



Lower Minnesota Watershed District – Legal Counsel Services for 2024-25

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March 5, 2024

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March 5, 2024

Linda Loomis, District Administrator
112 East 5th Street, #102
Chaska, Minnesota 55318

VIA EMAIL ONLY
naiadconsulting@gmail.com

Re: Lower Minnesota Watershed District – Legal Counsel Services for 2024-25

Dear Ms. Loomis:

Serving cities and organizations in Minnesota has been Flaherty & Hood, P.A.'s ("Flaherty & Hood" or "firm") primary focus since the firm's inception in 1992. I am, therefore, pleased to submit the enclosed proposal to provide legal services to the Lower Minnesota River Watershed District (the "District").

Flaherty & Hood is a distinctive law and government relations firm specializing in serving local governments and other public organizations in Minnesota, like the District. Our philosophy is to represent the best interests of our clients in a cost-effective and efficient manner while achieving successful outcomes for local governments and their stakeholders and taxpayers. With a unique blend of legal expertise and a deep understanding of government relations and communications, we can offer effective and comprehensive representation for our clients.

Why Should the District Hire Flaherty & Hood?

There are many reasons the District should hire Flaherty & Hood, including the following:

1. **High-Quality and Timely Service.** Flaherty & Hood will not view the District as just another client among many; instead, the District's projects will be given high priority, and the timing of projects will be discussed early in order to meet deadlines set by the District. As a growing law firm with a strong history of public service, Flaherty & Hood is well-equipped to provide consistent, sound, and timely advice on all of the District's legal questions and projects.
2. **Comprehensive Services.** No other firm offers the same comprehensive services that Flaherty & Hood provides—including attorney, public labor and human resources, legislative, policy analysis, and communications support services. For example, we employ a communications team with extensive experience advising government entities on how to respond to media inquiries. Further, no other firm can provide the same high quality, wide-ranging services at as affordable a price.
3. **Exclusive Representation Without Conflicts of Interest.** Unlike our competitors, Flaherty & Hood almost exclusively serves cities and public organizations in Minnesota, which in addition to strengthening our expertise in providing legal services to communities in Minnesota, also frees us from conflicts of interest that often arise with other firms. We do not represent any of the cities within the District's territory.

4. **Competitive Rates.** Because Flaherty & Hood has dedicated its legal practice to serving the public needs of Minnesota, we can provide reduced government rates to our clients, including The District. Flaherty & Hood provides competitive rates while maintaining the highest quality legal services.

What Services Does Flaherty & Hood Provide?

Flaherty & Hood provides a full range of legal services to our municipal and public clients. These services include civil *general* municipal legal matters such as contracts, real estate, land use, development, public labor and employment, data practices and open meeting law, among others. In addition, Flaherty & Hood excels at providing legal services in complex, *special* project areas such as environmental and administrative law, labor contract negotiations, grievance and interest arbitrations, utility and regulatory issues, eminent domain, and others. Our experience in these specialized areas sets Flaherty & Hood apart from our competition.

Flaherty & Hood currently serves as city attorney and general counsel for the following cities and local governments: Altura, Bagley, Caledonia, Cold Spring, Eyota, Fairmont, Goodview, Grand Marais, Le Sueur, Lewiston, Little Falls, Menahga, Minnesota City, Moose Lake, New Ulm, Newport, North Branch, Northfield, Oronoco, Park Rapids, Pequot Lakes, Pine City, Plainview, Rollingstone, Rushford, St. Charles, Wabasha, Willmar, Willmar Municipal Utilities, Winona, Winona Port Authority, the West Central Regional Water District, among others, in addition to being special legal counsel for dozens of other local governments.. Our experience includes representation in federal and state courts, administrative agencies, and arbitrations and mediations.

Finally, with offices in St. Paul and Winona, Flaherty & Hood can participate, as the District desires and to best meet the District's needs, in board meetings and meetings with District staff, either in person or through the use of telecommunications technology.

The Flaherty & Hood Proposal

Attached please find Flaherty & Hood's proposal to provide municipal legal counsel services to the Lower Minnesota Watershed District.

I am confident that Flaherty & Hood will provide the highest quality legal services to the District. Should you desire to discuss our services in more detail or need additional information, please contact me at (651) 255-880 or via email at dmmarx@flaherty-hood.com. Thank you for your consideration, and I look forward to hearing from you soon.

Very truly yours,

FLAHERTY & HOOD, P.A.

Daniel Marx
Daniel Marx

FORM OF CONSENT FOR RELEASE OF PROPOSAL DATA

March 5, 2024

Linda Loomis, District Administrator
112 East 5th Street, #102
Chaska, Minnesota 55318
naiadconsulting@gmail.com

Re: Lower Minnesota Watershed District – Legal Counsel Services for 2024-25

Consent for Release of Proposal Data

Daniel Marx, on behalf of Flaherty & Hood, P.A., hereby consents to the limited release of its proposal to the District for discussion at a public meeting and waives any claims it may have under Minnesota Statutes, Section 13.08 against the District for making such information available publicly to the District. The foregoing consent and waiver does not extend to requests made by others not affiliated with the District or financial statements, if any, submitted under separate confidential cover. Such information provided under separate cover may be public data, but will be treated by the District consistent with Minnesota Statutes, Chapter 13.

FLAHERTY & HOOD, P.A.

Daniel Marx
Daniel Marx

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TABLE OF CONTENTS

Table of Contents	1
Firm Background	3
Attorneys for the the Lower Minnesota Watershed District	5
Accessibility	8
Firm Experience	10
Current and Non-Current Clients	18
Disclosures and Insurance	20
Fees and Expenses	22
References	24
 Appendix A: Attorney Resumes	 26
Appendix B: Current & Non-Current Clients	30

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FIRM BACKGROUND

History of Flaherty & Hood

Prior to founding the firm in 1992, Tim Flaherty was a shareholder and attorney at Briggs & Morgan, where he provided legislative representation for local governments. In 1993, Chris Hood was hired as an associate attorney to meet the legal service needs of cities in Minnesota, particularly in the areas of municipal law and land use law. Having become a shareholder with the firm in 2000, Chris has led Flaherty & Hood in growing its legal practice, which currently comprises approximately half of the firm's business.

Under Chris' leadership, the firm's legal services have expanded to incorporate environmental law, real estate law, public labor and employment law, economic development, energy and utility law, and administrative law, in addition to municipal law and land use law. To avoid potential conflicts of interest, the firm has also grown by serving Minnesota cities almost exclusively.

Currently, the firm employs seventeen attorneys, as well as a team of lobbyists and public relations professionals. Other staff members also often participate in projects to provide their expertise in legislative, public relations and communications, and policy analysis matters.

Approach to Providing Legal Services

Flaherty & Hood fully understands that the attorney-client relationship is between Flaherty & Hood and the District, meaning Flaherty & Hood exclusively represents the District.

In representing the District, Flaherty & Hood will work with the Board and District staff to ensure that all legal projects are completed at the highest quality and in a timely and cost-effective manner while protecting and maintaining our professional responsibility to the District. Furthermore, given our extensive experience with serving Minnesota cities, we understand the importance of open and honest communication between the Board and District staff regarding legal issues and will maintain the highest degree of professionalism while working with these groups.

With this understanding in mind, Flaherty & Hood strives to represent the best interests of our clients cost-effectively and efficiently while protecting the rights of our clients and achieving successful outcomes for the city and its taxpayers. Our objective is an amicable resolution of legal issues, but not at the expense of good judgment and compliance with the law.

To meet this objective, Flaherty & Hood thoroughly researches and analyzes legal issues facing clients; identifies, presents, explains implications, and makes recommendations, if advisable, on options to resolve issues; develops positive, professional, and productive working relationships with the Board and District staff in providing services. Flaherty & Hood will zealously advocate for and vigorously defend the interests of the District.

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ATTORNEYS FOR THE THE DISTRICT

Robert Scott, Daniel Marx, and Elizabeth Wefel will be the primary attorneys and contacts for the District and will be responsible for ensuring that the legal projects assigned to the firm by the District are completed in a timely, cost-effective, and professional manner.

