



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Monday, November 7, 2022
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Resolution Appointing Pamela Whitmore and the law firm of Kennedy and Graven as City Attorney; Matthew B. Gross as Prosecuting Attorney; and Dennis H. Simpson as Special Counsel
Background Information:	<p>Process: The City Council, at the May 24, 2022, City Council meeting, authorized the Request for Proposal (RFPs) for the following legal services: City Attorney General Counsel; Criminal Services; and Local Land Use.</p> <p>The City received 4 proposals for General Counsel, 3 proposals for Local Land Use, 1 proposal for Criminal Prosecution. The proposals were received from Quarnstrom and Doering, Pemberton Law, Kennedy and Graven and Flaherty and Hood.</p> <p>The Committee met to review City Attorney RFPs on August 17th and conducted interviews September 9th and September 13th with three of the four firms.</p> <p>Costs: The billable hourly rates were comparable for all the law firms, as were the comparable total annual costs when surveyed to other similar communities.</p> <p>The City of Marshall annually pays Quarnstrom and Doering an average of \$174,000 on City Attorney services annually (\$136,000 budgeted, the remainder out of budget- typically coded to project codes and thus funded by non-general funds).</p> <p>A review of comparable cities finds that for city attorney services half are served by a private attorney, half are contracted out to a larger firm not located locally. Two of the comparable cities employ their city attorney in-house.</p> <p>City of Marshall Charter:</p> <p><u>Section 3.04 City Attorney</u> The Mayor shall nominate to the City Council the person to be appointed as City Attorney for the City of Marshall. The City Council and the Mayor shall vote and confirm said appointment by majority vote. The City Attorney shall serve for a term of two (2) years, his/her term of office to begin on the first regular meeting in January after the municipal election and he/she shall continue in office until their successor is appointed.</p> <p>The Mayor is nominating as follows: Pamela Whitmore and the law firm of Kennedy and Graven as City Attorney; Matthew B. Gross as Prosecuting Attorney; and Dennis H. Simpson as Special Counsel</p>

Fiscal Impact:	<p data-bbox="381 222 935 254">Kennedy and Graven-Appointed City Attorney:</p> <table border="1" data-bbox="566 254 1443 436"> <thead> <tr> <th data-bbox="566 254 789 312">Year</th> <th data-bbox="789 254 1109 312">Annual Amount</th> <th data-bbox="1109 254 1443 312">Monthly Payment</th> </tr> </thead> <tbody> <tr> <td data-bbox="566 312 789 373">2023</td> <td data-bbox="789 312 1109 373">\$65,400</td> <td data-bbox="1109 312 1443 373">\$5,450</td> </tr> <tr> <td data-bbox="566 373 789 436">2024</td> <td data-bbox="789 373 1109 436">\$67,380</td> <td data-bbox="1109 373 1443 436">\$5,615</td> </tr> </tbody> </table> <p data-bbox="381 478 943 510">Quarnstrom and Doering-Criminal Prosecution:</p> <table border="1" data-bbox="566 543 1443 726"> <thead> <tr> <th data-bbox="566 543 789 602">Year</th> <th data-bbox="789 543 1109 602">Annual Amount</th> <th data-bbox="1109 543 1443 602">Monthly Payment</th> </tr> </thead> <tbody> <tr> <td data-bbox="566 602 789 663">2023</td> <td data-bbox="789 602 1109 663">\$68,215.52</td> <td data-bbox="1109 602 1443 663">\$5,684.71</td> </tr> <tr> <td data-bbox="566 663 789 726">2024</td> <td data-bbox="789 663 1109 726">\$68,215.52</td> <td data-bbox="1109 663 1443 726">\$5,684.71</td> </tr> </tbody> </table> <p data-bbox="381 768 881 800">Quarnstrom and Doering-Special Counsel:</p> <table border="1" data-bbox="566 800 1443 982"> <thead> <tr> <th data-bbox="566 800 789 858">Year</th> <th data-bbox="789 800 1109 858">Annual Amount</th> <th data-bbox="1109 800 1443 858">Monthly Payment</th> </tr> </thead> <tbody> <tr> <td data-bbox="566 858 789 919">2023</td> <td data-bbox="789 858 1109 919">\$30,000</td> <td data-bbox="1109 858 1443 919">\$2,500</td> </tr> <tr> <td data-bbox="566 919 789 982">2024</td> <td data-bbox="789 919 1109 982">\$30,000</td> <td data-bbox="1109 919 1443 982">\$2,500</td> </tr> </tbody> </table> <p data-bbox="381 989 610 1020">Total Annual Costs:</p> <table border="1" data-bbox="474 1041 1419 1593"> <thead> <tr> <th data-bbox="474 1041 607 1220">Year</th> <th data-bbox="607 1041 810 1220">General Revenue Annual Budget</th> <th data-bbox="810 1041 1170 1220">Non-General Revenue/Project Expenditures</th> <th data-bbox="1170 1041 1419 1220">Total Annual</th> </tr> </thead> <tbody> <tr> <td data-bbox="474 1220 607 1318">2022</td> <td data-bbox="607 1220 810 1318">\$136,433</td> <td data-bbox="810 1220 1170 1318">Approximately \$30,000 to \$40,000</td> <td data-bbox="1170 1220 1419 1318">\$166,433-\$176,433</td> </tr> <tr> <td data-bbox="474 1318 607 1457">2023</td> <td data-bbox="607 1318 810 1457">\$133,615.52</td> <td data-bbox="810 1318 1170 1457">\$30,000; additional \$10,000 if prior approval and outside retainer</td> <td data-bbox="1170 1318 1419 1457">\$163,615.52-\$173,615.52</td> </tr> <tr> <td data-bbox="474 1457 607 1593">2024</td> <td data-bbox="607 1457 810 1593">\$135,595.52</td> <td data-bbox="810 1457 1170 1593">\$30,000; additional \$10,000 if prior approval and outside retainer</td> <td data-bbox="1170 1457 1419 1593">\$165,585.52-\$175,595.52</td> </tr> </tbody> </table>	Year	Annual Amount	Monthly Payment	2023	\$65,400	\$5,450	2024	\$67,380	\$5,615	Year	Annual Amount	Monthly Payment	2023	\$68,215.52	\$5,684.71	2024	\$68,215.52	\$5,684.71	Year	Annual Amount	Monthly Payment	2023	\$30,000	\$2,500	2024	\$30,000	\$2,500	Year	General Revenue Annual Budget	Non-General Revenue/Project Expenditures	Total Annual	2022	\$136,433	Approximately \$30,000 to \$40,000	\$166,433-\$176,433	2023	\$133,615.52	\$30,000; additional \$10,000 if prior approval and outside retainer	\$163,615.52-\$173,615.52	2024	\$135,595.52	\$30,000; additional \$10,000 if prior approval and outside retainer	\$165,585.52-\$175,595.52
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Alternative/Variations:																																												
Recommendations:	Adopt Resolution 22-088 Appointing Pamela Whitmore and the law firm of Kennedy and Graven as City Attorney; Matthew B. Gross as Prosecuting Attorney; and Dennis H. Simpson as Special Counsel																																											