



MAYOR AND COUNCIL COMMUNICATION

DATE: 12/1/15
REGULAR
ITEM #:
MOTION

AGENDA ITEM: RFP for City of Lake Elmo Legal Services
SUBMITTED BY: Jill Lundgren
THROUGH: Clark Schroeder
REVIEWED BY: **Clark Schroeder**

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/PresentationStaff
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

PUBLIC POLICY STATEMENT POLICY BEING SET IS REQUEST OF RFP FOR LEGAL SERVICES

SUMMARY AND ACTION REQUESTED: Council Member Lundgren requested agenda item “RFP for legal services for the city”

BACKGROUND AND STAFF REPORT: Staff has obtained a template of a RFP for city legal services. If Council so directs staff, they will fill it out, send it out, and advertise for city legal services.

If city council votes to solicit RFP’s, staff would send out and advertise on December 2-3rd, RFP’s would be due on the 14th, council review on the 15th, interviews the 21st – 30th, and appointment of City Attorney on 1/5/16.

RECOMMENDATION:

The City Administrator recommends retaining the current City Attorney.

ATTACHMENT(S):

RFP legal services

City of Lake Elmo MN
Request for Proposals for Legal Services

I. PURPOSE

The City of Lake Elmo is requesting proposals for legal services from firms experienced in municipal law and representation of municipal clients. Firms may choose to be considered for either or both of the following services:

- City Attorney
- Prosecuting Attorney

II. BACKGROUND

The City of Lake Elmo is located in Washington County. Growth and development for the City is projected over the next several years based on recent approvals to the City's Comprehensive Plan that permits the introduction of municipal services for a portion of the community. The current population is approximately 8,200. The City operates under a statutory form of government consisting of a four member City Council and a Mayor. The City Council is responsible for adopting the City's budget and tax levy, adopting resolutions and ordinances, all hiring and firing decisions, policy making, development and growth planning, and overall direction of the City. In addition to providing general government services, the City offers a full range of other services including fire protection, building and other safety inspections, planning and zoning, parks, street maintenance, snow removal, infrastructure maintenance and repair, and others. The City provides limited municipal water and sewer services that will be expanded in the coming years.

III. PROCESS

The City will use the following process for selecting Legal Service Providers:

1. The City Council will select the firm or firms it believes would best meet the City's needs.
2. Pending a mutually agreeable contract arrangement, the City Council will appoint the firm or firms selected to provide the services indicated.

IV. GENERAL INSTRUCTIONS

A. Responses must provide complete information as described in this request. Ten 7 copies shall be submitted no later than 3:00 PM on December 14th 2015 Please forward proposals to:

City Administrator
City of Lake Elmo
3800 Laverne Ave N.
Lake Elmo, MN 55042

B. To ensure fairness and uniformity, firms submitting responses are requested to

not contact City staff or City Council members. Written questions about this RFP may be sent by e-mail to cschroeder@lakeelmo.org prior to the submission deadline. Responses will be shared with all interested responders to the RFP.

C. The City will not reimburse any expenses incurred by the firm submitting a response including, but not limited to, expenses associated with the preparation and submission of the response and/or attendance at interviews.

D. The City reserves the right to reject any and all proposals, to request additional information from any and all Proposers and to suggest modifications to the terms and conditions of an agreement from that offered by a Proposer.

V. REQUIRED CONTENTS OF RESPONSE

A. Firms shall indicate which of the two legal services (City Attorney and/or Prosecuting Attorney) for which they wish to be considered. All proposals, one for City Attorney Services and one for City Prosecution Services shall not exceed 20 pages in length and provide, at a minimum, details for the following.

B. Firm Background:

1. Brief history of firm including nature of the firm's practice.
2. Number of attorneys, including number of partners and associates and areas of specialty.
3. Provide the overall capabilities, qualifications, training, and areas of expertise for each of the principals, partners, and associates of the law firm including the length of employment for each person and his/her area of specialization.
4. Support personnel including number and expertise.
5. Office organization and support capabilities.
6. Office locations(s).
7. Current use of technology, especially capability for computerized legal research and for sharing and editing documents electronically.
8. Statements of any malpractice claims and/or ethics complaints taken against your firm or firm's attorney(s) over the last five years and the status or outcomes of such action. Indicate whether any action is pending or is currently under review by the State Ethics Board.
9. Statement of 2014 billings for municipal work as a percentage of total 2014 billings.
10. Describe malpractice insurance coverage: carrier, limits, and exemptions.
11. Statement of compliance with federal and state laws respecting civil rights.

C. Attorney Qualifications:

1. Identify the specific attorney who will serve as the lead attorney for each of the legal services you have expressed interest in providing, and indicate the following:

- Academic training and degrees
- Year admitted to the Minnesota Bar Association and License Number
- Description of background and experience
- Description of prior municipal experience including cities served in a similar capacity
- List of litigation in communities where designated attorney served as lead attorney and outcomes of litigation
- Professional affiliations

2. Identify attorney who will serve in the lead attorney's absence, and provide information as requested in No. 1 above.

3. Identify other attorneys and support staff who will supply services for which the City will be charged.

4. Indicate current responsibilities of person designated to serve as lead attorney.

D. List cities you currently represent and the type of service provided.

E. List cities you began representing in the last three years and cities you stopped representing in the last three years.

F. Names, telephone numbers, and contact person of at least five (5) client references, at least two (2) of which shall be cities.

