STAFF REPORT

DATE: August 10, 2021 DISCUSSION

AGENDA ITEM: Request for Proposal for Prosecution Services

SUBMITTED BY: Kristina Handt, City Administrator

LAKE ELMO

BACKGROUND:

In 2017 the city issued a Request for Proposals (RFP) for prosecution services. Proposals from seven firms were received and the City Council selected Johnson and Turner. Their proposal was for 5 years and is ending in 2021.Copy attached.

ISSUE BEFORE COUNCIL:

Should the Council issue a Request for Proposals for Prosecution Services?

PROPOSAL:

In order to prepare for 2022, if the Council would like to issue an RFP for prosecution services staff is seeking that direction now. The RFP would be issued in September, due in October with interviews (if desired in November) so a new contract and appointment could be approved at the first meeting in January.

FISCAL IMPACT:

TBD

OPTIONS:

Discuss whether or not staff should bring the RFP to a Council meeting for approval. Alternatively, staff could be directed to negotiate a new contract with Johnson and Turner.

ATTACHMENTS:

- 2017 Johnson and Turner Proposal
- 2017 RFP

p 651.464.7292f 651.464.7348johnsonturner.com

Blaine, MN 55449 1550 109th Ave. NE, #300

Woodbury, MN 55025 7377 Currell Blvd., #101

Forest Lake, MN 55025 56 E. Broadway Ave. #206 REPLY TO

12425 55th Street N. Lake Elmo, MN 55042

Christopher D. Johnson (contact) Sarah B. Sicheneder (contact)

Attorneys at Law

David K. Snyder (contact)

Submitted By:

CITY OF LAKE ELMO

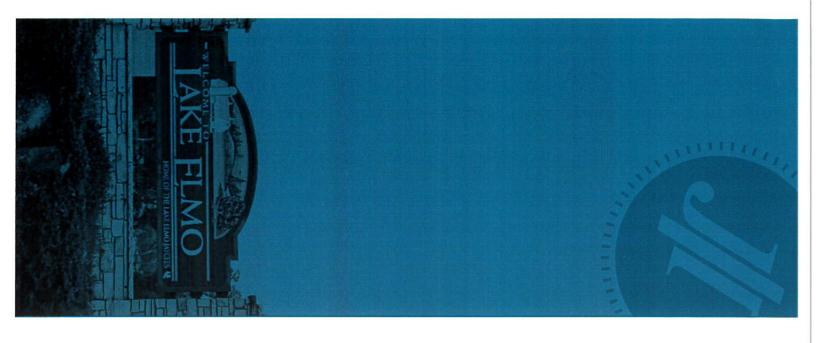
For: Prosecution Services

Response To Request For Proposals - 2.14.2017

YOUR NEEDS. YOUR GOALS. OUR SER

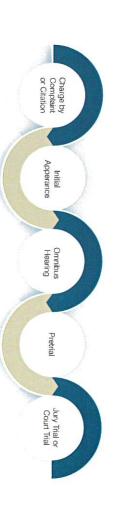
JOHNSON/TURNER

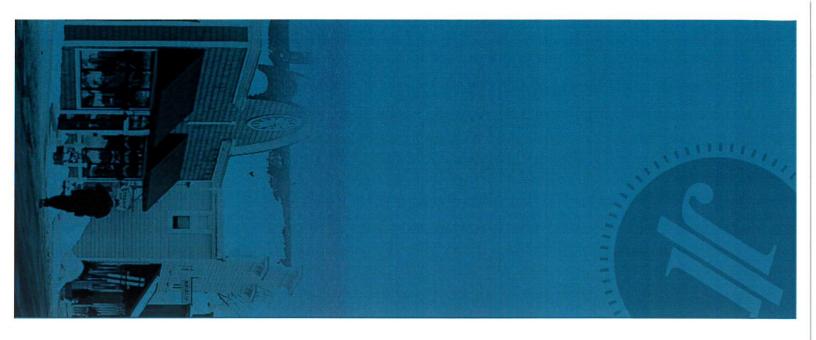
LEGAL



GENERAL INFORMATION:

- a. Provide a brief background history of the firm, number of attorneys employed. An organizational chart or description of office organization would be helpful.
- and prosecution with offices in Forest Lake, Lake Elmo, Blaine, and Woodbury. This represents the Johnson / Turner Legal is a general practice law firm with a significant practice in municipal law attorneys and 15 support staff, including 8 paralegals. breadth of our representation of municipalities, businesses and individuals. Johnson / Turner has 14
- accuracy, responsiveness and cost-effectiveness in the delivery of services. For example, our firm services. Our firm has adopted cutting-edge technology and internal practices which emphasize efficiency, has allowed it to provide its clients exceptionally cost-effective and personalized legal prosecution work. has fully computerized and rendered largely paperless its municipal practice areas, including The firm's commitment to being an industry leader in the use of technology and, as a result, in
- activities. We focus on providing exceptional service to cities in civil and criminal prosecution matters. Our municipal practice, including prosecution, comprises a very significant portion of our overall firm

