

Request for Qualifications – Legal Services

Overview

Minnehaha Creek Watershed District (MCWD) Counsel will on an ongoing basis set the legal parameters within which the MCWD will operate to avoid litigation and other legal disputes by identifying the legal consequences of choices; discussing alternative solutions; educating the MCWD Board about the legal issues involved; and informing the MCWD Administrator, project managers and staff of laws, regulations, and judicial decisions that might affect MCWD rules, actions, policies or practices. In this function, MCWD Counsel will routinely review and assess MCWD 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 requirements and case law; and 3) likely to produce prudentially sound outcomes.

MCWD Counsel are to possess considerable experience in 1) watershed/environmental law and policy development, 2) drainage 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

Respondent is to describe and affirm capacity to provide legal services as follows:

1. Retainer. Respondent is to describe a monthly retainer to encompass the following:

- Preparation for and attendance at MCWD Board meetings and, on request, meetings of Board committees, including the review of relevant correspondence or agenda materials in connection with said meetings and any advice and opinions rendered therein.
- Parliamentary guidance at meetings; note-taking and the timely preparation of Board meeting minutes.
- 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.
- The retention of original financial assurance documents and copies of contracts, agreements, and other documents established by Board resolution and the retrieval of documents considered “active” or that have been archived for 5 years or less.

2. General Counsel. Counsel for organizational management including compliance with federal and state requirements and best practices applicable to watershed districts in matters such as but not limited to budgeting, levies, financing, financial management and auditing; open meetings and data practices laws; records management requirements; procurement laws and contracting; insurance; conflicts of interest; and maintenance of governance and operational policies.

2. Management Planning, Program Development, Capital Improvement Projects. Watershed management plan program and project development; negotiation and drafting of program and project agreements including interagency agreements; initiation, financing, and implementation of capital improvement projects, including acquisition of property or other interests in real estate, and of permits and approvals; construction procurement, contracting and contract management.

3. Regulatory Counsel. Legal counsel for the development, implementation and enforcement of rules in furtherance of the MCWD's water resource protection permitting program and state-delegated programs, including familiarity with federal, state and local environmental laws and procedures.

4. Real Estate Law. Legal counsel to assist with matters related to acquiring property and other interests in real estate.

5. Employment Law. Legal counsel to assist with matters related to employment law, employee benefits, and employee discipline and termination.

6. Litigation and Enforcement Actions. Representation in litigation, preparation for litigation, investigation, negotiation, compromise or settlement of claims made against or on behalf of the MCWD, and enforcement actions initiated by the MCWD under its statutes, rules and permits, including legal advice and representation in administrative or judicial proceedings, and in coordination with the District's insurer and any insurer-designated counsel.

Understanding of State, Regional and Local Government and Watershed Management

Respondent's response should demonstrate that counsel has:

- A current understanding of issues relative to MCWD governance, projects and programs.
- A current understanding of watershed management.
- An awareness of state and regional plans and priorities related to watershed and natural resource management.

MCWD Policy Relating to Member Communities and Other Governmental Jurisdictions

It is the policy of the MCWD Board that Counsel may not simultaneously represent governmental jurisdictions fully or partially located within the MCWD without prior written approval of the MCWD Administrator.

MCWD Non-Discrimination Policy

In performing the Services, Counsel 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)

Submit proposal electronically to admin@minnehahacreek.org by 4:00 p.m. on July 18, 2022.

Proposals must include the following:

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 who would work for the MCWD.
3. A list of other staff, their qualifications, and a description of the type of activities they will perform on behalf of the MCWD.
4. A list of outside counsel, their qualifications, and a description of the type of activities they would perform on behalf of the MCWD.
5. The proposed fee structure.