



MEMO

Legal Department

To: Mayor Campbell and Members of the City Council

From: Judy Parks, City Attorney *J.P.*

Date: July 8, 2016

Subject: Authority to Retain Additional Outside Counsel

As you will recall, in January, one of the Assistant Attorneys in the Legal Department left to take a similar position with the City of Des Moines. At that time, I sought and received your permission to hire outside counsel to do part of the work which had been done by that assistant city attorney. Pursuant to that arrangement, Megan Flynn, of the Coppola firm in Des Moines, has been handling all of the city prosecutions since then.

I had anticipated the original need for outside assistance would be of fairly short duration, to last only until the City's attorney position was filled. There were several factors supporting that belief. First, outside counsel was being hired to do only a specific category of work that the former assistant had done, rather than the whole gamut of duties an assistant attorney is expected to do. The additional tasks that the former assistant had done would have to be absorbed by the two attorneys who were still here, to the extent possible. Although the workload of the City legal staff is such that I knew this approach was not sustainable for other than a very short time, I believed this could be done on a short term basis. Secondly, the outside counsel who was hired was not going to be available for a long term basis, since she is due to deliver her second child at the end of July. Finally, I anticipated that the process to get assistant attorney position filled would be done by the time the outside counsel was due.

The first two conclusions I reached have proven correct. However, the assistant attorney position is still not filled, nor will it be in the near future. As time passed with the attorney position still unfilled, I anticipated the need to have an alternate plan in place for when the current outside counsel is not available. I did some outreach and ultimately approached an attorney who has done and is currently doing outside representation for the City about this possibility, and I received a positive response.

Brent Hinders, with Hopkins and Huebner law firm, has represented and currently represents the City as appointed counsel through ICAP. Although his work has been of a zoning and land use nature, Brent has also been an assistant county attorney whose work was in prosecution. He indicated that he would be able to provide representation on very short notice. In addition, his firm has additional attorneys who have expertise in subject matters areas beyond just the prosecution and land use areas, which may become necessary as there is a limit to the ability of present staff to continue to absorb increasing amounts of additional work. I am asking for authorization to enter into this arrangement, with a funding level of up to \$50,000.00.