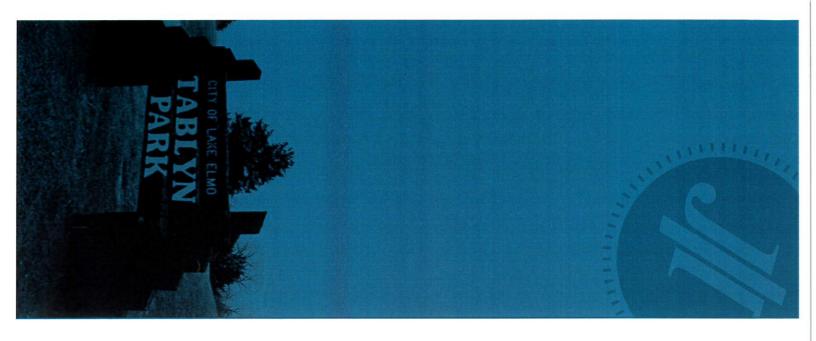




6. Designate the primary contact, and identify those who would be working in more specialized areas. Describe the current principle responsibilities for the individual designated as lead attorney.

propose to serve the City of Lake Elmo. Snyder would lead code enforcement matters. These attorneys are experienced in the areas in which they Dave Snyder, and Chris Johnson. Prosecution duties would headed by Sarah Sicheneder and Dave If we are privileged to be selected as City Prosecutors, the primary contacts would be Sarah Sicheneder,





с. Include a current resume for each attorney who will be primarily assigned to the City of Lake Elmo. experience in law areas described in the scope of services, number of years with the firm, areas of your proposal. responsibility with the firm, and other background or experience which may be helpful in evaluating This information should include relevant academic training and degrees, description of prior

Copies of the below attorneys' resumes are attached

Sarah Sicheneder

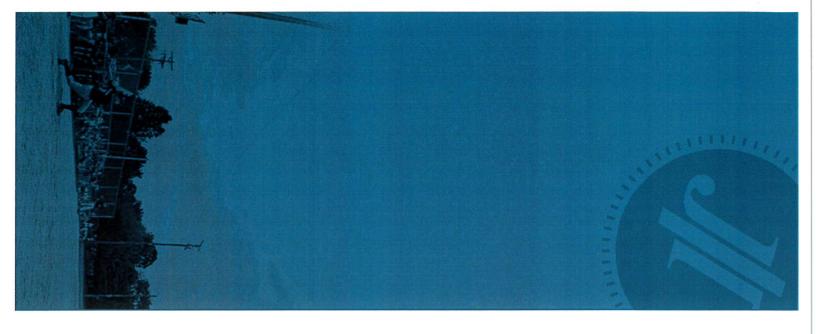
- including city code enforcement. is devoted to criminal prosecution, partnering with law enforcement for civil and criminal actions, Criminal Prosecution: More than five years in municipal prosecution. A majority of her practice
- and prosecutes at all arraignment, pretrial, omnibus, and jury trials. abuse awareness programming, prostitution diversion alternatives, restitution, city code enforcement, Areas of Expertise: law enforcement training, municipal crime updates, prosecutorial ethics, domestic
- attempts to overturn the verdicts, argued before the Minnesota Court of Appeals, and authored Criminal Appellate Experience: Has successfully defended jury trial convictions against defendant's numerous appellate pleadings.

Dave Snyder

Over 21 years of experience in all areas of criminal prosecution and civil municipal law.

Chris Johnson

Over 11 years of experience as a city attorney and 4 years of executive municipal experience.



a Provide information as to how many attorneys are knowledgeable about municipal law and related fields as described in the scope of services.

contact for the City. Responsibility for file-management always rests with one attorney. injudicious use of lawyer resources. We never overlawyer. We always provide one consistent point of Though we have a number of lawyers that can assist with municipal matters, we are careful to avoid Johnson / Turner Legal has 14 attorneys, 5 of whom serve the needs of cities in specific capacities.

e. Indicate the location of the primary office and attorneys assigned to service this account. Provide the address, phone number(s), cell-phone number(s), e-mail address, and FAX number(s) of the firm.

The location of our primary office for prosecution services is: 12425 55th Street North, Lake Elmo, MN 55042 (c/o Sarah Sicheneder)

Telephone Number: 651-464-7292

Fax Number: 651-464-7348

Cell Phone Numbers: 612-701-0369 (Sarah B. Sicheneder)

Email address for primary contacts:

- Sarah B. Sicheneder: sarah@johnsonturner.com
- David K. Snyder: david@johnsonturner.com
- Christopher D. Johnson: chris@johnsonturner.com
- 5 Provide information regarding the number of paralegals by their specialties, and the number and position titles of support personnel, specifically those who may be providing services to the City of Lake Elmo.

experienced in that area on a daily basis for many years. We have three (3) paralegals with significant experience in criminal prosecution, trained and



00 assigned to a contract with the City of Lake Elmo. This includes availability of back-up attorneys Provide an assessment of the availability of the City attorney and other professional staff to be in case of illness, turnover, or other loss of personnel.

