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November 25, 2024

The Honorable Mayor Lyle Nelson
& Distinguished Members of the City Council
City of Bastrop
1311 Chestnut Street
Bastrop, Texas 78602

Sent Via Email

REGARDING: Withdrawal of Legal Representation
Office of City Attorney

Mayor & Council:

On this, my seventh anniversary of taking the oath of office to serve the City of Bastrop, I respectfully inform you of my decision to withdraw our law firm's representation of the city and tender resignation of my appointed position as your city attorney. Given the current climate at City Hall, I have determined our present relationship is not sustainable. It is my hope that you can benefit from different legal representation.

As a lawyer, representing an organization is relatively straight forward when its leadership and management are in alignment. One of the ethical rules applicable to lawyers, Texas Disciplinary Rules of Professional Conduct Rule 1.12, states that a lawyer employed or retained by an organization represents *the entity*. In such instances, the lawyer accepts direction from an entity's duly authorized "constituents" (i.e., board, leaders, managers, directors, etc.). Comment 9 to Rule 1.12 clarifies that it applies to *governmental organizations*, such as the City of Bastrop.

With our ethical obligations in mind, our firm is proud of our ability thus far to competently, consistently, and objectively serve the configuration of fragmented relationships that have yielded a house divided. However, the time has come to acknowledge that the irreconcilable differences among the city's leaders have placed me and my team in an untenable position.

It has been an honor to serve as a steady, stabilizing influence on an organization that has experienced tremendous change since 2017, which has included 5 city managers, 4 chiefs of police, 3 judges, 3 mayors pro-tem, and 2 mayors. While I could boast of many tangible, positive Bastrop accomplishments to which our team has contributed, ours is a *behind the scenes* profession that seldom has the opportunity to take public victory laps. In earnest, we are most satisfied of the negative, detrimental consequences the city *avoided* with the benefit of our legal guidance (such as the many frivolous, expensive, and disruptive lawsuits that plagued the city prior to our engagement).

It has been a privilege to assist the city in times of fires, floods, and a pandemic. The record will show we skillfully handled complex issues that ranged from Texas Commission on Environmental Quality (TCEQ) matters to federal Equal Employment Opportunity Commission (EEOC) inquiries. We've been there for Bastrop through routine Open Records Requests, Charter elections, land use and development deals, and crucial Real Estate acquisitions.

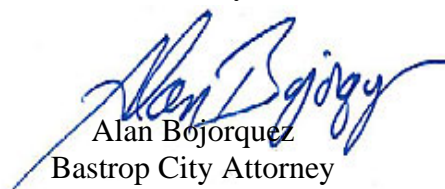
Our representation of Bastrop has coincided with our firm's leadership of our legal profession. Since being appointed by a unanimous Bastrop City Council in 2017, I was elected President of the Texas City Attorneys Association and to the Board of Directors of the International Municipal Lawyers Association (IMLA). I was awarded *Honorary Membership* in the International City Management Association (ICMA) and *Honorary Membership* in the Texas Municipal Clerks Association (TMCA). This year I received IMLA's *Faculty Award* in recognition of my continuing training efforts on Ethics and Open Government. Since joining Bastrop's team, our firm (as a whole) has received *Merit Certification in Municipal Law* from the Texas City Attorneys Association. This year, my law partner, Dorothy Palumbo received the *Outstanding Private Practice Government Attorney Award* from the IMLA. Marianne Landers Banks was designated an IMLA *Local Government Fellow*. Sylvia Firth, former President of the State Bar of Texas, was appointed to the *State Commission on Judicial Conduct*.

As you can see, our law firm is flourishing. At this stage of my career, the firm warrants more of my attention. Now in our 22nd year, our firm consists of 35 employees, including 24 lawyers officing in 9 regions of Texas (and 1 in Delaware). We represent 65 local government clients (mostly cities). Thus, it makes sense for me to step away from Bastrop.

While we continue to have confidence in our expertise as Municipal Lawyers, Bastrop is engaged in a transition that is best left to proceed without my staff's involvement (and without me overseeing your legal matters). Empowering Bastrop to govern responsibly has motivated our team to uniformly give you our very best. However, the time has come to redirect our energies and allow you the opportunity to continue upon your trajectory without us.

It is our intention to cease representation of the city on **December 31st** (or sooner upon being informed that you have designated our successor). Thank you, Mayor and Council, for the opportunity to serve the City of Bastrop. It has been a highlight of my 28-year career. On behalf of the members of our law firm, I wish you glad tidings for a *joyous holiday season* and the *very best of luck in 2025*.

Sincerely,


Alan Bojorquez
Bastrop City Attorney
&
Managing Partner
Bojorquez Law Firm, PC