



City of Dearborn Heights
6045 FENTON • DEARBORN HEIGHTS, MICHIGAN 48127

Mo Baydoun
Council Chairman

Study Sessions and City Council Meetings shall be attended in person by City Council Members. Members of the public have the option of attending in person or virtually.

Purpose: **5:30 p.m. CITY COUNCIL STUDY SESSION** - Special Legal Counsel Interviews

Immediately followed by: CITY COUNCIL SPECIAL MEETING

Immediately followed by: CITY COUNCIL STUDY SESSION - Pending Items

Location: **City Hall Council Chambers - 6045 Fenton**

Date: **Tuesday, January 16, 2024**

Join Zoom Meeting

<https://us06web.zoom.us/j/85136913100?pwd=OaBSqzxqcQ5DCBTdKEF9Lj9uT5x0Mx.1>

Meeting ID: 851 3691 3100

Passcode: 694136

One tap mobile

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+1 312 626 6799 US (Chicago)
+1 646 876 9923 US (New York)
+1 646 931 3860 US
+1 507 473 4847 US

+1 564 217 2000 US
+1 669 444 9171 US
+1 669 900 6833 US (San Jose)
+1 689 278 1000 US
+1 719 359 4580 US
+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)
+1 360 209 5623 US
+1 386 347 5053 US
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Persons who may wish to contact members of the City Council to provide input or to ask questions on any business that will come before the City Council at the meetings are to contact City Clerk Senia at 313-791-3434 or email at clerks@dearbornheightsmi.gov before 5:00 p.m. on the day of the meeting. For participation during the meeting, click on the Zoom link to enter the meeting room and raise your “zoom” hand to indicate that you have a question. You can also contact the WDHT-TV Staff at any of the above phone numbers.

Council Chairman: (313) 817-0577 • City Clerk: (313) 791-3435
mabaydoun@dearbornheightsmi.gov

**ORDER OF BUSINESS JANUARY 16, 2024
SPECIAL MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL**

1. **CALL OF MEMBERS**
2. **PLEDGE OF ALLEGIANCE**
3. **AGENDA APPROVAL**
4. **APPROVAL OF MINUTES**
5. **PUBLIC HEARINGS AND COMMENT ON AGENDA ITEMS**
6. **FUND TRANSFERS AND CURRENT CLAIMS**
7. **CONSIDERATION OF BIDS**
8. **REPORTS FROM MAYOR**
9. **REPORTS FROM CITY OFFICIALS**
 - A Council Chairman Baydoun - City Counsel Special Legal Counsel
10. **PETITIONS FROM CITIZENS**
11. **ORDINANCES AND RESOLUTIONS**
12. **COMMUNICATIONS**
13. **NEW BUSINESS**
14. **MEMBERS OF THE PUBLIC**
 - A Comments from Council Members
 - B Announcements
 - C Public Comments
15. **ADJOURNMENT**

Approved for the Agenda of:	
1/16/2024	Motion No.

9.A.



City Council

TO: Honorable City Council Members

FROM: Council Chairman Baydoun

DATE: January 11, 2024

RE: Council Chairman Baydoun - City Counsel Special Legal Counsel

SEE ATTACHED

Attachments:

1. SpLegalCounsel - Miotke
2. SpLegalCounsel - Turfe

Special Legal Counsel

Gary Miotke <gmiotke@miotkelawoffice.com>

Thu 1/11/2024 7:14 PM

To: Dearborn Heights Clerk's Office <clerks@dearbornheightsmi.gov>

Cc: Lynne Senia <LSenia@dearbornheightsmi.gov>

 1 attachments (119 KB)

Janaury 11 2024 Resume of Gary Miotke.pdf;

Caution: This is an external email. Please take care when clicking links or opening attachments.

Honorable City Council:

I am interested in representing your Honorable Body as Special Legal Counsel.

Please find attached my resume which sets forth my professional qualifications to serve as Special Legal Counsel.

Besides my professional qualifications, I believe that I am otherwise qualified to serve as Special Legal Counsel. I am a resident of the City of Dearborn Heights and I have been a resident of the City for most of my life. I have a deep and abiding commitment to the City and to its residents. Further, it would be both an honor and my pleasure to serve as Special Legal Counsel.

