



**MEMORANDUM**

---

**DATE:** August 28, 2023  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Dave Perrault, City Administrator  
**SUBJECT:** Agreement for Legal Services – Prosecution

Budgeted Amount:  
\$39,000

Actual Amount:  
TBD

Funding Source:  
Various Funds

---

**Council Should Consider**

Motions to approve, table, or deny the following:

- Agreement for legal services with Kelly and Lemmons to serve as the City’s prosecuting attorney.

**Background**

The City recently issued a Request for Proposals (RFP) for legal services, this included both civil and prosecution services. The civil request is still ongoing; however, the City received only one proposal for prosecution. The proposal was from its current prosecuting attorney, Kelly and Lemmons. Kelly and Lemmons has been the City’s prosecuting attorney in recent years and the City has been satisfied with their services. Staff would recommend approving their new contract effective January 1, 2024.

**Budget Impact**

The proposed contract bills the City at \$100 per hour, which is a \$10 increase over our current contract of \$90 per hour. While this is an increase in cost, it is difficult to ascertain actual budget impact as it will depend on amount of prosecution services required. It should also be noted that these costs are partially offset by the payment of fines, violations, DWI forfeitures, etc. related to criminal prosecution. Staff does not anticipate an adverse effect on the 2024 budget due to the new contract.

**Attachments**

Attachment A: Agreement for Legal Services - Prosecution