

CITY OF CAPITOLA REQUEST FOR PROPOSALS CITY ATTORNEY SERVICES

Introduction

The City Council of the City of Capitola invites interested firms and individuals with a minimum of five (5) years of municipal law experience to submit written proposals to provide City Attorney services for the City of Capitola. As City Attorney, the selected law firm or individual will be expected to provide a wide range of legal services to the City. The City Attorney is selected by the City Council and works closely with the City Manager and other City staff. The City is looking to establish a long-term relationship with a City Attorney through an annual contract with terms for renewal subject to an annual performance review, satisfactory negotiation of terms, and the concurrence of the full City Council.

Proposed Time Schedule

RFP Publish:	May 28, 2019
Submittal Deadline:	July 1, 2019
City Council Interviews	July 25, 2019
City Council Announces Selection:	August 22, 2019
Contract Effective Date	September 1, 2019

Submittal Guidelines

Law firms or individuals interested in submitting proposals for City Attorney shall submit one (1) original bound proposal marked "ORIGINAL", eight (8) bound copies (marked copy), and one (1) electronic copy on or before the Submittal Deadline of the proposal, with a proposed contractual agreement, in a sealed envelope bearing the caption "City of Capitola - City Attorney Proposal." Proposals, including resumes, shall not exceed 25 pages.

The envelope shall be addressed to:

Jamie Goldstein
City of Capitola
420 Capitola Ave
Capitola, CA 95010

Proposals may be submitted in person to the City Manager's Office or by mail. The proposal must be received in the City Manager's Office by 5:00 p.m. on Monday, July 1, 2019.

Late proposals or postmarks will not be considered. All proposals will be deemed confidential and will be retained by the City of Capitola.

Proposer is solely responsible for ensuring its proposal is received by the City in accordance with the solicitation requirements, before the Submittal Deadline; at the place specified. Postmarks

will not be accepted in lieu of actual delivery. The City shall not be responsible for any delays in mail or by common carriers or by transmission errors or delays or mistaken delivery.

The City Council reserves the right to reject any or all proposals, to request additional information concerning any proposal for purposes of clarification, to accept or negotiate any modification to any proposal following the deadline for receipt of all proposals, and to waive any irregularities if such would serve the best interests of the City as determined by the City Council.

The City may cancel this solicitation at any time. All proposals shall comply with current- federal, state, and other laws relative thereto.

The City is not liable for any costs incurred by the Proposer before entering into a formal contract. Costs for developing the proposal or any other such expenses incurred by the Proposer in responding to the RFP, are entirely the responsibility of the Proposer, and shall not be reimbursed in any manner by the City. No reimbursable cost may be incurred in anticipation of award.

Questions about current legal services may be addressed to City Manager Jamie Goldstein at 831-475-7300 x 258

Background

The City of Capitola is a scenic, coastal community, located on in Santa Cruz County with a population of approximately 10,000.

Capitola is a General Law City and has operated under the Council-Manager form of government since incorporation in 1949. Policy-making and legislative authority are vested in the governing Council, which consists of five Council Members, including the Mayor and the Vice-Mayor. The Council is elected on a non-partisan, at-large basis. Council Members are elected to four-year staggered terms with two or three Council Members elected every two years. Council members may serve no more than two consecutive terms. The Council designates the Mayor and Vice Mayor for a one-year term The City Manager is responsible for carrying out the policies and ordinances of the City Council, overseeing the day-to-day operations of the government, and appointing the heads of the government's departments. The City has 68 full time employees, plus many part time recreation employees. The City is fiscally sound and functions on an annual budget cycle.

The City of Capitola is a partial contract city, meaning that some services are provided by contract with agencies and some services are delivered by the City's own employees. Police protection and other key services such as construction and maintenance of streets, parks and other infrastructure, planning and zoning activities, recreational activities, and cultural events, are provided by the City of Capitola.

Other services, such as fire protection, water, sewer, and animal services are provided by other public agencies, while solid waste and recycling are provided by a private sector franchisee.

