



**CITY OF MCCLEARY
REQUEST FOR PROPOSALS
CITY ATTORNEY, EMPLOYMENT/LABOR ATTORNEY
AND CITY PROSECUTOR SERVICES
Proposal Due Date: 8/16/24**

OVERVIEW:

The City of McCleary is exploring options for either a firm or individual attorney to provide full scale legal services to the City. Proposals will be evaluated on qualifications, experience, ability to meet the scope of work, cost of service, method/approach and references.

The City of McCleary was incorporated in 1943 with a current population of 2,120. The City encompasses approximately 2 square miles. The City is a Code City, functioning under RCW 35A with a mayor-council form of government. The City has a five-member Council and a part-time Mayor. The Council meets on the second and fourth Wednesday of every month at 6:30 p.m. with occasional workshops as needed.

There are currently 25 full-time employees, one part time employee and approximately 18 volunteer firefighters employed by the City. The city employees are organized under three bargaining units, Teamsters, National Fraternal Order of Police and IBEW. The City employs light and power crew members, police officers, volunteer firefighters, public works, water/wastewater, finance and code enforcement/planning/building employees.

The City contracts with Grays Harbor County District Court for the City Municipal Court Services. Court is held the third Friday of each month in Montesano, WA. There are some instances where a case will be heard outside of that date if they are in custody. The City has averaged 600 cases per year over the past 4 years, most are traffic infractions.

SCOPE OF WORK: CITY ATTORNEY

The City Attorney provides legal advice, counsel, services, consultation, and opinions to the Mayor, City Council and City Management staff, on the full scope of civil municipal legal assignments, including but not limited to: all matters related to the McCleary Municipal Code; state statutes and rules related to Code cities; ordinances and resolutions of the Council; land use planning; compliance with City, state and federal regulatory requirements; intergovernmental agreements; laws against discrimination; public private development partnerships; construction of public works; utility regulations and operations; purchasing and procurement; leasing; purchase and sale of property; employment legal matters; public disclosure issues; Open Public Meetings Act requirements; municipal risk and tort law. Support of the code enforcement and nuisance abatement function is also included in the City Attorney scope, but the City will accept individual proposals for City Prosecutor that include the code enforcement and nuisance abatement scope,

and may choose to include such scope in the City Prosecutor contract if contracted separately. The City Attorney's advice includes methods to avoid civil litigation.

1. Furnishes legal representation at all regular City Council meetings, and at other meetings when requested.
2. Appears before courts and administrative agencies to represent the City's interests. Such administrative and court hearings include but are not limited to: appeals to the City Hearing Examiner of land use matters, appeals to superior court of final administrative decisions made by City officials, and hearings regarding code enforcement and nuisance abatement. Particularly when opposing parties are represented by legal counsel at such hearings, the City may choose to also have legal representation.
3. Advises Code Enforcement on the interpretation and applicability of code provisions, the conduct of investigations, civil infraction preparation, nuisance abatement, and related matters.
4. Prepares and reviews ordinances and resolutions, contracts and other documents for legal correctness and acceptability.
5. Works cooperatively with the City Prosecutor (if separately contracted), Municipal Research Services Center (MRSC) and special legal counsel retained by the City for special projects.
6. Coordinates with other special counsel, as needed, to assure proper management of legal issues, and proper coordination and transition of legal issues among special counsel.
7. Assists City officials and employees to maintain awareness of ethical standards and appearance of fairness standards, and to avoid potential conflicts of interest, prohibited transactions and the appearance of prohibited transactions.
8. Assists City officials and employees to understand the legal roles and duties of their respective offices and interrelationships with others.
9. Provides the Mayor and City Council with guidance as to Robert's Rules of Orders and related procedural matters relating to Council meetings.
10. Prepares legal opinions and memoranda at the request of the City or the Council.
11. Provides the Mayor, City Council, and administration a legal perspective and advice on various governmental issues.
12. Reviews purchases and bidding documents for legal sufficiency.
13. Performs other legal services and tasks, as assigned by the Mayor or Designee.

SPECIFICATIONS: CITY ATTORNEY

1. The appointed City Attorney attends all City Council business meetings. Regularly scheduled

meetings are held at 6:30 pm the second and fourth Wednesday of each month, except in November and December, when meetings are held the first and third Wednesdays. Attendance at various other meetings may be required occasionally. The City Attorney is expected to attend all Council business meetings unless excused by the Mayor or designee, so that there remains continuity in representation.

2. The City Attorney may be asked to attend other meetings as needed by the Mayor, City Council or city management.
3. The City Attorney must be available by phone, cell phone and e-mail.
4. Timeliness of response from and accessibility to the City Attorney is an important aspect of the service. Accessibility includes the ability to be generally available to attend meetings in person and the ability to be reached promptly by telephone.

MINIMUM QUALIFICATIONS: CITY ATTORNEY

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 City Attorney should have a minimum of five years experience in the field of general municipal law, with particular experience in land use and public works desired.

SCOPE OF WORK: EMPLOYMENT/LABOR ATTORNEY

The Employment/Labor Attorney provides legal advice and assistance on matters of employment, labor negotiations, policy and litigation that may arise in regards to employment issues. The Attorney will assist with workplace conduct or other employment-related issues including internal investigations and litigation as necessary. Labor counsel assists the City by ensuring the organization follows evolving laws related to hiring, management, employee benefits, workplace safety and discipline. Labor counsel provides advice regarding contract interpretation and grievance processing and provides representation in arbitration hearings on behalf of the City. Counsel ensures the City is made aware of changes in labor and employment law and best practices that impact the organization. Through collective bargaining, the City engages in contract negotiations every year for three contract units. Labor counsel assists management with negotiations to ensure fair contracts are struck while advancing the goals of the organization.