you'll get a call back and your questions answered that same day. but personable. Our personal phone numbers are available for use at any time and when you call us partners know us on a first name basis. We strive to ensure our working relationship is professional and on a personalized basis. We maintain daily communications with them. Our law enforcement enforcement. This means that cities are THE priority within our office and we serve them promptly We are a smaller firm and offer unparalleled responsiveness for our many municipal clients and law

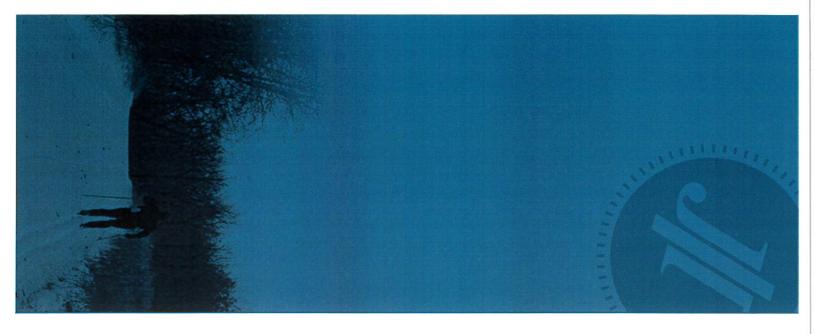
can, and do, contact us at all hours of the day and night to receive assistance and guidance All officers and county jail personnel are provided with updated cellphone numbers. They know they

POLICE ISSUES

County for police services. Demonstrate knowledge of police authority issues. The City of Lake Elmo contracts with Washington

address ongoing issues like disorderly houses, property complaints and other violations. We utilize their with them on virtually a daily basis. We also understand the proper role of law enforcement personnel regularly and well. We consider the Washington County Sheriff's Office to be our justice partner. We maintain close communications with and enjoy the respect, both personally and professionally, of of the prosecution needs of the City of Lake Elmo. Our prosecution work is truly paperless and we resources when it makes strategic and economic sense for the City. in connection with dealing with code enforcement matters and have worked with them successfully to have a strong relationship with the Washington County judicial bench and defense counsel and work law enforcement agencies and we update them on matters affecting the performance of their duties traffic violations, DUI's, forfeitures, assaults, and criminal court trial and jury trials of all kinds. We handle prosecutions for a number of cities in Washington County. This includes matters such as We have an extensive and cutting edge Criminal Prosecution practice and can seamlessly meet all

enforcement and on code violation matters have a respectful and common-sense oriented approach to residents who come into contact with law BCA website among others in providing services. We are a strong advocate for crime victims and access to all material databases and websites including the Minnesota DVS website, Odyssey, and the As noted, our office is fully supported to perform criminal prosecution services. We utilize and have



Professional Reference

Please see the following references for Johnson/Turner LEGAL: Provide a reference list of three (3) recent (within 5 years) municipal clients.

Peter J. Orput, County Attorney Office of the Washington County Attorney 15015 62nd Street North Stillwater, MN 55082 Ph.: 651-430-6115

William Hutton, Sheriff Washington County Sheriff's Office 15015 62nd Street North Stillwater, MN 55082 Ph.: 651-430-7601

Sergeant Wayne Johnson Washington County Sheriff's Office 15015 62nd Street North Stillwater, MN 55082 Ph.: 651-430-7600

Fran Miron, Wa. Co. Commissioner City of Hugo 15250 Homestead Avenue North Hugo, MN 55038 Ph.: 651-429-5961

Bryan Bear, City Administrator City of Hugo 14669 Fitzgerald Ave. No. Hugo, MN 55038 Ph.: 651-762-6320

Chuck Haas, Council Member City of Hugo 15500 Keystone Avenue North Hugo, MN 55038 Ph.: 651-481-1495

> Tom Weidt, Mayor City of Hugo 5390 128th Court North Hugo, MN 55038

Ph.: 651-334-4076

Phil Klein, Council Member City of Hugo 6760 - 165th Street North Hugo, MN 55038 Ph.: 651-762-6340

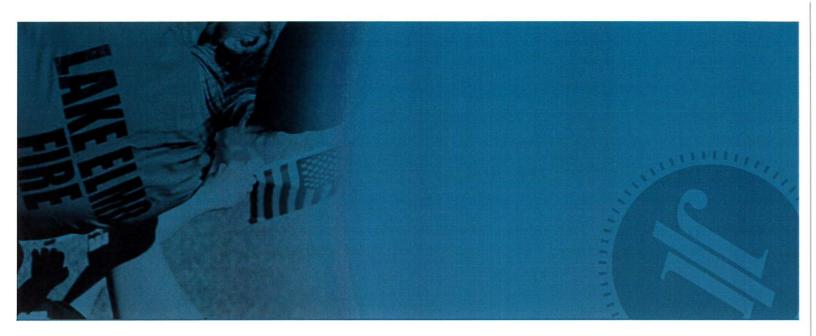
Becky Petryk, Council Member City of Hugo 12521 Ethan Avenue North White Bear Lake, MN 55110 Ph.: 651-426-4722

John Adams, Board Member Town of May 14035 Oldfield Road North Stillwater, MN 55082 Ph.: 651-430-8134

