

## Subject: RFP for Legal Services

<b>Meeting Date:</b> October 10, 2022	
<b>Submitted/Presented by/Department:</b> Nate Burkett, City Manager	
<b>Action Type</b>	
<input type="checkbox"/> Consent Item	<input checked="" type="checkbox"/> Discussion/Direction
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Informational Only
<input type="checkbox"/> Action/Motion	<input type="checkbox"/> Report
<input type="checkbox"/> Resolution	<input type="checkbox"/> Other:
<b>Action</b>	
Discussion	
Should the Council wish to advance this topic to the regular agenda - a motion to add the item under new business and approve the agenda during agenda approval would be in order.	
<b><u>Motions if moved to the Regular Agenda</u></b>	
Approve issuance of a Request for Proposals for Legal Services with/without amendments.	
And if desired	
Establish a committee to review legal services RFP responses, interview applicant firms and make a recommendation to the City Council and appoint (insert Mayor and/or Council members), the City Manager and staff to be designated by the City Manager.	
<b>Background</b>	
If the Council does not move this item to the regular agenda on October 10 but desires continued discussion, the next meeting where this item would be on the agenda would be November 14, 2022.	
Levander, Gillen and Miller has been the city attorney for over 27 years. Since that time, contracts with Levander have been directly negotiated without an RFP. After such a period of time without exploring the market for services, it is reasonable to see the available options and see if there may be another firm that can provide legal services at a lower rate or that may fit the needs of the city better. A lot can change in nearly three decades. This is a good time to issue an RFP due to the fact that there are two years remaining on the contract with Levander and if the Council does not find an alternative, the city may continue working with Levander under the existing contract.	
As an example of the possibilities, in October of 2021 Levander notified the city that they would no longer be performing prosecution services. The city issued an RFP for prosecution	

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services. While Levander was a good prosecutor on behalf of the city, the result of that RFP has been positive. The chosen firm, Kelley and Lemmons, providing prosecution services and advice to the police department that has been efficient and effective.

Representatives of Levander, including City Attorney Land are understanding of the potential desire of the Council to issue this RFP and agree that it is reasonable to explore the market.

The current contract is in effect through December 31, 2024 but has a clause that allows termination by the city with 60 days' notice. Levander has agreed to waive the 60 days' notice requirement, but it is likely that even in the event a new firm is selected the city should retain Levander for an additional month and then on an hourly basis to share information as well as to finalize existing projects such as the right of way acquisition for Thompson and Oakdale.

Staff is proposing that staff conduct interviews of proposers and narrow the candidate firms for the council to interview. Staff works very closely with the city attorney, and while the choice is completely the Council's staff strongly recommends that there is a significant staff role in making a recommendation to the Council. There are two potential alternatives should the Council want to have a greater role in the process: (a) designate three members of the council to serve on an interview committee with staff or (b) designate that all proposing firms will be interviewed by the Council.

Note that the Council interviews are after the election so that any Council members to be seated at the beginning of 2023 can participate in the discussion (but not vote) and the Council may take their opinions in to consideration.

### Attachments

Proposed City Attorney RFP

### Previous Relevant Actions

### Alternatives

### Financial

Budgeted:  Yes

No Financial Impact

Fund:

Department:

Account:

Amount: