From:	Peter Hendricks
To:	CouncilHearing (CI-StPaul)
Cc:	#CI-StPaul_Ward3; Rebecca Noecker; #CI-StPaul_Ward1; #CI-StPaul_Ward4; #CI-StPaul_Ward2; #CI-StPaul_Ward5; #CI-StPaul_Ward6; #CI-StPaul_Ward7
Subject:	Public Comment for September 30, 2026 -- Proposed Resolution 26-1659
Date:	Wednesday, September 30, 2026 8:00:18 AM
Attachments:	City Charter 5.02.pdf Administrative Code 3.02 (2026).pdf

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Hello,

I am writing with comments about proposed Resolution 26-1659 to appoint a law firm as special counsel for the defense of Mayor Her.

1. First, the City's Meeting Agenda includes an outdated version of the City Administrative Code 3.02 regarding the powers and duties of the city attorney. The version was printed in 2011 and does not include amendments adopted in 2013 and 2022. Attached is the current version of Section 3.02 of the City Administrative Code. Second, the proposed resolution makes no reference to any part of the City Administrative Code, so it is unclear why Section 3.02 is included with the meeting materials. The proposed resolution does reference Section 5.02 of the City Charter (attached for reference).

2.The court filed Complaint states that the Mayor is being sued in her individual capacity only. There are two counts (Counts 5 and 6) in the Complaint against the Mayor and each count states that it "is asserted against Defendant Her, in her individual capacity, only." Counts 1 through 4 are "asserted against Defendant City of St. Paul only."

3. Is the City Attorney representing the City in this lawsuit? The proposed resolution only states that the City Attorney "has determined that a potential conflict exists in the City Attorney's representation of Mayor Her in the defense" of the litigation. Does the City Attorney also have a conflict in representing the City? If so, who will be representing the City?

4. Has the Council reviewed a proposed retainer agreement with the law firm?

5. The proposed resolution only sets a maximum hourly rate of $500 with no limit on the amount that can be billed. Has the Council considered requiring monthly billing invoices be provided to Councilmembers? And, requiring the approval of an additional resolution if the total amount billed exceeds a specific amount?

Thank you for your time and service.

Peter Hendricks
Ward 3

Sec. 5.02. - Powers and duties.

The city attorney shall represent the city in all causes in which the city is interested and shall have full and complete charge of the legal business of the city. No officer of the city may retain or fee any other attorney; provided, that in any case of special or unusual circumstances or in any case where the city attorney by reason of interest cannot represent the city, the council, upon the request of the city attorney, may by resolution appoint and fix special counsel's compensation.

(Ord. No. 17665, § 3, 6-29-89)

Sec. 3.02. - Powers and duties.

The city attorney shall represent the city in all causes in which city is interested and shall have full and complete charge of the legal business of the city. The city attorney shall be the legal advisor to the mayor, to the council and to all departments and agencies of the city except as may be otherwise provided by the Charter. The city attorney shall prosecute and defend actions and proceedings by and against the city and every department and agency thereof. In the furtherance of these general powers, the city attorney shall:

(1) Advise the mayor, the council and the heads of all departments and agencies on all matters relating to their official powers, duties and functions.

(2) Attend in person or by designee all council meetings and, at the request of the presiding officer, attend committee meetings of the council.

(3) Be responsible for the preparation of all ordinances and resolutions as requested by the mayor or the council. The city attorney shall advise the council as to the form and sufficiency of all ordinances prior to their adoption, and no ordinance shall be introduced until it shall either have been approved as to form by the city attorney or until the city attorney has filed with the city clerk a statement of reasons why the ordinance is insufficient.

(4) Review and approve all contracts, deeds, documents and instruments prior to the execution thereof by or on behalf of the city, its departments and agencies.

(5) Render legal opinions upon any question of law submitted to the mayor or the council, with respect to their official powers, duties and obligations.

(6) Enter into any agreement, compromises or settlement of any claim or litigation in which the city is involved. The city attorney may contract with outside consultants or specialists to assist in the collection of registered bills.

(7) Conduct and prosecute appeals from orders, decisions or judgments affecting any interest of the city as the city attorney may, in the exercise of discretion, determine to be necessary or desirable.

(8) Conduct prosecutions for crimes and offenses occurring in the City of Saint Paul and within the jurisdiction of the Ramsey County Municipal Court and appeals therefrom, including violations of city ordinances, complaints of any department under law and violations of rules and regulations duly promulgated and adopted by city departments and agencies.

(9) Maintain appropriate records of all actions, suits, proceedings and matters which relate to the interests of the city, its departments or agencies and report thereon from time to time as required by the mayor and council.

(10) Advise the city clerk on all matters relating to the codification, publication and distribution of the legislative and administrative codes of the city as provided in Section 4.02 of the Administrative Code.

