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November 9, 2022

City of Oelwein

Attn: City Administrator Dylan Mulfinger By email only: dmulfinger@cityofuelwein.org
20 2nd Ave. SW
Oelwein, IA 50662

Re: Proposal for Legal Services

Dear Mayor and Council:

Thank you for the opportunity to provide information regarding our firm and our interest in the Oelwein City Attorney appointment. We believe you will find our Public Sector Group focus and team approach to be very unique and to position us very well to serve your needs now and for many years to come.

While we are located in Cedar Rapids, a decent distance from Oelwein, the ability to communicate virtually, and of course by phone and email, will allow us to serve you without being present in Oelwein in most cases. When we need to be present we will of course be present. I would be the primary point of contact for Oelwein and if I knew I needed to be in Oelwein on any given day I would work from my home, near Manchester, or my satellite office in Monticello, reducing the travel time to Oelwein.

Please feel free to reach out with any questions and thanks again for this opportunity.

Sincerely yours,

Douglas D. Herman

**PROPOSAL FOR
LEGAL SERVICES
FOR THE CITY OF OELWEIN, IOWA**

Submitted to:

Dylan Mulfinger
City Administrator
20 2nd Avenue SW
Oelwein, Iowa 50662
dmulfinger@cityfoelwein.org

Proposed By:



Douglas D. Herman
on behalf of
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About Lynch Dallas, P.C.

Lynch Dallas, P.C. is an established law firm located in Cedar Rapids, Iowa. The firm was founded in 1926. Our Public Sector Group works with cities, counties, school districts and other public entities of all sizes across the entire state of Iowa on a wide variety of legal issues.

We propose to provide the City of Oelwein an entire firm of attorneys to act collectively as City Attorney, with the ability to promptly and efficiently handle all the City's legal work, except finance and bonding, or to act as special counsel to assist with legal matters as assigned. Lynch Dallas, P.C. currently serves as City Attorney for the cities of Anamosa, Atkins, Bellevue, Burlington, Cascade, Clinton, Coggon, Elkader, Ely, Farley, Fort Madison, Garrison, Independence, Luxemburg, Maquoketa, Marshalltown, Middletown, Monticello, Montrose, Mount Pleasant, Mount Vernon, New London, New Vienna, Olds, Palo, Peosta, Postville, Preston, Ryan, Robins, Salem, Shellsburg, Stockport, Tipton, Vinton, Wayland, Wellman, West Burlington, and Worthington among others. We also currently work as Assistant City Attorney for the City of Guttenberg and as special counsel (i.e., for a wide variety of matters such as collective bargaining, human resources support, nuisance abatement, litigation, and other matters as directed) for the cities of Cedar Rapids, Donnellson, Marion, Coralville, Creston, West Liberty, and Mason City, as well as for Clinton County, Lee County, Des Moines County, Muscatine County, and Fayette County.

Profile and Qualifications

- a. **Lynch Dallas, P.C.:** Our firm is comprised of eighteen (18) attorneys, twelve (12) of whom comprise the firm's Public Sector Group, which services cities, counties, and school districts. To ensure consistency, Douglas D. Herman would be the City's primary contact, but all twelve of the attorneys in the Public Sector Group will be available to work for the City of Oelwein. For more details regarding our Public Sector Group, please visit our website at www.lynchdallas.com. The firm also has an experienced group of support staff.
- b. **Location:** Our firm is located at 526 Second Avenue SE, Cedar Rapids, Iowa, approximately one hour from Oelwein. Our office hours are 8:30 a.m. to 5:00 p.m. Monday through Thursday, and 8:30 a.m. to 3:00 p.m. Friday, although we can readily be reached after hours in most cases. All attorneys in our Public Sector Group are willing to make their cell phone numbers available to select City Officials and staff.
- c. **References:** The following public officials know us well and have had recent experience with our work product and practices:

City of Peosta (City Attorney)
City Administrator, Annette Ernst
7896 Burds Road
PO Box 65
Peosta, IA 52068
(563) 556-8755
aernst@cityofpeosta.org

City of Clinton
City Administrator Matt Brooke
Dep. City Administrator Lisa Frederick
PO Box 2958
Clinton, IA 52733-2958
(563) 244-3421
mattbrooke@cityofclintoniowa.us
lisafrederick@cityofclintoniowa.us

City of Farley
City Clerk Lauren Manternach
Dep. City Clerk Kelly Ludwig
206 1st Street N.
Farley, IA 52046
(563) 744-3475
cclerk@farleyiowa.com
dclerk@farleyiowa.com

City of Vinton
City Administrator Chris Ward
310 A. Ave.
Vinton, IA 52349
(319) 472-4707
cward@vintonia.gov

City of Mason City (Special Counsel)
City Administrator, Aaron Burnett
10 First Street NW
Mason City, IA 50401
(641) 421-2701
aburnett@masoncity.net

Scope of Work

We have experience with a variety of municipal issues. We can provide at least the following assistance to the City of Oelwein:

