

**TO: MAYOR AND CITY COUNCIL**  
**FROM: NEIL JENSEN, City Administrator**  
**SUBJECT: RFP Legal Services (Criminal)**  
**MEETING DATE: October 6, 2020**

**BACKGROUND:**

The City Council has approved requesting proposals for legal services. There are 2 parts to legal services that the city uses. One is civil services and the other is criminal services. I have contacted Goodhue County for a quote on prosecution services (criminal).

The average cost over the past 4 years for prosecution services that the city has been paying Campbell Knutson is just over \$36,000 annually. This is for misdemeanor cases as Goodhue County already prosecutes the felonies and juvenile cases for the city.

Please find in your packets a proposal from Goodhue County for prosecution services for 2021 and 2022. They normally go with 3-year terms but they wanted to get in line with the other city's they represent.

The cost for 2021 is \$14,430.00 and \$14,718.00 for 2022. This is a savings of approximately \$42,000 over the next 2 years.

The Finance Committee has reviewed the Prosecution Contract and has made a recommendation to the City Council to proceed with the contract with Goodhue County for the next 2 years for the cost provided in the contract.

Civil Attorney Services will be sent out in an RFP and will be due back on November 6<sup>th</sup>, 2020. The process will be similar to the one used for engineering services. Dates to be determined and should be completed by the end of the year.

**STAFF RECOMMENDATION**

Please review and based on the Finance Committee's recommendation please accept the contract from Goodhue County for Misdemeanor Prosecution Services.

**REQUESTED COUNCIL ACTION**

Please make a motion to approve the Goodhue County Misdemeanor Prosecution Services for the cost of \$14,430.00 for 2021 and \$14,718.00 for 2022 and proceed with the Civil Attorney Services Request for Proposal.



Goodhue County Justice  
Center  
454 W. 6<sup>th</sup> Street  
Red Wing, MN 55066-2475

Telephone (651) 267-4950  
FAX (651) 267-4972

## **STEPHEN F. O'KEEFE**

*Goodhue County Attorney*

ASSISTANT COUNTY ATTORNEYS

CAROL K. LEE

ERIN L. KUESTER

CHRISTOPHER J. SCHRADER

WILLIAM L. CHRISTIANSON

ELIZABETH M.S. BREZA

DAVID J. GROVE

ANGELA R. STEIN

JESSICA M. PERKINS

September 11, 2020

Neil Jensen  
Cannon Falls City Administrator  
918 River Road  
Cannon Falls, MN 55009  
Email: [njensen@cannonfallsmn.gov](mailto:njensen@cannonfallsmn.gov)

**Re: City of Cannon Falls Prosecution Services**

Dear Mr. Jensen:

Pursuant to your request, I am proposing a misdemeanor prosecution service contract for the City of Cannon Falls for calendar years 2021 and 2022. I propose a monthly contract fee for criminal prosecution services as follows:

1. Proposed 2021 rate - \$1,202.50 per month, total annual fee \$14,430.00;
2. Proposed 2022 rate - \$1,226.50 per month, total annual fee \$14,718.00.

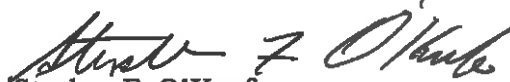
This contract would include time for City of Cannon Falls criminal matters from charging to trial, sentencing, and probation violation. Services will be coordinated with the Cannon Falls Police Department. It would not include civil representation, zoning and ordinance enforcement actions, or civil nuisance enforcement actions. The monthly fee covers all routine and nominal clerical expenses associated with prosecution of City of Cannon Falls cases. The City would be responsible for other costs of prosecution, including witness fees and extraordinary copying costs. To date, my office has not billed for any such costs with regard to prosecution services provided to other municipalities. In the event that there is a conflict of interest with this office's primary duty to represent Goodhue County, we would represent Goodhue County and would not be able to represent the City of Cannon Falls in the conflict matter. In case of a conflict, we would attempt to find alternative representation to handle the prosecution by trading services to another prosecutor's office. If no alternative counsel can be arranged in this manner, the City would have to bear the cost of outside counsel for these limited types of cases.

The County Attorney's Office has seven full-time and two part-time attorneys with seven support staff. My attorneys are available for law enforcement 24 hours a day with the availability of a designated on-call attorney during weekends and holidays. My staff of skilled attorneys and support staff can handle questions, review or draft appropriate pleadings and efficiently process cases on the court calendar. We are familiar with the City of Cannon Falls, law enforcement personnel, and all court procedures, and currently provide prosecution services for five other municipalities within Goodhue County. My office is committed to working with the City of Cannon Falls to maintain efficiencies in the provision of services while enhancing the public safety of its citizens.