Thank you for your consideration.

Very truly yours,

GARY T. MIOTKE

Attorney at Law

Phone: [\(313\) 388-4809](tel:3133884809)

Confidentiality Statement

This e-mail is from a law firm, Gary T. Miotke, Attorney at Law ("GTM"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of GTM, do not construe anything in this e-mail as making you a client unless it contains a specific statement to that effect, and do not disclose anything to GTM in reply that you expect him to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of GTM, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

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Gary T. Miotke
Attorney at Law

Office: 6828 Park Avenue
Allen Park, MI 48101
Phone: (313) 388-4809

Summary

Attorney with the knowledge, experience, temperament, and demonstrated abilities to serve the Dearborn Heights City Council as Special Legal Counsel:

(A) Extensive City of Dearborn Heights ("City") municipal legal and litigation experience, having been an attorney for over 35 years and having specifically served the City for approximately 32 of those 35 years as either its Corporation Counsel or as an Assistant Corporation Counsel.

(B) Served in all four of the City's most recent Administrations, namely the administrations of Mayor VanHouten, Mayor Canfield, Mayor Paletko, and Mayor Bazzi.

(C) Served as Corporation Counsel for over 23 years of the approximately 32 years that I served the City and did so in the three most recent Administrations.

(D) Extensive municipal and governmental legal and litigation experience for clients other than the City related to claims against municipalities and governmental entities, especially claims for violation of the First Amendment, the Fourteenth Amendment, the Whistleblowers' Protection Act, and other constitutional and legal claims.

(E) 35+ years of extensive litigation experience, including (A) trying as sole counsel well in excess of 100 jury trials and hundreds of bench trials and formal hearings to verdict and (B) handling cases in Michigan and federal courts from inception through all phases of litigation, including appeals and post-judgment proceedings.

Relevant Experience

4/1991 to Present

Sole Practitioner, Allen Park, Michigan

General civil and criminal practice in state and federal courts.

Civil cases handled involved the gamut of claims including employment, personal injury, probate, domestic relations, business, collection, landlord-tenant, and other types of cases. Also, representation in administrative proceedings. Diverse client base over the years ranging from multi-million-dollar corporations to the homeless, with representation of plaintiffs, defendants, and fiduciaries.

Criminal cases handled generally involved misdemeanors but also occasionally included felony representation. Clients have included both prosecuting entities and defendants.

Extensive experience with all aspects of litigation, including client contact, research and investigation, drafting of pleadings, discovery, negotiation, trials, appeals, and post-judgment proceedings.

Notably, made new law related to the Bullard-Plawecki Employee Right to Know Act, MCL 423.501 *et seq.* in successful representation of a former municipal employee/plaintiff in:

(A) McManamon v. Charter Twp. of Redford, 256 Mich App 603 (2003) appeal denied 469 Mich 990 (2003) later proceeding 273 Mich App 131 (2006) and (B) McManamon v. Charter Twp. of Redford, 273 Mich App 131 (2006).

9/2022 to 4/2023

Assistant Corporation Counsel, Dearborn Heights, Michigan

Appointed outside counsel responsible for prosecutions of traffic and ordinance violations in the City and occasionally other limited matters. Extensive experience in all aspects of misdemeanor prosecution, including client contact, warrant reviews and approvals, research and investigation, drafting of pleadings, discovery, negotiation, trials, appeals, post-judgment proceedings, and public contact.

6/1999 to 8/2022

Corporation Counsel, Dearborn Heights, Michigan

Appointed outside counsel responsible for all legal affairs in the City. Extensive experience in all aspects of litigation (particularly significant cases for the City and criminal prosecution), including client contact, warrant reviews and approvals, research and investigation, drafting of pleadings, discovery, negotiation, trials, appeals, post-judgment proceedings, and public contact. Also experience with media contact. Further, extensive collaborative experience with municipal officials and other law firms providing legal services to the City.

