



## Legislation Details (With Text)

**File #:** RES 22-1254 **Version:** 1  
**Type:** Resolution **Status:** Passed  
**In control:** City Council  
**Final action:** 8/17/2022

**Title:** Appointing Kennedy & Graven, Chartered as special counsel for the purpose of providing advice and counsel on the legal business of the City of Saint Paul; and consenting, pursuant to Administrative Code Section 24.03(A)(1)(iii), to Rachel Tierney performing work through Kennedy & Graven, Chartered in furtherance of the City's need for the services of outside counsel.

**Sponsors:** Amy Brendmoen

**Indexes:**

**Code sections:**

**Attachments:** 1. Administrative Code 3.02, 2. Kennedy Graven Financial Analysis, 3. Kennedy and Graven Legal Services Agreement August 2022

Date	Ver.	Action By	Action	Result
8/22/2022	1	Mayor's Office	Signed	
8/17/2022	1	City Council	Adopted	Pass

Appointing Kennedy & Graven, Chartered as special counsel for the purpose of providing advice and counsel on the legal business of the City of Saint Paul; and consenting, pursuant to Administrative Code Section 24.03 (A)(1)(iii), to Rachel Tierney performing work through Kennedy & Graven, Chartered in furtherance of the City's need for the services of outside counsel.

WHEREAS, Section 5.02 of the Charter of the City of Saint Paul provides that in any case of special or unusual circumstances, the City Council, upon the request of the City Attorney may appoint special counsel to assist in providing for the legal business of the City; and

WHEREAS, due to a temporary staffing shortage within the Saint Paul City Attorney's Office, the City Attorney's Office lacks sufficient legal staff and expertise to provide the City of Saint Paul with timely legal advice necessary for the effective performance of City obligations and services; and

WHEREAS, it is necessary for the City to seek legal advice in the areas of taxation, public finance, and/or other financial programming issues involving the City of Saint Paul; and

WHEREAS, the provision of legal advice regarding taxation, public finance, procurement, federal grant administration and/or other financial programming issues requires very specialized and technical expertise for which the law firm of Kennedy & Graven, Chartered is uniquely qualified in terms of expertise, experience, and skill; and

WHEREAS, the City Attorney seeks City Council approval for the appointment of the law firm of Kennedy & Graven, Chartered, to serve as special counsel for the purpose of providing advice and counsel to the City of Saint Paul in these areas; and

WHEREAS, Rachel Tierney was, within the past year, employed by the City as Deputy City Attorney, for the Civil Division of the City Attorney's Office and provided legal advice to the City of Saint Paul on a variety of matters including but not limited to public finance and municipal bonds; and

WHEREAS, Rachel Tierney is currently employed with Kennedy & Graven, where she may, work on a variety

of matters involving municipal law; and

WHEREAS, the City, after consultation, has determined that Rachel Tierney's provision of legal advice in the areas of taxation, public finance, procurement, federal grant administration and/or other financial programming issues involving the City of Saint Paul through the law firm of Kennedy & Graven, Chartered, as outside counsel for the City of Saint Paul, to the extent that such may implicate Saint Paul Administrative Code Section 24.03(A)(1)(iii), will neither injure the public interest, nor impair the policy goals of that provision.

NOW, THEREFORE, BE IT RESOLVED, that upon request having been made by the City Attorney pursuant to Charter § 5.02, there being special circumstances requiring the services of outside legal counsel to provide legal services to the City, the law firm Kennedy & Graven, Chartered is hereby appointed special counsel for said purposes and for the compensation specified in the Legal Services Agreement between the City of Saint Paul and said firm, effective August 22, 2022;

BE IT FURTHER RESOLVED, that to the extent Rachel Tierney's provision of legal advice in the areas of taxation, public finance, and/or other financial programming issues involving the City of Saint Paul through the law firm of Kennedy & Graven, Chartered, as outside counsel for the City of Saint Paul may be construed to implicate Administrative Code Section 24.03(A)(1)(iii), the Saint Paul City Council consents to such involvement and finds that said consent will neither injure the public interest nor impair the policy goals of Administrative Code Section 24.03(A)(1)(iii); and

BE IT FURTHER RESOLVED, that the compensation to be paid for the services of said special counsel shall be in accordance with the City Attorney Fee Policy established for the appointments of all such special counsel now and in the future, and the total fees to be paid to said special counsel shall be in accord with such policy, shall be reasonable and will not exceed \$210 per hour, and shall take into account the factors listed in Rule 1.5 of the Rules of Professional Conduct.