- Annexation and the related Procedural Requirements
- ADA Advice, Interactive Process
- 28E and Other Sharing Agreements
- Parliamentary Procedure and Robert's Rules of Order
- Alternative Dispute Resolution
- Building and Construction Contracts
- Building Codes
- Business and Commercial Litigation
- Civil Rights and Other Litigation Defense
- Compliance with State and Federal Laws and Regulations
- Condemnation
- Drug/Alcohol Testing Policies and Related Issues
- Drafting and Interpreting Ordinances, Resolutions and Various Contractual Agreements
- Easement Drafting and Review
- Eminent Domain
- Employee Benefits
- Employee Evaluation, Discipline and Termination
- Employee Leave Issues
- Employment Policies and Procedures
- Environmental Issues
- FMLA Advice and Compliance
- Insurance Litigation and Insurance Coverage Disputes
- Labor and Employment Litigation
- Labor Relations, Collective Bargaining and Arbitration
- Law Enforcement and Public Safety
- Media Relations
- Municipal Code Enforcement
- Nuisance Abatement Procedures, including Prosecution of Municipal Infractions and Petitions under Iowa Code 657A.10B
- Open Meetings, Freedom of Information Act and Open Records Issues
- Policy Development and Review
- Premises Liability and Chapter 671 Immunity Issues
- Prosecution of Municipal Code Violations
- Real Estate Transactions
- Unemployment Fact-Finding and Appeals
- Utility Issues
- Workers' Compensation

- Zoning Ordinances and Variances

As active city attorneys and special counsel in other Iowa cities, Lynch Dallas, P.C. regularly handles the matters listed above, especially common daily issues which come before the city council and/or staff, such as ordinance review/drafting, nuisance abatement, code compliance, contract drafting and review, buying and selling property, subdivision, zoning, records requests, employment issues, prosecuting and defending lawsuits, parliamentary procedure, and routine advice to City staff. And with a former veteran city administrator within our Public Sector Group, we are also able to assist with the administrative implementation of our advice and recommendations.

Lynch Dallas, P.C. is also uniquely qualified to defend the City in most legal matters, and to proactively advise the City as to how to avoid litigation. As panel counsel for Iowa Communities Assurance Pool (“ICAP”), EMC Insurance Companies, and other municipal insurers, we have a great deal of experience handling municipal liability issues across the state. In that capacity, we have represented over forty (40) eastern Iowa cities and counties.

System of Proposed Compensation

Lynch Dallas, P.C. proposes the following system of compensation. We propose to perform all work for the City on an hourly basis under the fee schedule set forth below.

We propose to bill for our time in increments of one-tenth (.1) of an hour. We will bill the City for an attorney’s regular rate for travel time, plus the standard federal mileage rate as determined by the IRS. However, we can usually avoid travel by using teleconference, video conference, and e-mail. Consistent with our existing practice, we will bill the City monthly for all work performed in the previous month.

Proposed Rates

<u>Producer</u>	<u>Rate</u>
Shareholders	\$200/hour
Associate Attorneys	\$175/hour
Legal Assistants	\$125/hour

Reimbursement of Expenses

Filing Fees	Actual Cost
Postage	Actual Cost
Mileage	Federal Rate (IRS)
Online Legal Research (LexisNexis®)	\$40.00/search

Our Commitment

We require the highest quality work product from all our attorneys and staff. We believe in building lasting relationships with clients, based on confidence in our abilities and in our responsiveness. We understand that time is often of the essence when representing cities, particularly when a problem presents not only legal issues, but also political ramifications. Our business day is defined by client needs, not by the hour of the day. We believe in a collaborative approach and take pride in our responsiveness. We also value creative problem solving to achieve successful results. Finally, we always strive to deliver high quality legal services at a reasonable cost.

Our Approach

While one attorney will serve as the primary contact, our practice is to provide an entire legal department to the City on a contract basis. Lynch Dallas, P.C. believes that competence and responsiveness are the primary goals when serving its clients and, because our firm's attorneys possess knowledge and experience in many different fields of law, it makes sense to involve them in specific matters uniquely applicable to their knowledge and abilities.

When given an assignment or a request for advice by the City, the primary attorney will evaluate the issue and involve other attorneys with specialized knowledge or experience relevant to the particular area of concern. We believe this team approach most effectively provides clients with well-reasoned, experienced, and up-to-date advice in the most timely and cost-effective manner possible. This also allows the City's business to move forward on many fronts simultaneously. Over time, the City staff will likely reach out directly to particular attorneys in the firm with whom they are working on particular matters.

Our Timeliness

Because of the firm's size and breadth of skill sets, we can respond on short notice and within tight timelines that are customary for clients in the public sector. We are also able to provide greater specialization and expertise than many smaller law firms. When a client approaches our law firm seeking advice, it is likely our attorneys have previously handled a similar issue. Phone calls and emails are returned on a timely basis – usually within a few hours and always within 24 hours. Due to the fact we represent public entities all over the state of Iowa, we find that email and conference calls are efficient means of communicating with our clients and we find our clients are very comfortable with these arrangements for most daily issues.

Our People

Brief biographies for each of our attorneys who would serve the City of Oelwein can be viewed on our website at www.lynchdallas.com.

The attorneys in our Public Sector Group are members of the Iowa Municipal Attorneys' Association and Lynch Dallas, P.C. is a proud Partner of the Iowa League of Cities. We regularly speak at legal seminars on municipal affairs, such as those sponsored by the Iowa League of Cities and are well versed in new developments in municipal law.