

CITY OF SHELTON REQUEST FOR PROPOSALS

CITY PROSECUTOR

INTRODUCTION

The City of Shelton is located just 25 minutes northwest of Olympia on the shores of Oakland Bay. As the Mason county seat Shelton is a full service city providing a wide range of municipal services for 10,700 residents. The community is rich in history, culture, and natural beauty. Shelton is a gateway to the spectacular Olympic Peninsula where residents and visitors alike enjoy the numerous outdoor sports and recreational opportunities. Shelton is proud of its unique character and small-town feel. It is our goal to create a results-driven and diverse leadership team of committed individuals with a passion for public service who are deeply aligned with our City's values and mission. Shelton is led by a Council Manager form of government. The Council consists of seven members who serve four year terms and who elect a Mayor from their ranks. An appointed City Manager oversees the operations of the City. The City offers a full range of police, fire, ambulance, streets, water, sewer, parks, planning, code enforcement, and administrative services, supported by 104 employees with a 2021 general fund budget of about \$12.3 million. The City has contracted for City Attorney services and intends on maintaining that agreement for the purposes of specialized municipal legal representation services, which are not subject to this Request for Proposals ("RFP"), this RFP is for municipal prosecution services only.

SCOPE OF WORK: CITY PROSECUTOR

City Prosecutor services fall into four categories:

1. Criminal prosecution in municipal court;
2. Traffic infractions;
3. Animal Control issues; and Code enforcement administrative and court hearings.

The attorney/firm selected as Prosecutor will be responsible for all aspects of municipal, misdemeanor, gross misdemeanor, and civil infraction prosecutions in the Shelton Municipal Court, Animal Control issues, and Code Enforcement, including:

1. Making filing decisions on criminal cases, with input from City police, to include consideration of appropriate referrals for felony charges in Superior Court.
2. Advising City police on the conduct of investigations, trial preparation, seizures, and related matters.
3. Interviewing witnesses and victims of crimes.
4. Representing the City at arraignments, pretrial hearings, bench and jury trials, post-conviction hearings, probation violation hearings, deferred sentence revocation hearings, deferred prosecution revocation hearings, legal financial obligation review hearings, warrant review

hearings, conditions of release and bail review hearings, and appeals in connection with criminal misdemeanor and gross misdemeanor cases and certain contested infraction matters, and traffic infractions upon request.

5. Making appropriate sentencing recommendations and decisions to the court. Engaging in appropriate settlement discussions with opposing counsel and pro se litigants in both civil and criminal matters.

6. Preparing and presenting legal memoranda, subpoenas, jury instructions, proposed orders, and other related materials.

7. Providing legal research, training, and assistance to City police in criminal matters, including statutory interpretation, enforcement issues, and case decisions.

8. Representing the City at administrative and court hearings on code enforcement related civil infractions, animal control, code enforcement, forfeiture, and related matters.

9. Creating, obtaining, and maintaining appropriate files and records in accordance with the rules of professional conduct and Court Rules.

10. Preparing reports at least quarterly to the City Manager regarding prosecutorial workload, efficiency, timeliness, and outcomes.

11. Cooperation in an annual performance evaluation by the City Manager and in responding to any complaints about the conduct of the Prosecutor and the provision of legal services to the City.

12. Hiring and maintaining adequate law firm staff as needed to perform duties under the contract.

13. Obtaining interpreter services as needed to properly prepare for hearings and performance of other duties.

PROPOSAL REQUIREMENTS

In a narrative not to exceed ten (10) standard letter-sized single-sided pages, please provide:

1. Description of your law firm/private attorney practice (including professional qualifications of all individuals who will provide services).

2. Description of your understanding of the type and level of services required, and of your capability of providing such services, including:

a. Experience and knowledge of Washington State rules of procedure, evidence, motion practice, discovery practice, ethics, trial preparation and trial technique and practice.

b. Knowledge of criminal law and criminal procedure, including the right to counsel and forfeiture laws.

c. Litigation experience, including descriptions of representative cases and outcomes (excluding any privileged information).