- **Robert Scott** is a shareholder attorney at Flaherty & Hood. With over 16 years of experience in representing Minnesota cities, Robert has concentrated his practice in the areas of municipal law, civil litigation, annexation and land use law, eminent domain, public utilities law, administrative law, and environmental law, including environmental permitting and regulatory issues. Robert serves as city attorney for the cities of Le Sueur, Little Falls, New Ulm, and Willmar, as assistant city attorney for the Firm's above-mentioned city attorney clients, and as special legal counsel to numerous cities and local governments throughout the state. Robert has extensive civil and appellate litigation experience and is the firm's lead litigation attorney.
- **Daniel Marx** is a shareholder attorney at Flaherty & Hood P.A. and practices environmental law, administrative law and works with the firm's government relations team to advocate for clients before the state legislature and administrative agencies on environmental and regulatory matters. Daniel focuses his practice on representing local governments and businesses on a range of environmental legal and regulatory matters, with special expertise solving complex Clean Water Act regulatory and permitting issues.
- **Elizabeth Wefel** is a senior attorney/lobbyist at Flaherty & Hood since 2008, bringing years of legislative and legal experience to our clients. Elizabeth works hard to achieve success for her clients, whether by helping them get state funding for the projects and priorities that matter to them, getting new legislation passed, or blocking potentially harmful legislation. She is passionate about serving the needs of greater Minnesota and loves to travel the state visiting the communities that the government relations team at Flaherty & Hood has served through its work at the Legislature.

As needed, Robert, Daniel, and Elizabeth will draw upon the experience of the firm's other in-house attorneys to best serve the District's needs. The following attorneys and staff will be available to the District:

- **Chris Hood** is a shareholder and principal attorney at Flaherty & Hood. With over 30 years of experience in representing Minnesota cities, Chris has concentrated his practice in the areas of municipal law, labor relations and public employment law, annexation and land use law, real estate law, environmental law, and administrative law. Chris serves as city attorney for the cities of Bagley, Fairmont, Grand Marais, Moose Lake, Newport, North Branch, Northfield, Park Rapids, Pequot Lakes, Pine City, St. Charles, Winona Port Authority, and Winona, among others, and is special legal counsel to numerous cities throughout the state.
- **Brandon Fitzsimmons.** Brandon is a shareholder attorney at Flaherty & Hood and concentrates his practice in the areas of public labor and employment law, municipal law, and administrative law. Brandon has developed extensive experience on complicated

public labor relations, employment, and human resources matters through advising and representing dozens of cities and public utilities on these issues, including Crookston, Detroit Lakes, East Grand Forks, Glencoe, Grand Rapids, Hibbing, Hinckley, Melrose, Menahga, Moorhead, Owatonna, Park Rapids, Pequot Lakes, Redwood Falls, St. Charles, St. Joseph, Sartell, Staples, Thief River Falls, Waite Park, and Winona, among others.

- **Mike Flaherty.** Mike is a shareholder attorney at Flaherty & Hood and leads the firm's growing municipal criminal prosecution practice group. Mike has over ten years of experience as the prosecuting attorney for the City of Winona. Mike also serves as assistant city attorney for the Firm's above-mentioned city attorney clients and is the city attorney for the cities of Altura, Caledonia, Eyota, Goodview, Lewiston, Minnesota City, Oronoco, Plainview, Rollingstone, Rushford, and Wabasha.
- **Cara Brown.** Cara is an associate attorney at Flaherty & Hood and concentrates her practice in the areas of municipal law, land use law, administrative law, and real estate law. Cara serves as assistant city attorneys for the Firm's above-mentioned city attorney clients.
- **David Assaf** is an associate attorney at Flaherty & Hood and concentrates his practice in the areas of municipal law, real estate law, and administrative law. David serves as assistant city attorney for the Firm's above-mentioned city attorney clients.
- **Patrick Vollmer** is an associate attorney at Flaherty & Hood and concentrates his practice in the areas of municipal law, criminal prosecution, and real estate law.
- **Robert Kringler** is an associate attorney at Flaherty & Hood and concentrates his practice in the areas of municipal law, real estate law, and administrative law. Robert serves as assistant city attorneys for the Firm's above-mentioned city attorney clients.
- **Cooper Silburn** is Environmental Regulatory Coordinator at Flaherty & Hood, and provides support through research, drafting, and analysis for complex environmental law matters. Cooper coordinates the Firm's environmental regulatory organizations, including the Minnesota Environmental Science and Economic Review Board.

Detailed resumes for each of the three primary attorneys are available in **Appendix A** of this proposal.

Other Flaherty & Hood Staff

In addition to the attorneys listed above that will serve the City, the following attorneys and employees make up the staff at Flaherty & Hood.

Attorneys

Bradley M. Peterson	Shareholder Attorney/Lobbyist
Shane A. Zahrt	Senior Attorney/Lobbyist
Christina C. Petsoulis	Associate Attorney
Nicholas K.C. Garcia Lisle	Associate Attorney
Christopher J. Hoodecheck	Associate Attorney

Morgan K. Azbill

Associate Attorney

Staff

Marty J. Seifert

Senior Lobbyist

Scott H. McMahon

Senior Lobbyist

Erik A. Simonson

Senior Lobbyist

Dan L. Dorman

Lobbyist

Darrin W. Lee

Lobbyist

Alex A. Wildfang

Media & Communications Associate

Ethan T. Rundquist

Compensation Analyst

Samuel H. Hanson

Paralegal

Pang S. Yang

Legal Administrative Assistant

Casey J. Teichert

Legal Administrative Assistant

Kristin M. Beaupre

Legal Administrative Assistant

Shelly L. Czech

Office Administrator

Emma N. Nelson

Government Relations Practice Coordinator

Cassandra L. Stein

Administrative Assistant

Angelica D. Guarneros

Law Clerk

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ACCESSIBILITY

Availability

Robert Scott, Daniel Marx, and Elizabeth Wefel will be the primary attorneys assigned to ensure legal services provided to the District are completed timely, accurately, and cost-effectively. From time to time, other attorneys in the Firm, including Chris Hood, Brandon Fitzsimmons, David Assaf, Cara Brown, and others, may also be called upon to provide services to the District based on their specific areas of specialty should the need arise.

Response Time

Flaherty & Hood will commit to going the extra mile for the District in order to provide timely, thorough, and accurate responses to questions and projects. The timing for each project will be discussed early in order to meet every deadline set by the District. Flaherty & Hood will strive to have an attorney available to answer all of the District's calls immediately. Even if an attorney is not immediately available, we pledge to return the District's calls within four hours or less.

Reporting

Flaherty & Hood will provide reports to the District on any matter, if requested by the District.

Office Information and Locations

The Flaherty & Hood St. Paul office is in close proximity to the State Capitol, the State Legislature, the Appellate Courthouse, and various state administrative agencies. We also have an office located in Winona to serve the legal services needs of cities in the southeast region. We could attend Board meetings or meetings with District staff when desired or needed in person or through video or teleconference. The firm is well-equipped with telecommunications technology such as conference calling capabilities, cell service with email, and internet access.

General firm contact information for the St. Paul and Winona offices is provided below:

St. Paul Office

Flaherty & Hood, P.A.
525 Park Street, Suite 470
St. Paul, MN 55103

Phone: 651-225-8840
Fax: 651-225-9088
Email: cityattorney@flaherty-hood.com
Online: www.flaherty-hood.com

Winona Office

Flaherty & Hood, P.A.
111 Riverfront, Suite 307
Winona, MN 55987

Phone: 507-205-4905
Fax: 507-474-9330
Email: cityattorney@flaherty-hood.com
Online: www.flaherty-hood.com

Computer and Technology Capabilities

Each member of the firm has a computer with the full Microsoft Office Suite and other applicable software, full internet access, an email address, a telephone extension with voicemail and conference call capabilities, and a cell phone. In addition, we are equipped with a fax machine, black and white and color scanners, and black and white and color copy machines.

The firm's St. Paul office can also accommodate up to 18 people and can be used for training, seminars, or other presentations. Our location, with available parking and conference space, also provides our municipal clients with meeting space and easy walking access to the State Capitol, state agencies, and the League of Minnesota Cities building.

Legal Research Capabilities

Flaherty & Hood is located one block from the Legislative Reference Library and three blocks from the State Law Library. We are also in close proximity to the Ramsey County Law Library and William Mitchell College of Law Library. We have full LexisNexis and internet resources for legal research.

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FIRM EXPERIENCE

General Experience and Experience with Municipal Issues

Flaherty & Hood's expertise in providing legal services will successfully fulfill The District's legal services needs. Below are more detailed accounts of how our experience will benefit the District.

