

CITY OF ELMA

REQUEST FOR PROPOSALS FOR CITY ATTORNEY SERVICES

I. Proposal Due Date:

The City of Elma invites written proposals for contracted City Attorney services. Proposals are due to the City Clerk's Office by 12:00 p.m (noon) on October 31st, 2018. Faxed or emailed proposals should be submitted by that same time on that date to assure proper receipt.

II. General Information:

2.1. The City is soliciting the interest of qualified professional law firms or individuals to provide a full range of municipal legal services serving as the City's legal counsel on an on-call contractual basis.

2.2. The City seeks services encompassing the traditional scope of work including legal counsel, opinions, consultation and coordination with special counsel. Further information is provided in the subsequent sections of this Request. Attendance at a variety of meetings will be required, including staff meetings and Council meetings as specified. This will include prosecuting services.

2.3. For additional information you may contact Diana Easton, City Clerk-treasurer at 360-482-2212 or e-mail at the following address:

diana@cityofelma.com

2.4. Proposals may be mailed, faxed, emailed to Ms. Easton, or hand-delivered to the City of Elma's Office of the Clerk-treasurer.

2.5. Restrictions on communications and requests for information may be further delineated within the RFP package. All communications are to be directly through the City Clerk-treasurer and under restricted conditions.

2.6. The City anticipates the attorney to be selected through this process and available to commence provision of services no later than January 1, 2019.

2.7. The City reserves the right to reject any or all proposals or waive technicalities or irregularities, and to accept any

proposal if such action is believed to be in the best interest of the City.

2.8. The City reserves the right:

A. to award the contract to that proposing law firm which best meets the needs and interest of the City, &

B. to negotiate all elements of the successful proposal to ensure the best possible consideration is afforded to all concerned. This reservation shall include that, the during negotiations of a final agreement, either party may offer and the other party may accept revisions to the submitted proposal.

III. Minimum Qualifications:

3.1. The City anticipates that submitted proposals will identify a lead City Attorney who will provide legal services part-time on Elma City business. The City anticipates one or multiple assisting attorneys, depending upon the size, structure, specialties, and preferences of the proposing firm. Proposers are welcome to submit alternative approaches, but this is the model the City anticipates to be most successful to City practices.

3.2. Each attorney submitting a proposal or associated with a firm submitting a proposal must possess a Juris Doctorate degree, have graduated from a law school accredited by the American Bar Association and a member in good standing of the Washington State Bar Association.

3.3. The proposed designated City Attorney must have a minimum of three years experience in the field of municipal law with particular experience in the following areas:

- A. Governance under the provisions of Title 35A.
- B. Litigation
- C. Prosecution or defense of criminal charges
- D. Land Use

IV. General Information: For information about the City of Elma, visit <http://www.CityofElma.com>.

4.1. The City of Elma operates under the laws applicable to a code city as per the provisions of RCW Title 35A (the Optional

Municipal Code) with a seven member Council and an elected Mayor form of government.

4.2. The City has six central departments (Financial Management, Police, Fire, Municipal Court, Community Development, Public Works/Utilities). The Mayor has the general management duties in relation to the Departments.

4.3. Each department consults directly with the City Attorney for advice and counsel.

4.4. The Mayor manages the legal services for the City. Individual departments or Council members may initiate or request the provision of services, although the Mayor retains the core responsibility for legal functions, coordination of these services, and the legal budget.

4.5. The City currently utilizes the services of a professional Hearing Examiner for certain land-use matters. It is anticipated the City Attorney may be required to participate in matters heard by the Examiner.

V. Scope of Work:

5.1. Provide on call legal advice, counsel, services, training, consultation, and opinions to the Mayor, City Council, Boards and commissions, and all levels of the City government, on a wide variety of civil assignments, including but not limited to land use planning, laws against discrimination, construction of public works, purchasing and procurement, leasing, purchase and sale of property, employment legal matters to the extent such matters are not handled by special counsel, public disclosure issues, and tort law. The City Attorney's advice includes methods to avoid civil litigation.

5.2. Furnish legal representation at City Council meetings and at other meetings when requested.

5.3. Appear before courts and administrative agencies to represent the City's interests.

5.4. Prepare and review ordinances and resolutions, contracts and other documents for legal correctness and acceptability.

5.5. Coordinate with special counsel, as needed, to assure proper management of legal issues and proper coordination and transition of legal issues among special counsel.

5.6. Assist City officials and employees to maintain awareness of ethical standards and appearance of fairness standards, and to avoid potential conflicts of interest, prohibited transactions and the appearance of prohibited transactions.

