

City of Hardin

**406 North Cheyenne
Hardin MT 59034
(406) 665-9292**

AGENDA

March 31 and April 1, 2016

401 North Cheyenne

Special Council Meeting

6:00 p.m.

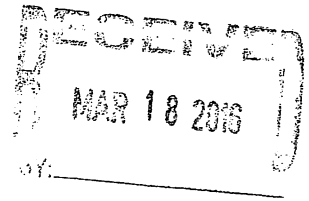
○ Interviews for City Attorney

- 6:00 p.m. David H. Sibley
- 6:45 p.m. AVantGarde Law LLC
- 7:30 p.m. Randen Schoppe

Adjourn to continue on April 1, 2016 at 6:00 p.m.

- 6:00 p.m. Felt, Martin, Frazier & Weldon, P.C.
- 6:45 p.m. Elk River Law Office P.L.L.P.
- 7:30 p.m. Knudsen & Knudsen, PLLC
- Public Comment
- Decision / Recommendation or Further Action

David H. Sibley
P.O. Box 362
Huntley, MT 59037
(406) 240-8639



City of Hardin
Michelle Dyckman
406 North Cheyenne Avenue
Hardin, MT
59304

Dear City Council Members:

I am writing to express my interest in serving as your City Attorney. As most of you know, I served the citizens of Big Horn County as the Chief Deputy County Attorney for nearly ten years. During that time I have prosecuted the most serious offenses committed in the County, but for much of that time I was also prosecuting misdemeanor offenses which were committed outside of city limits. During that time I got to know the unique nature of Big Horn County, as well as many of its citizens. As such, I would make the following proposals to serve as your City Attorney.

First of all, it seems to me that the former City Attorney was not really accountable to anyone. He had a contract which did not require any hours to be worked or any ascertainable amount of time to devote to City business. To me that is unacceptable. It seems to me that there are basically three options for a City Attorney that would, and should, be acceptable to the Counsel, and more importantly to the citizens of the City of Hardin.

First, the City Attorney could be a city employee, as the position once was. Second the position could be a contract position, with a prohibition on outside work. Third the position could be a contract position with no hourly obligations, or accountability whatsoever. This is basically the position you have been in for the past two years. In my view this is not a responsible decision on the part of the counsel, so I will not make a proposal on the third of those three options. As such, I will make a proposal in the alternative, in relation to only the first two options.

As a city employee, I would attend all city council meetings, address all employee concerns with the employee initially, the union if the issue could not be resolved at the employee level, and finally with the Courts if necessary. During my tenure with the County Attorney's Office, the County was actually sued only once, until Lance Pedersen was hired. It was only at that point that everything was referred immediately to insurance and the insurance company's attorney and the litigation became expensive. Nearly every case was resolved without ever involving the insurance company or filing a claim.

Second, I will repair the relationship between the Sheriff's Office and the City Attorney's Office. I worked in concert with the Sheriff's Office and Probation and Parole on a daily basis throughout my time with the county. That is a relationship that I have maintained since I left. At present, law enforcement has no respect at all for the office of the City Attorney, I would repair that immediately.

Third, I would respect the role that law enforcement plays. They work 24 hours days, 365 days a year. Their time is valuable and precious. I would issue subpoenas, and I would make a commitment to law enforcement, and the court, that I would make them aware of the status of cases at least 48 hours prior to any trials. One of the biggest complaints from law enforcement has been that they show up for court without any idea if the case is likely to go to trial or not. The overwhelming majority of the time they do not, and they have wasted the time that they might otherwise be sleeping. For those officers that are working nights, this is not only unprofessional, but it is disrespectful of the job they are being asked to do.


Finally, I would commit to prosecuting everyone on an even keel. I have sent family members of mine to prison. I have let them sit in jail. Never has anyone questioned whether they were getting separate or disparate treatment because of the office that I held. Many of those same people have attended family gatherings at later dates, and not one time has anyone ever voiced that they felt they were treated unfairly. The criminal justice system is designed to mete out justice in an even and fair manner. The fact that people I have sent to prison consider me a friend says to me that I have done that.

OPTION I:
City Employee.

I would take the position as a city employee for a salary of one hundred (100,000.00) thousand dollars, with the city paying benefits and insurance, retirement and a prohibition on any kind of outside work. This would be a full time job and only pro bono work would be allowed. There would be a requirement of 40 hours per week, though the nature of those hours would be somewhat negotiable based on the nature of the job and investigations that would need to be conducted in relation to cases. I would be available to Law Enforcement on a roughly 24/7 basis as I was when I was the Chief Deputy County Attorney. The city would be responsible for providing office space and an administrative assistant.