Municipal and Joint Powers

Flaherty & Hood has the experience and expertise to assist the District with all facets of municipal law. Our experience includes, but is not limited to, advice, analysis, negotiation, representation, and drafting and reviewing documents in the areas that follow:

- Minnesota Open Meeting Law
- Minnesota Government Data Practices Act
- Contracts for services
- Intergovernmental and joint powers agreements
- Ordinances and resolutions
- Charter review, analysis, and compliance with state law
- City code review, analysis, and compliance with state law
- City council, boards, and commissions procedures
- Training for city officials, board members, and staff
- Legal compliance

Flaherty & Hood has assisted cities throughout the state with research and advice on many general municipal issues, including but not limited to those listed above and on labor relations, public employment, human resources, environmental review, environmental permitting, real estate, land use and development, special assessment, condemnation, tax abatement, and competitive bidding. Flaherty & Hood has also drafted numerous municipal agreements, resolutions, and ordinances, and required correspondence to residents and entities.

Labor Relations, Employment Law, and Human Resources

Labor relations, employment, and human resources issues are both complex and costly, and impact cities on a daily basis. Through our experience serving other individual cities and managing the Labor and Employee Relations Committee for the Coalition of Greater Minnesota Cities, Flaherty & Hood has developed a unique specialization in this area that allows us to serve the City with all facets of public labor and employment law, including, but not limited to, the following:

Labor Relations:

- **Labor Contract Negotiations.** Flaherty & Hood represents cities in labor contract negotiations and mediations with unions; develops strategies and proposals; reviews labor contracts; and collects, compiles, and summarizes data from comparable cities on wages, health insurance, contract settlements, and other data.
- **Grievances.** Flaherty & Hood investigates employee grievances, drafts responses and settlement proposals for cities, and represents cities at grievance meetings and hearings.

- **Arbitrations.** Flaherty & Hood represents cities in grievance and interest arbitration hearings and compiles and analyzes relevant information and data for use at arbitration, including ability to pay and comparable cities analyses. We also research state-provided lists of arbitrators and provide ranking order for purposes of striking and selection.
- **Bureau of Mediation Services (BMS) Proceedings.** Flaherty & Hood prepares filings for the BMS and represents cities at meetings, settlement negotiations, mediations, and hearings. We also prepare and represent cities in proceedings for exclusive representative certification, decertification, and determination of affiliation; unit determinations and clarifications; fair share fee challenges; and independent review.

Employment Law:

- **Representation.** Flaherty & Hood represents cities in employment contract negotiations, mediation, arbitration, administrative proceedings, litigation, and appeals.
- **Advice.** Flaherty & Hood advises cities on selecting and hiring employees; misconduct, harassment, and discrimination; improving performance; proceeding with discipline and discharge actions; and reorganizing.
- **Investigations.** Flaherty & Hood investigates personnel misconduct, performance problems, harassment, and discrimination.
- **Legal Compliance.** Flaherty & Hood reviews, interprets, and advises cities on compliance with employment laws such as public labor relations laws (PELRA), discrimination laws (Title VII, ADEA, ADA, MHRA), wage and hour laws (FLSA), health and benefits laws (FMLA, PERA), Minnesota Government Data Practices Act, Minnesota Open Meeting Law, Veterans' Preference Act, and Pay Equity Act.

Human Resources:

- **Personnel Policies and Practices.** Flaherty & Hood reviews policies and practices, drafts new and revisions to policies and handbooks, advises on implementing revisions, and develops forms and systems for personnel record organization.
- **Hiring and Discipline Processes.** Flaherty & Hood advises, reviews, and drafts revisions to documents and procedures for cities involving civil service rules; personnel policies; job postings/advertisements; applications; testing, examination, and scoring procedures; interviews; background and reference checks; offer and rejection letters; investigations into performance problems and misconduct; issuing discipline; and disciplinary hearings.
- **Performance Appraisal Systems.** Flaherty & Hood performs research for and advises cities on developing and implementing performance appraisal systems, especially in a unionized setting.
- **Job Descriptions.** Flaherty & Hood reviews and advises cities on job analysis procedures including employee interviews and questionnaires and drafts and revises job descriptions.
- **Job Evaluation.** Flaherty & Hood establishes uniform compensable factors and subfactors for jobs and determines points for each job.
- **Compensation.** Flaherty & Hood compiles, reviews, and analyzes market compensation data; develops pay schedules; and drafts compensation-related plans and policies.

- **Comparable Worth.** Flaherty & Hood advises and reviews city pay equity compliance reports, pay plan studies, and appeals to the Office of Minnesota Management and Budget on pay equity compliance matters.
- **Management Training.** Flaherty & Hood conducts training sessions for management employees on hiring, compensation, performance matters, discipline, and handling grievances.

Land Use and Annexation

Flaherty & Hood is known statewide as a leader in land use law and annexation and will use this expertise to guide the District through such matters. Our experience includes, but is not limited to, advice, analysis, negotiation, representation, and drafting and reviewing documents in the areas that follow:

- Development and intergovernmental agreements
- Special assessment process and appeals
- Eminent domain process and proceedings
- Zoning, variances, non-conforming uses, and conditional uses
- Orderly annexation agreements
- Annexations by ordinance
- Contested annexation proceedings
- Tax abatement policies and agreements
- District and appellate court litigation

Flaherty & Hood has assisted cities in numerous land use matters including advice, negotiations, and representation in eminent domain proceedings for the cities of Northfield, Sartell, and Luverne. Flaherty & Hood has advised cities and developed proposed findings with respect to rezoning, variances, non-conforming uses, and conditional uses for the cities of Northfield, Park Rapids, Winona, and Grand Marais. Flaherty & Hood has negotiated favorable settlements in contested annexation and detachment proceedings for the cities of Morris, La Crescent, and Princeton. In annexation matters, Flaherty & Hood has represented cities in contested case annexation proceedings, negotiated and drafted orderly annexation agreements and ordinances, and advised cities and city attorneys on the myriad of legal issues raised in annexation matters.

Economic Development

Flaherty & Hood has advised and assisted cities with tax abatement, tax increment financing (TIF), corporate subsidies, and capital investment agreements, policies, and projects. Flaherty & Hood also advises local development agencies such as port authorities, economic development authorities (EDAs), and housing and redevelopment agencies (HRAs).

Real Estate

Flaherty & Hood has a growing practice in providing real estate services to communities throughout Minnesota. Our real estate practice is the natural outgrowth of our experience in environmental, land use, and development issues. Our experience includes, but is not limited to, advice, analysis, negotiation, representation, and drafting and reviewing documents in the areas that follow:

- Residential and commercial purchase agreements and addenda
- Roadway and utility permanent and temporary easements
- Conservation, park, and trail easements
- Deeds and conveyances
- Eminent domain process and proceedings
- Property acquisitions and development

Contract Law

Flaherty & Hood has extensive experience in the negotiation, drafting, interpretation, and litigation of contract issues related to intergovernmental cooperation, sewer service extension, insurance, corporations, development, consultant services, purchasing, construction, joint powers, municipal leases and licenses, orderly annexation, and employment agreements.

Environmental Law

Flaherty & Hood has built an environmental practice that helps organizations like the District navigate the complexities of federal and state environmental regulations. Our attorneys have extensive experience dealing with the staffs of the Minnesota Pollution Control Agency, the Minnesota Environmental Quality Board, Minnesota Department of Health, the Office of Administrative Hearings, the Attorney General's office, and other state departments and agencies. These partnerships give Flaherty & Hood a unique capacity to assist clients with National Pollutant Discharge Elimination System (NPDES) permitting services, environmental review services, and other legal, administrative, and legislative services. Our experience includes, but is not limited to, advice, analysis, negotiation, representation, and drafting and reviewing documents in the areas that follow:

- Environmental review (EAW, EIS, AUAR)
- Wastewater treatment permits
- Pretreatment agreements with Significant Industrial Users (SIUs)
- Notices of Violation
- Sewer use and interconnection agreements
- Wetlands Conservation Act issues
- Administrative hearings, contested cases, and appeals

Flaherty & Hood favorably settled wastewater permitting matters in contested cases for the cities of Faribault and Owatonna, defeated respective challenges to the wastewater discharge permits for the City of St. Cloud and the Alexandria Lake Area Sanitary District in the Minnesota Court of Appeals and Supreme Court, and negotiated reasonable wastewater permit conditions for cities such as Albany, Crookston, Osakis, and Red Wing. On behalf of its clients, Flaherty & Hood assisted in developing a point-point nutrient trading program for cities and businesses in the Minnesota River Basin and is participating in the development of watershed cleanup plans for Lake Byllesby, Lake Winona in Douglas County, and Lake Pepin.