Please let me know if the City has any questions or would like to discuss this matter further. Thank you.

Respectfully yours,

GOODHUE COUNTY ATTORNEY'S OFFICE

A handwritten signature in black ink, appearing to read "Stephen F. O'Keefe". The signature is written in a cursive style with a large, stylized initial 'S'.

Stephen F. O'Keefe  
Goodhue County Attorney

SFO/jk

**CITY OF CANNON FALLS**  
**REQUEST for PROPOSAL and QUALIFICATIONS for CITY**  
**ATTORNEY SERVICES**

**I. PURPOSE**

The City of Cannon Falls is requesting proposals and qualifications for City Attorney services from firms experienced in municipal law.

**II. BACKGROUND**

- A.** The City of Cannon Falls is free-standing city with a population of 4,065 residents located approximately 35 miles south of St. Paul on Highway 52 and approximately 40 miles north of the City of Rochester. The City covers about 4.2 square miles in Goodhue County.
- B.** The City operates under a Charter form of government. The City Council is the legislative and policy making body of the City. The Council is made up of six Council members and the Mayor. The City Administrator is the chief administrative officer of the City. The City Administrator is accountable to the City Council for the implementation of Council direction and the administration of all affairs of the City. The City Council meets the first and third Tuesday of each month. The Park Commission meets as needed. The Planning Commission meets on the second Monday of each month or as needed.
- C.** The City has a total budget for 2021 of over \$9,200,000.00.
- D.** The City has 9 boards/commissions including, EDA, Finance, Police, Cannon Valley Trail, Library, Cable, Planning, Public Works, Park.
- E.** The City has unionized employees represented by (3) three separate bargaining units.
- F.** The City also uses legal services for with other firms for bond council, development agreements, personnel issues and cable television franchise.

**III. PROCESS**

The City Council will review proposals and qualifications of submitting firms and if necessary, conduct interviews of all or a few of the firms. Upon the decision of the City Council the firm will be appointed to provide City Attorney services.

#### IV. GENERAL INSTRUCTIONS

- A.** Responses must include complete information as described in this request. Ten (10) copies shall be submitted by 3:00 p.m. on November 6, 2020.

Neil Jensen  
City Administrator  
City of Cannon Falls  
918 River Road  
Cannon Falls, MN 55009

- B.** To ensure fairness and uniformity, firms submitting responses are requested to not contact City staff or the City Council. Questions about this RFP may be sent by e-mail to [njensen@cannonfallsmn.gov](mailto:njensen@cannonfallsmn.gov) prior to the submission deadline.
- C.** The City will not reimburse any expenses incurred by the firm submitting responses including, but not limited to, expenses associated with the preparation and submission of the response and attendance at interviews.
- D.** The City reserves the right to reject any and all proposals, to request additional information from any and all Proposers.

#### V. REQUIRED CONTENTS OF RESPONSE

**A.** Firm Background:

1. Brief history of firm.
2. Number of attorneys, including number of partners and associates and areas of specialty.
3. Support personnel: number and expertise.
4. Office organization and support capabilities.
5. Office location(s).
6. Current use of technology, especially capability for computerized legal research and for sharing and editing documents electronically.
7. Statement of any malpractice claims and/or ethics complaints taken against your firm or firm's attorney(s) over the last five years and the status or outcomes of such action. Indicate whether any action is pending or is currently under review by the State Ethics Board.
8. Describe malpractice insurance coverage: carrier, limits, and exemptions.

**B. Attorney Qualifications:**

1. Identify the specific attorney who will serve as the lead attorney and indicate the following:
  - Academic training and degrees
  - Description of background and experience
  - Description of prior municipal experience including cities served in a similar capacity
  - List of litigation in communities where designated attorney served as lead attorney and outcomes of litigation
2. Identify attorney who will serve in the lead attorney's absence, and provide information as requested in No. 1 above.
3. Identify other attorneys and support staff who will supply services for which the City will be charged.
4. Indicate current responsibilities of person designated to serve as lead attorney.

**C. List of cities you currently represent and for what type of service.**

**D. List of cities you began representing in the last three years and cities you stopped representing in the last three years.**

**E. Names, telephone numbers, and contact person of at least five (5) client references, at least two (2) of which shall be cities.**

**F. Description of the firm's view of their responsibilities to the City in the provision of legal services.**

**G. Copy of Malpractice/liability Insurance Certificate in a minimum amount of \$2,000,000.**

**H. Conflict of Interest:**

1. Indicate whether designated lead attorneys or the law firm represent, or have represented, any client whose representation may conflict with your ability to provide legal services to the City.
2. Indicate whether designated lead attorneys or the law firm currently represent any real estate developers. If so, please identify those companies or persons in detail and provide a percentage breakdown of how much this work represents of your firm's total billings.
3. Indicate whether designated lead attorneys or the law firm currently represents any other local units of government having jurisdiction within, or contiguous to, the City of Cannon Falls.