OPTION II:
Contract Employee:

I would be interested in the job as a contract employee with the City paying only a flat rate, and no benefits at all at a rate of one hundred and thirty (130,000.00) thousand dollars, but the city would not be responsible for any costs at all over and above that amount. The City would have no responsibilities for administrative staff, equipment, office space etc.

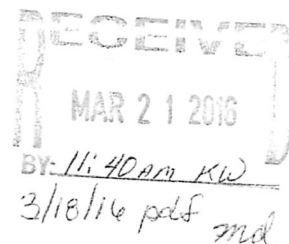


David H. Sibley, esq.



AVantGarde Law ^{LLC}

www.MountainStateAttorneys.com
2722 3rd Ave North, Suite 400
Billings, MT 59101
P: (406) 272-6302
F: (877) 666-3809



March 18, 2016

Ms. Michelle Dyckman
Finance Officer / City Clerk
& City Council
406 North Cheyenne Ave.
Hardin, MT 59034

RE: Letter of Interest: Request for Proposal – City Attorney Services

Dear Ms. Dyckman & Hardin Officials:

My name is Joshua Kotter, and I am submitting this letter of interest in response to your *request for proposals* for professional city attorney services. Additionally, I have included our proposal.

I believe that I am uniquely qualified for this position, for several reasons. I am significantly experienced in criminal and civil litigation, governmental bodies and subdivisions, municipal ordinances and law, including municipal criminal defense/prosecution, and in working with, around, and in conjunction with Native American people and organizations.

I previously worked as general legal counsel for hospital and healthcare organizations, including a Native American owned and run healthcare organization, as well as government owned hospital districts. I have been involved in civil litigation for thirteen years now. I have directly and very substantially worked in municipal criminal defense/prosecution in Montana, for some time. In the context of hospital districts, I have been involved in municipal bonds. And, I now own and run AVantGarde Law.

I graduated from Brigham Young University in political science and business management. And, I hold my Juris Doctorate and MBA degrees from top ranked programs at Case Western Reserve University (a Top 50 law school and top 30 MBA program, during my attendance).

While I believe my background and experience are an ideal fit for this position, among my most valuable abilities—are my interpersonal skills. I am open, friendly, integral, and honest. And, I am exceptionally gifted at working and communicating with all types of people at all levels in organizations.

I would be excited to use my background, education, talents, and abilities to help the City of Hardin in every way possible. Please see the included proposal.

Sincerely,

Joshua R. Kotter, Esq., JD, MBA
Managing Attorney



AVantGarde Law^{LLC}

www.MountainStateAttorneys.com

2722 3rd Ave North, Suite 400

Billings, MT 59101

P: (406) 272-6302

F: (877) 666-3809

Proposal for Professional City Attorney Services

March 18, 2016

I. Services to be Provided

Attorney services for the use of the Council and other Hardin City officials, for contracts and ordinances, to provide the Mayor or City Council verbal and/or written opinions on questions pertaining to the duties, rights, liabilities, and powers of the city, to prosecute all violations within city limits (of, and including state and local laws), and to handle civil legal matters for the city.

II. Compensation for Services Provided

\$75,000 annually, on a contract basis, with no employment (or employment benefits included).

III. Other Proposed Terms

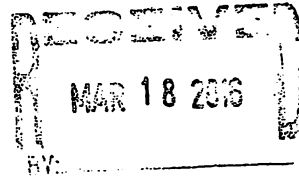
For Joshua Kotter to primarily provide such services, with other current/future attorneys at AVantGarde Law to assist in doing so also.

Thank you for your consideration.

Sincerely,

Joshua R. Kotter, Esq., JD, MBA
Managing Attorney

Hardin City Council
406 N. Cheyenne
Hardin, MT 59034



March 18, 2016

Hardin City Council:

This letter is to express my interest in the position of Hardin City Attorney and to create a pair of proposals for the City Council to consider regarding compensation of that position. I would be open to negotiations on both of these proposals and would like the opportunity to meet with Council regarding the position of Hardin City Attorney.

The first proposal would be full time employee (or FTE) with the City of Hardin with standard benefits including vacation and retirement. The position I envision would be a fulltime employee covering both the criminal and civil components of the position. This position would include representing the City in Hardin City Court during arraignments, omnibus hearings, trials and all other proceedings before the Court. The civil component would also be addressed, including attending all City Council meetings and committee meetings, drafting ordinances and representing the City in civil proceedings whether in administrative hearings or before District Court in legal proceedings. I would also be available to the City at anytime for legal advice, consultations or various meetings. In addition to these services, which are currently provided to the City under your existing arrangement, I believe I have other benefits to provide the City of Hardin. In reviewing the City Code of Hardin I believe that certain portions of the City Code could be updated and modernized. One important service that I would offer the City of Hardin would be setting up and helping run a drug/alcohol court.