Bill Voedisch, Chair Town of May 14625 Old Guslander Trail Marine on St. Croix, MN 55047 Ph.: 651-433-5976

John Pazlar, Board Member Town of May 16601 Orwell Road Marine on St. Croix, MN 55047 Ph.: 651-433-5013

continued



Professional References Continued

Lynette Peterson, City Clerk City of Marine on St. Croix 121 Judd Street Marine on St. Croix, MN 55047 Ph.: 651-433-3636

Joe Paiement, Council Member City of Lakeland 1190 Saint Croix Trail South Lakeland, MN 55043 Ph.: 651-436-4430

(Additional Reference Available upon Request)



FEES

billing information for a period of at least four years. Identify in your proposal the amount your firm proposes to charge for the following: Please provide that

RETAINER

basis. billed (i.e. mileage, photocopying, Westlaw, or Lexis fee, overhead factor, etc.). Clearly note any "retainer" covered by the retainer. Also state separately the rate for any other cost items proposed to be itemized and items listed above that your firm will not provide as part of the retainer duties and prefer to bill on an hourly Please quote a retainer fee to be charged for prosecution services and the items noted herein that are to be

Presently, our fees are as follows:

often billed separately by other providers. The rates are detailed as follows: Fee is unique because it includes services which are necessary and related to prosecution but which are We propose our One Fee billing arrangement aimed at partnering with the City of Lake Elmo. Our One

One Fee System: 2017 Proposed Rate: \$3,500.00 per month

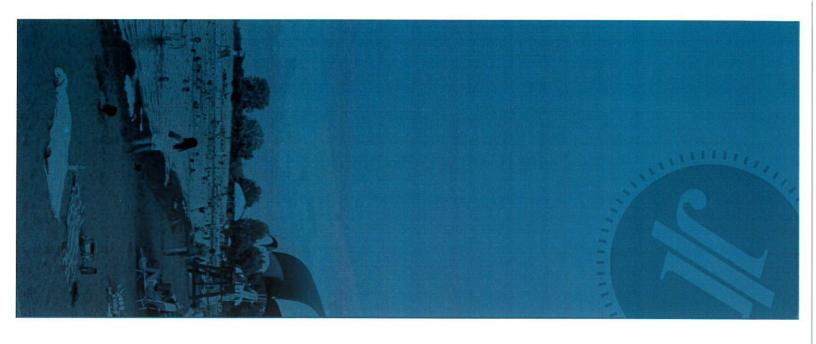
2018 Proposed Rate: \$3,708.00 per month

2019 Proposed Rate: \$3,816.00 per month

2020 Proposed Rate: \$3,995.00 per month

2021 Proposed Rate: \$4,166.00 per month

Hourly Rates: Attorney: \$165.00/Paralegal \$120.00



*Complimentary Services Included in One Fee:

service package: Our proposal contains the following complimentary services which are included in the one fee

*Forfeitures, appeals, and other criminal related matters included in the One Rate.

ordinance provisions with written recommendations for updates to ensure statutory compliance. *Annual review of Lake Elmo's municipal code for update of petty, misdemeanor and gross misdemeanor

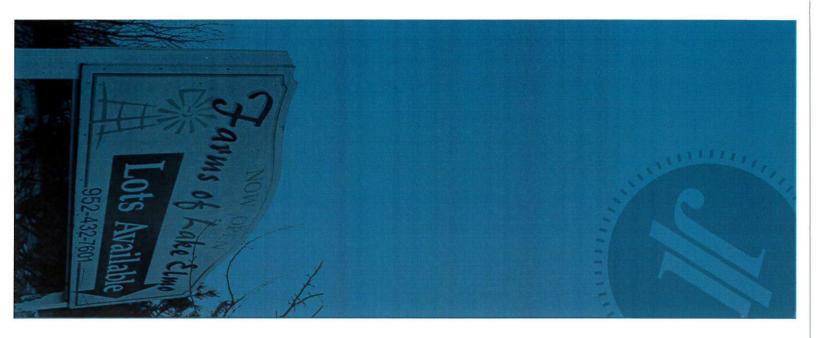
recommended to accomplish updating-as needed up to 10 hours time annually. *Complimentary update/drafting to all criminal code provisions as directed by City Staff annually as

- Routine updates and training for law enforcement and code enforcement personne
- Complimentary advising regarding any code violation inquiries as directed by Lead City Staff

*Annual in-person report to City Council reviewing prosecution activities and trends in the City

the community to ensure the quality of life in Lake Elmo. This includes: to officers so that their skills are fully developed and their abilities fully leveraged. We also work within Additionally, in an era where cities often need to do more with less, we provide education and resources

- Involving ourselves in the community by supporting National Night Out, fundraisers, and training for local businesses
- investigation, targeted enforcement, and problem solving to address challenges affecting their work. Providing officers with updates on the law, special training in discrete areas of undercover
- particular interest to the citizens of the City of Lake Elmo Holding information sessions for law enforcement and the city council to learn more about topics of
- matters Encouraging law enforcement and city personnel to contact us with questions or updates on specific
- Mentoring local community members who want to know more about the how justice system works.
- Reviewing city code to provide clarity and reduce redundancies.