(11) Be responsible for representing the city in all causes, hearings, trials, and administrative or judicial review concerning rates, franchises, valuations, utility conducts, or other issues involving the city and the public utilities which affect it or are under its control, including, but not limited to, telephone, telegraph, radio, television, cable television, lighting, heating, water, sewer and transportation. In so doing, the city attorney may retain a rate expert or experts to ensure proper review, analysis, study and recommendations on all utility matters, which expert shall prepare for submission to the mayor and the council, upon request, such reports and recommendations as may assist them in resolving rate determinations and other utility matters.

(12) Be responsible for increasing access to justice for all residents of Saint Paul with the following specific areas of focus:

a. Within the office of the city attorney there will be an immigrant and refugee program. In addition to providing immigration related legal advice to city departments, the immigration and refugee program will work with internal and external public and private partners to provide support to immigrants and refugees to foster and increase legal residency, citizenship, education, employment, economic development, community engagement, public safety, and other needs to Saint Paul residents.

b. Within the office of the city attorney, there will be an office of neighborhood safety (ONS). The ONS is a community justice, equity, and safety-focused office with programs that are community-centered, equity-focused, and non-punitive where community participation is a key element of operations. The manager of the ONS will be the director of neighborhood safety (DONS). The DONS administers the affairs of the ONS. The DONS reports directly to the city attorney and has general authority and control over all ONS staff and oversees the proper fulfillment of all tasks and duties assigned to the ONS. The DONS designs policies and procedures for the proper operation of the ONS. The functions of the ONS are:

1. Neighborhood safety programs: establish, coordinate, and/or advance violence prevention, interruption, and reconciliation strategies in order to increase safety and overall well-being for residents and maintain a sustainable structure for community-first public safety efforts;
2. Partnerships: partner with city departments and external organizations to execute neighborhood safety programs.
3. Engagement: directly or with partners build relationships and engage community members to support neighborhood safety programs.
4. Research and evaluation:

a.

Conduct and/or commission research studies to inform ONS program selection and implementation; and

b. Develop community-identified community safety indicators to assist in setting priorities and NSCC areas of focus.

c. Track progress toward community-identified community safety indicators, report regularly to the community on progress and adjust tactics as necessary to reach the desired goals.

c. There is hereby established a neighborhood safety community council (NSCC) under the supervision and administration of the ONS. The mayor will appoint the members of the NSCC with the advice and consent of city council.

1. *Membership.* The NSCC will consist of fifteen (15) continuing members.

   a. Continuing members will be selected from a broad section of the community that has been most heavily impacted by violence; and

   b. NSCC may establish areas of focus and create a task force to support each area of focus. Task force members will be selected by the continuing members.

2. *Terms for continuing members.* To provide for staggered appointments, seven (7) continuing members will serve an initial term of two (2) years, and eight (8) members will serve an initial term of three (3) years. After the expiration of the initial terms, all members shall serve two-year terms. No person may serve more than three (3) terms or a total of six (6) years, whichever is shorter.

3. *Terms for focus area members.* The length of terms and limit on the number of terms for focus area members will be determined by the continuing members at the time of their appointment but may not exceed the length of terms and limit on the number of terms applicable to continuing members.

4. *Chair and vice chair.* The NSCC will have a chair and vice chair who will be selected by the mayor from the NSCC membership. The chair facilitates all meetings of the NSCC. In the chair's absence, incapacity, death or resignation, the vice chair performs the duties of the chair until a new chair is appointed by the mayor. For NSCC matters which are put to a vote, the chair shall only vote to break a tie vote. The chair serves a one-year term and may serve up to two (2) consecutive years as chair.

5. *Meetings.* The NSCC will establish its own rules to conduct its business. The NSCC will meet at least four (4) times per year, and all members (both continuing members and task force members) will receive a fifty-dollar ($50.00) stipend per meeting to compensate them for parking, childcare, and other expenses incurred due to their service to the NSCC.

6. *Staffing.* The ONS will assign department personnel to staff and present information to the NSCC.

7. The NSCC charge includes the following:
    a. Develop an annual strategic plan that identifies, recommends and prioritizes public safety initiatives, establishes areas of focus, and monitors justice and violence prevention metrics and indicators;
    b. Identify grant opportunities;
    c. Make recommendations for grant-making activities including:
        i. Reviewing proposed requests for proposals;
        ii. Proving support for evaluation and selection of award recipients; and
        iii. Submitting recommendations to decision-makers for grant awards.
    d. Advise on coordination of community engagement and receive recommendations from residents on the budget priorities;
    e. Develop a strategy to maintain communication with the community first public safety commission;
    f. Review and report on the effectiveness of ONS activities and initiatives.

(13) Have such other and different powers and duties as may be provided by charter or law.

(Ord. No. 17913, § 1, 3-12-92; C.F. No. 93-1095, § 1, 8-17-93; C.F. No. 00-601, § 2, 7-12-00; Ord 13-28, § 2, 5-22-13; Ord 22-9, § 2, 2-23-22)