



CITY OF LE SUEUR  
REQUEST FOR COUNCIL ACTION

TO: Mayor and City Council  
FROM: Joe Roby, City Administrator  
SUBJECT: Recommendation for Municipal Legal Services Request for Proposal (RFP)  
DATE: For the City Council Meeting of October 24, 2022

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**PURPOSE**

Consider issuing a Request for Proposal (RFP) for municipal legal services.

**SUMMARY**

In 2020, the Le Sueur City Council approved the issuance of an RFP for municipal legal services. The requested proposal was for an attorney/firm to contract with the City for general legal services and serve as the City's general counsel. The RFP process generated six proposals, from which three were selected for finalist interviews: Couri & Ruppe, Flaherty & Hood, and Kennedy & Kennedy. Ultimately Council voted to enter into contract negotiations with Couri & Ruppe, and a contract was approved with a termination date of 12/31/2022 (followed by two 1-year optional extensions).

As the City approaches the end of this initial contract term, City staff recommend the issuance of a renewed RFP for municipal legal services to Flaherty & Hood and Kennedy & Kennedy. The language of the draft RFP (attached) is similar to that issued in 2020, drawing on other cities' legal RFPs for comparison.

The proposed timeline for this RFP is as follows:

Action	Date
City Council Approval of RFP	October 24, 2022
Distribution of RFP begins	October 26, 2022
Deadline for RFP	December 9, 2022 – 4:00 p.m.
Review of Applications and Invitation to Interview	December 26, 2022
Interview of Selected Applicants – Consider Award	January 23, 2023
New contract begins	To Be Determined

**ACTION REQUESTED**

The City Administrator is requesting City Council approval of the enclosed draft RFP for municipal legal services, to be distributed to Flaherty & Hood and Kennedy & Kennedy, with the timeline outlined above.



# **REQUEST FOR PROPOSAL**

**FOR**

# **MUNICIPAL LEGAL SERVICES**

**OCTOBER 2022**

**Submission Deadline:  
December 9, 2022 - 4:00 P.M.**

## **REQUEST FOR PROPOSAL (RFP) FOR MUNICIPAL LEGAL SERVICES**

### **Introduction**

The City of Le Sueur is inviting written proposals from qualified law firms interested in providing municipal legal services to the City of Le Sueur. Preference will be given to those submittals demonstrating experience in municipal law and those possessing sufficient resources to ensure that the City's legal needs will be met in a timely manner. The relationship would be on a consulting/contractual basis (non-City staff). The City anticipates awarding a three-year contract, with two one-year renewal options.

Proposals received after the deadline will not be accepted. It is neither the City of Le Sueur's responsibility nor practice to acknowledge receipt of any proposal. It is the respondent's responsibility to ensure that a proposal is received in a timely manner.

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

The City of Le Sueur reserves the right to reject any and all proposals, to waive irregularities and informalities, to request additional information from respondents, and ultimately to select the proposal which furthers the best interests of the City.

### ***Public Records and Proprietary Material***

*Respondents are required to complete the attached Form of Consent for Release of Proposal Data (Exhibit "A"). Respondents should be aware that any information they submit to the City, or that is used by the City, even if the respondents possess the records, may be public records. The City will promptly disclose public records upon request unless a statute exempts them from disclosure. Respondents should also be aware that if even a portion of a record is exempt from disclosure, the rest of the record must be disclosed. Exemptions, including those for trade secrets and "valuable formula," are narrow and specific. Respondents should clearly mark any record they believe is exempt from disclosure.*

*Upon receipt of a request for public disclosure, the City will notify the respondent of any public disclosure request for the respondent's submittal. If the respondent believes its records are exempt from disclosure, it is the respondent's discretion whether to pursue exemption via legal means. However, if the respondent does not timely obtain and serve an injunction, the City will disclose the records, in accordance with applicable law.*

## **SECTION ONE: SCOPE OF SERVICES**

The firm/attorney(s) are required to be knowledgeable in a variety of legal areas, including but not limited to:

- General municipal laws
- General state and federal laws relating to municipal government
- Minnesota Open Meeting Law
- Zoning, housing, annexation, subdivision, and land use law
- Economic development activities including development, redevelopment, enforcement, and property/real estate law
- Legal activity relating to general obligation bonds, revenue bonds, tax increment bonds, tax exempt bonds, and other bonding and financial processes
- Ordinance and resolution development and interpretation
- Government Data Practices
- City Charter and City Code issues
- Contract law
- Environmental law
- Franchise law
- Municipal leases
- Eminent Domain
- Trial activity

The services and qualifications that are required by the City for municipal legal services include, but are not limited to, the following areas:

### **General**

1. Meetings and/or telephone conversations with and advising Mayor, Council Members, City Administrator, Department Managers and other staff on general legal matters.
2. Research and submission of legal opinions on municipal or other legal matters requested by City staff or City Administrator.
3. Legal consultation and general support for Mayor, Council Members, City Administrator, Department Managers and other staff on general legal matters.
4. Provide high level of customer service by responding in a prompt manner.