charge for providing the legal services to the City of Lake Elmo covered by your proposal that service package: Our proposal contains the following complimentary services which are included in the one fee increment of time billed for each service e.g. phone calls, correspondence, personal conference. please identify the hourly rate of each attorney and support personnel. Identify the minimum fall outside the duties covered by the Retainer. For the hourly fees portion of your proposal, HOURLY BILLING. Please quote the dollar amount of fixed and/or hourly fees your firm will

postage, process server fees, and court reporter fees and messenger service. We bill other hard expenses to the City at actual amounts incurred with no overhead added, including

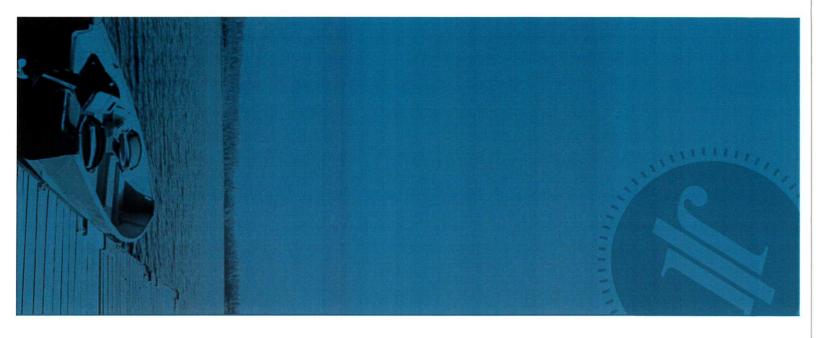
enforcement. Our hourly fees are listed above and are billed in minimum increments of ten minutes. an explanation. We do not bill for telephone communications with City Staff, court staff or law were ever to potentially arise we would notify the City in advance, secure prior approval and provide We do not foresee hourly charges that fall outside the scope of the retainer. In the event such fees

statements which itemize the services provided, the rate, the attorney providing services and other details. Our monthly billing detail conforms with all of the requirements in the RFP. We provide detailed

We Truly Partner With You:

firm management that allows us to tailor our fees to the City's particular needs Our rates are extremely competitive and emphasize a high-performance-but-low-overhead approach to

it is not a service for which the City is billed any fees. familiarizing ourselves with City operations as a necessary part of assuming representation and therefore *As a courtesy to the City of Lake Elmo, we view the time to get up to speed on current issues and in



CONFLICT OF INTEREST STATEMENT

- Indicate whether your firm currently represents, or has represented any client where representation may conflict with your ability to serve as City Prosecutor for the City of Lake Elmo.
- Indicate if your firm currently represents any real estate developers doing business with, or anticipating doing business with, the City of Lake Elmo.
- or contiguous to the City of Lake Elmo. Indicate whether you currently represent any other local units of government having jurisdiction within.
- Indicate what procedures your firm would utilize to identify and resolve conflicts of interest

clients. In the event a conflict arose, we would notify the City and make recommendations for ensuring and taking the necessary steps to avoid or eliminate them. We would decline representation of conflicting that the City's interests are protected. time a new matter is originated and our attorneys are also experienced in identifying possible conflicts In order to identify and resolve conflicts of interest, we use both an electronic conflict check system at the business in the City of Lake Elmo. We do not represent any city or township contiguous to Lake Elmo. prosecution Defendants of the City. Our firm does represent one real estate developer who also does We have no conflicts of interest arising from representation of the City of Lake Elmo. We represent no

CONCLUSION

privileged to offer our prosecution services to the City of Lake Elmo. Washington County area law enforcement both inside and outside the courtroom. We would be Providing effective guidance and services to cities is our focus. Our attorneys enjoy the respect of



CHRISTOPHER JOHNSON

chris@johnsonturner.com

JOHNSON / TURNER LEGAL 56 East Broadway Avenue, Suite 206 Forest Lake, MN 55025 651-464-7292

QUALIFICATIONS

B.A., Gustavus Adolphus College, 1993.J.D., William Mitchell College of Law, 1999.Minnesota State Bar Admission, 1999.

PROFESSIONAL EXPERIENCE:

zoning, condemnation, special assessment matters, ditch and drainage law and real estate 2012). Mr. Johnson has 7 years of experience as a city attorney and has extensive experience currently represents a number of municipalities, including the Town of May, City of Hugo, P.A., which represented North Branch, Wyoming and Chisago City. Johnson/Turner Legal transactions. in representing municipalities and private parties in matters relating to land use and City of Marine on St. Croix (since January 2012), and City of Lakeland (since September the firm in 2003. Prior to founding the firm, Mr. Johnson worked at the Miller Law Office. Mr. Johnson practices in the area of land use, municipal law and civil litigation. He founded

role of the City Attorney. perspective for a City attorney and a better understanding of importance and limitations of the Mr. Johnson served two terms as the Mayor of the City of Forest Lake, which gives him a unique

Mr. Johnson has extensive litigation experience in the area of real estate and land use law.

