



Legislation Details (With Text)

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Title: Consider Approval of First Amendment to Contract for Prosecuting City Attorney Services.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1 - First Amendment of City Attorney Contract v.3 060519 - 5 yr extension EL, 2. 2 - Eckberg Lammers Contract Motion M2014-128, 3. 3- Northfield Criminal - Case Type 2016-2018, 4. 4- Northfield City Criminal - Total Cases, 5. 5 - Eckberg Lammers rate increase 2018 2019, 6. 6 - Eckberg Lammers Contract Request - 05.07.19

Date	Ver.	Action By	Action	Result
6/18/2019	1	City Council	approve	Pass

City Council Meeting Date: June 18, 2019

To: Mayor and City Council

From: Ben Martig, City Administrator

Consider Approval of First Amendment to Contract for Prosecuting City Attorney Services.

Action Requested:

The Northfield City Council considers a Motion approving the attached First Amendment to Contract for Legal Services with Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P.

Summary Report:

The Northfield City Council discussed Civil and Criminal Prosecution Contract Extensions on June 4, 2019. Based on Council discussion, the First Amendment to Contract for Legal Services (Attachment 1) provides for a five-year extension to the existing contract. In addition, the termination clause was amended to include that the contract may be terminated by either party upon 60 days written notice. This is common in legal services contacts. Staff recommends approval of the amendment.

The City approved a five-year agreement with Eckberg Lammers for Criminal Prosecution Legal Services (attachment 2) on July 8, 2014. The current contract expires on July 31, 2019.

The City Council likely does not have as much working familiarity with Eckberg-Lammers as it relates to criminal prosecution. Therefore, the Police Department has attached summaries of cases from 2016-2019 (attachments 3 & 4) and put together some of the following thoughts as it relates to their experiences in working with Eckberg-Lammers and their staff:

- Their support staff are very responsive to our requests and work closely with our Records and Evidence Staff to ensure case documents are properly requested and distributed. They also send timely court notices to officers and staff.
- Attorneys regularly seek input from officers and administration for specific and general case prosecution. Attorneys visit the NPD on a regular basis to discuss cases, review processes, and provide formal and informal training.
- Attorneys provide monthly newsletters with updates and timely advice related to case law and statutes. Their staff continually research and then educate our staff on the ever-changing landscape of law enforcement, statutes, and court decisions.
- Attorneys are available 24 hours a day for consultation.
- The firm recognized challenges and inefficiencies related to processing digital evidence (photos, squad video, audio recordings, etc.) and contracted with Evidence.com. The firm provides NPD access to this cloud-based system for more efficient evidence transfer. This has been a very big improvement in digital evidence management and saves our Evidence Technician significant time.
- The firm and its attorneys have become important partners in the Rice County Criminal Justice system. Eckberg-Lammers now has the City Criminal contracts with Faribault and Dundas. Their attorneys take part in and/or are members of numerous local committees and boards including the Rice County Community and Justice Council, Rice County Blueprint for Safety (Domestic Violence) program, and the HOPE Center Board.

Alternative Options:

Contract extension for an undefined period of time. Staff does not recommend a three-year contract or an RFP process at this time.

Financial Impacts:

The current rate for attorney services from Eckberg Lammers is \$87,797 annual flat fee rate (paid prorated at a monthly rate of \$7,316 through July 2019) plus disbursements (i.e. subpoena service expenses, postage). The contract has a clause for rate adjustments allowing annual adjustments to hourly rates or monthly retainer with 30 days written notice to the City.

Tentative Timelines:

Council discussion June 4, 2019
Council action June 18, 2019

As noted above, the current contract has an ending date of July 31, 2019, unless extended by mutual agreement. The amendment provides for a new contract end date of July 31, 2024.