G. Describe the firm's view of their responsibilities to the City in the providing of legal services.

H. Copy of Malpractice/liability Insurance Certificate in a minimum amount of \$1,500,000.

I. Conflict of Interest:

1. Indicate whether designated lead attorneys or the law firm represent, or have represented, any client whose representation may conflict with your ability to provide legal services to the City.

2. Indicate whether designated lead attorneys or the law firm currently represent any real estate developers. If so, please identify those companies or persons in detail and provide a percentage breakdown of how much this work represents of your firm's total billings.

3. Identify what procedures your firm utilizes to identify and resolve conflicts of interest.

J. City/City Attorney Relationship:

1. Describe how you would structure the working relationship between the City Attorney and the City Council, City Administrator, Department Heads, and other staff members.
2. Define the standard time frames for response by the City Attorney to direction and/or inquiry from the City Council or City Administrator.
3. Describe the systems or mechanisms that would be established for monthly reporting of the status of projects, requests, and litigation.

K. Fees:

1. City Attorney-firms desiring to be considered for City Attorney services may indicate a monthly retainer amount (if appropriate) and describe specific services to be included within the retainer and any services that would be outside the retainer (refer to the list of services in Section VI.) For services outside the retainer, indicate the hourly rate for City Attorney and other attorneys and support staff that may be working on City business. Alternatively, firms may propose hourly rates for all services.
2. City Prosecutor-firms interested in providing City Prosecutor services may indicate a monthly retainer amount and describe specific services to be included within the retainer and provide an hourly rate for the lead attorney and hourly rates for other attorneys and staff that may be working on non-retainer City business. Alternatively, firms may propose hourly rates for all services.
3. The City is open to exploring alternative fee arrangements other than the retainer or hourly rate. Indicate any alternate billing arrangements you would be willing to consider and under what circumstances they would be most appropriate.
4. Firms shall indicate all other costs and reimbursable expenses including travel (per mile), telephone, printing, photocopying, etc.
5. Firms shall indicate the minimum increment of time billed for each service including phone calls, correspondence, and personal conferences.
6. The City of Lake Elmo requests monthly billing statements which:
 - Itemize the date of services
 - Identify the personnel providing the services
 - List the time spent
 - Provide a detailed description of the services performed
 - State the fees for those services
 - Organize billing on the basis of activity and City contact
 - For activities that span multiple billing periods, a project-to-date summary is requested
 - Summarize monthly and annual costs by type of activity

VI. LEGAL SERVICES REQUIREMENTS

Following are the primary responsibilities for each of the two legal service areas. While this list is an attempt to identify the major areas of representation, it is not intended to be an all encompassing list.

City Attorney:

1. Attend City Council meetings and other City Board, Authority, Commission or Committee meetings as requested by the City Council or City Administrator.
2. Draft and/or review ordinances, resolutions, and correspondence, as requested. Review City Council agendas and meeting minutes as requested.
3. Advise and/or prepare legal opinions to the Mayor and Council members as requested or directed by the City Council and/or City Administrator.
4. Prepare and/or review municipal contracts, such as contracts for public improvements, joint powers of agreements, construction, and purchase of equipment.
5. Represent City in matters related to the enforcement of City building and zoning codes.
6. Provide legal briefings as requested to City Council and/or City Administrator regarding new or proposed legislation or judicial decisions affecting municipal operations and activities.
7. Provide advice on open meeting law, data practice, records retention and privacy issues.
8. Defend City in litigation (except in those cases where insurance companies are required to provide defense) including, but not limited to, 1) human rights claims; 2) condemnation; 3) permits and administrative actions; and 4) labor and employment matters.
9. Defend City in uninsured claims and other insurance matters.
10. In coordination with Bond Counsel, review of financing, special assessments, bonds and insurance requirements required by or for City contracts or activities.
11. Represent City in the acquisition of properties for public improvements, easements, and parks.
12. Represent City in condemnation proceedings for public improvement projects.
13. Initiate litigation on behalf of City as directed by the City Council.
14. Interpret and advise regarding State land use statutes and City Code.
15. Interpret and advise regarding impact fees and legal uses.
16. Advise and represent the City on environmental matters.
17. Prepare and/or review the following:
 - a. Conditional Use Permits and Documentation
 - b. Vacation of Rights-of-Way
 - c. Special Assessments
 - d. Planned Unit Developments
 - e. Development Agreements
 - f. Subdivision and Zoning Requests

18. The firm shall not subcontract out or assign any interest in the contract and shall not transfer any interest in the same without prior written consent of the City.

Prosecuting Attorney:

1. Represent and prosecute all criminal law matters within the City's jurisdiction, included but not limited to, scheduling, coordinating deputy appearances, reviewing all criminal cases presented for purposes of prosecution, determine technical compliance with criminal code and other state statutes, writing complaints, making recommendations to the Court for alternatives to prosecution where appropriate, act as a resource to the Sheriff's Department in the development of criminal cases, and provide training sessions for enforcement staff as needed.
2. Timely pursuit of disposition of criminal cases in advance of actual Court cases to avoid unnecessary officer court time.
3. Aggressively seek restitution to the City for all relevant costs of prosecution.

VII. ANTICIPATED TIMELINE

Following is the anticipated schedule the City Council expects to utilize for the review and selection of a City Attorney and Prosecuting Attorney. This is a tentative schedule and is subject to change.

1. Starting 12/2/15 Distribute RFP
2. 12/14/15 Deadline for receipts of RFP
3. 12/15/15 Review proposals and make arrangements for interviews.
4. 12/21-12/30 Interviews
5. 1/5/16 To City Council for appointment