### **Meetings**

5. Attend, as requested, regular City Council meetings and advise the Mayor, Council Members and City Administrator on matters of parliamentary law and procedures of a general matter.
6. Attend such special City Council meetings as the Council or the City Administrator directs.
7. Attend such meetings of boards or commissions as the City Administrator directs.
8. Attend such other meetings, planning sessions, conferences and/or departmental meetings as requested by the City Administrator.
9. Attendance at any 18 meetings during a calendar year, as described under items #5-8 above. Meetings may be attended virtually using electronic means as requested by the City Administrator. If Option "A" fee arrangement as described in item 6 of Section Three below is agreed upon, 18 meetings shall be included in the retainer services, with meetings in excess of 18 billed at the agreed upon hourly rate. If an Option "B" fee arrangement is agreed upon, meetings will be billed at the hourly contract rate.

10. Review of City Council and Planning Commission agenda packets and minutes as requested.
11. Meetings and/or consultation with and advising City of Le Sueur Economic Development Authority.
12. Limited consultation with Charter Commission.

### **Legal Documents**

13. Review resolutions as the City Administrator or the City Council shall direct, except resolutions relating to the responsibility of the fiscal consultant or bond approving attorney.
14. Review of municipal contracts, including contracts for public improvements, developments, subdivisions, joint powers agreements, construction, purchase of equipment, and the like for content, form, legality, and execution as requested.
15. Examine and advise regarding the legality of all proceedings and actions of the City Council and other City boards or commissions, including the Economic Development Authority.
16. Render written opinions on law when requested, including interpretation of statutes, ordinances, rules, and regulations.
17. Review of ordinances, ordinance amendments, resolutions, developer agreements and contracts, subdivision agreements, and correspondence as requested.
18. Review bonds, deeds, securities, and insurance requirements required by or for City contracts or activities.
19. Prepare small business assistance loan documents and related materials.
20. Review data requests and related documents and advise staff regarding release and redactions.

### **Public Improvements**

21. Examine all petitions for improvements for validity.
22. Assist the city engineer in preparing preliminary report as to legal costs, easement costs, assessment methods, and assessment area.
23. Assist staff with special assessment processes and procedures.
24. Prepare or review such routine legal notices for posting, publishing, or mailing as required by the statutory assessment process.

### **Real Estate Sale and Acquisition**

25. Review acquisition requirements with appropriate departments, evaluate any special legal or cost concerns, develop acquisition timetables, make preliminary cost estimates, and obtain or develop proper legal descriptions.
26. Examine title to each parcel as requested by the City Administrator.
27. Prepare documents necessary for routine land purchases and/or sales. All such transactions shall be deemed to be routine unless the firm/attorney contacts the City in advance and obtains the City's approval that the transaction contemplated is non-routine. Any such non-routine transactions shall be billed at the previously agreed to hourly contract rate.

### **Zoning**

28. Provide legal advice to staff, City Administrator, Zoning Administrator, Planning Commission, and City Council regarding zoning code matters.
29. Represent the City in matters related to the enforcement of city building, subdivision, maintenance, and zoning codes.

### **Public Improvements**

30. Represent the City in the acquisition of properties for public improvements, easements, parks, and the like as needed.
31. Perform all legal work in connection with financing, not usually performed by the fiscal consultant or bond counsel.
32. Receive and evaluate all assessment appeals and try cases in District Court or recommend amendments to assessment if warranted.
33. Handle all legal matters under construction contracts and any resulting litigation.

### **Land Acquisition and Sale**

34. Represent the City in condemnation proceedings for public improvement projects, etc.
35. Initiate annexation proceedings at the direction of the City and follow through with all necessary documentation and presentation to the State Boundary Adjustments Division.

### **Economic Development**

36. Representation of the City on economic development related matters, including developer agreements and tax increment document review as needed, including tax abatement and other forms of public finance assistance.

