

CITY OF NEWPORT, OREGON

REQUEST FOR PROPOSALS

LEGAL SERVICES



SUBMIT PROPOSAL TO:

**Peggy Hawker, City Recorder/Special
Projects Director
City of Newport
169 SW Coast Highway
Newport, Oregon 97365**

Due Date: December 31, 2019 by 3:00 P.M., PST

**CITY OF NEWPORT
REQUEST FOR PROPOSALS**

CITY ATTORNEY

The City of Newport hereby invites interested individual attorneys and law firms to submit written proposals to provide City Attorney services to the city.

Individuals interested in serving as an employee of the city should apply on the City of Newport website - www.newportoregon.gov; click on the “Employment” bar on the homepage menu; then follow the prompts to apply.

Interested law firms/individuals should submit proposals for contracted City Attorney services, utilizing the following RFP process.

THE WORK OF THE CITY ATTORNEY

The City Attorney currently provides all legal services needed by the city, except for occasional services that require unusual expertise not ordinarily within the scope of City Attorney services, such as condemnation counsel in the acquisition of real property and as bond counsel. Also, the city is insured by the City-County Insurance Service both for tort claims. The city's is insured with SAIF for workers compensation claims, so the City Attorney does not provide defense services in insured cases except for monitoring of significant cases and occasionally assisting lead insurance defense counsel.

The City Attorney is also responsible for prosecution of traffic offenses and violations (including minor misdemeanors converted to violations) in the Municipal Court, in those cases in which defendants have legal counsel. This involves handling appropriate paperwork, occasionally conducting negotiations with opposing counsel, and in rare cases, handling Municipal Court trials.

The City Attorney also monitors changes in pertinent state and federal legislation and regulations and case law, as appropriate.

The attached Appendix A shows the estimated proportions of City Attorney time spent in various work areas annually.

INFORMATIONAL

The City Council meets regularly on the first and third Mondays of each month at 6:00 P.M. Work sessions, executive sessions, and special meetings may be held, based on need, and at the request of the Mayor and City Council. The City

Attorney is required to attend City Council meetings unless excused by the City Council.

The City Council, by the vote of at least four of its seven members, appoints the City Attorney for an indefinite term. The City Attorney serves at the pleasure of the Council and may be removed at any time by the vote of at least four members.

PROPOSAL TYPES

Retainer - The city is prepared to review proposals from individuals and/or firms to provide the following legal services on a set retainer:

1. Meeting attendance - City Council meetings;
2. Response to general inquiries from the City Council and staff;
3. Municipal Court prosecution;
4. Ordinance and resolution review and approval;
5. Employment related issues;
6. Public records and open meetings issues;
7. Ethics related questions.

Legal issues, other than those described above, contained in Appendix A would be provided on a contracted hourly basis beyond the established retainer fee. If you are proposing to provide services under a retainer, you will also need to provide the hourly rate for services outside the scope of the retainer services.

Describe any areas of law listed in Appendix A in which you would need to retain specialized counsel.

Hourly Rate for All Services - The city is prepared to review proposals from individuals and/or firms to provide legal services at an established hourly rate based on the areas of law provided in Appendix A. If there are any areas of law, listed in Appendix A that you are unable to provide, and would require special counsel, please identify those areas.

The city is able to provide office space to a contract City Attorney who proposes to have some office hours at City Hall.

REQUESTED INFORMATION

Proposals should include the following information. Proposers may submit

additional information as deemed appropriate.

1. For individual proposers, employment history since 2004, and for firm proposers, legal status of firm or predecessor forms of organization since 2004, including specialization of individual, firm, or predecessor organization.
2. Qualifications for providing City Attorney services, for each attorney likely to provide City Attorney services, including:
 - A. Law school (including year of graduation), year of admission to Oregon State Bar, and years of practice.
 - B. Years of municipal or other public sector law practice as a full-time government attorney or specializing in municipal or other public sector law practice in a law firm or as a sole practitioner.
 - C. Particular areas of knowledge and experience in Oregon government law, including but not limited to law related to cities. Indicate which of the following areas you have expertise in:
 1. Land use;
 2. Personnel matters and labor negotiations;
 3. Franchises and franchise fees;
 4. Taxes, fees, and charges such as systems development charges and water and sewer service charges;
 5. Annexation;
 6. Police matters;
 7. Public purchasing and contracting;
 8. Municipal court prosecutions;
 9. Public contracting for planning, construction, and operation of public facilities such as street, water, sanitary sewer, and storm drainage facilities;
 10. Urban renewal;
 11. Open meetings and public records;
 12. Government ethics; and

