

COUNCIL ACTION FORM

SUBJECT: **REQUEST FOR FUNDING FOR OUTSIDE COUNSEL
TO ASSIST LEGAL DEPARTMENT**

BACKGROUND:

While the Legal Department was short staffed during 2016, the Council approved funding for outside counsel to assist the Legal Department in completing its work.

The Legal Department became fully staffed again earlier this year, but with the recent retirement of the former City Attorney, the Legal Department is short staffed again.

Outside counsel hired to assist the Legal Department are: 1) Megan Flynn of the Coppola Law Firm in Des Moines. Megan has done our criminal prosecutions, which is a time-consuming aspect of the Legal Department's work; and 2) Hopkins & Huebner law firm in Des Moines. Hopkins & Huebner has worked on various civil matters.

The funding that the Council had previously approved for criminal prosecutions has \$11,747.31 remaining in the purchase-order account. The average amount of the bills for legal services has been approximately \$7,100 per month. Prosecutions tend to be fewer in July and August, so the remaining funding should last through the end of August. The funding that the Council had previously approved for the civil work has \$2,116.44 left in the purchase order account. There is currently only one matter being handled by Hopkins & Huebner, and there will be additional billings on that matter.

Given the current staffing situation, the City Council is being asked to approve \$30,000 for the outside counsel handling criminal prosecutions, and \$25,000 for the law firm handling selected civil work for the City, for a total of \$55,000. This amount should be enough to cover legal work needed through the end of the year, by which time the Legal Department is expected to be fully staffed again. The Legal Department anticipates using Hopkins & Huebner for work on civil matters very selectively, and only when necessary.

ALTERNATIVES:

1. The City Council can approve the funding request of \$55,000 for the Legal Department to hire outside counsel to assist in its work.
2. The City Council can approve the funding request at different dollar amount.

3. The Council can decline to approve the funding request.

CITY MANAGER'S RECOMMENDED ACTION:

Since the Legal Department is short staffed for the next few months while the recruitment of a new City Attorney is in progress, it is the recommendation of the City Manager that the City Council approve Alternative #1. Failure to approve this additional funding will result in delays in providing legal assistance to our departments which will ultimately impact our customers.