

City Council Agenda Item Memo

From: Paul Briseno, City Manager

Council Meeting: April 22, 2025

Subject: City Attorney Legal Services Agreement

Person(s) Responsible: Paul Briseno, City Manager
Steve Britzman, City Attorney

Summary:

The City Council considers the appointment of a City Attorney and will approve an agreement for legal services with the City Attorney.

Item Details:

The City Charter identifies the City Attorney as one of three positions appointed by the City Council. The City Attorney services are contracted and outlined within an annual agreement. The agreement outlines the performance of legal services, conflicts of interests, reimbursement for services, and scope of services noted on page 4, items 1-17.

Earlier this year, the City of Brookings advertised a Request for Proposals for the position of City Attorney in a number of locations, including the City's Website, the Brookings Register, the South Dakota Municipal League Magazine and the State Bar Newsletter and Website. Two law firms submitted Proposals, including Woods Fuller of Sioux Falls and Cutler Law Firm, also of Sioux Falls. These firms each are longstanding firms with many attorneys and each has an excellent reputation. Representatives of the Woods Fuller and Cutler Law Firm presented their proposals to serve as the Brookings City Attorney to City of Brookings staff on April 2nd and to the City Council on April 10th. Each firm proposed a lead attorney, who would, if appointed, serve as the City Attorney. Woods Fuller proposed J. Vincent ("Vince") Jones as the City Attorney, with Cutler Law Firm submitted Nathan S. ("Nate") Schoen as the City Attorney. In addition, each of the firms affirmed that additional attorneys would assist the City Attorney in the performance of legal services for the City of Brookings as Assistant City Attorneys.

While the City Council has had an opportunity to interview the two firms, the Council has not yet held a public discussion following the interviews, or made a selection of the firm to provide City Attorney services. This discussion and possible action appointing a City Attorney will occur at the April 22nd City Council meeting.

The proposed 2025 Legal Services Agreement reflects similar terms as set forth in prior legal services agreements with the exception that each of the firms propose to perform the legal work on an hourly basis. Each of the attorneys performing legal services has an individual hourly rate which will be used in computing the firm's legal fees.

Legal Consideration:

The proposed Legal Services Agreement will complete the current year, with a new Legal Services Agreement to be considered for 2026.

Financial Considerations:

The financial consideration includes a budget for the year of 2025 of \$154,140.00.

Strategic Plan Consideration:

This action aligns with the City Council's Strategic area Fiscal Responsibility – financial transparency, service delivery, service level, outside agency funding.

Supporting Documentation:

Agreement