A drug/alcohol court would allow those people who have DUI, serial MIPs or drug charges to receive treatment and supervision through weekly process. This court could be run through Hardin City Court and would require additional funding. Much of this funding could be obtained via grants and other outside sources. This program would be used to cut down on recidivism and allow people the opportunity to remain in the community without having to be warehoused. This would allow the City of Hardin to save money via jail space and other cost considerations.

If the City of Hardin would prefer to move away from an FTE position and would like to simply contract these services with me, I would also be open to that opportunity too. I would be willing to perform all of the above services for a flat rate or seven thousand two hundred fifty dollars a month or eighty seven thousand dollars a year.

I hope this proposal has addressed your concerns regarding the City Attorney position and would love to discuss these issues further. Please contact me via my cell phone at 679-2679, by email at randen.schoppe@gmail.com or by mail at PO Box 255, Hardin, MT 59034. I look forward to hearing from you.

Sincerely

RANDEN SCHOPPE
P. O. Box 255 • Hardin, MT 59034
Cell: 406.679.2679 • randen.schoppe@gmail.com

EDUCATION

Valparaiso University School of Law, Valparaiso, Indiana May 2006
J.D.

- Honors Paper, Comparative Law, Fall 2004
- Member, Phi Delta Phi, 2003-2006
- Student Librarian, 2005-2006
- Participant, Cambridge Summer Program 2004, Cambridge, England

The University of Montana, Missoula, Montana December 2002
Bachelor of Arts, Political Science

- Member, Pi Sigma Alpha Honors Society,
- Secretary, Fencing Club, Fall 2002; Member 2001-2002
- Student Member, Faculty Evaluation Committee, Fall 2002

Little Big Horn College, Crow Agency, Montana May 2001
Associate of Arts, Business Administration

- Dean's List, Three quarters 1999-2000; two semesters 2000-2001
- Vice President, Student Body, 2000-2001
- President, American Indian Business Leaders, 2000-2001

EXPERIENCE

Associate, Law Offices of James Vogel, Hardin, Montana 2006-Present

- Handled numerous misdemeanor and felony cases
- Handled a variety of civil work
- Drafted and argued numerous briefs and motions
- Conducted Bench and Jury Trials

Adjunct Faculty, Chief Dull Knife College, Lame Deer, Montana 2014-2015

- Taught civil procedure, tort and constitutional law and legal writing courses
- Graded students tests, papers and assignments

Adjunct Faculty, University of Mary, Crow Agency, Montana 2011-2013

- Taught business law and political science courses
- Graded students tests, papers and assignments

Chairman, Helping Hands of Hardin, Hardin, Montana 2009-Present

- Drafted budgets and assisted with fundraising
- Hired and Supervised employees
- Recruited Board Members

*rec'd 3/18/16 by pcf
-mal*

FELT, MARTIN, FRAZIER & WELDON, P.C.

ATTORNEYS AT LAW

LAURENCE R. MARTIN
KENNETH S. FRAZIER
MARY E. DUNCAN
JEFFREY A. WELDON
MARTIN S. SMITH
RYAN P. BROWNE

208 North Broadway, Suite 313
P. O. Box 2558
Billings, Montana 59103-2558

Telephone: 406-248-7646
Facsimile: 406-248-5485
Email: jweldon@feltmartinlaw.com

JAMES R. FELT (1920-1993)
RANDOLPH JACOBS, JR., Of Counsel

March 18, 2016

John "Jack" Lane, Mayor
Hardin City Council
406 North Cheyenne
Hardin, MT 59034

RE: Letter of Interest and Proposal for Legal Services.

Dear Mayor Lane and City Council:

Thank you for the opportunity to provide this proposal to provide legal services for the City of Hardin. We bring a unique skillset to local governments and would be delighted to provide the City with those services. I currently serve as the City Attorney for the City of Forsyth. My colleagues and I also serve as general counsel for several school districts in Montana. We are prepared to advise and represent the City and to do so in a cost effective way.

Proposal

We propose that I be appointed city attorney and Ryan Browne be appointed deputy city attorney for a term not exceeding two years, as provided by Montana law.

This firm would not require a retainer or a flat fee each month. Rather, we could charge for time worked at the reduced rates listed below. We propose that the appointment, if made, be reviewed annually to evaluate the arrangement and to make adjustments if needed. Ryan and I would serve pursuant to the terms outlined below and as provided in a service agreement between the City and this firm to be negotiated if this proposal is accepted. The other attorneys in our firm would be available to assist if needed.

