

## **SPECIAL CITY COUNCIL WORK SESSION**

**August 15, 2017**

**Council Chambers**

**4100 Lakeview Avenue North**

**Robbinsdale, Minnesota**

**Following the 7:00 p.m. City Council and Special REDA Meeting**

### **AGENDA**

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1. CITY COUNCIL WORK SESSION CALLED TO ORDER BY MAYOR PRO TEM
2. ROLL CALL: Blonigan, Rogan, Selman, Backen, Mayor Murphy
3. UPDATE: Wage/Salary Market Study
4. REVIEW: Potential tobacco license changes
5. DISCUSS: Liquor license requirements
6. DISCUSS: Prosecutor RFP
7. ADJOURNMENT



City of Robbinsdale

## MEMORANDUM

TO: Mayor and City Council  
FROM: Marcia, Glick, City Manager  
DATE: August 15, 2017  
RE: Hiring of Criminal Prosecutor

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### **Background**

Criminal Prosecution Services are currently provided for the city by Paul Baertschi. The last time an RFP was completed for Criminal Prosecution Services was 1999. As part of the process the attached request for proposal (RFP) for prosecution services has been drafted for City Council consideration. Staff looked back and found the previous RFP for prosecution services from 1999 and also found that two council members served on a committee along with the City Manager, Assistant City Manager and Police Chief to perform interviews and select a firm.

### **Recommendation**

It is recommended that the City Council review the RFP and make changes as necessary and then determine the process, and if so, the membership of a committee which will interview potential prosecutors. At this time Council should also give staff further direction, if necessary, on other aspects related to the hiring of a prosecutor.

Marcia Glick, City Manager



City of Robbinsdale

**REQUEST FOR PROPOSALS**  
**CRIMININAL PROSECUTORIAL LEGAL SERVICES**  
**AUGUST 2017**

**I. Introduction**

The City of Robbinsdale is seeking proposals from qualified firms interested in providing criminal prosecutorial services for the City.

**II. Scope of Services**

The services that are required for Robbinsdale criminal law services include, but are not limited to, the following areas:

- A. Criminal prosecution of all petty misdemeanor, misdemeanor, or statutorily delegated gross misdemeanor offenses committed within city limits.
- B. Provide advice, consultation and training where required to the Police department and to all other departments of the City in the interpretation and enforcement of statutes, ordinances (including zoning), and investigations of violations in connection with the prosecution of criminal cases.
- C. Prepare criminal complaints where facts warrant.
- D. Evaluate all cases where a plea of not guilty is entered and prosecute where warranted.
- E. Prepare appropriate pre-trial notices.
- F. Negotiate and enter plea bargains where deemed advisable.
- G. Represent the City at all pre-trial motions.
- H. Perform all legal research and prepare briefs when required.
- I. Try all jury and court cases.

**III. Instructions to Proposers**

- A. Proposals must be in writing and must be received by 4:00 p.m. on Tuesday, September 26, 2017. All proposals, questions, and correspondence must be directed to:

Tom Marshall

City Clerk
City of Robbinsdale
tmarshall@ci.robbinsdale.mn.us
763-531-1252
4100 Lakeview Avenue North
Robbinsdale, MN 55422

- B. One (1) electronic copy (pdf) of entire proposal and two (2) paper copies of each proposal should be submitted.
- C. All proposals submitted must provide complete information as indicated in this request. Any other information that the respondent wishes to include for evaluation and consideration by the City as part of the proposal may also be included.

In order to ensure a fair review and selection process, firms submitting proposals are prohibited from contacting any other city staff or councilmembers regarding these proposals.

#### **IV. Required Content for Proposals**

##### **A. Title Page**

- Show the RFP Subject: Provision of Criminal Prosecutorial Legal Services
- Name of the respondent's firm, address, telephone number, e-mail, name of the contact person
- Date.

##### **B. Firm/Attorney Background**

- Name of firm/attorney(s)
- Address(es), phone number(s), and email(s) of firm/attorney(s)
- Brief history of firm/attorney
- Number of attorneys and their areas of specialty.
- Number of paralegals and their areas of specialty.
- Description of office organization (organizational chart).
- Flow chart of work process for criminal prosecution law work.

##### **C. Attorney Qualifications**

- Identify attorney(s), paralegal(s), and any other support personnel who will be supplying services for which the City will be billed.
- For each person identified, please state:

- i. Their relevant academic training and degrees.
  - ii. A description of their prior experience in criminal law matters.
  - iii. Number of years with your firm, position title(s) and years in these positions, and areas of responsibility with your firm.
  - iv. Other background or experience which may be helpful in evaluating your proposal.
- Current principal responsibilities for individual designated as primary city attorney including a statement indicating future availability.
  - A description of the availability of and identification of experienced backup attorneys in the case of illness, turnover, or other loss of personnel.