His responsibilities have included:

- . Risk management and general counseling;
- Successfully resolving multi-party assessment appeals under Minn. Stat. §429;
- Conducting eminent domain proceedings on behalf of cities and private property owners;
- Drafting complex real estate contracts in the formation of a new industrial park with
- 5 Extension litization partners;

4

- 6 5 Successfully litigated achieving specific performance of real estate contracts on behalf of Extensive litigation experience with the Department of Natural Resources
- 7 municipalities and private property owners; and
- . Member of the 19th District Bar Association (past President), Minnesota State Bar Association.



DAVID SNYDER

david@johnsonturner.com

JOHNSON / TURNER LEGAL 56 East Broadway Avenue, Suite 206 Forest Lake, MN 55025 651-464-7292

QUALIFICATIONS:

B.A., University of Minnesota, 1990.J.D., Washington University, 1994.Minnesota State Bar Admission, 1994

PROFESSIONAL EXPERIENCE

others enforcement, land use, regulatory, utility extension and special assessment matters among many in representing municipalities in matters relating to land use and zoning, condemnation, code joined Johnson/Turner Legal as a partner at the beginning of 2012. He has extensive experience Mr. Snyder has 20 years of experience in the area of municipal law and civil litigation. He

extensive practical, courtroom and other experience in the area of real estate and land use law. on St. Croix (since 2000), City of Lakeland (since 2012 and previously), and others. He handles Mr. Snyder represents the Town of May (since 1996), City of Hugo (since 1996), City of Marine litigation, code enforcement and special situation matters for many cities. Mr. Snyder has

His responsibilities have included:

- 1. Negotiation of multi-city joint powers agreements and franchises;
- Structure of utility and building construction agreements, condemnation;
- 3. Risk management and general counseling;
- 4. Broad experience in counseling and guiding developing and expanding cities;
- 5. Implementation of § 429 public improvement projects;
- 6. Implementation of storm water and public utility improvement districts;
- 7. Creation and enforcement of moratoria and land use and zoning control; and

00

Member of the 19th District Bar Association (past President), Minnesota State Bar Association (construction section), Member and Volunteer-Yellow Ribbon Network, Member-Advisory Board Courage St. Croix, Guest Speaker-Cooperative Municipal Agreements (2012) past Volunteer-Family Tubman Center, Past Volunteer-St. Croix

Senior Center, Former Special Assistant Washington County Attorney, Member.



SARAH SICHENEDER

sarah@johnsonturner.com

JOHNSON / TURNER LEGAL 56 East Broadway Avenue, Suite 206 Forest Lake, MN 55025 651-464-7292

QUALIFICATIONS:

B.A., Concordia College - Moorhead, 1995.J.D., DePaul University College of Law, 2005.Minnesota State Bar Admission, 2005.

PROFESSIONAL EXPERIENCE

law with particular emphasis on criminal procedure and litigation. to the Honorable Jonathan N. Jasper where she gained significant experience in all areas of the law. She has been with the firm since 2010. Prior to 2010, she served as a judicial law clerk Ms. Sicheneder practices in the areas of municipal criminal prosecution and general practice

Elmo. She also prosecutes violations of the May Township municipal code. Marine-on-the-St. Croix and City of Lakeland. She previously prosecuted for the City of Lake Ms. Sicheneder currently serves as the in-court criminal prosecutor for the City of Hugo, City of

Her responsibilities have included

- 1. Prosecution of all non-felony cases committed by adults in the boundaries of the
- N Representing the municipality in court at all hearings during the process of prosecuting municipality from charging decisions to a final resolution;
- petty misdemeanors, misdemeanors, and gross misdemeanors;
- 3. Negotiating resolutions to criminal cases with pro se defendants or attorneys
- Reviewing charges and filing written criminal complaints;
- 5. Attending and arguing contested criminal proceedings including jury trials;
- 6 Representing the municipality in forfeiture proceedings related to criminal prosecutions;
- 7 crimes in the municipality; and Fostering pro active communication with peace officers to ensure the proper charging of
- 00 Trial" continuing legal education seminar; Presenter at the Minnesota State Bar Association Criminal Section's "Everything BUT the
- 9 Member of the Minnesota Bar Association, 19th District Bar Association, and Minnesota Women Lawyers; and
- 10. Proud volunteer for Tubman Family Alliance and the Minnesota State Bar Association's Wills for Heros program.

RECENT AND UPCOMING PRESENTATIONS

- Presenter, "Everything but the Trial" School, Minnesota Criminal Law Section, March 2016
- Presenter and Panel Moderator, "Criminal Law Ethics," Homeline Continuing Legal Education Seminar, May 2017



DECLARATIONS

Policy Number

41449 3

 333 South Seventh Street, Suite 2200; Minneapolis, MN 55402

 (612) 341-4530
 (800) 422-1370
 fax (800) 305-1510

LAWYERS PROFESSIONAL LIABILITY POLICY (THIS IS A CLAIMS-MADE POLICY – READ CAREFULLY)