Scope of Services Provided by this Firm

We are pleased to offer general counsel and representation to the City in these areas: General Civil Practice; Appellate Practice, Advising the Mayor and Council in Person or by Telephone; Drafting and Reviewing Ordinances, Policies, and Regulations; Council Operations and Political Issues; Montana Legislation; Commercial Transactions; the Public Right to Know and Participation in Government Operations, including Montana Open Meeting and Public Information Law; Corporate Law; Health Care Law; Insurance and Insurance Defense; Negligence Law; Real Estate Transactions; Contract Development and Public Procurement; Labor and Employment Law; Employment Relations, including Employee Discipline and Termination; Labor Negotiations and Grievances; Unfair Labor Practice Complaints; Fair Labor Standards Act; Montana Wage and Hour and all Related Regulations; Constitutional Matters; Civil Rights Law; Training For Administrators and Other Employees; Federal and State

Discrimination Law; Personnel Complaints and Other Employment Matters; Complaints with the Montana Human Rights Bureau and the EEOC; and Criminal Prosecution/Criminal Litigation.

Our Firm – Our Lawyers and Expertise

Our law firm has been in existence for over 35 years as the successor to a firm in business for approximately 60 years. Our attorneys have over 150 years of combined legal experience. We maintain an “A” rating with Martindale-Hubbell, the national institution which rates all law firms and attorneys. Martindale-Hubbell’s “A” rating is the highest possible rating awarded by that institution. We are also listed, by invitation only, in A.M. Best’s attorney listing. These ratings show we are a well-established and reputable firm that provides quality services to our clients.

We are experienced in representing and counseling local governments and their employees. We have been regularly representing school districts across Montana since before 1980. We have represented the Billings School District, the largest in the state, continuously since the early 1980s and currently represent many school districts in central and eastern Montana. We also represent cities and counties. This extensive experience with local government operation makes us uniquely qualified to counsel you on matters of governance and compliance with state and federal constitutions and the myriad of federal, state, and local laws.

We employ attorneys with significant experience in local government operation and the operation of other institutions. Laurence Martin has been continuously representing school districts since before 1980 and has appeared multiple times before the Montana Supreme Court arguing cases on behalf of local government clients. Ken Frazier and Marilee Duncan have represented and counseled institutions large and small, public and private for many years. Martin Smith is experienced in the areas of bankruptcy, business law, and transactional matters.

Our associate, Ryan Browne, has experience in both civil and criminal litigation. He is prepared to handle the City’s prosecution needs. He prosecuted misdemeanor crimes in Justice Court as an intern for the Yellowstone County Attorney’s Office in 2009. He also prosecuted CVB violations (petty offenses and citations occurring on federal land) for the U.S. Government as a student intern with the U.S. Attorney’s Office in Missoula in 2009-2010.

Besides serving as the Forsyth City Attorney, I have worked for the State of Montana (as counsel to the Montana Office of Public Instruction) and local government (as in-house counsel for the Billings School District). I also served as the Billings School District’s human resource director, and therefore have a unique perspective on public employment and public employees. I can also offer experience on the state level, where I served in the Montana State Senate. During my term in the legislature, I served on the Senate Local Government Committee and worked closely with the League of Cities and Towns on issues before that Committee. I currently serve on the Yellowstone County Tax Appeal Board.

The result of this experience is a firm with lawyers who have as much local governance experience as any firm or organization in the state.

Because of the demands and needs of our public institution clients, we pride ourselves in being available to our clients. We strive to work in a collegial manner and, if one of us is not immediately available, another can assist. We also welcome cell phone communication and pride ourselves on timely responses to our client's legal needs. Some issues demand in-person service, and we routinely appear before local boards at regular and special meetings. We would also plan to attend your regular meetings if that would be helpful to the City Council.

Our Fees and Billing Details

Proposed Rate Structure

Attorney	Regular Billing Rate/Hour	City of Hardin Discount Rate/Hour
Jeff Weldon	\$225.00	\$191.25
Ryan Browne	\$195.00	\$165.75

The rates of other lawyers and legal staff would be also be discounted if called upon to work on City matters.

We normally charge on an hourly basis for our work. While we have been asked occasionally to represent clients on a retainer basis, we have found it is better to charge by the hour for services. Neither we nor the client is overcharged or underpaid for work performed.

In addition to professional fees, as is customary for law firms, we charge various costs and expenses incurred in providing services to you, including extraordinary computerized legal research, extraordinary document reproduction costs, special postage, travel expenses, and all other expenses directly related to your matters.

We normally render statements monthly. Our statements will show the services rendered and our professional fees and expenses. We close our books on the last day of each month, and the statement would be sent to you shortly thereafter. Payment of statements for professional services and for normal expenses and disbursements are expected within 30 days after receiving the statement. If this timeframe does not work for the City, please let us know, and we can adjust accordingly.