### **Claims Against the City**

37. Where no insurance coverage is provided, make appropriate evaluation of claims for legality, investigate facts, and make recommendations to the City Council.
38. Defend in court all litigation where no insurance coverage is available. This includes but is not limited to: (1) human rights claims; (2) condemnation; (3) permits and administrative actions; (4) administrative citations; (5) code enforcement issues; and (6) labor and employment matters.
39. Assist in resolving claims not resulting in litigation.

### **Claims by the City**

40. Investigate and evaluate all claims by the City against others and recommend appropriate course of action, including, but not limited to, code enforcement matters and administrative citations.
41. Attempt collection of all proper claims including litigation where necessary and authorized by the City.

### **Intergovernmental Relations and Disputes**

42. Provide such services as requested by the City regarding contractual dealings with Federal, State, County, Township, Municipal, and Special Districts by the City, including Joint Powers Act Public Improvements.
43. Handle disputes between the City and other governmental units, including litigation.

**SECTION TWO:  
INSTRUCTIONS TO RESPONDENTS**

1. One (1) electronic copy (pdf) of entire proposal and two (2) paper copies of entire proposal should be submitted directly to:

**Joe Roby, City Administrator**  
203 South Second Street  
Le Sueur, MN 56058  
[jroby@cityoflesueur.com](mailto:jroby@cityoflesueur.com)

2. Proposals must be received no later than 4:00 p.m. on December 9, 2022.
3. 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.
4. To ensure a fair process, questions regarding the process or RFP should be directed to City Administrator Joe Roby. No other City staff or City Council members may be contacted.

**SECTION THREE:  
REQUIRED CONTENTS FOR PROPOSALS**

**1. Title Page**

- a. Show the RFP subject: Provision of Municipal Legal Services, the name of the respondent's firm, address, telephone number, e-mail, name of contact person, and date.

**2. General Information**

- a. Provide a brief background history of the firm, and number of attorneys employed. An organizational chart or description of office organization is welcomed.
- b. Designate the primary attorney and identify those who would be working in more specialized areas. Describe the current principal responsibilities for the individual designated as primary attorney.
- c. Include a current resumé for each attorney who would be primarily assigned to City of Le Sueur. 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 the proposal.
- d. Provide information as to how many attorneys are knowledgeable about municipal law and related fields as described in the scope of services.
- e. Indicate the location(s) of the primary office and attorneys assigned to service this account. Provide the address(es), phone number(s), e-mail address(es), and FAX number(s) of the firm.
- f. 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 Le Sueur.

- g. Provide an assessment of the availability of the attorney and other professional staff to be assigned to a contract with the City of Le Sueur. This includes availability of back-up attorneys in case of illness, turnover, or other loss of personnel.
  - h. Provide a statement of how the workload of the City of Le Sueur would be accommodated and what kind of priority it would be given. Be sure to address items outlined in the scope of services section. The proposal should expand upon each item and set forth the firm's approach/ability to carry out each activity. Include a description of the proposed allocation of work between the attorney(s) and support personnel identified (i.e. who will be the lead attorney and what work will be handled by junior partners, associates, or paralegals).
  - i. Describe the firm's 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.
  - j. Describe malpractice insurance coverage: carrier, limits, and exemptions.
- 3. Knowledge and Experience** - Provide information demonstrating the knowledge and experience of the primary attorney who would be assigned to the City of Le Sueur in the following areas:
- a. General municipal law
  - b. General state and federal laws relating to municipal government
  - c. Development legal matters:
    - i. Zoning, housing, annexation, subdivision, and land use law
    - ii. Platting and land development matters
    - iii. Eminent Domain
    - iv. MSA 429 Projects (Procedures and Appeals)
  - d. Economic development activities including development, redevelopment, enforcement, and property/real estate law
  - e. Municipal Financing – Specify whether the firm is a recognized bond counsel and plans to serve in that capacity in the proposed representation:
    - i. Minnesota tax increment law
    - ii. Municipal bonds: General obligation bonds, revenue bonds, tax increment bonds, tax exempt bonds, and other bonding and financial processes
    - iii. Knowledge of collection law and municipal finance and purchasing.
  - f. Ordinance and resolution development and interpretation
  - g. Government Data Practices
  - h. City Charter and City Code issues
  - i. Contract law
  - j. Environmental law
  - k. Franchise law
    - i. Interpretation of franchise authority
    - ii. Water/wastewater, electric and other miscellaneous utilities, and related laws/regulations.
  - l. Municipal leases
  - m. Trial activity
  - n. Municipal Litigation – Description of municipal litigation handled in the previous five (5) years. Indicate the types of cases tried.
- 4. Specialized Issues** - Any areas of specialty that may relate to municipal law may be outlined in this section.
- 5. 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. Please provide contact information including contact name, address, phone number, and e-mail address.