1/1994 to 6/1999

Assistant Corporation Counsel, Dearborn Heights, Michigan

Appointed outside counsel responsible for one-half of prosecutions of traffic and ordinance violations in the City. Extensive experience in all aspects of misdemeanor prosecution, including client contact, warrant reviews and approvals, research and investigation, drafting of pleadings, discovery, negotiation, trials, appeals, post-judgment proceedings, and public contact. Also experience with media contact, including being televised as part of a trial on local cable television.

4/1991 to 10/1993

Anthony S. Guerriero and Associates, Allen Park, Michigan

Of Counsel Attorney to general practitioner who was also Special Corporation Counsel of the City of Melvindale, Michigan. All time devoted to litigation in state and federal courts as well as administrative proceedings. Civil cases primarily related to domestic relations, landlord-tenant, and employment matters. Criminal cases included both prosecuting and defending misdemeanors. Prosecution done on behalf of the City of Melvindale and (on an as-needed basis) the City of Allen Park. Extensive litigation experience primarily in client contact, negotiation, research, drafting of pleadings, trials, and appeals.

11/1988 to 4/1991

Dadaou and Stevens, P.C.
Inkster, Michigan

Associate Attorney in four-attorney law firm with general civil and criminal practice in state and federal courts. Civil cases primarily related to employment, landlord-tenant, business, collection, personal injury, probate, and Social Security disability claims. Criminal cases involved misdemeanors and felony defense. Also, Assistant Corporation Counsel, Dearborn Heights, Michigan responsible for all legal aspects of the City's operations, including civil litigation and the prosecution of traffic and ordinance violations. Plus, Special City Attorney for the City of Westland Act 78 Police and Fire Civil Service Commission. Extensive experience involving most aspects of litigation, including client contact, research and investigation, drafting of pleadings, discovery, negotiation, trials, and appeals. Also experience with media contact.

Professional Admissions

All Michigan courts, date of admission: 11/21/1988
U. S. District Court for the Eastern District of Michigan, date of admission: 12/6/1988
U. S. Court of Appeals for the 6th Circuit, date of admission: 7/7/1994
U. S. District Court for the Western District of Michigan, date of admission: 4/6/2021

Professional Associations

State Bar of Michigan, current section memberships: Alternative Dispute Resolution Section, Government Law Section, Labor & Employment Law Section, Negligence Law Section, Probate & Estate Planning Section, and Solo & Small Firm Section
Michigan Association for Justice

Education

Wayne State University Law School:
Juris Doctor, May 1988.
Moot Court Program, 1986-1988.

University of Michigan-Dearborn:
Bachelor of Arts in Public Administration, December, 1984.
Graduated with High Distinction.

Legal Counsel Proposal (City of Dearborn Heights City Council)

Tarik Turfe <tt@hdalawgroup.com>

Mon 1/15/2024 4:28 PM

To: Dearborn Heights Clerk's Office <clerks@dearbornheightsmi.gov>

Cc: Kassem Dakhlallah <kd@hdalawgroup.com>

 1 attachments (206 KB)

Dearborn Heights Council Proposal HDA Law Firm.pdf;

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Hello,

On behalf of the law firm of Hammoud, Dakhlallah & Associates PLLC, please find enclosed the attached proposal for legal services. Please advise if you require any additional information or documentation. Please also confirm your receipt of this email and the attached proposal.

Thank You,

Tarik D. Turfe | Attorney

Hammoud, Dakhlallah & Associates PLLC

6050 Greenfield Rd, Ste 201

Dearborn, MI 48126

Phone: (313) 471-4009

Fax: (313) 551-3136

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PROPOSAL FOR THE LEGAL REPRESENTATION OF THE CITY OF DEARBORN HEIGHTS CITY COUNCIL

Submitted To:



Council Members:

Council President Mo Baydoun
Council Chair Pro Tem Hassan Ahmad
Hassan Saab
Denise Malinowski-Maxwell
Nancy Bryer
Tom Wencel
Bob Constan

By:

HAMMOUD, DAKHLALLAH & ASSOCIATES PLLC

**Ali K. Hammoud
Kassem M. Dakhallallah
Tarik D. Turfe
Basem M. Younis
Kassem H. Amine
6050 Greenfield, Ste 201
Dearborn, MI 48126
313-551-3038
hdalawgroup.com**