Occasionally, we will provide legal services for the City's insurer. In such cases, and with the authorization of your insurance company, we will directly bill the insurance company for services rendered in instances where the insurer has agreed to pay defense costs. Our fee structure in those instances is also by arrangement with the insurance company. We have worked closely with insurers for many years and normally have no difficulty making the appropriate arrangements. Our listing with A.M. Best is based upon our services as insurance defense counsel.

Our services to local governing boards over the years have been professionally rewarding for all of us. We pride ourselves on the relationships we have developed with our clients and would be happy to provide references at your request. I would also be happy to provide any additional information concerning the above proposal and am prepared to discuss any adjustments that may be mutually beneficial. Ryan and I would also be happy to meet with the Mayor and/or Counsel in person to discuss our proposal.

Thank you for the opportunity to provide this proposal.

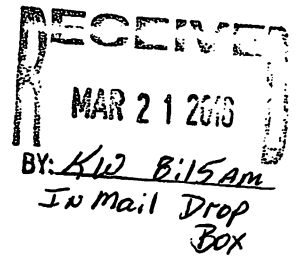
Sincerely yours,

A handwritten signature in black ink, appearing to read "Jeffrey A. Weldon". The signature is written in a cursive, flowing style with a large initial "J".

Jeffrey A. Weldon



Majel M. Russell • Georgette Boggio



March 18, 2016

Michelle Dyckman
Finance Officer/City Clerk
406 North Cheyenne Avenue
Hardin, MT 59034

Re: Proposal for Legal Services for the City of Hardin

Dear Ms. Dyckman:

Please accept this letter as Elk River Law Office's proposal to provide legal services for the City of Hardin. I reviewed the City's advertisement and note you seek an attorney or firm to provide civil legal services as Colstrip's City Attorney. I am excited to discuss the possibility of providing the services you seek since a substantial portion of Elk River's experience includes representing governmental entities.

In highlight, Elk River currently represents the City of Laurel as its Prosecuting Attorney pursuant to contract since 2014. As the contracted Prosecutor, this Firm provide representation in all criminal matters.

Further, Georgette Hogan Boggio served as Big Horn County Attorney for two terms. In that position, she provided civil legal representation of Big Horn County, including but not limited to, review and preparation of contracts, resolutions, ordinances, litigation and legal opinions. She worked closely with the Commissioners and the Department Heads regarding County policy. Also, she participated and assisted the County in negotiations with both labor unions. Lastly, she attend Commission meetings when requested.

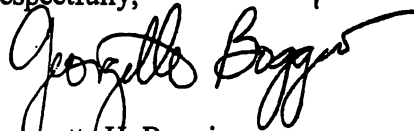
Elk River has established a standard hourly rate for services of \$200.00 per hour. However, Elk River is proposing to commit a certain number of hours of service per month at a flat rate per month which results in a reduction in fees. The specific proposal is for Elk River to provide general legal services for a flat rate of \$6500 for 40 hours per month of service. This sum shall cover all requisite taxes, overhead costs including support staff and office space, equipment expenses, and malpractice insurance. Any hours in excess of 40 hours per month will be billed at the Firm's current hourly rate of \$200 upon approval of the City. The Firm will be reimbursed monthly for extraordinary travel costs (approved travel outside the City of the Hardin), legal research on Lexis, printing costs, photocopies, and postage. Reimbursement of expenses shall be made upon submission of receipts for air travel, hotel, cab fare, car rental and other major items. Thank you for your consideration of this proposal and please understand that the above is negotiable.

March 18, 2016

Page 2

Thank you for the opportunity to submit this proposal for your consideration. We look forward to discussing this proposal at your convenience. The Firm's resume is incorporated herein for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Georgette Boggio". The signature is written in a cursive style with a long, sweeping flourish extending to the right.

Georgette H. Boggio

ELK RIVER LAW FIRM RESUME

I. INTRODUCTION:

Elk River Law Office P.L.L.P. is a professional partnership owned by Majel M. Russell and Georgette H. Boggio. Our firm is located in Billings, Montana and one of the Partners, Georgette Hogan Boggio, lives in Hardin, Montana. The Firm was established in 1996 and possesses over 30 years of combined legal experience.

II. OUR PARTNERS:

Majel M. Russell, Esq.
State Bar of Montana
Federal Bar Association
Admitted in all Montana Courts, Federal Courts, United States Supreme Court and Tribal Courts in Montana and Wyoming
J.D. – June, 1992, University of Montana

Georgette H. Boggio, Esq.
State Bar of Montana
Admitted in all Montana Courts
Montana U.S. District Court
Crow Tribal Court
J.D. – June 2000, Stanford University

III. ATTORNEY BIOGRAPHIES:

Majel M. Russell

Ms. Majel M. Russell was raised near Lodge Grass on the Crow Indian Reservation in Southeastern Montana. Ms. Russell graduated from the University of Montana School of Law in 1992. Ms. Russell currently practices in numerous areas of law including, real estate, agricultural leasing, water law, negotiations and civil litigation.