Cover Letter

Proposals must be accompanied by a cover letter, signed by an individual authorized to bind the proposing entity. An unsigned proposal is grounds for rejection. The cover letter should include an introduction of the firm and statement of professional qualifications.

General Company Data

Please submit the following information:

1. Official name and address.
2. Names, address, and telephone number of the Proposer's point of contact.
3. Indicate what type of entity (Corporation, partnership, sole proprietorship)
4. Federal Employer I.D. Number

Specific Company information

The proposal must provide specific and succinct answers to all questions and requests for information. Indirect, imprecise, or incomplete responses can serve only to the disadvantage of the applicant. Submission of individual resumes is optional and encouraged, however, they will

not be considered responsive to any specific questions.

1. Please describe the nature of your practice or your law firm's practice, and your qualifications for providing attorney services for the City of Capitola. Please provide a professional chronology of the individual(s) who will be designated to serve as City Attorney and others who you anticipate will be involved in providing legal services to the City.
2. For the person whom you propose to designate as City Attorney, and for each person proposed as deputy or backup, please provide the following:
 - Legal training and years of practice (including admission date to California Bar).
 - Years of municipal or other local public sector law practice as a fulltime local government attorney and/or in a private law office specializing in local government.
 - Knowledge of and experience with California Municipal Law and other public sector experience or redevelopment law.
 - Types of clientele represented and length of representation time.
 - Litigation experience and demonstration of a good court track record with examples. Knowledge and practice of law relating to land use and planning, environmental law, including the California Environmental Quality Act (CEQA), code enforcement, general plans, real estate, hazardous waste, California Coastal Commission, and other related laws.
 - Experience in the area of contracts and franchises.
 - Experience in the areas of personnel, disability law rights and obligations, workers compensation, employee relations and negotiations, and employee discrimination claims.
 - Experience in risk management.
 - Experience in the preparation and review of ordinances and resolutions.
 - Experience in the areas of the Public Records Act, the Brown Act, and the Elections Code.
 - Scholastic honors and professional affiliations.
 - If the firm/individual, or any of the attorneys employed by the firm have ever been sued by cities or other clients for malpractice, been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar, please provide information on the nature of the incident, the dates on which the matter began and was concluded, and the results.
 - Intended office location and accessibility to the City.
3. Describe the staffing of your office, including all permanent and temporary employees and their general duties and work schedules. Include any staffing changes you would propose should you be awarded the contract to provide attorney services for the City.
4. Define the standard time frames for response by the City Attorney to direction and/or

inquiry from the City Council or City Manager.

5. Describe the systems or mechanisms that would be established for monthly reporting of the status of projects, requests and litigation.
6. Describe the computer resources currently utilized within your office. City utilizes Microsoft Word for Windows word-processing software and compatibility with Microsoft Word is required. The City will require the City Attorney's office to connect to the City's online agenda management system and maintain Internet services such that mail, and files can be transmitted between City staff and the City Attorney.

Current Clients/Conflict of Interest

1. Please list all current or former clients known to the Firm having a substantial property or business interest in the City of Capitola during the past three (3) years.
2. Please list all public clients for whom you or your firm currently provides services either under a fee for services or a retainer basis. Please identify any foreseeable or potential conflicts of interest that could result from such representation and the way you would propose to resolve such conflicts.
3. For the person to be designated as City Attorney, please list all public clients that person presently represents as city/town attorney or general counsel. Please list the meeting dates and times for the city/town council or governing body of these clients.

Compensation and Reimbursement

Please describe how the firm intends to provide legal services, either on a flat-rate monthly retainer (state the amount of the requested retainer), or on a different basis. Basic services, for the purpose of this proposal, shall include those legal services generally understood within the field of municipal law to fall within the category of "general counsel" work, and shall include, but not necessarily be limited to, the following:

- Routine legal advice, telephone and personal consultations with members of the City Council and City staff.
- Review and/or preparation of staff reports, ordinances, resolutions, agreements, contracts, forms, notices, certificates, deeds, leases and other documents required by the City.
- Attendance when requested at City Council regular and special meetings. The City Council currently holds regular meetings the second and fourth Thursdays of each month, starting at 7:00 p.m. Additionally, the City Council occasionally calls special meetings. The City Attorney will be expected to attend all regular meetings and special meetings as needed. The City Attorney

will coordinate with and provide legal services for the City Manager and subordinate departments of the City. The City also has a number of Council-appointed advisory boards and commissions that require City Attorney advice. The City Attorney may also be required to attend certain meetings with staff as well as commissions when necessary.