Flaherty & Hood represents clients in the interpretation and litigation of wastewater discharge permits, on environmental review matters, state pollution control statutes and regulations, and zoning and sanitary sewer extension issues. We are also involved in the development of water

quality policy at the Legislature and the Minnesota Pollution Control Agency. We also serve as general counsel to the Minnesota Environmental Science and Economic Review Board (MESERB), which is a joint powers organization of city wastewater treatment operators, public utilities commissions, and environmental engineers that works specifically on legal and regulatory issues affecting wastewater treatment.

Litigation and Contested Cases

Flaherty & Hood has the experience and expertise to assist the District with all facets of matters involving litigation or contested cases. Our experience includes but is not limited to advice, analysis, negotiation, representation, and drafting and reviewing documents in the areas that follow:

- Pre-trial motions
- Settlement negotiations
- Discovery and dispositive motion practice
- Litigation in state and federal district courts, the Minnesota Court of Appeals and Supreme Court, the U.S. 8th Circuit Court of Appeals, the Minnesota Office of Administrative Hearings, and in arbitrations
- Representation in administrative matters before state and local agencies, including but not limited to the Minnesota Bureau of Mediation Services; the Department of Employee Relations; the Minnesota Pollution Control Agency; the Department of Transportation; the Offices of Administrative Hearings and Management and Budget; Veterans Preference Panels; and Civil Service Commissions

Criminal Prosecution

Flaherty & Hood provides criminal prosecution services on petty misdemeanors, misdemeanors, and gross misdemeanors to the cities of New Ulm and Winona as their city attorney.

Other

In addition to traditional legal counsel, our firm provides legislative, policy, and fiscal analysis services, and public relations and communications support to cities upon request. These services are beneficial for both legal and legislative matters.

- ***Legislative, Policy, and Fiscal Analysis Services.*** Flaherty & Hood is known statewide as a leader in representing Minnesota cities at the State Capitol. The combination of our legal and legislative services has proven to be advantageous for our municipal clients, as we are able to recognize unique situations when a legal problem requires a legislative solution. Flaherty & Hood excels at direct legislative advocacy with policymakers, legislative monitoring, representation with state agencies and boards, issue research and public policy development, legislative drafting, and media advocacy.
- ***Public Relations and Communications.*** Our public relations staff specialize in garnering “earned media”—media attention from unpaid sources, such as newspapers, television news, radio, and online publications—for our clients. By targeting earned media, our clients achieve statewide recognition without the cost required for paid media. Our communications team has extensive experience dealing with local and regional news organizations and in advising government entities on how to respond to media inquiries on

controversial issues. Our services are also beneficial for helping a city promote local events and festivals but could also be useful in terms of training the council or city staff in engaging and responding to local media. Our communications staff also specializes in designing websites, newsletters, brochures, and other communications pieces.

Presentations and Trainings

Flaherty & Hood attorneys have prepared and presented on numerous legal issues to elected officials, professionals, city staff, attorneys, and students, including the following:

Labor Relations, Employment Law, and Human Resources

- The Grievance and Interest Arbitration Environment: What is happening and how could it affect your city?
- Defending Labor Contract Grievances
- Labor Negotiation and Mediation Strategies under Tight Budgets
- Contracting Local Government Services: Legal and Union Hurdles
- Trends in Labor Contract Negotiations and Effective Language
- Steps and Hurdles in Reorganizing Local Government
- Personnel Cost-Saving Measures for the Public Sector
- Labor Mediation – How does it work, What are the pitfalls, and How do you properly position yourself for interest arbitration?
- Keys to hiring, disciplining, and terminating
- Interest Arbitration Update; What is the Process, What is Happening With Awards, and How Will This Impact You in Negotiations?
- Auditing Your Personnel Policies
- Scheduling Hours, Shifts, Days, and Overtime: How to handle in union setting and what to include—or omit—in your labor contracts
- An Employee's Fitness for Duty – Examinations and Legal Compliance
- Fitness for Duty; How do you evaluate and manage within the law?
- Using Non-regular Employees to Your Advantage
- Effective Performance Evaluations
- Collective Bargaining in Minnesota's Public Sector
- Handling Potential Employee Discipline
- Improving Performance and Disciplining
- Handling Assignments, Grievances, and Personnel Problems in a Unionized Workplace
- Hiring Best Practices
- FLSA Compliance with New Regulations
- FLSA in Depth
- Managing Layoffs
- Military Leave: Employee Rights and Employer Obligations
- Recognizing and Ending Past Practices
- Recruitment and Retention of Police Officers
- COVID-19 Employment Update and Q&A with Labor and Employment Attorneys
- Planning for the Next Chapter of COVID-19 Public Workplace Changes

Environment

- Minnesota Environmental Institute
- Complying with Water Quality Laws and Regulations
- Water Law Update
- Clean Water Basics
- Boiling Topics in Water Law
- The New Seascope of Impaired Waters – Living with TMDLs
- Water Quality Standards and NPDES Permitting
- The Royal Flush: A Wastewater Issues Update
- “TMDL 101” and the Minnesota River Basin
- Regulatory Issues Affecting Wastewater Treatment
- Rule Updates and Water Quality Initiatives
- Impaired Waters Seminar Presentation and Panel Discussion

Land Use

- Growth Interrupted: Getting Environmental Review Right the First Time
- Minnesota’s Land Use Planning Puzzle: Annexation Law Basics
- Negotiating and Drafting Orderly Annexation Agreements
- Winning Strategies for Annexation Cases
- Perspectives from Key Players on Balancing Environmental Protection with Economic Development
- Beyond the Basics of Annexation
- Minnesota’s New Boundary Adjustment Process
- Greater Minnesota Urban Centers: How Annexation Works Now
- League of Minnesota Cities: Annexation and Land Use Update
- Annexation Process in Minnesota
- What to do if the MPCA orders you to provide sewer service
- Do joint orderly annexation agreements work?
- Cooperation and Combination
- The politics of annexation and land use; Where do we go from here?
- Automatic Annexation Procedures

General/Municipal

- Hot Topics for Greater Minnesota Urban Centers
- Open Meeting Law Training
- Government Data Practices Act Training
- Conflict of Interest Training
- Data Practices and Records Retention

CLE Attendance

Flaherty & Hood ensures that all of our attorneys meet their continuing legal education (CLE) requirements to stay current in their respective practice areas. Some of the recent CLE programs attended by our attorneys have included the following:

- Minnesota Association of City Attorneys Educational Conferences
- Upper Midwest Employment Law Institutes
- Real Property Law in Minnesota
- Troubled Waters Ahead: Balancing Environmental Protection with Economic Development
- Municipal Utility Legal Seminar
- Public Sector Labor and Employment Law
- HSAs, HRAs, FSAs: How They Can Reduce Your Cost and Increase Your Benefits
- Understanding Chemical Dependency in the Legal System
- Ethics: Hot Topics for Litigators
- Selecting and Terminating Employees in Minnesota
- Labor Relations Seminars
- Minnesota Return to Work Issues in Workers' Compensation
- Minnesota Public Employer Labor Relations Association Winter Conferences
- Avoiding Legal & Political Landmines
- Minnesota Legislative Process
- What's Hot Now? An Environmental Update
- MN Environmental Law Institute
- Lecture on Regulatory Law
- Legislative Update: Public Utilities Law
- Handling Complex Administrative Hearings
- Environmental Protection as a Constitutional Right
- The New Rules of Professional Conduct
- Developments in Clean Water Law
- Ethical Pitfalls in Administrative Law
- Annual Real Estate Institute
- Administrative Law and Tips from the Bench (MSBA)
- MSBA Civil Litigation Section Half Day CLE Event
- MSBA Civil Trial Specialists Annual Seminar
- Anatomy of a Civil Trial
- Annual Conference on Eminent Domain: From Condemnation to the Commission to the Courts
- MRES Legal Seminar: "Be Prepared (Plan Prepare Restore Communicate Respond Recover Reassess)"
- Clean Water Act: Law and Regulation
- The State of the Environment
- The Minnesota Climate Change Advisory Group: An Update from the Inside
- MISO Day 3 Ancillary Service Market-Implications for Minnesota Utilities and Retail Customers
- Ethical Issues for Lawyers in the Public Sector
- Anatomy of a Rate Case

CURRENT AND NON-CURRENT CLIENTS

Flaherty & Hood has grown its legal practice by serving communities in Minnesota almost exclusively. In fact, over the years we have provided legal services to numerous Minnesota local governments and local government associations. For a full list of our current and past clients, please see **Appendix B** of this proposal.