Upon her graduation from college, Ms. Russell worked for the Department of Health and Human Services as a Child Protective Services (CPS) Social Worker for both Yellowstone and Big Horn Counties.

Prior to opening Elk River Law Office, Ms. Russell was an Associate Attorney at Smith & Guenther, P.C. in Great Falls, Montana. At Smith & Guenther, Ms. Russell provided legal representation for numerous public housing authorities, represented school districts, private clients in civil litigation, and provided technical assistance, training, and representation for Indian Child Welfare Act issues. Prior to Smith & Guenther, Ms. Russell was Chief Prosecutor for the Confederated Salish and Kootenai Tribes where she prosecuted adult and juvenile offenders and Fish and Game violators. Ms. Russell now serves on the State of Montana Sentence Review Commission.

Georgette H. Boggio

Georgette Hogan Boggio was born and raised in Montana and is a graduate of Hardin High School. Upon graduation from Stanford Law School in 2000, Ms. Boggio worked for California Indian Legal Services under a NAPIL fellowship. Beginning in 2002, Ms. Boggio worked for Montana

Legal Services in Billings, representing victims of domestic violence. During this time, she was very involved with the Montana Coalition of Domestic Violence, including as a Board member. Through the Coalition, Ms. Boggio received extensive training on the dynamics of domestic violence and its impacts on women and children. Ms. Boggio went on to work for the Yellowstone County Attorney's Office, where she prosecuted misdemeanors and felonies. After being duly elected, Ms. Boggio served as the Big Horn County Attorney beginning in 2007. During her tenure as Big Horn County Attorney, Ms. Boggio established a Multi-Disciplinary Team (MDT), comprised of members from the County Attorney's Office, law enforcement, CPS, local mental health and medical clinics. The Big Horn County MDT provides a coordinated response to child victims of crime in Big Horn County and at that time led to a direct improvement of the Big Horn County Attorney Office's ability to prosecute crimes involving children. Ms. Boggio served as Big Horn County Attorney until her move to Elk River in early 2014. From 2014 until current, she has represented the best interests of children in dependency and neglect matters as a Guardian Ad Litem in Yellowstone County. Ms. Boggio also represents the City of Laurel as a Prosecutor. She sits on the Attorney General's American Indian Domestic Violence Fatality Review Team, which reviews fatalities related to domestic violence in Indian Country in an effort to improve service agencies' responses and prevent future fatalities.

IV. RELEVANT FIRM EXPERIENCE

This Firm has provided significant legal representation in Montana, North Dakota and New Mexico in the following areas:

- General Legal Counsel representation of governmental entities including review of contracts, mortgage agreements, employment law issues, drafting legal position documents, drafting resolutions, codes, ordinances, and conducting legal research;
- Advising governmental entities on land transactions including conveyances, leases, rights-of-ways, permits, exchanges and probate matters;
- Negotiating contracts and agreements on behalf of governmental entities;
- Prosecution of both felony and misdemeanor crimes.

V. PROFESSIONAL LIABILITY INSURANCE

Elk River has professional liability insurance with ALPS.

VI. DESIGNATION OF STAFF

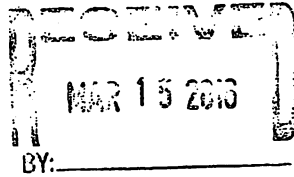
The Partner attorneys, Majel M. Russell and Georgette H. Boggio will be the primary contacts for the contract and will manage and direct legal services. The Firm is ready and able to provide quality and affordable legal services so that the demands of the Tribe's legal needs can be met. Our attorneys can appear on short notice when necessary and are readily available and can be reached twenty four hours a day if an emergency arises.



Knudsen & Knudsen, PLLC

Attorneys at Law

Jordan W. Knudsen
Hannah Scott Knudsen



March 15, 2016

The City of Hardin
406 North Cheyenne Avenue
Hardin, MT 59034

Dear Council Members:

This letter is submitted to express our interest in providing Professional City Attorney Services for the City of Hardin. We believe our firm would be a strong choice to serve the City of Hardin because of our office location in Hardin, our previous experience in county and city prosecution, and our previous service as general counsel to Roosevelt County and the City of Wolf Point.

