



TO: City Council
FROM: Stefanie Stalheim, City Attorney
DATE: May 6, 2024
SUBJECT: **Appointment of Special City Attorney, Stephanie Davis**
Municipal Court Case Nos. MI-2024-CR-00364/MI-2024-TR-01277/1278
Transfer to District Court pending

I. RECOMMENDED ACTION

- A. Consent and approve of the appointment of Stephanie Davis, Assistant Ward County States Attorney, to act as Special Assistant City Attorney in Minot Municipal Court Case Nos. MI-2024-CR-00364, MI-2024-TR-01277, and MI-2024-TR-1278.
- B. Authorize the City Attorney and Mayor to sign any necessary paperwork to complete the appointment.

II. DEPARTMENT CONTACT PERSONS

Stefanie Stalheim 857-4755

III. DESCRIPTION

- A. Background
A city staff member was issued citations in the above captioned cases. Given the same, a conflict has arisen in regard to our ability to prosecute the matter.
- B. Proposed Project
The City Attorney recommends retaining outside counsel to prosecute this matter on behalf of the City.
- C. Consultant Selection
The City Attorney contacted the Ward County State's Attorney's Office and Assistant Ward County State's Attorney Stephanie Davis indicated she would be willing and available to prosecute this matter for the City.

IV. IMPACT:

- A. Strategic/Service/Delivery Impact:
Approving the appointment will allow prosecution of this matter to continue without delay.
- B. Fiscal Impact:
Any anticipated expenses will be limited to actual costs (ex: travel, cost to create exhibits, etc.) and should be able to be absorbed by the existing City Attorney budget.

V. CITY COUNCIL ASPIRATIONS

Adopting the proposed recommendation and continuing prosecution of this case without delay achieves the City Council's aspirations to stay safe, welcoming, resilient, and prepared.

VI. ALTERNATIVES

- A. The City Council could direct the City Attorney to locate alternate conflict counsel.
- B. The City Council could direct the City Attorney not to retain conflict counsel.

VII. TIME CONSTRAINTS

The defendant has retained defense counsel, who has removed this matter to District Court. The City Attorney recommends appointing conflict counsel appointed in this matter within the month to ensure we have counsel available to prosecute this matter and respond to any motions that are filed.

VIII. LIST OF ATTACHMENTS

- A. *Appointment of Special Assistant City Attorney*
- B. *Appointment and Oath of Special City Attorney (pleading)*