

Request for Qualifications – Legal Services

Overview:

Minnehaha Creek Watershed District (MCWD) Counsel shall provide an ongoing process of setting the legal parameters within which the District will operate to avoid litigation or other legal disputes by identifying the legal consequences of choices; discuss alternative solutions; educate the Board about the legal issues involved; and inform the District Administrator or project managers of laws, regulations, and judicial decisions that might affect District rules, policies or practices (e.g. preventative law). In this function, District Counsel shall routinely review and assess District rules and policies as well as organizational practices and procedures to consider, among other things, whether they are 1) consistent with acceptable governmental practice; 2) consistent with federal and state laws and regulations, and case law; and 3) likely to produce fair/equitable outcomes.

District Counsel shall possess considerable experience in 1) watershed/environmental law and policy development, 2) ditch law, 3) municipal/governmental law and land use regulation, 4) real estate law, 5) employment law, 6) public sector contract law, 7) conflict resolution and mediation, and 8) litigation.

Scope of Services

1. General Legal Services on Retainer

Attorneys will provide general, ongoing legal counsel to the MCWD Board of Managers through an ongoing process of setting the legal parameters within which the District will operate to avoid litigation or other legal disputes by identifying the legal consequences of choices; discussing alternative solutions; educating the Board about the legal issues involved; and informing the District Administrator or project managers of laws, regulations, and judicial decisions that might affect District rules, policies or practices. In this function, District Counsel shall routinely review and assess District rules and policies as well as organizational practices and procedures to consider, among other things, whether they are 1) consistent with acceptable governmental practice 2) consistent with federal and state laws and regulations, and case law, and 3) likely to produce fair/equitable outcomes.

Retainage shall also provide for:

- 1) The preparation for and attendance at any Board or Committee meeting of the MCWD, including the review of relevant correspondence or agenda materials in connection with said meetings and any advice and opinions rendered therein;
- 2) The preparation of Board meeting minutes in a timely manner.
- 3) Advice or response to routine questions from Board members or staff to assure that watershed activities are carried out in accordance with applicable district rules and policies and within proper legal and ethical requirements and standards.
- 4) The retention of original bond documents and copies of contracts, agreements, and other documents established by Board resolution and the retrieval of said

documents that are considered “active” or that have been archived for 5 years or less.

2. Litigation, Enforcement Actions, and Other Special Matters

Upon Board resolution, Counsel will provide representation for the MCWD in litigation, preparation for litigation, investigation, negotiation, compromise or settlement of claims made against or on behalf of the MCWD, or enforcement actions initiated by the MCWD in the enforcement of its rules or permit conditions, including legal advice and representation in administrative or judicial proceedings.

3. Legal Services for Management Planning, Capital Improvement Projects, and Interagency Agreements.

Upon written request of the District Administrator or his/her designee, Counsel shall provide legal counsel for the MCWD in connection with management planning activities; the development, implementation, and enforcement of rules relating to same; negotiation and drafting of contracts, interagency agreements or resolutions; and legal counsel concerning the initiation, financing, and implementation of capital improvement projects, including any necessary acquisition and/or disposition of property or other interests in real estate.

4. Maintain a duplicate set of all contracts, agreements, and other documents relating to issues of concern to the District.

Understanding of State, Regional and Local Government and Watershed Management

1. Counsel will demonstrate a current understanding of issues relative to District governance, projects, or programs.
2. Counsel will demonstrate a current understanding of watershed management.
3. Council shall be aware of state and regional plans and priorities related to watershed and natural resource management.
4. Counsel will possess a high professional regard among his/her peers.

Additional Services

Upon written request of the District Administrator or his/her designee, Counsel shall provide the following additional services:

1. Preparation of contracts, agreements and supporting documents.
2. Assistance with matters related to employment law, employee discipline, and employee termination.
3. All other legal services he/she is qualified to provide and authorized by the District Administrator.

District Policy Relating to Member Communities and Other Governmental Jurisdictions

It is the Policy of the District that District Consultants may not simultaneously represent governmental jurisdictions fully or partially located within the District without prior written approval from the District Administrator.

District Policy Related to Non-Discrimination

In performing the Services, CONSULTANT will ensure that no person is excluded from full employment rights or participation in or the benefits of any program, service or activity on the ground of race, color, creed, religion, age, sex, disability, marital status, sexual orientation, public assistance status or national origin; and no person who is protected by applicable federal or state laws, rules or regulations against discrimination otherwise will be subjected to discrimination.

Submittal Requirements (please limit your response to 5 pages or less):

1. A summary of your firm's experience and expertise to meet the requirements outlined in the Scope of Services.
2. The names and qualifications of attorneys working for the district.
3. A list of other staff, their qualifications, and a description of the type of activities they will do on behalf of the MCWD.
4. A list of sub-consultants, their qualifications, and a description of the type of activities they will do on behalf of the MCWD.
5. The proposed fee structure including those charged by sub-consultants.