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DISCLOSURES AND INSURANCE

Malpractice Statement

There are no malpractice claims or investigations against the firm or any of its attorneys. There are no pending actions or reviews by the Office of Lawyers Professional Responsibility or any other ethics board against the firm or any of its attorneys.

Non-Discrimination Statement

Flaherty & Hood is an equal opportunity employer and does not discriminate on the basis of race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, public assistance status, or disability in our employment practices.

Conflict of Interest Statement

Because Flaherty & Hood has dedicated its legal practice to serving the needs of cities throughout Minnesota, almost exclusively, we do not have conflicts of interest in representing our municipal clients, unlike many of our competitors where conflicts of interest frequently occur with their private developer, insurance industry, or other clients. Flaherty & Hood is, therefore, able to provide the following unequivocal conflict of interest statement to the Lower Minnesota Watershed District:

1. Neither the designated attorneys nor the law firm represent, or have represented, any client which representation may conflict with Flaherty & Hood's ability to meet all of the legal services needs of the District.
2. Our legal services are provided to Minnesota cities almost exclusively; however, we have represented a few private real estate developers in the past on a limited basis, but only in circumstances where the City was an active joint partner in the project or where there has clearly been no conflict of interest with our municipal clients.
3. Neither the designated attorneys nor the law firm currently represent any other local units of government having jurisdiction within or contiguous to the District.
4. Neither the designated attorneys nor the law firm represent or have represented any labor unions in any context.
5. Neither the designated attorneys nor the law firm represent or have represented any party in a lawsuit brought against any Minnesota city or as defense attorneys for any criminal cases.

In the unlikely event that a conflict of interest was to arise in our representation of the District, we would bring the conflict to the attention of the District immediately upon discovery. Should the conflict not be resolvable to the satisfaction of the District, Flaherty & Hood—based on the direction from the District—would either withdraw as legal counsel for the other client or assist the District in finding alternate legal counsel for such matter, as appropriate under the circumstances.



MINNESOTA LAWYERS MUTUAL

INSURANCE COMPANY

333 South Seventh Street, Suite 2200
Minneapolis, MN 55402
Phone: (612) 341-4530 || Fax: (800) 305-1510

Policy Number: 4001 32

DECLARATIONS LAWYERS PROFESSIONAL LIABILITY POLICY CLAIMS-MADE and REPORTED

THIS IS A CLAIMS-MADE AND REPORTED POLICY. IT APPLIES ONLY TO THOSE CLAIMS THAT ARE BOTH FIRST MADE AGAINST THE INSURED AND REPORTED IN WRITING TO MINNESOTA LAWYERS MUTUAL INSURANCE COMPANY ACCORDING TO THE NOTICE OF CLAIMS AND DISCIPLINARY PROCEEDINGS SECTION AND THE NOTICE OF POTENTIAL CLAIMS SECTION. PLEASE CAREFULLY REVIEW THIS POLICY IN ITS ENTIRETY.

Item 1. Named Insured: Flaherty & Hood, P.A. Address: 525 Park Street, Suite 470 Saint Paul, MN 55103		
Item 2. Policy Period	Effective Date: 9/1/2023	to Expiration Date: 9/1/2024 12:01 a.m. at the address of the Named Insured in Item 1.
Item 3. Limits of Liability:	\$2,000,000 \$5,000,000	Per Claim Aggregate
Item 4. Deductible:	\$25,000	Per Claim
Item 5. Knowledge Date: 9/1/1992		
Item 6. Premium: \$32,731	Number of Lawyers: 14	
Item 7. Forms and Endorsements: MLM-0019 (01-22) Prior Acts Retroactive Date Endorsement, MLM-0026 (01-22) Predecessor Firm Endorsement, MLM-0032 (01-22) Minnesota Changes Endorsement, MLM-0048 (01-22) Specific Entity Exclusion Endorsement, MLM-2000 (01-22) COVERAGE FORM		
Item 8. Notice The Insured shall give written notice of CLAIMS, DISCIPLINARY PROCEEDINGS, and/or POTENTIAL CLAIMS to: Minnesota Lawyers Mutual Insurance Company online at: www.mlmins.com/insurance/claims-reporting ; OR Minnesota Lawyers Mutual Insurance Company 333 South Seventh Street, Suite 2200 Minneapolis, MN 55402		

In witness whereof, Minnesota Lawyers Mutual Insurance Company has caused this policy to be signed by its President and Secretary and countersigned by a duly authorized agent of the Company.

MINNESOTA LAWYERS MUTUAL INSURANCE COMPANY

Roger Fellows, Secretary

Jennifer Shaw, Authorized Agent

Paul Ablan, President

FEES AND EXPENSES – CITY ATTORNEY

Flaherty & Hood, P.A. is proposing to provide legal consulting services on an hourly basis pursuant to the fee schedule below. Flaherty & Hood, P.A. is open to negotiation and adjustment of this proposed fee arrangement in order to develop a fee arrangement that will best meet the District’s legal consulting service needs, including a monthly retainer.

HOURLY FEES ¹		2024
<i>General M Matters</i> Advise and represent the government unit in civil legal matters not otherwise categorized as Labor and Employment, Environment, Real Estate, or Litigation matters.	Shareholder Attorneys	\$250/hr.
	Senior Attorney	\$235/hr.
	Associate Attorneys	\$220/hr.
<i>Litigation Matters</i> Advise and represent the government unit in contested matters, where no insurance coverage is otherwise available, including but not limited to: state or federal district court or appellate civil litigation; mediation; arbitration; administrative proceedings before state or federal agencies; and like proceedings.	Attorneys	\$285/hr.
	Paralegals	\$125/hr.
	Law Clerks	\$115/hr.
Minimum Increment of Time Billed for Services		15 min.

¹ Firm may utilize other professional staff at lower hourly rates as appropriate.

Expenses:

Additionally, reasonable expenses incurred by Flaherty & Hood, P.A. in providing legal services to the District shall be billed as incurred on a monthly basis, including but not limited to:

Travel time50% of the applicable hourly rate
 MileageApplicable I.R.S. rate
 Black and white copies15 cents/per page
 Color copies75 cents/per page
 Fax.....15 cents/per page
 LexisNexisAs applicable to required usage
 Court costs/feesActual cost
 Arbitration cost/fees.....Actual cost
 Contested case costs/feesActual cost
 Expert costs/feesActual cost
 MessengerActual cost

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REFERENCES

Flaherty & Hood has earned respect and credibility among key local and state officials and officers. We encourage you to contact any of the following clients to learn more about the services we provide:

Chad Ubl

City Manager
City of Winona
207 Lafayette Street, P.O. Box 378
Winona, MN 55987-3533
507-457-8234
cubl@ci.winona.mn.us

Jon Radermacher

City Administrator
City of Little Falls
100 NE 7th Avenue, P.O. Box 244
Little Falls, MN 56345-2300
320-616-5500
jonr@cityoflittlefalls.com

Chris Dalton

City Manager
City of New Ulm
100 North Broadway Street
New Ulm, MN 56073-1716
507-233-2121
ChrisD@newulmmn.gov

Mike Roth

City Administrator
City of Grand Marais
15 North Broadway, P.O. Box 600
Grand Marais, MN 55604-0600
218-387-1848
administrator@grandmarais.city

Ben Martig

City Administrator
City of Northfield
801 Washington Street
Northfield, MN 55057-2565
507-645-3001
ben.martig@ci.northfield.mn.us

Leslie Valiant

City Administrator
City of Willmar
333 – 6th Street SW, P.O. Box 755
Willmar, MN 56201-3457
320-235-4913
lvaliant@willmarmn.gov

Shaunna Johnson

City Administrator
City of Waite Park
19 – 13th Avenue North
Waite Park, MN 56387-1066
320-252-6822
shaunna.johnson@ci.waitepark.mn.us

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APPENDIX A: ATTORNEY RESUMES



Robert Scott is a shareholder attorney at Flaherty & Hood. Robert is the firm's lead litigation attorney, having represented clients in complex civil litigation in federal and state courts and administrative agencies. Robert serves as city attorney for the cities of Le Sueur, Little Falls, New Ulm and Willmar, as general counsel for Willmar Municipal Utilities, as assistant city attorney to the firm's other city attorney clients, and as special legal counsel to numerous local governments throughout the state. Among his concentrations are municipal law, real estate, economic development, land use, annexation, eminent domain, public utilities, and environmental law.

