

TO: MAYOR AND CITY COUNCIL

FROM: NEIL JENSEN, City Administrator

SUBJECT: Cannon Falls Prosecution Services Contract with Goodhue County (renewal)

MEETING DATE: November 15, 2022

BACKGROUND

Please see the attached renewal contract for prosecution services from Goodhue County Attorney's Office. The contract is for an additional 3 years and will increase a nominal 3% for each year of the contract. The rest of the contract is the same as before.

STAFF RECOMMENDATION

Please approve the 3-year prosecution services contract from Goodhue County.

REQUESTED COUNCIL ACTION

Please make a motion to approve the 3-year prosecution services contract from Goodhue County Attorney's Office at the rate of 2023-\$1,263.30 per month, 2024-\$1,301.91 per month, 2025-\$1,340.23 per month.



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

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STEPHEN F. O'KEEFE

Goodhue County Attorney

ASSISTANT COUNTY ATTORNEYS

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November 3, 2022

Neil Jensen
Cannon Falls City Administrator
918 River Road
Cannon Falls, MN 55009
Email: njensen@cannonfallsmn.gov

Re: City of Cannon Falls Prosecution Services

Dear Mr. Jensen:

I am privileged to submit a proposal for continuing the City of Cannon Falls misdemeanor prosecution responsibilities. The increased efficiency inherent in this comprehensive prosecutor's office continues to enhance the public safety of the citizens of Cannon Falls and save the City money in officers' time while allowing effective use of County Attorney resources as well.

I propose a monthly contract fee for criminal prosecution services for the calendar years 2023-2025 as follows:

1. Proposed 2023 rate - \$1,263.300 per month, total annual fee \$15,159.54;
2. Proposed 2024 rate - \$1,301.91 per month, total annual fee \$15,614.33;
3. Proposed 2025 rate - \$1,340.23 per month, total annual fee \$16,082.76.

Due to increasing expenses, this proposal reflects a 3% increase in fees for services for each year of a new three-year term. The City of Cannon Falls would continue to pay all expenses associated with costs of prosecution such as subpoenas, exhibits, etc. To date, we have billed no such expenses during the period of our contractual relationship. Expense costs will be due and owing upon conclusion of the year. In addition, the City of Cannon Falls must bear all costs of counsel incurred due to irreconcilable conflicts in representation. In the event of a conflict in which the Goodhue County Attorney's Office cannot represent the City of Cannon Falls in a prosecution, the Goodhue County Attorney's Office will make every effort to trade services with neighboring prosecutors at no cost, however, if no timely trade can be arranged, the Goodhue County Attorney's Office will assist the City of Cannon Falls to retain substitute counsel to appear in the prosecution at

the expense of the City of Cannon Falls. First recourse will be to the City of Cannon Falls civil counsel if such services are covered under the existing civil representation contract. Any such referral will be subject to the final approval of the Cannon Falls City Administrator. To date, we have billed no such expenses during the period of our contractual relationship. Zoning and ordinance enforcement would not be part of this criminal contract.

As previously demonstrated by our past years of service to the City of Cannon Falls, there are several clear advantages in our representation. We are available in the Justice Center all business hours for immediate consultations as necessary. We have a large staff of skilled attorneys who 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. We have achieved greater computerized exchange of records and information reducing staff clerical time demands.

I think the evidence is clear, and law enforcement will agree, that over the period of our past relationship, this arrangement has been as beneficial for your police department as it has been for our attorney's office. The opportunity to work closely advising officers on weekends and 24 hours a day has allowed by attorneys to better understand officers' concerns and questions as we bring charges to support their arrest decisions. Even more important in this current time of heightened public scrutiny, early access to an on-call attorney has also helped officers avoid unnecessary risks and legal liability in assessing questionable fact situations. Investigations are better coordinated and more efficient when officers' questions are answered early in the process. We continue to work to reduce officers' time in court waiting to testify, and rely on expert police evidence gathering to improve chances of early guilty pleas.

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



Stephen F. O'Keefe
Goodhue County Attorney

SFO/jk

cc: Scott Arneson

*On behalf of the City of Cannon Falls,
I hereby accept the terms of this proposal.*

Neil Jensen, City Administrator

Date

John Althoff, Mayor

Date