- d. Experience drafting briefs, memoranda, and agreements.
 - e. Experience working with police personnel and criminal defense attorney's.
 - f. Experience handling a high-volume case load.
 - g. Experience managing staff, including description of current or anticipated staff.
 - h. Knowledge of code enforcement proceedings.
 - i. Knowledge of civil forfeiture proceedings.
 - j. Knowledge of appellate practice, including rules and practice.
 - k. Experience working with pro se defendants.
 - l. Knowledge of legal financial obligations, deferred sentences, stipulated orders of continuance, and deferred prosecutions.
3. Compensation structure for proposed services (per case, flat fee, combination, etc.).
 4. Transition plan for proposed services, if your firm is not currently Shelton's provider of prosecution services.
 5. A list of at least three references regarding professional reputation and qualifications of the law firm/attorney. At least one reference must be from a municipality or county in Washington for which the law firm/attorney has provided similar prosecutorial and/or defense legal services.
 6. Disclosure of any pending litigation, investigations, or judgments rendered against the law firm/private attorney in any matter relating to professional activities of the firm, including any pending complaints to the Washington State Bar Association. In addition, disclose past complaints to the WSBA occurring within the past ten (10) years, including the outcome of such complaints. Applicant may provide up to two (2) additional pages to explain the outcome of such complaints.

SPECIFICATIONS:

Typically, the Shelton Municipal Court is in session:

Mondays 1:30 PM In-custody (weekend arrests) with Public Defender

2:00 PM Arraignments/Warrant Quashes with Public Defender

Tuesdays 1:30 PM In-custody hearings with Public Defender

1st and 3rd Tuesdays 2:00 PM Contested and Mitigated Infractions/Show Proof Hearings

Wednesdays 8:30 AM Criminal Docket with Prosecutor and Public Defense

1st and 2nd Thursdays 1:30 PM in-custody hearings

2nd and 4th Thursdays 1:30 PM Trial Call Docket and in-custody hearings

Fridays 8:30 AM Jury Trials, if not settled. 11:00 AM in-custody hearings

Detailed information indicating the volume and nature of the City's prosecutions can be found at <http://www.courts.wa.gov/caseload/>. (data is located under the Courts of Limited Jurisdiction)

The Prosecutor, or comparable staff attorney, must be available promptly by phone, cell phone, fax and e-mail.

MINIMUM QUALIFICATIONS:

1. Each attorney in the proposed team must possess a Juris Doctorate degree and have graduated from a law school accredited by the American Bar Association.
2. Each attorney in the proposed team must be a member in good standing of the Washington State Bar Association.
3. The proposed designated Prosecutor should have a minimum of five years of experience in prosecution and code enforcement support.
4. Each attorney in the proposed team must possess insurance for general commercial, professional liability, and automobile liability in amounts satisfactory to the Washington Cities Insurance Authority, which would generally be met by the standards set forth in ADM.21 for services contracts.

CONTRACT TERMS

The City anticipates an initial two-year contract, with options for up to three one-year extensions. The City is preparing a draft Contract and will provide a copy to selected Finalists for review in advance of the Oral Presentations. Any proposed amendment to the Contract should be provided in the Oral Presentations. The City reserves the right to reject any proposed Contract change which does not conform to the specifications contained in the RFP, or which is not warranted to provide a level of service sufficient to meet the adopted Standards. The City Council, in its sole discretion, has final authority to specify contract terms, and nothing stated herein should be interpreted as an expressed or implied promise or offer.

NONDISCRIMINATION

Neither the City of Shelton nor the selected prosecutor shall discriminate on the basis of race, creed, color, national origin, citizenship or immigration status, families with children, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability.

SELECTION PROCESS

Questions and Requests for Clarification regarding this Request for Proposal must be sent in writing, via email, to the City Clerk (contact information below) by 5:00 pm on September 17th, 2021. If needed, a Response/Addendum will be issued no later than 5:00 pm on September 24th, 2021, prior to the proposal due date. The proposals are due October 1, 2021. Proposals will be evaluated by considering the proposer's quality of experience, the strength of the approach described in the proposal, Finalists' Oral Presentations, and the cost to the City, after which the City Manager intends to make an appointment, subject to contract approval of the City Council.

To reply to this RFP, please submit an electronic copy of the proposal to: jeff.niten@sheltonwa.gov and donna.nault@sheltonwa.gov. Materials should be addressed to Shelton City Clerk, 525 W. Cota St., Shelton, WA 98584. Any cost incurred by the potential Proposer in preparation, transmittal, and/or presentation of any proposal or material submitted in response to this RFP shall be borne solely by the Proposer. At the City's sole discretion, proposals submitted after the due date and time may be considered. Proposers accept all risks of late delivery of mailed proposals. The City of Shelton reserves the right to cancel this solicitation at any time, to reject any or all proposals, waive technicalities or irregularities, and to accept any proposal if such action is determined to be in the best interest of the City. The City, in its sole discretion, further reserves the right award to multiple law firms/attorneys if such action is determined to be in the best interest of the City.