Robert is a member of the Minnesota State Bar Association's Civil Litigation and Public Law sections.

FLAHERTY & HOOD, P.A.

St. Paul, Minnesota

Shareholder Attorney – November 2007 to Present

Responsibilities include providing consultation, legal representation, and administrative agency representation for municipal clients before the District Court and state agencies including the Bureau of Mediation Services and Office of Administrative Hearings.

WATERS & SCOTT, PLLP

Minneapolis, Minnesota

Attorney/Partner – January 2005 to June 2007

Practiced all aspects of civil litigation, including discovery, motion practice, and trial practice, specializing in residential construction defect litigation and small business litigation; briefed and successfully argued cases in both the 8th Circuit Court of Appeals and the Minnesota Court of Appeals; represented clients at mediation and arbitration hearings; and negotiated numerous settlements on behalf of clients.

THOMAS A. FOSTER & ASSOCIATES, LTD.

Minneapolis, Minnesota

Associate Attorney – November 2003 to December 2004

Practiced in the areas of residential construction defect, insurance defense, landlord-tenant, and general civil litigation, participating in all aspects of civil litigation and appeals.

Law Clerk – June 2001 to October 2003

Conducted legal research; drafted legal memoranda, pleadings, and other documents; provided litigation support; interviewed clients and witnesses; performed case investigations.

EDUCATION

William Mitchell College of Law

St. Paul, Minnesota

Juris Doctor, *cum laude*

2003

University of Michigan

Ann Arbor, Michigan

B.A., English & Communications

2000

BAR ADMISSIONS

Minnesota

2003

Wisconsin

2004

United States District Court, District of Minnesota

2004

United States Court of Appeals, 8th Circuit

2006



Daniel Marx is a shareholder at Flaherty & Hood, P.A., practicing in the areas of environmental, administrative general municipal, and real estate law. His practice focuses on helping communities throughout Minnesota navigate the complexities of federal and state environmental regulations and administrative law. He also provides legal and lobbying services to several associations, including the Minnesota Environmental Science and Economic Review Board and the Coalition of Greater Minnesota Cities. He is a member of the Environmental, Natural Resources, and Energy Law Section of the Minnesota State Bar Association.

FLAHERTY & HOOD, P.A.

St. Paul, Minnesota

Shareholder Attorney – November 2015 to present

Advises local governments, public utilities, and associations in the areas of state and federal environmental law, administrative law, and general municipal law. Represents clients before state, federal and international administrative bodies and the Minnesota and Federal Courts.

MARX LAW PLLC

St. Paul, Minnesota

Managing Attorney – April 2015 to November 2015

Represented clients in state courts and before federal administrative bodies in a variety of complex litigation. Counseled clients and other attorneys on the intersection between state law and federal laws and regulations.

ZIMMER LAW GROUP

Minneapolis, Minnesota

Associate Attorney – June 2013 to April 2015

Managed a caseload of between 50 to 75 active cases representing clients in a variety of complex state and federal matters.

RAMSEY COUNTY ATTORNEY'S OFFICE

St. Paul, Minnesota

Special Assistant County Attorney/Law Clerk – June 2011 to June 2013

First-chaired and won several trials. Performed legal research, writing, and analysis.

ST. PAUL CITY ATTORNEY'S OFFICE CIVIL DIVISION

St. Paul, Minnesota

Law Clerk – June 2010 to June 2011

Completed legal research and writing in areas including environmental, municipal, real estate, and employment law. Advised attorneys and clients through oral communication and written memorandum on a variety of environmental issues to help facilitate the completion of a large public development project.

EDUCATION

Hamline University School of Law

St. Paul, Minnesota

Juris Doctor, *magna cum laude*

2012

St. Olaf College

Northfield, Minnesota

B.A., American Studies

2006

BAR ADMISSIONS

Minnesota

2012

United States District Court, District of Minnesota

2022



Elizabeth Wefel is a senior attorney and lobbyist with Flaherty & Hood, and represents a diverse set of clients at the legislature and administrative agencies in the areas of bonding, environment, energy, taxes, annexation and land use, and other issues. Ms. Wefel is licensed to practice law in the State of Minnesota.

FLAHERTY & HOOD, P.A.

Senior Attorney/Lobbyist, Saint Paul, MN

2008 – Present

Advocates clients' interests at the Minnesota legislature and administrative agencies. Lobbies legislators, legislative staff, and governor's staff. Researches legislative issues, drafts legislation, develops legislative strategies, and monitors and testifies at legislative hearings.

MINNESOTA HOUSE OF REPRESENTATIVES

2008

Legislative Assistant, St. Paul, MN

Monitored bill introductions and legislation; researched legislation; coordinated legislators' schedules; coordinated testifiers for hearings; and communicated with lobbyists, government agencies, constituents and other stakeholders.

UNIVERSITY OF ST. THOMAS SCHOOL OF LAW

2005 - 2007

Director, Career & Professional Development, Minneapolis, MN

Led department that facilitated students through career development process and developed relationships with private and public employers, leading to an increase in recruiting.

CARGILL, INC., Minneapolis, MN

1999 – 2004

Business Analyst and Audit Consultant

Analyzed customers and financial data for business units to identify trends and opportunities for marketing realignment, reorganization, and several million dollars of cost savings. Led and supervised projects that assessed risks and internal controls, analyzed financial information and business processes, and shared best practices.

OPPENHEIMER, WOLFF & DONELLY, Minneapolis, MN

1994 – 1999

Associate Attorney

Represented corporate, local government units, and individual clients in civil litigation and agency proceedings. Counseled clients regarding regulations and laws to develop strategic solutions that fulfilled both their legal obligations and business objectives.

EDUCATION

University of Minnesota Law School, Minneapolis, MN, J.D., 1994

Magna Cum Laude, Legal Writing Honors

Macalester College, St. Paul, MN, B.A., Speech Communications and Political Science 1991

Magna Cum Laude, Phi Beta Kappa

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APPENDIX B: CURRENT & NON-CURRENT CLIENTS

The following list includes Flaherty & Hood's current, and non-current, clients along with a summary of the services provided to each.

CITY OF ALBANY

Environmental wastewater permit issues.

CITY OF ALBERT LEA

Public Utilities Commission electric service ratemaking matter.

CITY OF ALEXANDRIA

Negotiating and drafting orderly annexation agreement.

ALEXANDRIA LAKE AREA SANITARY DISTRICT (ALASD)

Public labor relations and employment issues, environmental wastewater permit issues, Total Maximum Daily Load (TMDL) regulation, state agency representation and representation before the Minnesota court of appeals and Supreme Court.

CITY OF ALTURA

City attorney.

CITY OF BAGLEY

City attorney and public labor and employee relations issues.

CITY OF BAUDETTE

Public labor and employee relations issues.

CITY OF BECKER

Environmental wastewater permit issues, Notice of Violation, review and analysis of wastewater services agreement with significant industrial user, and state agency representation.

CITY OF BEMIDJI

Annexation and land use issues, including negotiation and drafting a settlement agreement in a contested annexation proceeding.

CITY OF BENSON

General municipal representation on annexation and land use, competitive bidding and regulatory matters, and public employment law.

CITY OF BLUE EARTH

Public labor and employee relations issues.

BLUE EARTH LIGHT & WATER

Public labor and employee relations issues.

CITY OF BRAINERD

Public labor relations issues.

CITY OF BRECKENRIDGE

City attorney and public labor and employee relations issues.

CITY OF BREEZY POINT

Annexation and land use issues, including a Chapter 414 detachment proceeding.

CITY OF CALEDONIA
City attorney.

CITY OF CANBY
Public labor and employee relations issues.