13. Ordinance/resolution review and approval.
 - D. Litigation experience, including descriptions of representative cases and outcomes.
 - E. Drafting experience, such as drafting of contracts, memoranda, ordinances, and resolutions.
 - F. Experience giving oral advice such as during the course of City Council meetings and by telephone to city staff.
 - G. Other types of clients represented.
 - H. Scholastic honors and professional affiliations.
 - I. Affiliations or clients that could cause conflicts of interest regarding likely City Attorney matters.
3. How you propose to provide City Attorney services to the city? This should address whether you propose a contract based solely on billable hours, or whether you are proposing a retainer for basic services with an hourly rate for additional services. This should also address issues such as office location; accessibility to City Council members and city staff; attendance at City Council, and occasional other meetings; services, if any, that you would expect to receive from the city; and if a firm, how you propose to manage the firm's provision of services to the city – for example, would there be a lead attorney and, if so, who would that attorney be and how would other attorneys be involved.
 4. Describe any work, whether by subject area or nature of work, which would not be covered by your compensation proposal.
 5. Describe all charges that could be billed to the city including, but not limited to: hourly rates; hourly rates of subordinates; hourly rates of clerical staff; copying; travel; and any other charge that the city could find on an invoice from your or your firm if you are selected.

HOW TO APPLY

Proposals should include a cover letter and a response to the RFP. The RFP response should not exceed ten pages.

Proposals may be mailed to:

Peggy Hawker, City Recorder
Attention: City Attorney Proposal

City of Newport
169 SW Coast Highway
Newport, OR 97367

Alternatively, proposals may be delivered to the Office of the City Recorder, 169 SW Coast Highway, Newport, Oregon, in an envelope addressed to Peggy Hawker, City Recorder, Attention: City Attorney Proposal. As a further alternative, proposals may be e-mailed as an attachment, with the e-mail subject "City Attorney Proposal" and with the e-mail addressed to p.hawker@newportoregon.gov. E-mail attachments should be in Word format. The deadline for submission of proposals is 3:00 P.M., PST, December 31, 2019.

PROCESS

The city has issued this RFP for contracted legal services, and is also advertising for an employee (full or part-time City Attorney). The city has no preference regarding arrangements for legal services, but wishes to provide options for potential employees and/or contractors.

The process timetable is:

Deadline for Receipt of Proposals	December 31, 2019 - 3:00 P.M., PST
City Council Receipt of Materials	January 6, 2020
City Council Review and Selection Of Interviewees, if any	January 21, 2020 - Time TBD
City Council and Department Head Interviews with Applicants, if any	February 7, 2020 - 9:00 A.M.

The city reserves the right to reject all proposals; to request additional information concerning any proposal; to accept or negotiate modifications to any proposal; to interview any proposer; and to waive any irregularities in any proposal following the proposal submission deadline date, in order to serve the best interests of the city.

All inquiries regarding this Request for Proposals should be directed by e-mail to Peggy Hawker, City Recorder, at p.hawker@newportoregon.gov.

APPENDIX A

ESTIMATED ANNUAL PROPORTION OF CITY ATTORNEY TIME BY WORK AREA

ANNEXATIONS	3%
FINANCE	9%
CODE ENFORCEMENT AND PROSECUTIONS	5%
ETHICS	3%
LAND USE	16%
PROPERTY TRANSACTIONS	10%
PARKS DEPARTMENT	8%
PERSONNEL	15%
PUBLIC WORKS CONTRACTING (INCLUDING WATER, SEWERS, STORM DRAINAGE, STREETS)	17%
URBAN RENEWAL MATTERS	3%
LIBRARY	1%
MISCELLANEOUS, INCLUDING POLICY DEVELOPMENT	10%

Note: The amount of time spent in the work areas can vary substantially from year to year.