- Legal work pertaining to property acquisitions, property disposals, public improvements, easement dedications, and right-of-way abandonment.
- Enforcement of City codes, zoning regulations and building standards through administrative and judicial actions.
- The monitoring of pending and current state and federal legislation and court decisions as appropriate.
- Consultation with the City Council and City staff as needed - rendering of legal advice and opinions (both oral and written).
- The coordination of outside legal counsel as needed and as directed by the City Council.

Please define what type of work you would consider to be extra or specialized work which would be billed in addition to basic services. Also, state the hourly rates for the designated City Attorney and associates for such specialized services.

Please state the hourly rates for the designated City Attorney and associates for general work and for special services such as litigation, if such services will be billed at a different hourly rate.

Please define the type and unit rates for reimbursement for expenses such as mileage, reproduction of documents, faxed documents, and word processing charges.

Professional References

Please provide three (3) professional references from persons and/or entities within California for whom the Proposer has provided project services similar to those services requested in the RFP within the last five (5) years. Include the name of the business, name of contact person, telephone number of contact person and description of services provided.

Evaluation and Selection Process

Proposals will be screened, and the City Council will interview top candidates. The qualifications for the top candidates will be verified, and references will be checked. In reviewing the proposals, the City will carefully weigh:

- Depth and breadth of experience and expertise in the practice of law, most specifically in those areas most often encountered in municipal government operations.
- Capability to perform legal services promptly and in a manner that permits the City Council and staff to meet established deadlines and to operate in an effective and efficient manner.

- Degree of availability for quick response to inquiries that arise out of day-to-day operations questions or problems.
- Degree to which firm and individual attorneys stay current through continued professional development and active communication with practitioners in the municipal law field.
- Communication skills
- Cost of services
- Other qualifications/criteria as deemed appropriate by the City Council.

A subcommittee appointed by the City Council will negotiate the terms and conditions of a contract with the individual or law firm selected. The contract will require that the individual or law firm selected as City Attorney maintain professional liability (\$2,000,000 per claim), general liability (\$1,000,000 per occurrence), automobile liability (\$1,000,000 per accident), and workers' compensation. Insurance coverage must be provided by an insurance company authorized to do business in the State of California and the policy will not be cancelled or materially changed without thirty (30) days prior notice in writing to the City of Capitola.

The successful firm must agree, if awarded a contract as a result of its proposal, to indemnify and hold harmless the City of Capitola, its officers, agents and employees from any and all claims and losses accruing or resulting to persons engaged in the work contemplated by its proposal or to persons who may be injured or damaged by the firm or its agents in the performance of the work. Prior to commencement of any work, those and other provisions will be established contractually. Provisions will also be included in the contract allowing the City Council to terminate the agreement at its sole and entire discretion upon the provision of thirty day (30) written notice.

The contract, to include but not be limited to duties and compensation, will be entered into with the successful firm and approved by the City Council. Legal services will begin upon approval of the Contract and formal appointment of an individual to serve as City Attorney. The appointed City Attorney is an at-will contract position and shall serve at the pleasure of the City Council. The City Attorney is under contract with the City and is not a City employee. The City Council may terminate the appointment upon thirty (30) days' written notice with or without cause.

Additional Notes

The City may modify, clarify or interpret the RFP by sending an addendum to each firm or individual that originally received the RFP. Any such addendum shall become part of the RFP and of any contract awarded. The City is not responsible for any other explanation or interpretation. If you have questions regarding this RFP, please contact City Manager, Jamie Goldstein at 831-475-7300 x 258 to leave a message or jgoldstein@ci.capitola.ca.us

The deadline for the City to receive responses is 5:00 p.m. July 1, 2019