QUALIFICATIONS

A. Related Experience and Personnel Qualifications

HAMMOUD, DAKHLALLAH & ASSOCIATES PLLC is a full-service law firm with unique experience in municipal matters. HAMMOUD, DAKHLALLAH & ASSOCIATES strives to provide big firm services without the big firm costs. Kassem M. Dakhallallah and Tarik D. Turfe will be the designated primary contacts for the City of Dearborn Heights. Each proposed team member's qualifications, experience, and expertise are detailed in the attached resumes. All HDA attorneys are licensed in Michigan, in good standing, and without prior disciplinary entanglements.

With each client, our objective is to match our attorney's experience and expertise with the legal matter involved. We do this because the law has become so complex and ever-changing that concentration and specialization is essential if we hope to provide excellent legal services in a cost-effective and timely fashion. Accordingly, when a client engages us to provide legal services, the client is engaging the collective expertise of all of our attorneys.

Should HAMMOUD, DAKHLALLAH & ASSOCIATES PLLC's proposal for legal services be selected, please rest assured that the firm will work closely with the City of Dearborn Heights City Councilmembers to ensure that all legal matters are handled in the most efficient and economically sound manner possible. We are committed to immersion within the greater Dearborn Heights community as our attorneys are local and eager to remain involved.

B. Summary of HAMMOUD, DAKHLALLAH & ASSOCIATES's Expertise

As stated above, HAMMOUD, DAKHLALLAH & ASSOCIATES is a full-service law firm with unique and significant expertise in representing a wide variety of clients in almost every type of legal matter. Such variety includes criminal defense, civil litigation (plaintiff and defense oriented), and appellate practice in both state and federal courts. Our team also has the expertise to complete all legal research and writing requirements for the City Charter and representation of the City Council in all matters that require litigation. Additionally, we will provide the Council with consultation on City ordinance and municipal code matters.

As has been the course throughout the history of our firm, the proposed City of Dearborn Heights Team would be able to provide the Council with a written response to any of its questions within a maximum time frame of one-business day. It is our practice to respond to all telephone calls and electronic correspondence within 12 hours with a short, concise and well-reasoned legal response to the question posed. The team at HAMMOUD, DAKHLALLAH & ASSOCIATES shares in the belief that no client should ever have to call



and ask about the status of a particular project. Status reports are provided to all clients in litigated and non-litigated matters as the matters occur.

Most importantly, our firm's attorneys are deeply rooted in the Dearborn Heights and greater Wayne County communities. Partner Ali K. Hammoud currently serves as Magistrate of the 19th District Court in Dearborn, Michigan, and is one of the community's prominent criminal defense attorneys. Partner Kassem M. Dakhlallah is a lifelong Wayne County resident and has been recognized as America's Top 100 High Stakes Attorneys in 2019 and 2021. Associate Tarik D. Turfe is a lifelong Dearborn Heights resident, a graduate of Crestwood High School, and current Varsity Basketball coach at the school. Together, the attorneys at HAMMOUD, DAKHLALLAH & ASSOCIATES PLLC can provide the best legal services to the Dearborn Heights City Council.

Rest assured, we have the capacity, knowledge, and expertise to handle the litigation referenced above. We understand the significance of this arrangement especially where, as here, public entities in Wayne County are striving for fiscal efficiency and to remain within their targeted budget.

C. The HAMMOUD, DAKHLALLAH & ASSOCIATES Plan

In addition to the legal proficiency of HAMMOUD, DAKHLALLAH & ASSOCIATES PLLC, this proposal includes a specific and targeted plan to maximize efficiency, minimize costs, and produce more effective legal results for the City Council. In the following three-part plan, HAMMOUD, DAKHLALLAH & ASSOCIATES PLLC will truly make a lasting impact on the local government of Dearborn Heights.

