

CITY OF NEWPORT

RESOLUTION NO. 3873

**A RESOLUTION ESTABLISHING HIRING STANDARDS,
CRITERIA, POLICY DIRECTIVES, AND A TIMELINE
FOR THE RECRUITMENT AND HIRING OF THE
CITY ATTORNEY FOR THE CITY OF NEWPORT, OREGON**

WHEREAS, Steve Rich, City Attorney of the City of Newport, resigned effective October 11, 2019, thereby vacating the position of City Attorney; and

WHEREAS, Section 35 of the City Charter provides that the City Attorney is appointed by the City Council; and

WHEREAS, the City Council has determined that the recruitment and hiring of a new City Attorney, or contractor, is necessary and appropriate, and Council intends by this Resolution to adopt hiring standards, criteria, policy directives, and a timeline in connection with such recruitment and hiring of a staff attorney, or contractor through the RFP process; and

WHEREAS, on November 4, 2019, the City Council conducted a public hearing and provided the public an opportunity to comment on the recruiting process of the City Attorney and the proposed hiring standards, criteria, policy directives, and timeline;

The City of Newport resolves as follows:

Section 1. The City Council hereby directs that the City Manager and appropriate city staff coordinate the recruitment of a City Attorney. Such recruitment to begin immediately and to be conducted substantially in accordance with the timeline and activities for recruitment as set forth in attached Exhibit A.

Section 2. The City Council hereby adopts the criteria and hiring standards as set forth in the job description contained in Exhibit B.

Section 3. The City Council hereby adopts the criteria as set forth in the Request for Proposals contained in Exhibit C.

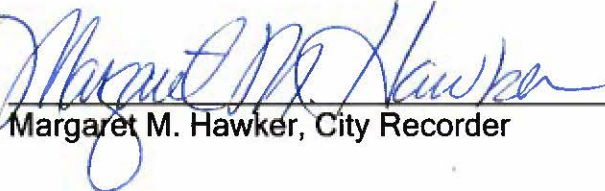
Section 4. This resolution is effective immediately.

Adopted by the City Council of the City of Newport on November 4, 2019.



Dean H. Sawyer, Mayor

ATTEST:



Margaret M. Hawker, City Recorder

EXHIBIT A

City Attorney Recruitment and Hiring Timeline

Action	Goal Date	Status
Hiring standards, criteria, policy directions, and a timeline for selection of a City Manager submitted to Council for public hearing, public comment, and approval by Resolution No. 3687	11/4/19	
Advertise the position, and the RFP, in local and state trade publications (League of Oregon Cities and Oregon Bar Association)	11/12/19	
Application and proposal deadline	12/31/19	
City Council will receive copies of applications and proposals	1/6/20	
City Council review of applications and proposals and selection of interviewees, if any	1/21/20 (Tuesday Due to MLK Day)	
City Council and department head interviews with finalists, if any	2/7/20 9:00 A.M.	
Make a tentative employment offer, or proposed contract for services, contingent upon a successful background check, reference checks, and contract negotiations	2/18/20	
Appoint staff City Attorney, or contractor, and approve negotiated contract	3/2/20	
Repeat steps as appropriate		

EXHIBIT B

ORGANIZATION: City of Newport
DEPARTMENT: City Manager's Office

LOCATION: Newport, Oregon
DATE: August 2019

**Exempt
Regular Full-Time
Non-Represented**

JOB TITLE: City Attorney

Contracted Wage

PURPOSE OF POSITION

Serve as the chief legal officer of the city. Provide legal advice to the City of Newport, its elected and appointed officials, and agents.

ESSENTIAL JOB FUNCTIONS AND EXAMPLES OF DUTIES PERFORMED

Research and prepare legal opinions for the City Council, City Manager, boards, commissions, and other city staff.

Provide advice to all departments of the city. Apply or develop expertise as needed to provide competent, efficient, and timely legal advice to the city's various departments and officials, including Finance, Community Development, Library, Fire, Police, Public Works, Human Resources, Airport, Parks and Recreation, City Recorder, Information Technology, and City Manager.

Prepare legal documents. Prepare and/or review resolutions and ordinances to ensure legal sufficiency and no conflict with state statutes or other resolutions and/or ordinances.

Prosecute violations of the Municipal Code and statutory traffic and other violations.

Be familiar with the following areas of law, and provide legal services and/or advice to the city regarding: Land Use; personnel matters and labor negotiations; franchises and franchise fees; taxes, fees, and charges (such as systems development charges and water and sewer service charges); annexation; law enforcement matters; public purchasing and contracting; municipal court prosecutions; planning, construction, and operation of such public facilities such as street, water, sanitary sewer, and storm drainage; Urban Renewal; open meetings and public records; government ethics; and ordinance/resolution/order review and approval.

