BRICK GENTRY P.C.
ATTORNEYS & COUNSELORS at LAW

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October 23, 2019

City of Council Bluffs
Attn: Richard Wade, City Attorney
209 Pearl Street
Council Bluffs, IA 51503

RE: Proposal for Union Negotiation Services

Dear Mr. Wade:

This letter of interest from Brick Gentry, P.C. is in response to the City of Council Bluffs' request for a proposal to provide union negotiation services to the City. Included in these materials are the qualifications of the firm's municipal attorneys and an overview of the legal services the firm provides to other Iowa municipalities.

I. Firm Background and Experience

Brick Gentry P.C. is one of Iowa's premier municipal law firms, providing services to cities, counties, and municipal corporations for the past fifty (50) years. The firm appreciates the opportunity to submit this proposal to represent the City of Council Bluffs and would suggest that Matthew Brick serve as the primary contact with the City—while allowing the City to draw upon the expertise of the other attorneys within the firm located in West Des Moines, Iowa.

Brick Gentry P.C. provides full-service City Attorney services for a number of cities, including:

- Ankeny,
- Denison,
- Indianola,
- Muscatine,
- Newton,
- Nevada,
- Waukee, and
- Windsor Heights.

In addition, Brick Gentry P.C. handles employment and labor issues for all of the above cities, as well as:

- Ames,
- Corning,
- Hartford, and
- Pleasant Hill.

Along with the firm's broad depth of service to cities, Brick Gentry P.C. handles matters for a number of counties and represents many municipal corporations, such as:

- Council Bluffs Water Works,
- Dallas County Assessor,
- Des Moines Area Regional Transit,
- Indianola Municipal Water and Electric Utilities, and
- Metropolitan Waste Authority.

Brick Gentry P.C. has a broad area of municipal experience: with regard to employment and labor law services, the firm: (a) attends and negotiates collective bargaining agreements; (b) provides grievance resolution services; (c) acts as defense counsel for the City before any court or administrative agency; (d); provides legal services with regard to the Iowa Public Employment Relations Board rules and proceedings and Iowa Civil Service statutes; and (e) counsels City personnel on employment matters.

The attorneys at Brick Gentry P.C. have years of experience providing employment and union advice to municipalities across Iowa. This past year alone, the attorneys have been involved in dozens of employment matters from negotiating collective bargaining agreements to defending clients in grievance, civil service and civil rights matters. Brick Gentry P.C. has defended current clients in employment matters before the Public Employment Relations Board, the Iowa Civil Rights Commission, the Equal Employment Opportunity Commission, as well as both state and federal courts.

Brick Gentry P.C.'s motto is "we put clients first," and that method of serving our clients has led us to over half a century of service in Iowa. Timeliness of response and accessibility to our clients are important aspects of how we operate. The firm's counsel can be promptly reached via telephone, cell phone or electronic mail and are available to attend meetings in person on short notice. The firm is able to work cooperatively with the City's legal department and to coordinate with other counsel, as needed, to assure proper management of legal issues and proper transmission of information among counsel.

II. References

While the City of Council Bluffs is encouraged to contact any government entity we represent for references, the following three contacts are provided below in which we have provided recent labor negotiation and/or municipal employment law services:

City of Indianola
Melissa McCoy – Human Resource Director – (515) 961-9410
The City had three unions: Indianola Municipal Utilities, Public Works and Police Department. In 2017, the firm negotiated multi-year collective bargaining agreements for the Utilities and Public Works unions. In addition, the firm assisted the City with the decertification of the Police Department union and the appeal of said decertification.

City of Muscatine
Stephanie Romagnoli – Human Resources Director – (563) 264-1550
The City has three unions: Fire Department, Police Department and Public Works. In 2014, the firm negotiated five (5) year contract for all the City's unions. Additionally, in the eight (8) years this firm has served as the City's attorney, the City has won every Civil Service case to date.

City of Polk City
Lindsey Huber – Assistant City Administrator/Finance Director – (515) 984-6233
Their police department unionized three (3) years ago and the firm guided the City through the process. The firm recently helped the City to negotiate a two (2) year collective bargaining agreement for less than what the City had budgeted.

III. Qualifications

While the firm retains numerous municipal attorneys, the following specialize in labor and employment law municipal services:

Matthew S. Brick (Partner)
For almost two decades, Matt Brick has been providing legal guidance for a number of cities in many areas including but not limited to civil rights law, public collective bargaining contract matters, and general employment law.

Erin M. Clanton (Partner)
The majority of Erin's practice is focused on the representation of municipalities as well as a variety of employment matters during her over ten years of legal experience.

Michael W. Heilman (Partner)
Michael counsels public sector employers in employment- and labor-related issues, including anti-discrimination practices, contractual and workplace policy matters, worker's compensation and personnel management.

Katherine Hanson (Paralegal)
Katherine has almost ten years of paralegal experience and specializes in employment and labor law. She performs legal research, offers legal opinions and drafts complex responses to administrative agencies and courts.

IV. Proposed Costs

The standard rate charged to clients is three hundred dollars ($300) per hour for partners, two hundred dollars ($200) per hour for associates, and one hundred ($100) dollars per hour for law clerks and paralegals. ***While this is the Firm's standard rate, we offer a reduced rate to our municipal clients—such as the City of Council Bluffs—which would be one hundred fifty dollars ($150) per hour for all attorney services, including civil litigation, and seventy-five dollars ($75) per hour for all services performed by paralegals and law clerks.***

Fees for services rendered will be based on the reasonable value of those services as determined in accordance with the American Bar Association and Iowa Rules of Professional Conduct. Time is billed in tenths of an hour with a minimum charge of three tenths for telephone calls. In an effort to reduce legal fees, we use paralegal personnel and student law clerks when appropriate. Time devoted by paralegals and law clerks to client matters is charged at hourly billing rates and are specifically listed above.

As for the City of Council Bluffs specific labor needs—since the Iowa labor laws changed in 2017, it has typically taken no more than two or three sessions to negotiate a non-public-safety contract. We understand that the City would like to add back into the non-public-safety agreements a number of permissible provisions. This may require an extra one or two sessions to accomplish. As for public safety, it has generally taken between four and six sessions per contract. If the City would like to make significant changes to those agreements, it would likely require an additional one or two sessions per contract. Planning to do multiple sessions per day to minimize travel, it would be anticipated that we would need to spend six (6) days total at a cost of approximately nine to ten thousand dollars ($9,000 to $10,000) for negotiations. We have not had to go through impasse procedures since the changes to the law, so this proposal does not include the cost of mediation or arbitration if those are necessary.

Brick Gentry P.C. understands that the City has issues and concerns unique to it and we will provide only those services actually requested. Given the distance between the City and the firm, it is expected that—similar to our practice with other municipalities located throughout Iowa — we will utilize teleconferences and electronic communication as much as possible to reduce travel costs. Ultimately, if the firm is chosen for this proposal, it is expected the scope of services and proposed costs will be further defined by the City Council prior to entering into a contract with the firm.

Should the City have any questions or need any additional information concerning this proposal, please do not hesitate to contact us. Again, thank you for considering Brick Gentry P.C. to provide labor legal services.

Sincerely,

MATTHEW BRICK
matt.brick@brickgentrylaw.com