Our firm consists of myself, Jordan Knudsen, and my wife, Hannah Knudsen. Our law firm possesses the experience needed to assist the City of Hardin in all of its operations. For more than two years, I worked as Deputy County Attorney in Roosevelt County, located in Wolf Point, in the heart of the Fort Peck Indian Reservation. As Deputy County Attorney, I prosecuted numerous misdemeanor and felony cases at the Justice Court and District Court levels, including several trials. While at Roosevelt County, our office entered into an Interlocal Agreement to provide criminal and civil legal services to the town of Wolf Point, as well as criminal legal services for the Town of Culbertson. I performed all of these duties while employed at Roosevelt County. I am familiar city court proceedings, with the ordinance process, human resources and employment issues, and any other matters that come before a city council.

Hannah currently practices general law, but was previously employed as a Legal Clerk to a Montana District Court Judge. This background provides great insight into Montana law and procedure. She also interned at the Big Horn County Attorney's Office during law school, assisting in the prosecution of misdemeanors. She is currently handling cases involving water law and minerals, and has attained an Indian Law Certificate from the University of Montana School of Law.

Hannah and I understand the local demography. I grew up on a farm and ranch just outside of Culbertson, Montana, next to the Fort Peck Indian Reservation, and

PO Box 450
Hardin, MT 59034

(406) 665-1600
jordanwknudsen@gmail.com

Hannah grew up on a ranch between Pryor and Saint Xavier on the Crow Indian Reservation. This background gives us an understanding of the operation of a rural agriculture city next to the Crow Indian Reservation, as well as an understanding of the legal interactions and relationships with county and tribal governments.

Having previously worked with the City of Wolf Point as legal counsel, I understand the various concerns that may arise when considering outside counsel. We know that some council members may want outside counsel to keep track of hours and submit a monthly bill, while others would prefer paying a flat rate no matter how many hours accrue. We also know the importance of attending all meetings in person, and we would make such attendance a priority.

As such, we submit two proposals for your consideration, both of which are negotiable or amendable. Our normal billing rate is \$175, which is on the lower end for attorneys in Montana, please keep that in mind when you consider our proposals below. We prefer Proposal 1, as it allows the City to review the amount of hours worked and adjust accordingly. We feel that Proposal 1 lets the City better understand the amount of legal work performed on their behalf each month, and assess that value. However, we also submit Proposal 2 as another possible arrangement.

We thank you for your consideration, and look forward to the opportunity of serving you.

Sincerely,



Jordan W. Knudsen

PROPOSAL 1

The City of Hardin enter into a 2 year contract with Knudsen & Knudsen, PLLC for professional attorney services at the rate of \$5,000 per month for the first four months. This rate allows for unlimited attorney services during the first four months for prosecution, general counsel to the City, and any civil representation needed in any court in which we are licensed to practice. Knudsen & Knudsen would keep track of all hours worked for the City's records. Knudsen & Knudsen, PLLC would submit a record of all hours worked to the City on a monthly basis for the first four months. The amount of \$5,000 is based upon an estimated 10-15 hours of civil representation, including attendance of all City council meetings, and approximately 20-25 hours of criminal prosecution services per month.

There will be no additional charges or reimbursements for travel, either mileage or hourly. Hours recorded and submitted to the City will be actual billable hours worked.

The amount of \$5,000 per month shall be reconsidered after 4 months, based upon actual hours worked and submitted to the city council. After averaging actual hours worked over 4 months, the monthly rate shall be adjusted to the following:

	<u>New Rate</u>	<u>Approx. Hourly Rate</u>
If less than 20 hours per month:	\$3,000/mo	\$150/hr
If 20-40 hours per month:	\$4,200/mo	\$140/hr
If 40-60 hours per month:	\$6,000/mo	\$120/hr
If more than 60 hours per month:	\$7,000/mo	\$116/hr

The hourly average shall be reviewed every 6 months and adjusted to the schedule above. Knudsen & Knudsen, PLLC shall continue to provide monthly hourly records to the City for the remainder of the contract. This contract would guarantee a minimum of \$3,000 per month paid to Knudsen & Knudsen, PLLC for the life of the 2 year contract.

This contract would allow the attorneys of Knudsen & Knudsen, PLLC to continue to practice law privately. Knudsen & Knudsen, PLLC would be allowed to work from their own private office, as well as utilize any space provided by the City for city related work. Knudsen & Knudsen, PLLC would have full access and use of all City employees and facilities associated with the normal daily operations of a city attorney's office, if any, for city related work. The city would provide no benefits such as healthcare or retirement.

Knudsen & Knudsen, PLLC, would assign Jordan Knudsen as the attorney for these services, but would be allowed to substitute Hannah Knudsen, or an other attorney under its employment to provide services when needed.

