



Legislation Details (With Text)

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<b>Type:</b>	Information/Discussion Item	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	5/20/2019	<b>In control:</b>		City Council	
<b>On agenda:</b>	6/4/2019	<b>Final action:</b>			
<b>Title:</b>	Discussion of Civil and Criminal Prosecution Contract Extensions.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. 1- Flaherty Hood Civil Contract Motion M2014-127, 2. 2- Eckberg Lammers Motion M2014-128, 3. 3- Northfield Criminal - Case Type 2016-2018, 4. 4- Northfield City Criminal - Total Cases, 5. 5- Flaherty & Hood 2019 rates letter, 6. 6- Eckberg Lammers rate increase 2018 2019, 7. 7- Civil and criminal fees for city attorney 2010 thru 2019, 8. 8- EckbergLammers Contract Request - 05.07.19				

Date	Ver.	Action By	Action	Result
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**City Council Meeting Date:** June 4, 2019

**To:** Mayor and City Council  
**From:** Ben Martig, City Administrator

Discussion of Civil and Criminal Prosecution Contract Extensions.

**Action Requested:**  
The Northfield City Council discuss Civil and Criminal Prosecution Contract Extensions.

**Summary Report:**

The City approved five-year agreements with Flaherty & Hood for Civil Legal Services (attachment 1) and Eckberg Lammers for Criminal Prosecution Legal Services (attachment 2) on July 8, 2014. The current contracts have ending dates as follows:

- Flaherty & Hood June 30, 2019
- Eckberg Lammers July 31, 2019

Both contracts contain similar Term and Termination language allowing the agreements to continue past the dates listed by mutual written agreement of the Law Firm and the City. The current agreements may be terminated by the City at any time.

Staff recommends extension of both contracts. Staff does not recommend going through an RFP process at this time for the following reasons: Staff is satisfied with existing representation; there are several legal issues that the existing attorneys are involved in and up to speed on; and the existing workload of staff most directly involved with the attorneys. Staff would be satisfied with a three-year extension, a five-year extension, or an

extension that continues in effect until such time as either party terminates the agreement. All of the contracts will have a 30-day termination clause. The potential purpose of a three or five-year agreement would be that it would require another review and look at the services, whereas the open extension of contract would require a decision to review by the City Council or be brought forward by staff. Otherwise, they would all be the same in content.

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.

City Attorney Hood will attend at the meeting for any questions or comments. Additionally, Attorney's from Eckberg Lammers also intend to be in attendance for questions or comments.

#### **Alternative Options:**

- Contract extensions for three years, five years, or for an undefined period of time. Staff welcomes input from Council on the term of the contract in preparation of the consideration to be brought at the next regular meeting.
- Council could also direct staff to go out for an RFP process for attorney services. If RFP's were desired, the existing contracts would need to be extended until the end of 2019 to allow for the process to be completed. Staff strongly recommends against seeking RFP's at this time.

#### **Financial Impacts:**

Current rates for attorney services (see attached correspondence letters - attachments 5 & 6)

- Flaherty & Hood:
  - General Municipal Matters: \$140/hour;
  - Real Estate Matters: \$145/hour;
  - Litigation Matters: \$155/hour;
  - Employment Matters: \$155/hour (separate contract)
  
- Eckberg Lammers: \$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).

Each contract has a clause for rate adjustments allowing annual adjustments to hourly rates or monthly retainer with 30 days written notice to the City.

A summary of legal fees for the last eight years is attached (attachment 7).

**Tentative Timelines:**

Council discussion    June 4, 2019

Council action        June 18, 2019

As noted above, current contracts have the following ending dates, unless extended by mutual agreement:

- Flaherty & Hood - June 30, 2019
- Eckberg Lammers - July 31, 2019