6. **Fees** - Identify in your proposal the amount your firm proposes to charge for municipal legal services. Please complete Exhibit "B" to provide fee information for a period of three years. Fees for the two one-year extensions would be negotiated. Please note that the City of Le Sueur is requesting fees to be submitted with two options: Option "A": retainer plus hourly fees; and Option "B": hourly fees for all work without a retainer.

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

- a. Itemize the date(s) 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. Organize billing for general corporate work by department, type of services, and/or project.
- g. Itemize all associated costs and expenses related to the services performed.

#### **7. Conflict of Interest Statement**

- a. 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 Le Sueur.
- b. Indicate if your firm currently represents any real estate developers doing business with, or anticipating doing business with, the City of Le Sueur.
- c. Indicate whether you currently represent any other local units of government having jurisdiction within, or contiguous to, the City of Le Sueur.
- d. 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 respondent best qualified to perform the work for the City, cost and other factors considered. The City of Le Sueur reserves the right to reject any and all proposals, to waive irregularities and informalities, to request additional information from respondents, and ultimately to select the proposal which furthers the best interests of the City.

The approval of the firm selected and the contract award will be made by the City Council.

A contract will be developed based on the information in the selected firm's submission.

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.

**Timeline (subject to change)**

<b>Action</b>	<b>Date</b>
City Council Approval of RFP	October 24, 2022
Advertisement of RFP begins	October 26, 2022
Deadline for RFP	December 9, 2022 – 4:00 p.m.
Review of Applications and Invitation to Interview	December 26, 2022
Interview of Selected Applicants – Consider Award	January 23, 2023
New contract begins	To Be Determined

**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 affecting their 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 official, or for any City employee or official 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 respondent 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 respondent firm shall not accept any client or project that places it in a conflict of interest with its representation of the City of Le Sueur. If such a conflict of interest is subsequently discovered, the City shall be promptly notified.

**Exhibit A**  
**FORM OF CONSENT FOR RELEASE OF PROPOSAL DATA**

\_\_\_\_\_, 2022

City of Le Sueur  
City Clerk  
203 South Second Street  
Le Sueur, MN 56058

Re: Request for Proposal: Municipal Legal Services

Consent for Release of Proposal Data

\_\_\_\_\_, on behalf of \_\_\_\_\_,  
hereby consents to the release of its proposal in response to the Request for Proposal for Municipal  
Legal Services and waives any claims it may have under Minnesota Statutes Section 13.08 against the  
City of Le Sueur for making such information public. The foregoing consent and waiver does not  
extend to financial statements, if any, submitted under separate confidential cover. Such information  
provided under separate cover may be public data but will be treated by the City consistent with  
Minnesota Statutes Chapter 13.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

**Exhibit B  
PROPOSED FEES**

**OPTION “A” – RETAINER + HOURLY FEES:**

**RETAINER** – Please quote a retainer fee to be charged for legal 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 (e.g. photocopying, Westlaw, or Lexis fees, overhead factor). Clearly note any “retainer” items listed above that your firm would 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 legal services to the City of Le Sueur 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.

	<b>2023</b>	<b>2024</b>	<b>2025</b>
Retainer fee (monthly amount)			
Hourly Rate for Primary Attorney			
Hourly Rate for Other Attorneys (please name):			
Hourly Rate for Support Personnel (name or title):			
Itemized fees (please describe):			
Minimum increment of time billed for each service (list):			

Feel free to attach additional sheets to note:

- Any “retainer” items that will not be provided as part of the retainer fee but rather billed on an hourly basis.
- Description of other costs items, if needed.
- Any other items related to fees that you feel are pertinent in the consideration of your proposal.

**OPTION “B” – HOURLY FEES ONLY:**

**HOURLY BILLING** – Please quote the dollar amount of fixed and/or hourly fees and costs your firm will charge for providing legal services to the City of Le Sueur covered by your proposal. 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. Also state separately the rate for any other cost items proposed to be itemized and billed (e.g. photocopying, Westlaw, or Lexis fees, overhead factor).

	<b>2023</b>	<b>2024</b>	<b>2025</b>
Hourly Rate for Primary Attorney			
Hourly Rate for Other Attorneys (please name):			
Hourly Rate for Support Personnel (name or title):			
Itemized fees (please describe):			
Minimum increment of time billed for each service (list):			

Feel free to attach additional sheets to note:

- Description of other costs items, if needed.
- Any other items related to fees that you feel are pertinent in the consideration of your proposal.