CITY OF CHISAGO CITY
Annexation and land use issues, including representation before the Office of Administrative Hearings, district court, and court of appeals in two separate contested annexation cases.

CITY OF CLOQUET
Review and analysis of orderly annexation issues; public labor relations and employment issues, including personnel policy drafting, personnel disciplinary matters, grievance responses, and grievance arbitrations.

CLOQUET AREA FIRE DISTRICT
Public labor relations issues.

COALITION OF GREATER MINNESOTA CITIES (CGMC)
General legal representation, including as an organizational plaintiff in environmental appellate litigation and administration of a committee on public labor relations and employment issues, in addition to legislative representation on property tax, annexation and land use, economic development, transportation, environmental issues, and general media relations representation.

COALITION OF UTILITY CITIES (CUC)
Representation on electric utility taxation issues for host communities and general legal representation regarding joint powers entity and regulatory issues.

CITY OF COKATO
Environmental wastewater permit issues.

CITY OF COLD SPRING
City attorney.

CITY OF CROOKSTON
Public labor relations and employment issues, including employment investigations, grievance responses, advice on reorganization, fitness-for-duty issues, and interest arbitration.

CITY OF DAWSON
Contested case hearing representation.

CITY OF DETROIT LAKES
Public labor relations and employment issues, including labor contract review and drafting and advice regarding grievance responses and labor contract negotiations.

DOVER, EYOTA, ST. CHARLES AREA SANITARY DISTRICT
General counsel and public employment issues.

DULUTH SEAWAY PORT AUTHORITY
Legislative and legal representation on tax increment financing, tax abatement, corporate subsidy, JOBZ, and public finance issues.

CITY OF EAST GRAND FORKS
Public labor relations and employment issues, including employment investigation, grievance responses, labor contract review, drafting, and negotiations; data practices responses.

CITY OF ELY
Public labor and employee relations.

CITY OF EYOTA
City attorney.

CITY OF FAIRMONT
City attorney.

CITY OF FARIBAULT
Public labor relations and employment issues, including labor contract review and drafting and labor contract negotiations; environmental wastewater permit issues and state agency and appellate court representation; and tax increment financing issues.

CITY OF FERGUS FALLS
Public labor relations and employment issues, including grievance responses, advice on labor contract negotiations, a grievance arbitration, and a contested case hearing; contested annexation hearing, negotiating and drafting orderly annexation agreements, settlement agreements, ordinances; and municipal bonding issues.

CITY OF FOREST LAKE
Annexation and land use issues, including representation in a contested annexation matter before the Office of Administrative Hearings.

CITY OF GLENCOE
Public labor relations and employment issues, including employment investigation, grievance responses, and labor contract drafting; environmental wastewater permit issues; Notice of Violation; and state agency representation before the Minnesota Pollution Control Agency.

CITY OF GLENWOOD
Public labor relations and employment issues and annexation issues, including general legal advice, memoranda, and ordinance drafting.

CITY OF GOODVIEW
City attorney and public labor and employee relations issues.

CITY OF GRAND MARAIS
City attorney, public labor relations and employment issues, development and land use issues, data practices and open meeting law, general municipal issues, litigation, and environmental wastewater permit issues.

CITY OF GRAND RAPIDS
Public labor relations and employment issues, including personnel policy drafting, advice on legal compliance issues, grievance responses, employment investigation, fitness-for-duty issues, labor contract negotiations, departmental reorganization issues, and a contested hearing before the Bureau of Mediation Services; environmental wastewater permit issues.

CITY OF GRANITE FALLS
Land use and code enforcement issues encompassing complex jurisdictional questions and sensitive community relations.

CITY OF HIBBING
Public labor relations and employment issues, including review of finance department procedures and practices, and grievance responses.

HIGHWAY 14 PARTNERSHIP

Legislative representation on transportation funding issues.

CITY OF HINCKLEY

Public labor relations and employment issues, including labor contract review and drafting and advice on labor contract negotiations; and annexation and land use issues, including drafting and negotiation of an intergovernmental orderly annexation agreement with a township and developer.

CITY OF HOUSTON

City attorney.

CITY OF INTERNATIONAL FALLS

Annexation and land use issues; environmental permit issues, and state agency representation.

CITY OF JANESVILLE

Public labor relations and employment issues; orderly annexation agreement and ordinances.

KANDIYOHI COUNTY

Public labor relations and employment issues.

KOOCHICHING COUNTY

Legislative representation on bonding and economic development issues.

CITY OF LA CRESCENT

Public labor relations and employment issues, including departmental investigation and review, grievance analysis and responses, and representation in interest and grievance arbitrations; general municipal and legal compliance memoranda; environmental review and regulatory matters; annexation and land use issues, including drafting and negotiation of an intergovernmental orderly annexation agreement in settlement of a contested case.

LAKE BYLLESBY CITIES

Joint assistance to the cities of Faribault, Northfield, and Owatonna regarding site-specific nutrient standards and water quality modeling of Lake Byllesby.

CITY OF LAKE CITY

Public labor relations and employment issues.

CITY OF LE SUEUR

City attorney and annexation and land use and Charter interpretation appeal; environmental permit issues.

CITY OF LEWISTON

City attorney and public labor relations and employment issues.

CITY OF LINDSTROM

Annexation and land use and eminent domain.

CITY OF LITTLE FALLS

City attorney. Representation regarding constitutionality of special law; representation and advice on contested annexation issues and negotiating and drafting orderly annexation agreement in settlement of a contested case.

CITY OF LUVERNE

General municipal representation; advice on process and representation in eminent domain proceeding in district court; advice and drafting orderly annexation agreement and ordinances; economic development regarding sales tax, municipal hospital, tax increment financing; public labor relations and employment issues; and environmental issues.

CITY OF MADISON

Public labor and employee relations issues.

CITY OF MANKATO

Development of intergovernmental wastewater services interconnection agreement with city of Eagle Lake; drafting and negotiating orderly annexation agreements with Mankato and Lime townships; municipal bonding issues; wastewater permitting and environmental issues.

CITY OF MARSHALL

Public labor relations and employment issues, including grievance advice and responses, advice on labor negotiations, and legal compliance with FMLA and ADA; annexation and land use issues including drafting orderly annexation agreement and ordinances; environmental wastewater permit issues.

CITY OF MELROSE

Public labor relations and employment issues, including labor contract drafting and negotiations, grievance advice and responses, legal compliance research and memoranda including FLSA compliance, and review and drafting personnel policies.

CITY OF MENAUGA

City attorney; public labor and employee relations issues.

STATE OF MINNESOTA

Employment investigations.

MINNESOTA ASSOCIATION OF REHABILITATION PROVIDERS (MARP)

Legislative and administrative agency representation on workers' compensation issues.

CITY OF MINNESOTA CITY

City attorney.

MINNESOTA ENVIRONMENTAL SCIENCE AND ECONOMIC REVIEW BOARD (MESERB)

General municipal representation regarding joint powers functions, governance, research of environmental and other wastewater issues, administrative agency representation and advocacy regarding wastewater and other environmental issues impacting municipal wastewater treatment facilities.

MINNESOTA RIVER VALLEY PUBLIC UTILITIES COMMISSION (MRVPUC)

Research related to sanitary sewer districts and choice of entity, general counsel, and litigation concerning environmental wastewater permit issues.

MISSOURI RIVER ENERGY SERVICES (MRES)

Minnesota legal counsel on general governance issues and application of Minnesota public laws, and municipal electric utility issues including transmission and power plant siting; legislative and administrative agency representation on electric regulation issues including climate change, conservation, and renewable and community-based energy development.

CITY OF MONTEVIDEO

Annexation and land use issues; environmental wastewater permit issues and state agency representation.

CITY OF MONTGOMERY

Public labor relations issues.

CITY OF MONTICELLO

Annexation and land use issues, including negotiating and drafting intergovernmental orderly annexation agreement with Monticello Township in settlement of a contested case matter.

CITY OF MOORHEAD

Public labor relations and employment issues, including grievance advice and responses, contested hearings before the Bureau of Mediation Services veterans preference hearing board, labor negotiations advice, and legal compliance advice and memoranda; economic development issues including border city development zones; municipal bonding issues; annexation and land use issues, including legal advice and drafting orderly annexation agreements and ordinances.

MOORHEAD PUBLIC UTILITIES COMMISSION

Public labor relations and employment issues including representation and settlement of a multi-union unit clarification proceeding; and environmental regulatory and permit issues.