- 5.7. Assist officials and employees to understand the legal roles and duties of their respective offices and interrelationships with others.
- 5.8. Provide the Mayor and Council with guidance as to Robert's Rules of Order and related procedural matters relating to Council meetings.
- 5.9. Prepare legal opinions at the request of the Mayor or the Council.
- 5.10. Provide the Mayor, Council, and administration a legal perspective and advice on various governmental issues.
- 5.11. Perform other legal services and tasks requested by the Mayor, City Administrator, or Council.
- 5.12. Provide prosecution services for all matters filed in the Municipal Court and any appeals from a matter heard in that court.

VI. Time Commitment:

- 6.1. It is anticipated the appointed City Attorney will attend City Council business meetings. These are scheduled for the first and third Mondays of each month, from 6:00 p.m. until close, which could typically be 7:30 p.m.
- 6.2. The City Attorney may also be requested to attend some City Council Work Sessions, as well as meetings of the Civil Service Commission or other bodies. Attendance may be for a portion of or for the entire meeting.
- 6.3. The City Attorney is a member of the risk management team and will work with the City's Clerk-treasurer and Mayor in coordinating services with the City insurance provider.
- 6.4. The City Attorney must be available by phone, cell phone, fax and e-mail.
- 6.5. Timeliness of response and accessibility to the City Attorney is an important aspect of the service. Accessibility and responsiveness for the proposed designated City Attorney is of importance, although these elements will also be considered in relation to assistant attorney(s) as well.

Accessibility includes the ability to be generally available to attend meetings in person on short notice and the ability to be reached promptly by telephone. The City does not offer space for offices in a City location.

VII. Contract:

7.1. The City anticipates the provisions of services under a one [1] year contract, with an automatic renewal unless either party gives the other party written notice of a desire to terminate at least ninety (90) days prior to the end of the year.

Due to the nature of the relationship, the City will retain the right to terminate the contract without cause or explanation at any time during its term by providing written notice of termination at least sixty (60) days prior to the date of termination if other than the end of the annual term.

7.2. A sample contract and terms and conditions is set forth at the end of this document. *Note: the City expects all submitting firms to consent to the City contract, terms and conditions. Exceptions desired must be noted in the proposal submittal. The City reserves the right to revise the stated contract terms and conditions prior to contract signature.*

VIII. Submission of and Consideration of Proposals:

8.1. Schedule: The City anticipates the following schedule. This is for information only and will be adjusted as needed. Proposers are encouraged to be available for interviews on a convenient date in the month following the date for final submission of proposals.

RFP Release Date: October 15, 2018

RFP Submission: October 31, 2018

Interviews: Held during the month of November, 2018.

Anticipated Start: On or before January 1st, 2019

8.2. Provision of Responses: Please provide two [2] copies of a written response, responding to each inquiry in the order below. Please attach a list of the names and Washington State Bar Association membership number with the original proposal.

8.3. Proposals should be prepared simply, providing a straight forward, concise description of provider capabilities to satisfy the requirements of the request. Emphasis should be on completeness and clarity of content. Items such as special bindings, color displays, glossy finishes, photographs and promotional materials are not desired.

A. Firm Information: Please complete and submit a document setting forth the address and members or employees of your firm admitted to practice in the State of Washington. For each attorney, provide a summary setting forth their date of admission to the Bar and the general nature of their practice.

B. Firm Experience: Provide a narrative description of the firm. This is to include a summary of the general experience of the firm with an emphasis on municipal law experience. Identify other municipal clients, provide examples of experience with municipal issues including land use, zoning, environmental law, ordinance and resolution analysis and preparation, preparation of agreements including inter-local agreements, public works, personnel, labor relations, and other municipal specialties.

C. Name and describe the attorney or attorneys proposed to provide services to the City. Clearly identify the attorney intended to be designated as the City Attorney.

1. Provide a resume or similar description for each attorney named, with reasonable detail as to the experience and qualifications in municipal law.

2. Provide no less than three references for the lead City Attorney. The City prefers references that include municipal government experience. Inclusion of the reference in your proposal constitutes an agreement that the City may contact the named reference. The City may contact any companies or individuals, whether offered as references or otherwise, to obtain information that will assist the City in evaluating the qualifications of the individuals who may be involved in the provision of services. The City retains the right to use such information as part of its selection process. Submittal of a proposal is agreement that the City may contact and utilize such information.

D. Fee Structure: The compensation anticipates an established monthly amount for most services, an hourly rate for

prosecution services, and an hourly rate for services provided outside of the retainer.

City reserves the right to negotiate terms as needed to improve elements of this document or any proposal submitted to best meet the needs of the City, including cost.