

CITY ATTORNEY SERVICES:

CRIMINAL LAW SERVICES COVERED AS BUDGETED SERVICES

The City attorney prosecutes petty misdemeanors, misdemeanors, gross misdemeanor DWIs and gross misdemeanor traffic violations for the City of Marshall. This requires meeting with officers, answering questions, drafting Complaints, facilitating settlement offers, communicating with defense attorneys, attending Court hearings and trying cases as needed.

CIVIL SERVICES COVERED AS BUDGETED SERVICES

Except as specifically limited below, the services and qualifications that are required by the City of Marshall for civil legal services covered by an approved budget fee 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; availability to answer staff questions by telephone.
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.
5. Provide annual training for Council, Boards and Commissions and staff on matters related to open meeting law, MN Data Practices Act, conflict of interest/ethics for government officials, and provide specific training for the Council and Planning Commission on land use and zoning law issues.

Meetings:

6. Attend regular City Council meetings and advise the Mayor, Council Members and City Administrator on matters of parliamentary law and procedures of a general matter.
7. Attend such special City Council meetings as the Council or the City Administrator directs.
8. Attend such meetings of boards or commissions as the City Administrator directs.
9. Attend such other meetings, planning sessions, conferences and/or departmental meetings as requested by the City Administrator.
10. Limited consultation with Charter Commission.

Legal Documents

11. Prepare such 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.
12. 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.
13. Examine and advise regarding the legality of all proceedings and actions of the City Council and other boards or commissions.
14. Render written opinions on law when requested, including interpretation of statutes, ordinances, rules and regulations.

15. Drafting and review of ordinances, ordinance amendments, resolutions, developer agreements and contracts, subdivision agreements and correspondence as requested.
16. Review ordinances as requested.
17. Review bonds, deeds, securities and insurance requirements required by or for City contracts or activities. *Except for public improvements projects which are covered by separate hourly rate agreement.
18. Prepare small business assistance loan documents and related materials.
19. Review data requests and related documents and advise staff regarding release and redactions.

Public Improvements

20. Examine all petitions for improvements for validity.
21. Assist the city engineer in preparing preliminary report as to legal costs, easement costs, assessment methods, and assessment area.
22. Assist staff with special assessment processes and procedures, except for those special assessment appeals, meetings and hearings as may be needed for resolution of special assessment issues. These services may be charged at an hourly rate and would require prior approval from City Council or City Administrator.
23. Prepare or review such routine legal notices for posting, publishing or mailing as required by the statutory assessment process.

Real Estate Sale and Acquisition

24. Review acquisition requirements with appropriate departments, evaluate any special legal or cost problems, develop acquisition timetables, make preliminary cost estimates and obtain or develop proper legal descriptions.
25. Preliminary title opinion and final title opinions for each parcel as acquired by the City are recommended as proper due diligence for title purposes.
26. Prepare documents necessary for routine land purchases and/or sales. All such transactions shall be deemed to be routine unless the 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

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

LEGAL SERVICES COVERED BY HOURLY RATE

The following legal services that are not covered by the budget and may be charged at an hourly rate as approved by City Administrator or City Council.

Criminal Law Matters

29. Pursuant to statute, the City Attorney represents the City of Marshall on forfeiture matters including vehicle forfeiture and personal property forfeitures. City Attorney shall receive payment at its hourly rate for representation of City of Marshall on various forfeiture matters resulting from criminal prosecutions.

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 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. Including pre-construction review of bonds, construction plans and notices, and insurance certificates.

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 issues, including developer agreements and tax increment document review as needed. Finance tax abatement and other forms of public finance assistance. Public financing assistance in public/private partnerships.

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) zoning and land use regulation matters; (4) permits and administrative actions; (5) administrative citations; (6) code enforcement issues; and (7) 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 issues 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.

Zoning

44. Represent the City in litigation on zoning matters; i.e. rezoning, variances, special permits, subdivisions.

EXHIBIT A

Legal Services Budget is approved annually by City Council. Criminal and Civil Services not covered by the annual budget will be billed monthly and paid monthly at a rate of \$200 per hour.