

DAMIEN F. TOVEN & ASSOCIATES

A LIMITED LIABILITY COMPANY

Date: September 19, 2024

ATTN: Michele McPherson
City Administrator
City of Princeton
705 N. 2nd St.
Princeton, MN 55371

RE: Legal Services

Dear Michele;

I have had a chance to review my records and the following is a breakdown of relevant information for your consideration.

Any time that I put into work above and beyond the retainer amount is written off on my end. The write off information for the past 3 years is as follows:

2022 = \$37,253.00
2023 = \$38,456.00
2024 = \$24,945.00 (Through August)

Approximate Monthly Write Off for 2022 = \$3,432.00
Approximate Monthly Write Off for 2023 = \$3,204.00
Approximate Monthly Write Off for 2024 = \$3,118.00

I would like to try and adjust the numbers so as to bring me a bit closer to actual time for services provided, but I fully expect there will continue to be writeoffs on my end as that is the nature of city service contracts. Part of this will include increasing the hourly rate to \$175.00 to be in line with my other cities.

By way of further reference, when I took over as City Attorney 18 years ago, the annual monthly retainer for criminal matters was \$3,800.00 and the hourly rates was \$135.00. When I began, I was of counsel with the firm that had the contract and they did not really address increased workload. In the intervening years, my court time has gone from hearings 3 or 4 days a month, to 3 or 4 days a week. This is based, in large part, on how Mille Lacs County has changed their calendaring system as well as accelerating the processing of cases and trying to bring them to closure much sooner, in addition to the increase in volume that comes with increase in population, etc...

My current contract was enacted at the tailend of COVID, and I did not want to place a greater burden on the cities I represent so I kept all the city contracts at the same level. However, over the past 3 years, my overhead has increased by approximately 25%.

I would also note that, pursuant to the information I was able to obtain from the State Court Administrator, I have been able to generate fine and penalty revenue for Princeton in the amounts of \$28,646.12 for the time period of July 1, 2021 through June 30, 2022; \$42,602.06 for the time period of July 1, 2022 through June 30, 2023 and \$46,178.82 for the time period of July 1, 2023 through June 30, 2024.

In an effort to spread the numbers out so as to not cause too much of a strain on the City, I would ask you consider the following:

Beginning January 1, 2025, the civil retainer portion of the contract would increase to \$2,500.00 per month and the criminal retainer portion of the contract would increase to \$5,000.00 per month and then on January 1, 2026, the criminal retainer portion of the contract increase to \$6,000.00 per month. That amount would remain the same for 2027. The civil portion of the contract would remain at \$2,500.00 per month for all of 2025, 2026 and 2027.

I am happy to discuss this further with you if you have any questions or concerns.

Sincerely,

Damien F. Toven

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