(1) Efficiency of Legal Opinions

As for the attorneys' duty to provide legal opinions, HAMMOUD, DAKHLALLAH & ASSOCIATES PLLC strives to provide the same in a clear and concise manner. Our firm understands that a legal opinion that needs to be interpreted by a lawyer defeats the purpose. Our opinions need to be simple and understandable, but they most importantly need to provide full and complete advice as to fully appraise the City Council of all applicable laws, rules, and procedures. The attorneys at HAMMOUD, DAKHLALLAH & ASSOCIATES PLLC will be able to provide just that in order to move the City's business along smoothly.

(2) Foster Effective Meetings

As it relates to the previous section, the attorneys at HAMMOUD, DAKHLALLAH & ASSOCIATES PLLC will additionally be able to provide legal opinions to foster effective, productive, and beneficial City meetings. This includes, but is not limited to, appearances at City Council meetings, Planning Commission meetings, and



Zoning Board of Appeals meetings. As City Attorney, the attorneys at HAMMOUD, DAKHLALLAH & ASSOCIATES PLLC will ensure that the City's procedures are the most practical, effective, and promoting of high quality engagements to ensure all City matters run economically.

(3) Protect the Separation of Powers

A critical function of municipal government is the separation of powers. The City Council is elected as the People's voice. The Council is the only legislative body. The Council, on behalf of the people, works tirelessly to make the most educated voting decisions as it relates to the procedural and substantive matters that are proposed throughout each meeting. A critical part of our role as attorneys for the City Council will be to protect the Council's role as the legislative arm of the City of Dearborn Heights. This includes the ability to utilize all available legal mechanisms to properly advise the Council of its actions and pursue all necessary legal claims to ensure that the Council's legislative authority is not abridged.

REFERENCES

Hon. David A. Groner (Retired)
Former Judge of the Wayne County 3rd Circuit Court

Fadwa Hammoud
Chief Depute Attorney General of Michigan
525 W. Ottawa Street
Lansing, MI 48906
517-335-7622

Tom McNeill
McNeill ADR
355 South Old Woodward Ave, Suite 100
Birmingham, MI 48009
313-516-2436
tom@mcneilladr.com



FEES AND COSTS

We understand that the City of Dearborn Heights, and the City Council, is subject to public scrutiny and must be particularly prudent in its allocation of revenues to legal fees. There are several components to effective and efficient legal billing, including:

1. Number of hours devoted to each task,
2. The careful reporting of the actual hours by lawyers involved in those tasks, and
3. The skill and experience of the lawyers in specialized areas so that the City of Dearborn Heights City Council does not end up paying to educate lawyers in complex areas of specialty.

Indeed, as a result of our recent representation of individuals and entities across the State of Michigan, together with our unparalleled experience before the Michigan District Courts, Michigan Circuit Courts, Michigan Court of Appeals, the Supreme Court of Michigan, the United States District Court for the Eastern District of Michigan, and the Sixth Circuit Court of Appeals, the City Council is in a position to be the beneficiary of a tremendous amount of legal experience.

We are able to provide this proposal for compensation. Our compensation structure will be based upon the City Council's budget for legal services, and the City Council's discretion in utilizing our firm for its specific needs.

For this method compensation, out-of-pocket expenses, including photocopying, travel, filing fees, and express delivery expenses are charged as actual costs incurred. We encourage our clients to raise any questions or issues concerning billings. Absent billing conflicts, we do expect that our bills will be paid promptly within thirty (30) days of receipt.

EQUAL OPPORTUNITY

HAMMOUD, DAKHLALLAH & ASSOCIATES is devoted to providing equal opportunity employment and equality in the workplace. HAMMOUD, DAKHLALLAH & ASSOCIATES continually strives to maintain diversity and inclusion in the workplace. All of our hiring policies and practices are in full compliance with federal and state law governing equal opportunity and civil rights in the workplace.

CONFLICTS OF INTEREST

The law firm of HAMMOUD, DAKHLALLAH & ASSOCIATES is cognizant of the need to avoid any actual or potential conflicts of interest. In that regard, please be assured that we shall not represent any persons or entities adverse to the City of Dearborn Heights City Council. Of course, our firm would agree to disclose to the Council any potential conflict without delay. At present, we are not aware of any actual or potential conflict between the firm and the City Council.