



City Council Memorandum

To: Mayor Fasbender & City Councilmembers

From: Dan Wietecha, City Administrator

Date: September 16, 2024

Item: Prosecuting Attorney

Council Actions Requested:

Approve amended Agreement for Legal Services between City of Hastings and Campbell Knutson, PA.

Background Information:

The City hired Campbell Knutson, PA for prosecution services starting in March 2021. Hourly rates (\$120/hour for attorney and \$90/hour for legal assistant) have not changed since then; although, the overall billed amount has decreased by about \$36K per year due to in part to new prosecution software efficiencies.

The amended agreement would increase hourly rates to \$136/hour for attorney at \$98/hour for legal assistant, effective January 2025. Additionally, it includes an automatic 3% increase for subsequent years, which can be opened for negotiation by either party.

Hastings Police Department has been very pleased with this professional relationship.

Financial Impact:

Estimated \$14,000, included in proposed 2025 budget.

Committee Discussion:

N/A

Attachments:

Agreement for Professional Services Between the City of Hastings and Campbell Knutson, Professional Association.

**AGREEMENT FOR LEGAL SERVICES
BETWEEN THE CITY OF HASTINGS AND
CAMPBELL KNUTSON, *Professional Association***

THIS AGREEMENT, effective _____, 2024, is by and between the **CITY OF HASTINGS**, a Minnesota municipal corporation ("City") and **CAMPBELL KNUTSON, *Professional Association***, a Minnesota corporation ("Attorney").

NOW, THEREFORE, in consideration of the mutual undertakings herein, the parties hereto agree as follows:

1. SERVICES AND RELATIONSHIP.

A. The Attorney shall furnish and perform Prosecution Services for the City, as more fully described in the scope of services attached as Exhibit A.

B. The Attorney shall be engaged as an independent contractor and not as a City employee. The Attorney is free to contract with other entities.

2. TERM.

A. The Attorney shall serve at the pleasure of the City Council, and this Agreement may be terminated without cause by resolution of the City Council.

B. The Attorney may terminate this Agreement at any time, provided that the Attorney shall give the City sixty (60) days written notice before the termination becomes effective.

3. COMPENSATION.

A. *Prosecution Services*: Legal fees for Prosecution Services will be billed monthly at the following Hourly Rates:

▶ Calendar Year 2025:

❖ Attorneys	\$ 136.00
❖ Legal Assistants/Law Clerks	\$ 98.00

- ▶ Calendar Year 2026 and subsequent years: The Hourly Rates in Section 3.A. and Section 3.B. of the previous year will be increased by three percent (3%). Either party may initiate an upward or downward departure to be mutually agreed upon by September 1st of that year. The adjusted Hourly Rates will be rounded to the nearest cent (\$0.01).

B. *Additional Prosecution Related Services:* Legal Fees for Additional Prosecution Related Services are not included in Prosecution Services, and will only be furnished at the specific request of the City. The following are Additional Prosecution Related Services:

- (1) Criminal appeals whether initiated by the State or the Defendant.
- (2) Criminal records expungements.
- (3) Matters relating to the Police Department's issuance of firearms permits.
- (4) Administrative citations or prosecution of zoning or other ordinance violations initiated by any City department other than the Police Department.
- (5) Forfeitures - For vehicle forfeiture matters, Attorney shall bill the City and be compensated at the hourly rates set forth in Section 3.A above.
- (6) Dangerous or potentially dangerous dog administrative or criminal proceedings.

Legal fees for Additional Prosecution Related Services will be billed monthly at the following hourly rates:

- ❖ Attorneys \$ 176.00
- ❖ Legal Assistants/Law Clerks \$ 118.00

C. *Monthly Statements:* Attorney will send City a detailed monthly billing statement of the actual hours incurred in providing Prosecution Services and Additional Prosecution Related Services. The minimum billing increment is .2 hour.

- D. *Costs:* Out-of-pocket costs without mark-up include:
- ❖ Lexis research (only if used for Hastings matters)
 - ❖ photocopies at 20¢ per page
 - ❖ color photocopies at 40¢ per page

- ❖ postage of 50¢ or more
- ❖ court related costs (court filing fees, expert witnesses (with prior consent of City), subpoenas, service of process, court reporter fees)
- ❖ conflict attorneys' fees and costs

E. *Payments:* Payments for legal services provided the City shall be made in the manner provided by law. The City will normally pay for services within thirty (30) days of receipt of a statement for services rendered.

4. **INSURANCE.** The Attorney will purchase and maintain sufficient insurance to protect Attorney against claims for legal malpractice.

5. **MISCELLANEOUS.**

A. *Annual Presentation to the City Council.* Upon request of the City, the Attorney will provide the City Council with an annual presentation on prosecution activity and updates. The Attorney will provide other reports upon request.

B. *Governing Law.* This Agreement shall be governed by the laws of the State of Minnesota.

C. *Assignment.* The Attorney may not assign or refer any of the legal services to be performed hereunder without the written consent of the Hastings City Council.

D. *Effective Date.* This Agreement shall become effective upon its execution by the City and the Attorney. This Agreement shall not be modified or amended without the approval in writing of the Hastings City Council.

*Remainder of page intentionally left blank.
Signature page follows.*

Dated: _____, 2024.

CITY OF HASTINGS

By: _____
Mary Fasbender, Mayor

And: _____
Dan Wietecha, City Administrator

Dated: _____, 2024.

CAMPBELL KNUTSON
Professional Association

By: _____
Andrea McDowell Poehler, President

**EXHIBIT A
TO
AGREEMENT FOR LEGAL SERVICES**

SCOPE OF PROSECUTION SERVICES

The Campbell Knutson prosecution team has a recognized excellence in delivering high quality prosecution services. Our prosecution team will provide Hastings with the following:

General Criminal Prosecution. Campbell Knutson's prosecution team will handle Hastings' non-felony cases from start to finish. This includes reviewing for charging, drafting formal complaints, all discovery, any pretrial motions, preparation of all notices as required by the Minnesota Rules of Criminal Procedure, all pretrial hearings, and any jury or court trial. We will handle any case initiated by the Hastings Police Department, the Dakota County Sheriff's Office, the Minnesota State Patrol, the Department of Natural Resources, or any other law enforcement agency for offenses occurring within the City of Hastings.

Briefings/Officer Training/Ride-Alongs. Our representation will include our attorneys regularly attending roll-call briefings with officers, if requested. We provide Post Board certified quarterly training geared towards new officers but open to all officers. Due to the strong rapport we develop with officers, we are able to educate, inform, and mentor officers, and on occasion offer coaching, especially to new officers, to improve their performance and enhance public safety. Our prosecutors regularly participate in ride-alongs with officers to help understand our client's culture and practices, to gain insight into local and distinctive patrol procedures, and to increase communication with the officers.

Legislative/Case Law Updates. We are committed to providing timely updates to our clients about the important state and federal changes that impact the criminal law and the provision of day-to-day police services, whether the changes arise from new legislation, executive mandates, or judicial decisions. We provide an annual Minnesota Criminal Law Legislative Update.

Availability/Response Time. We take extreme pride in client service. Command staff and officers are always able to reach us, day or night. Communication is the touchstone of a strong relationship. Our prosecutors' cell phone numbers are distributed to all staff. Officers routinely call our prosecutors after normal business hours with questions in the field, and on weekends particularly with respect to the 48-hour hold rule. We are available 24/7 to serve the City's needs.