4. Identify what procedures your firm utilizes to identify and resolve conflicts of interest.

**I. Fees:**

1. Firms desiring to be considered for City Attorney services shall indicate the hourly rate for City Attorney and other attorneys and support staff that may be working on City business.
2. Firms shall indicate all other costs and reimbursables including meeting attendance, travel (per mile), telephone, printing, photocopying, etc.
3. Firms shall indicate the minimum increment of time billed for each service including phone calls, correspondence and personal conferences.

**VI. City Attorney Services Requirements**

Following are the primary responsibilities:

1. Attend City Council meetings and other meetings as requested by the City Council or City Clerk/Treasurer.
2. Be a member of the Planning Commission and represent them at all meetings.
3. Draft and/or review ordinances, resolutions, and correspondence, as requested.
4. City has adopted The Minnesota Basic Code. Possess knowledge of zoning and other property matters.
5. Advise the Mayor, Council Members, and City Administrator on city legal matters.
6. Prepare and/or review municipal contracts, such as contracts for public improvements, joint powers of agreements, construction, and purchase of equipment.
7. Represent City in matters related to the enforcement of City zoning codes.
8. Research and submit legal opinions on municipal or other legal matters, as requested by City Council or City Administrator.
9. Meet with the City Council, and City Administrator as needed to review status of all legal matters before the City.

10. Provide legal briefings as requested to City Council and Staff regarding new or proposed legislation affecting municipal operations and activities.
11. Provide written update on new State or Federal legislation or judicial decisions impacting the City and suggested action or changes in operations or procedures to assure compliance.
12. Provide advice on open meeting law, data practice, records retention and privacy issues.
13. Represent the City in employment related issues, arbitration, administrative hearings and in litigation involving same, Union contracts and negotiations.
14. Interpret and advise with respect to municipal employment matters including, but not limited to, PERA, personnel policy, FLSA, Veterans' Preference, unemployment compensation.
15. Defend City in litigation (except in those cases where insurance companies are required to provide defense) including, but not limited to, 1) human rights claims; 2) condemnation; 3) permits and administrative actions; and 4) employment matters.
16. Defend City in uninsured claims and other insurance matters.
17. In coordination with Bond Counsel, review of financing, special assessments, bonds and insurance requirements required by or for City contracts or activities.
18. Represent City in the acquisition of properties for public improvements, easements, and parks.
19. Represent City in condemnation proceedings for public improvement projects.
20. Represent City in workers' compensation matters.
21. Initiate litigation on behalf of City as requested by City Council.
22. Interpret and advise regarding State land use statutes and City Code.
23. Interpret and advise regarding laws relating to Comprehensive Plans and approvals.
24. Interpret and advise regarding impact fees and legal uses.
25. Advise and represent the City on environmental matters.



26. Prepare and/or review the following as requested by City Council or City Administrator:
  - a. Vacation of Rights-of-way
  - b. Special Assessments
  - c. Business Subsidy Agreements
  - d. Development Agreements

## **TERMS AND CONDITIONS**

- A.** The City of Cannon Falls reserves the right to cancel or amend the request for proposals at any time. The City of Cannon Falls reserves the right to determine the successful respondent. The City of Cannon Falls reserves the right to reject any or all proposals.
- B.** The City of Cannon Falls will not be liable for any costs incurred by the firm responding to this request.
- C.** The firm shall not assign any interest in this proposal and shall not transfer any interest in the same without the prior written consent of the City of Cannon Falls.
- D.** For the purposes of this agreement, the consultant shall be deemed to be an independent contractor, and not an employee of the organization. Any and all agents, servants, or employees of the firm or other persons, while engaged in the performance of any work or services required to be performed by the City of Cannon Falls under this agreement, shall not be considered employees of the City of Cannon Falls and any and all actions which arise as a consequence of any act or omission on the part of the firm, its agents, servants, employees or other persons shall in no way be the obligation or responsibility of the City of Cannon Falls. The consultant, its agents, servants, or employees shall be entitled to none of the rights, privileges, or benefits of organization employees except as otherwise may be stated herein.
- E.** No official or employee of the City of Cannon Falls who exercises any responsibilities in the review, approval or carrying out of the proposal shall participate in any decision which affects his or her direct or indirect personal or financial interest.