorney

HARTZOG LAW GROUP  
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May 19, 2022

**Jeff Sanborn  
Village Manager  
Village of Pinehurst  
395 Magnolia Road  
Pinehurst, North Carolina 28374**

**Re: NC Citizens for Transparent Government, Inc., et al. v. Village of Pinehurst, et al.**

Dear Mr. Sanborn:

Thank you for selecting our law firm to represent the defendants in the above matter. We have agreed to represent you and have set out the following fee arrangement.

Our fees for legal services are \$275 per hour for partners, \$250 per hour for associates and \$125 per hour for paralegals, plus any necessary expenses incurred, such as copying costs, postage, and related expenses. Our office will bill you monthly depending upon the amount of work done on your file during that period. At this point in the case, it is difficult to estimate the amount of time and expense that will be necessary to represent you in this case.

Throughout the case, we will send you all documents filed and any relevant correspondences for your personal records. Please retain them. As I know you understand and appreciate, we cannot guarantee a specific outcome.

After we have completed all the legal work necessary for your case, we will close our file and return original documents to you. Per the firm's retention policy, we will store our file for six years. Thereafter, these documents will be destroyed.

Enclosed is a copy of this letter for your review. Please sign, and return to us at your earliest convenience. If any of the information in this letter is not consistent with your understanding of our agreement, please contact us before signing the letter.

On behalf of the firm, we are happy to represent you in this matter. If you have any questions, please contact us when they arise.

By signing this agreement, you understand that your matter will be processed by Hartzog Law Group LLP including other attorneys, and staff. The duty of confidentiality extends across all members of Hartzog Law Group LLP and client consents to the sharing of information in this manner.

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With best regards, I am,

Yours very truly,



Dan Hartzog

On behalf of the defendants and with the authority granted to me in my capacity as Village Manager, I agree to the terms of this letter.



Jeff Sanborn  
Village Manager  
Village of Pinehurst

THIS INSTRUMENT HAS BEEN PRE-AUDITED IN THE  
MANNER REQUIRED BY THE LOCAL GOVERNMENT  
BUDGET

Bruce Huth AND FISCAL CONTROL ACT  
DATE 6/20/22