Item 1. Named Insured: Johnson Law Firr Johnson / Turner Office Address: 56 E Broadway A Forest Lake, MN	ve Ste 206	n/Turner Legal	•• • •
Item 2.	5/1/2017		5/1/0017
Policy Period:	5/1/2016 (the Effective)	to Data)	5/1/2017 (the Expiration Date)
1:			ess of the Named Insured stated herein
Item 3.			
Limits of Liability:		\$1,000,000.00	Per Claim
		\$3,000,000.00	Aggregate
Item 4.			
Deductible Amount:		\$10,000.00	Per Claim
Item 5.			
Total Number of Lawyers: 12		Total Premium: \$20,922.00	
Item 6.	· ·	· · · • · · ·	
Applicable Forms and End	lorsements:		
MLM-019 (11-13) Prior Form	Acts Retroactive Date	», MLM-032 (11-1	13) Minnesota Changes, MLM-2000 (11-13) Policy

In witness whereof, Minnesota Lawyers Mutual Insurance Company has caused this policy to be signed by its President and Secretary and countersigned by a duly authorized agent of the Company.

MINNESOTA LAWYERS MUTUAL INSURANCE COMPANY

Kristina Simmons, Authorized Agent

20 K 7 Paralen

John J. Bowden, Secretary

Nau M. Ablan____

Paul M. Ablan, President



REQUEST FOR PROPOSALS PROSECUTING ATTORNEY SERVICES

<mark>January 17, 2017</mark>

The City of Lake Elmo is soliciting proposals from qualified law firm(s) to represent the City in prosecution matters. Preference will be given to those submittals demonstrating experience in this area of municipal law. The successful applicant shall possess sufficient resources to ensure that the demands for the City's legal needs will be met on a timely basis. The relationship would be on a consulting or contractual basis, as opposed to a staff position. The City would prefer awarding a four-year contract for these services.

Included in this RFP is a more detailed description of the services to be provided, an outline of the proposal requirements, a description of the proposal review process, and a description of required contract ethics.

In order to ensure a fair review and selection process, firms submitting proposals are specifically requested not to make other contacts to the City staff or council members regarding these proposals. If there are questions regarding this process, they should be directed to: Kristina Handt, City Administrator, 3880 Laverne Ave N, Suite 100, Lake Elmo, MN 55042 (651)747-3905 or khandt@lakeelmo.org. Failure to comply with this request may result in disqualification of the proposal.

BACKGROUND

The City of Lake Elmo is located in Washington County. Growth and development for the City is projected over the next several years based on recent approvals to the City's Comprehensive Plan that permits the introduction of municipal services for a portion of the community. The current population is approximately 11,105. The City operates under the statutory plan-A form of government consisting of a four-member City Council and a Mayor. The City Council is responsible for adopting the City's budget and tax levy, adopting resolutions and ordinances, all hiring and firing decisions, policy making, development and growth planning, and overall direction of the City. In addition to providing general government services, the City offers a full range of other services including fire protection, building and other safety inspections, planning and zoning, parks, street maintenance, snow removal, infrastructure maintenance and repair, and others. The City provides limited municipal water and sewer services that will be expanded in the coming years. For police services, the City contracts with the Washington County Sheriff's Office,

SECTION ONE: SCOPE OF CRIMINAL LEGAL SERVICES

CRIMINAL PROSECUTION SERVICES COVERED BY RETAINER - The services and qualifications that are required by the City for criminal prosecution services covered by a fixed retainer fee include, but are not limited to, the following areas:

- 1. Prosecution of all petty misdemeanor, misdemeanor and statutorily delegated gross misdemeanor offenses committed within the corporate limits of the City. This includes all such cases initiated by any law enforcement agency and citizen complaints including but not limited to traffic violations, DWI cases, theft and City code violations.
- 2. Provide advice, consultation and training where required to the City's enforcement staff in the interpretation and enforcement of statutes, ordinances and investigations of violations in connection with the prosecution of criminal cases.
- 3. Prepare criminal complaints where facts warrant.
- 4. Evaluate all cases where a plea of not guilty is entered and prosecute where warranted.

- 5. Prepare appropriate pre-trial notices as required.
- 6. Seek such additional investigation as required.
- 7. Negotiate and enter plea bargains where deemed advisable.
- 8. Represent the City at all pre-trial motions.
- 9. Perform all legal research and prepare briefs when required.
- 10. Try all jury and court cases.
- 11. Examine, evaluate and provide representation for all appeals to Appellate Courts.

SECTION TWO: INSTRUCTIONS TO PROPOSERS

- 1. Proposals should be submitted to Kristina Handt, City Administrator, City of Lake Elmo, 3880 Laverne Ave N, Suite 100, Lake Elmo, MN 55042. Proposals should be received no later than 4:30 p.m. on Tuesday, February 14, 2017.
- 2. Seven (7) copies of each proposal should be submitted.
- 3. All proposals submitted must provide complete information as indicated in this request. Any other information that the proposer wishes to include for evaluation and consideration by the City as part of the proposal may also be included.
- 4. Questions regarding this request should be directed to Kristina Handt, City of Lake Elmo, 3880 Laverne Ave N, Suite 100, Lake Elmo, MN 55042 and 651-747-3905 or khandt@lakeelmo.org In order to ensure a fair review and selection process, law firms submitting proposals are specifically requested not to make other contacts with the City staff or Councilmembers regarding their proposals.