PROPOSAL 2

The City of Hardin enter into a 2 year contract with Knudsen & Knudsen, PLLC for professional attorney services at the rate of \$175 per hour. Hours recorded will be actual billable hours worked. There will be no hourly rate charged during travel time. There will be no mileage charged for any travel within the City of Hardin and for travel to and from any City Council meetings held in the City of Hardin. There will be a charge of \$.50 per mile if travel outside of City of Hardin for other City legal requirements. Knudsen & Knudsen, PLLC will submit a monthly bill to the City to be paid in full each month.

This contract would allow the attorneys of Knudsen & Knudsen, PLLC to continue to practice law privately. Knudsen & Knudsen, PLLC would be allowed to work from their own private office, as well as utilize any space provided by the City for city related work. Knudsen & Knudsen, PLLC would have full access and use of all City employees and facilities associated with the normal daily operations of a city attorney's office, if any, for city related work. The city would provide no benefits such as healthcare or retirement.

Knudsen & Knudsen, PLLC, would assign Jordan Knudsen as the attorney for these services, but would be allowed to substitute Hannah Knudsen, or an other attorney under its employment to provide services when needed.

Jordan Knudsen
PO Box 450, Hardin MT 59218

406-665-1600

jordanwknudsen@gmail.com

EDUCATION

University of Montana School of Law

Juris Doctor

GPA 3.44

Activities: President of Student Bar Association, 2012-2013, Vice-President of Student Bar Association, 2011-2012, Treasurer of Rural Advocacy League, 2011-2012, Treasurer of Federalist Society, 2011-2012

Advanced Trial School: Certificate received in program presented by UM Law faculty and leading trial attorneys from across Montana, 2012

UM Trial Team: Witness and Counsel, 2012

Missoula, MT

May 2013

Montana State University

Bachelor of Science in Anthropology, History Minor

Honors Degree, University Honors Program

GPA 3.75

Honoraries: Lambda Alpha Honor Society for Anthropology Majors, National Society for Collegiate Scholars, Golden Key International Honor Society, Gamma Beta Phi National Honor Society, Dean's List, President's List, Graduated with Honors

Bozeman, MT

May 2006

EXPERIENCE

Knudsen & Knudsen, PLLC, Hardin, MT

January 1, 2016 to present

Attorney at Law

- o General Private Practice Law, State of Montana
 - Includes Oil and Gas Law, Civil Law, Criminal Law and Water Law
- o Practice in Fort Peck Tribal Court, Poplar, Montana
- o Practice in Northern Cheyenne Court, Lame Deer, Montana
- o Special Custer County Deputy County Attorney - Felony Prosecutions

Roosevelt County Attorney's Office, Wolf Point, MT

September 2013-October 2015

Deputy County Attorney

- o Prosecuted for City of Wolf Point, Town of Culbertson, and Roosevelt County
- o General Civil Counsel for City of Wolf Point and Roosevelt County
 - Includes Experience Drafting County and City Ordinances
 - Includes advising Roosevelt County Commissioners and City Council of Wolf Point
- o Practiced civil and criminal law in Justice Court, City Court and Montana District Court
 - Includes multiple jury and bench trials
- o Defended Roosevelt County in Election Law case in Montana Federal District Court

County of Missoula, Missoula, MT

September 2012- May 2013

Clinic

- o Prosecution of Traffic violations in Justice Court including DUI, speeding, open container, and minors in possession, and violation of Montana Medical Marijuana Act.
- o Prosecution of Misdemeanors.
- o Research into appeal process from Justice Court to District Court.

O'Toole Law Firm, Plentywood, MT

May 2011-August 2011

Legal Clerk

- Conducted research for various cases including research on topics of oil and gas law, property law, family law, and criminal defense.
- Part of preparation of many Drilling Title Opinions for presentation to the Montana Board of Oil and Gas Conservation.

LICENSURES

- Admitted to practice law in the State of Montana
- Admitted to practice law in Montana Federal District Court
- Admitted to practice law in Fort Peck Tribal Court (practicing Pro Hac Vice, admission pending bar exam results of February 2016)
- Admitted to practice law in Northern Cheyenne Court
- Will take Crow Tribal Court Bar Exam July, 2016

REFERENCES

Sheriff Jason Frederick

Roosevelt County, Montana
416 1/2 2nd Avenue South
Wolf Point, Montana 59201
406-653-6216

Tierra Erwin

Roosevelt County Attorney's Office
400 2nd Avenue South, Suite A
Wolf Point, Montana 59201
406-653-6295

Terrance Toavs

Attorney at Law
429 2nd Avenue South
Wolf Point, Montana 59201
406-653-1624

Chris Dschaak

Mayor of Wolf Point
Wolf Point City Office
201 4th Avenue South
Wolf Point, Montana 59201
406-480-0365 (cell)