#### **D. Firm Qualifications**

- The names and telephone numbers of three client references whom the City may contact. If you or your firm has represented any municipalities or governmental agencies during the last five years, state the name of that municipality or agency whom the City may contact. If you or your firm has represented such an entity but does not wish the City to contact that entity, list the name of the municipality or agency, and state your reasons why no contact is requested.
- Describe your legal library and research capabilities, with specific emphasis on municipal law publications, computer links, and the firm's capability to maintain a proposed response time for legal reports and memorandums.
- A statement of how the workload for the City of Robbinsdale would be accommodated and what kind of priority it would be given.

#### **E. Fees**

- Your proposal for the dollar amount of fixed and/or hourly fees and costs you or your firm will charge for providing the legal services for criminal prosecutorial law matters to the City of Robbinsdale covered by your proposal. For the hourly fees portion of your proposal, please identify the hourly rate of attorney, paralegal, and any support personnel. Also state separately the rate of any cost items to be billed (e.g. photocopying).
- The City of Robbinsdale requests monthly billing statements which:
  - a. Itemize the date of service
  - b. Identify the attorney, paralegal, and/or support personnel providing the services.
  - c. List time spent.
  - d. Provide a detailed description of the services performed.
  - e. State the fees for those services.
  - f. Organize billing on the basis of activity and contact.

g. Summarize monthly (and annually) costs by type of activity.

#### **F. 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 Attorney for the City of Robbinsdale
- Indicate if your firm currently represents any real estate developers doing business with, or anticipating doing business with, the City of Robbinsdale.
- Indicate whether you currently represent any other local units of government having jurisdiction within, or contiguous to the City of Robbinsdale.
- Indicate what procedures your firm would utilize to identify and resolve conflicts of interest.

#### **V. Proposal Evaluations**

- The City intends to award a contract to the candidate evaluated to be best qualified to perform the work for the City, cost, and other factors considered.
- Based up the evaluation, the City Manager and Police Chief will recommend to the City Council the selection of the attorney/firm judged to be the most responsive and responsible proposer(s). The actual selection of the attorney/firm and contract award will be made by the City Council.
- The City shall not be liable for any expenses incurred by the proposer including, but not limited to, expenses associated with the preparation of the proposal, preparation of a cost proposal of final contract negotiations.
- The City of Robbinsdale reserves the right to reject any and all proposals or to request additional information from all proposers.

#### **VI. Agreement Terms**

- This request for proposal does not obligate the City of Robbinsdale to award a contract or pay costs incurred in the preparation of this proposal, or to procure a contract for services. The City of Robbinsdale reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified source, or to cancel in part or in its entirety this Request for Proposal if it is considered to be in the best interest of the City of Robbinsdale to do so.
- DATA PRACTICES ACT. Any proposal submitted to the City is subject to the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Proposals as defined in section 16C.02, subdivision 11, are private or nonpublic until the proposals are opened. Once the proposals are opened, the name of the firms and the dollar amount specified becomes public.

- a. Upon choosing a firm, there will be a contract with language stating the findings of the study are confidential to the firm and management until after the data has been reviewed by City Council.
- **Contract Ethics**
  - a. 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 affect his or her direct or indirect personal or financial interest.
  - b. It is a breach of ethical standard 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 reasonable 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.
  - c. The firm shall not assign any interest in the contract and shall not transfer any interest in the same without the prior written consent of the City.

**The firm shall not accept any client or project which places it in conflict of interest with its representation of the City of Robbinsdale. If such a conflict of interest is subsequently discovered, the City shall promptly be notified.**

**VII. City's Timetable**

<b>Action</b>	<b>Date</b>
<b>City Council Approval of RFP</b>	<b>August 15, 2017</b>
<b>Advertisement of RFP Begins</b>	<b>August 26, 2017</b>
<b>Deadline of RFP</b>	<b>September 26, 2017</b>
<b>Interviews</b>	<b>October</b>
<b>Update to City Council at Work Session</b>	<b>October 17, 2017</b>
<b>Consideration of approval of selected firm and award of contract by the City Council</b>	<b>November 7, 2017</b>
<b>New contract begins</b>	<b>January, 1, 2018</b>

**VIII. Other Information**

- A. City Organization

The City of Robbinsdale was incorporated in 1938 and is governed by Council-Manager form of government. The City has approximate population of 14,500 and provides a full array of municipal services and general administrative functions. The City's website is [www.robbinsdalemn.com](http://www.robbinsdalemn.com).

- a. City Council. The City Council, composed of four members and the Mayor, is the legislative and policy making body of the City. The Mayor, who presides over City Council meetings, is elected at-large. Each Council member is elected from one of the City's four wards. Council Members and the Mayor are elected for four-year terms.

Set forth in the following table is information pertaining to the City Council:

Mayor	Regan Murphy	Term Expires January 2021
Ward 1	Bill Blonigan	Term Expires January 2021
Ward 2	Dan Rogan	Term Expires January 2021
Ward 3	George Selman	Term Expires January 2019
Ward 4	Pat Backen	Term Expires January 2019