SECTION THREE: REQUIRED CONTENTS FOR PROPOSALS

1. **Title Page** - Show the RFP subject: Provision of Prosecuting Attorney Services, the name of the proposer's firm, local address, telephone number, name of contact person, and the date.

2. General Information

- Provide a brief background history of the firm, and number of attorneys employed. An organizational chart or description of office organization would be helpful.
- Designate the primary contact, and identify those who would be working in more specialized areas. Describe the current principle responsibilities for the individual designated as lead attorney.
- Include a current resume for each attorney who will be primarily assigned to the City of Lake Elmo. This information should include relevant academic training and degrees, description of prior experience in law areas described in the scope of services, number of years with the firm, areas of responsibility with the firm, and other background or experience which may be helpful in evaluating your proposal.
- Provide information as to how many attorneys are knowledgeable about municipal law and related fields as described in the scope of services.
- Indicate the location of the primary office and attorneys assigned to service this account. Provide the address, phone number(s), cell-phone number(s), e-mail address, and FAX number(s) of the firm.
- Provide information regarding the number of paralegals by their specialties, and the number and position titles of support personnel, specifically those who may be providing services to the City of Lake Elmo.
- Provide an assessment of the availability of the City attorney and other professional staff to be assigned to a contract with the City of Lake Elmo. This includes availability of back-up attorneys in case of illness, turnover, or other loss of personnel.

3. **Police Issues** - Demonstrate knowledge of police authority issues. The City of Lake Elmo contracts with Washington County for police services.

4. **References** - Provide a reference list of three (3) recent (within five years) municipal clients. If municipal clients are not available, other major clients may be submitted. Particular attention will be given to municipal client references.

All Proposals shall include the following information:

FEES - Identify in your proposal the amount your firm proposes to charge for the following: Please provide that billing information for a period of at least four years.

RETAINER – Please quote a retainer fee to be charged for prosecution services and the items noted herein that are to be covered by the retainer. Also state separately the rate for any other cost items proposed to be itemized and billed (i.e. mileage, photocopying, Westlaw, or Lexis fees, overhead factor, etc.). Clearly note any "retainer" items listed above that your firm will not provide as part of the retainer duties and prefer to bill on an hourly basis. Please be specific.

HOURLY BILLING – Please quote the dollar amount of fixed and/or hourly fees and costs your firm will charge for providing the legal services to the City of Lake Elmo covered by your proposal that fall outside the duties covered by the Retainer. For the hourly fees portion of your proposal, please identify the hourly rate of each attorney and support personnel. Identify the minimum increment of time billed for each service, e.g. phone calls, correspondence, personal conference.

The City requires detailed monthly billing statements that shall include but are not limited to the following items:

- a. Itemize the date of services
- b. Identify the attorney and/or support personnel providing the services.
- c. List the time spent for each service or activity by tenths of an hour.
- d. Provide a detailed description of the services performed.
- e. State the fees for those services.
- f. Itemize all associated costs and expenses related to the services performed.

CONFLICT OF INTEREST STATEMENT

- Indicate whether your firm currently represents, or has represented any client where representation may conflict with your ability to serve as City Prosecutor for the City of Lake Elmo.
- Indicate if your firm currently represents any real estate developers doing business with, or anticipating doing business with, the City of Lake Elmo.
- Indicate whether you currently represent any other local units of government having jurisdiction within, or contiguous to the City of Lake Elmo.
- Indicate what procedures your firm would utilize to identify and resolve conflicts of interest.

SECTION FOUR: SELECTION PROCESS/PROPOSAL EVALUATION AND CONTRACT AWARD

The City intends to award a contract to the proposer best qualified to perform the work for the City, cost and other factors considered. We anticipate that the initial proposals received will be reduced to a 'short list' of two or three firms who will be interviewed by the city.

The actual selection of the firm and contract award will be made by the City Council. The City of Lake Elmo reserves the right to reject any and all proposals or to request additional information from all proposers. Once a contract is awarded, the term of contract duration shall be subject to ongoing review and evaluation by the City Council and City Administrator.

The City will not reimburse any expenses incurred by the firm submitting a response including, but not limited to, expenses associated with the preparation and submission of the response and/or attendance at interviews.

SECTION FIVE: CONTRACT ETHICS

- 1. No elected official or employee of the City who exercises any responsibilities in the review, approval, or implementation of the proposal or contract shall participate in any decisions, which affects his or her direct or indirect personal or financial interest.
- 2. It is a breach of ethical standards for any person to offer, give or agree to give any City employee or council member, or for any City employee or council member to solicit, demand, accept, or agree to accept from another person or firm, a gratuity or an offer of employment whenever a reasonably prudent person would conclude that such consideration was motivated by an individual, group or corporate desire to obtain special, preferential, or more favorable treatment than is normally accorded to the general public.
- 3. The firm shall not assign any interest in this contract and shall not transfer any interest in the same without the prior written consent of the City.
- 4. The firm shall not accept any client or project that places it in a conflict of interest with its representation of the City of Lake Elmo. If such a conflict of interest is subsequently discovered, the City shall be promptly notified.