

MEMORANDUM

To: Mayor Rhonda Pownell
Northfield City Councilors **VIA EMAIL ONLY**

Cc: Ben Martig, City Administrator

From: Christopher M. Hood, City Attorney

Date: June 22, 2021

Re: Discussion of City Attorney Regular Meeting Attendance Schedule and Participation In Person and Remotely

City Administrator Martig requested that I provide a brief memorandum regarding your discussion of the City Attorney's attendance schedule and participation either in person and/or remotely at regular City Council meetings.

Background

As City Attorney, I have attended City Council meetings in person since December 2009, with the exception of during the COVID-19 pandemic. In the earlier years, I attended both regular meetings of the City Council in person. Later on, my in person attendance at Council meetings was reduced generally to the first meeting of each month, but with the occasional attendance at the second meeting if there were legal issues that warranted attendance. The City made this change at that time as it was generally considered unnecessary to have the City Attorney present at the second meeting of the month, unless there were legal issues warranting attendance. This was also done as a cost saving measure. This change was not made based on my request, and I have always been of the opinion that the utilization of legal services is in the discretion of the City Council and City Administration to decide.

Schedule

With the advent of new technologies allowing for video conferencing and with the experience of using the same for the prior 15 months, I am now requesting that the City Council consider modifying the previous City Attorney Council meeting attendance schedule to allow for both in person and remote attendance of the City Attorney at regular City Council meetings.

The previous schedule and the proposed new schedule are outlined below for your consideration:

- Previous Schedule:
 1. City Attorney attended the first regular City Council meeting of each month in person
 2. City Attorney attended, as needed, other City Council meetings in person. Sometimes City Attorney attendance was switched between City Council meetings depending on agenda items at a particular Council meeting.
- Proposed Schedule
 1. City Attorney attends remotely the first regular City Council meeting of each month by video conference, unless there are anticipated legal issues or in person attendance is otherwise desired, in which case the City Attorney will attend a meeting in person.
 2. City Attorney attends, as needed, other City Council meetings remotely by video conference, unless there are anticipated legal issues or in person attendance is otherwise desired, in which case the City Attorney will attend a meeting in person. Sometimes City Attorney attendance may switched between the first and second Council meetings depending on agenda items at a particular Council meeting.
 3. City Attorney may also attend City Council meetings in person as requested (for example: Council agendas, including work sessions, with more complex legal issues, occasional face-time with the City Council, training on items such as open meeting law compliance, etc.)

Some general information Council may want to consider regarding the above request, includes but is not limited to, the following:

1. Travel, meal and transition time (“travel time”) to and from Northfield for in person Council meetings represents approximately 2.5 hours per meeting under good weather conditions, in addition to the actual Council meeting time.
2. Meetings generally last approximately 3 hours, which means that travel is occurring after 9:00 pm, on dark roads, and in occasionally difficult or dangerous weather conditions.
3. City Attorney participation at regular meetings is often routine with an occasional question, or no questions or participation by the City Attorney, at a meeting.
4. Work/life balance is important. Not having to spend 2.5 hours for travel time for a routine meeting with little or no participation by the City Attorney would allow me more time with my family.
5. In person individual interpersonal interactions with Council members at meetings are typically quite limited and usually only occur in the 10 or 15 minutes prior to a regular meeting.
6. Travel time is generally not a cost-effective, efficient, or productive use of time.

Thank you for your consideration.

CMH/sw