Maintain current knowledge of legislation and issues involving municipal operations. Prosecute violations of the Municipal Code, traffic, and others.

Maintain the highest standards of professional and personal conduct, including maintaining the confidentiality of privileged information and protecting confidential information as long as legally and practically possible.

Perform other duties as assigned.

JOB QUALIFICATION REQUIREMENTS

MINIMUM/MANDATORY EDUCATION AND EXPERIENCE REQUIREMENTS:

Graduate from an accredited law school with a Juris Doctor or Doctor of Jurisprudence degree, AND 5 years in the practice of law, AND licensed to practice law in Oregon, AND a member in good standing of the Oregon State Bar Association.

KNOWLEDGE: Operational characteristics, services, and activities of a public legal office. Principles of civil, constitutional, and administrative law. Judicial procedures and rules of evidence. Principles, materials, and methods of legal research. Legal precedents and court decisions impacting municipal government. Statutes and codes applicable to civil proceedings. Duties, powers, limitations, and authorities of a city attorney. Pertinent federal, state, and local laws, codes, and regulations. Oregon professional ethics.

SKILLS: Skill in the use of personal computers, various related software programs, and standard office equipment. Strong leadership and exceptional interpersonal skills. Strong oral and written communication skills with a variety of audiences. Competence in business English, spelling, punctuation, grammar, and basic math. Strong reasoning, analysis, and problem-solving skills, combined with excellent judgment and professionalism.

ABILITIES: Research, analyze, and apply legal principles, facts, evidence, and precedents to legal problems. Provide sound legal advice and counsel. Draft such legal documents such as ordinances, resolutions, statutes, and contracts. Ability to work well with managers, supervisors, and employees, as well as the general public. Ability to communicate complex material in a simple, understandable manner by presenting statements of fact, law, and arguments in a clear and logical manner in written and verbal form. Ability to use a wide variety of legal research methods and tools. Effectively represent city policies with citizens, organizations, other government agencies, City Council, and staff. Ability to analyze problems, identify alternative solutions, project consequences of proposed actions, and assist with implementation of recommendations in support of goals. Ability to establish and maintain effective working relationships with the City Council, City Manager, staff, various boards and committees, employees, and the public. Ability to effectively function in an intense work environment with numerous interruptions and conflicting demands. Ability to work independently and within groups. Ability to maintain the confidentiality required of the position. Physical ability to perform the essential job functions of the position.

DESIRABLE QUALIFICATIONS

Experience working in an Oregon municipality or an Oregon municipal law firm
Three years increasing responsibility experience in the practice of Oregon municipal law
Government law continuing education

PHYSICAL DEMANDS OF POSITION

The employee is frequently required to sit, stand, bend, kneel, stoop, communicate, reach, and manipulate objects. The position requires mobility, including the ability to frequently lift or move materials up to 10 pounds, and occasionally lift or move materials up to 40 pounds. Manual dexterity and coordination are required approximately 50% of the work period while operating such equipment as computers, keyboards, telephones, and standard office equipment.

WORKING CONDITIONS/WORK ENVIRONMENT

Work location is primarily indoors where most work occurs under usual office working conditions. May include evening meetings.

SUPERVISION RECEIVED

The City Attorney is hired and supervised by the City Council.

SUPERVISORY RESPONSIBILITIES

This position supervises staff including assigning and reviewing work, altering workloads, evaluating performance, and conducting appraisals. Makes recommendations regarding interviewing, hiring, disciplining, and firing to comply with policies and procedures.

SIGNATURES

This document has been reviewed between the Supervisor and the Incumbent. I understand that this document is intended to describe the most significant essential and auxiliary duties performed by the

job/position for illustration purposes, but does not include other occasional work, which may be similar, related to, or a logical assignment for the position. This job/position description does NOT constitute an employment agreement between the employer and employee, and is subject to change by the employer as the organizational needs and requirements of the job change.

I understand and acknowledge I have read the above job description and can perform the essential functions of this position with or without reasonable accommodation. I understand it is my responsibility to contact Human Resources if at any time I require an accommodation to complete the essential functions of the position.

Incumbent Name	Incumbent Signature	Date
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Supervisor Name	Supervisor Signature	Date
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Date Revised: October 2019

Approved by: _____
City Manager

Date: _____

EXHIBIT C
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.

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-type claims and 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 CIS defense counsel in the assembly of city records.

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. Occasional 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 will be 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 will be able to provide temporary 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 2005, and for firm proposers, legal status of firm or predecessor forms of organization since 2005, 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 to be decided
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	10%

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