CITY OF MOOSE LAKE

City attorney and public labor relations and employment issues.

CITY OF MORA

Annexation and land use issues, including mediation and negotiating and drafting orderly annexation agreement in settlement of a contested case matter; environmental issues and state agency representation before the Minnesota Pollution Control Agency.

CITY OF MORRIS

Annexation and land use issues including mediation and negotiating and drafting orderly annexation agreement in settlement of a contested case matter.

CITY OF NEVIS

Public labor and employee relations.

CITY OF NEW ULM

City attorney; environmental wastewater permit issues and state agency representation before the Minnesota Pollution Control Agency.

CITY OF NEWPORT

City attorney.

NORMAN COUNTY

Formation of a rural water district and establishment of public water system.

CITY OF NORTH BRANCH

City attorney.

CITY OF NORTHFIELD

City attorney, public labor relations and employment issues, development and land use issues, data practices and open meeting law, and general municipal issues. Also, development of intergovernmental sewer contract, drafting and negotiating orderly annexation agreements, and wastewater regulatory issues.

NORTHWEST SERVICE COOPERATIVE

Research and legal memoranda regarding competitive bidding and asbestos abatement.

NORTHWEST SUBURBS CABLE COMMUNICATIONS COMMISSION (NWSCCC)

Representation regarding corporations created by political subdivisions and telecommunications.

CITY OF ORONOCO

City attorney.

CITY OF OSAKIS

Environmental wastewater permit issues and contested case.

CITY OF OWATONNA

Public labor relations and employment, including labor contract drafting and negotiations, personnel policy review, interest and grievance arbitrations, hiring audit, and data practices responses; environmental wastewater permit issues and state agency and appellate court representation.

CITY OF PARK RAPIDS

City attorney; general municipal compliance issues; public labor relations and employment issues, including personnel policies review and drafting, labor contract negotiations, and representation in interest arbitration; tax abatement and corporate subsidy policy; economic development and developer agreements; research and advice memoranda and correspondence regarding open meeting law and data practices compliance; real estate transactions and drafting easement agreements; variances and vacation of right-of-way; eminent domain process and representation; assessment process and appeals; HRA representation; drafting ordinances and resolutions; contract litigation in district court; code enforcement; annexation and land use issues including mediation and negotiating and drafting orderly annexation agreement in settlement of contested case matter.

CITY OF PEQUOT LAKES

City attorney and public labor relations and employment issues.

CITY OF PERHAM

Public labor relations and employment; annexation and land use issues including ordinance and appellate representation.

CITY OF PINE CITY

City attorney and public labor relations and employment issues.

CITY OF PINE RIVER

Annexation and land use issues including mediation, contested case hearing representation before the Office of Administrative Hearings, and district court representation; and public labor relations and employment issues, including labor contract drafting and negotiations and legal compliance.

CITY OF PLAINVIEW

City attorney and public labor relations and employment issues.

CITY OF PRINCETON

Annexation and land use issues including a detachment proceeding; job classification and compensation study.

CITY OF RED WING

Environmental wastewater permit issues, biosolids, and state agency representation before the Minnesota Pollution Control Agency.

CITY OF REDWOOD FALLS
Public labor and employee relations.

CITY OF ROCHESTER
Annexation and land use issues including legal advice and compliance and drafting orderly annexation agreements and ordinances; public labor and employee relations issues.

CITY OF ROLLINGSTONE
City attorney.

CITY OF RUSHFORD
City attorney.

CITY OF ST. CHARLES
City attorney; annexation and land use issues, including ordinance drafting; and public labor relations and employment issues.

CITY OF ST. CLOUD
Administrative representation regarding contested case hearing on wastewater permit issues, including representation before the Minnesota Pollution control Agency, Office of Administrative Hearings, and the Minnesota Court of Appeals; negotiation and drafting wastewater service interconnection agreement with five neighboring cities; annexation issues including orderly annexation agreement advice and drafting; and municipal bonding issues.

CITY OF ST. JAMES
Public labor relations and employment; environmental wastewater permit issues and state agency representation.

CITY OF ST. JOSEPH
Public labor relations issues.

CITY OF ST. MICHAEL/FRANKFORT TOWNSHIP
Annexation and land use issues, including negotiation and drafting a four-party orderly annexation agreement (St. Michael, Albertville, Otsego, and Frankfort Township) resulting in the merger of St. Michael and Frankfort Township in settlement of a contested case matter.

CITY OF SARTELL
General municipal including ordinance review and drafting; contract litigation; public labor and employment issues including a discipline process audit and amendment of personnel policies, department head training, and discipline and discharge advice and proceedings; real estate transactions and easement and right-of way agreement; drafting intergovernmental sewer agreement; representation in eminent domain proceedings; assessment appeals; environmental review issues, including review and analysis of Wetlands Conservation Act issues and process, legal advice, and document drafting regarding a petition for an environmental assessment worksheet (EAW) and review and development of findings of fact for an Alternative Urban Areawide Review (AUAR).

CITY OF SAUK CENTRE
Annexation and land use issues including orderly annexation agreements and ordinances.

CITY OF SAVAGE
Legislative representation on environmental and bonding issues.

CITY OF SLAYTON

Public labor relations and employment; environmental wastewater permit issues and state agency representation.

CITY OF STAPLES

Public labor relations and employment issues including labor contract drafting and negotiations; annexation and land use issues including negotiation and drafting orderly annexation agreement in settlement of contested case matter and resulting in the development of a new community hospital; eminent domain representation and process; drafting easement agreements; research and memoranda regarding intergovernmental utility extension and right-of-way matter.

CITY OF STEWARTVILLE

General municipal, real estate, and public labor relations and employment issues.

CITY OF THIEF RIVER FALLS

Public labor relations and employment issues, including grievance advice and responses, arbitration representation, and labor contract negotiation and arbitration advice, FLSA compliance, and fitness-for-duty issues.

CITY OF TRACY

Public labor relations and employment issues including labor contract negotiations advice and analysis.

CITY OF TRIMONT

Public labor and employee relations issues.

CITY OF VIRGINIA

Public labor relations and employment issues including a civil service proceeding.

CITY OF WABASHA

City Attorney and Chapter 414 detachment proceeding.

CITY OF WAITE PARK

Public labor relations and employment issues, including grievance review and responses, arbitration representation and drafting settlement agreement, labor contract drafting and negotiations, contested hearing representation, district court representation and research and analysis of civil service ordinance; annexation and land use issues, including negotiation and drafting orderly annexation agreement and representation before district and appellate courts in a writ of mandamus proceeding; research and analysis of zoning matter.

CITY OF WALKER

Public employment issue.

CITY OF WARREN

Public labor relations and employment issues, including labor contract drafting and negotiations, grievance advice and responses, employment investigation, union unit determination proceeding, personnel policy drafting, research and legal compliance memoranda, discipline and discharge advice, documentation and proceedings, and a contested hearing; general municipal issues, including open meeting law compliance and responding to data practices requests.

CITY OF WARROAD

Public labor relations and employment issues.

CITY OF WASECA

Public labor relations and employment, including research and memoranda regarding FLSA and workers' compensation issues; environmental wastewater permit issues and state agency representation.

CITY OF WHEATON

Public labor relations and employment issues.

CITY OF WILLMAR

City attorney; environmental permit issues, including review and analysis of regulatory issues in an NPDES permit and state agency representation; public labor relations and employment issues.

WILLMAR MUNICIPAL UTILITIES

General counsel.

CITY OF WINDOM

Public labor relations and employment issues, including grievance advice and responses.

CITY OF WINONA

City attorney; public labor relations and employment issues, including labor contract drafting and negotiations and grievance and interest arbitrations; data practices responses and policy drafting; general city policy drafting, contested annexation hearing, environmental review issues, development of intergovernmental sewer contracts, negotiating and drafting orderly annexation agreements and ordinances, pay equity issues, bonding issues, administrative agency representation, and district court representation.

WINONA PORT AUTHORITY

General counsel.

CITY OF WORTHINGTON

Eminent domain proceeding and public labor relations and employment issues, including labor contract drafting and negotiations and mediation.

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REFERENCES

Flaherty & Hood has earned respect and credibility among key local and state officials and officers. We encourage you to contact any of the following clients to learn more about the services we provide:

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