1. Advising clients on aspects of employment law and providing written legal advice.
2. Drafting or preparing legal documentation, such as contracts, collective bargaining Agreements, policies or employment agreements.

3. Assist the City with collective bargaining negotiations and attend sessions as needed.
4. Represent the City in mediation, arbitration, court or other agency hearings in regard to labor and employment issues.
5. Provide advice and assist in internal investigations, employee complaints and risk mitigation.
6. Other duties as may be requested related to employment issues.

SPECIFICATIONS: EMPLOYMENT/LABOR ATTORNEY

1. The Employment/Labor Attorney may be asked to attend meetings as needed by the Mayor, City Council or city management.
2. The Attorney must be available by phone, cell phone and e-mail.
3. Timeliness of response from and accessibility to the Attorney is an important aspect of the service. Accessibility includes the ability to be generally available to be reached promptly by telephone or provide advice in short period of time.

MINIMUM QUALIFICATIONS: EMPLOYMENT/LABOR ATTORNEY

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 Employment/Labor Attorney should have a minimum of five years experience in the field of employment law, with particular experience in municipal collective bargaining.

SCOPE OF WORK: CITY PROSECUTOR

City Prosecutor services fall into four categories: a) criminal prosecution in municipal court; b) traffic infractions; c) Animal Control issues and Aggressive Dog Hearings (hearings very infrequent); and d) support of code enforcement activities, including administrative and court hearings (optional scope, the City requires all proposals for City Attorney to include the code enforcement and nuisance abatement scope, but will accept individual proposals for City Prosecutor which include the code enforcement and nuisance abatement scope, and may choose to include such scope in the City Prosecutor contract if contracted separately). The attorney selected as prosecutor will be responsible for all aspects of prosecution in the McCleary Municipal Court, Animal Control issues and Aggressive Dog hearings, and support of the Code Enforcement

program (optional), including:

1. Making filing decisions on criminal cases, with input from City police.
2. Advising City police on the conduct of investigations, trial preparation, seizures, and related matters.
3. Interviewing witnesses and victims of crimes.
4. Advising victims regarding their rights and responsibilities.
5. Representing the City at arraignments, pretrial hearings, bench and jury trials, and review hearings and appeals in connection with criminal misdemeanor and gross misdemeanor cases and certain contested infraction matters, and traffic infractions upon request; and at Aggressive Dog hearings.
6. Making appropriate sentencing recommendations and decisions to the court.
7. Preparing and presenting legal memoranda, subpoenas, jury instructions, and other related materials.
8. Providing legal research, training, and assistance to City police in criminal matters, including statutory interpretation, enforcement issues, and case decisions.
9. Advising Code Enforcement on the interpretation and applicability of code provisions, the conduct of investigations, civil infraction preparation, nuisance abatement, and related matters (optional scope for City Prosecutor).
10. Representing the City at administrative and court hearings on code enforcement related civil infractions and related matters (optional scope for City Prosecutor).
11. Preparing and presenting legal memoranda regarding code enforcement and other related materials (optional scope for City Prosecutor).
12. Creating and maintaining appropriate files.

SPECIFICATIONS: CITY ATTORNEY

1. The City contracts with Grays Harbor County District Court for the City Municipal Court Services. Court is held the third Friday of each month in Montesano, WA. There are some instances where a case will be heard outside of that date if they are in custody. The City has averaged 600 cases per year over the past 4 years, most are traffic infractions.
2. The Attorney may be asked to attend other meetings as needed by the Mayor, City Council or city management.
3. The City Attorney must be available by phone, cell phone and e-mail.

MINIMUM QUALIFICATIONS: CITY PROSECUTOR

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 City Prosecutor should have a minimum of five year's experience in prosecution and code enforcement support (code enforcement optional).

CONTRACT TERM

The City anticipates an initial two-year contract, with options for extensions to be negotiated.

RFP SUBMISSION PROCESS

All submitters should submit a written proposal to include information about the submitter directly related to each of the Selection Criteria outlined below. All information should be submitted succinctly. By submitting a proposal, Submitters certify that all information provided in response to this RFP is true and accurate.

SUBMITTAL

Two copies of the proposal should be prepared and supplied to the City, and one electronic copy on a thumb drive should also be provided. The proposals should be delivered within a single envelope, clearly indicating on the front of the envelope: ATTORNEY SERVICES. All proposals must be received by the City of McCleary by mail or in-person by 4:00 p.m. on Friday, August 16, 2024. All proposals should be addressed to:

Jenna Amsbury
Clerk-Treasurer
City of McCleary
100 S. 3rd Street
McCleary, WA 98557

Except for exempt materials, all proposals and information submitted by proposers will be available for viewing after the evaluation process is complete and the City enters into a contract with the selected Attorney(s). Submissions are public records under the Washington open records laws.

PROPOSAL REQUIREMENTS

Each proposer should submit straightforward, clear and concise descriptions of the proposer's capabilities and billing practices and policies. Accordingly, submissions shall include the following information:

1. Firm/practice name, address, emails and phone number.
2. Specify which category(s) (City Attorney, Employment/Labor, or City Prosecutor) the proposal is in reference to. It can be one, two or all three categories.

3. Qualifications

Description of firm/private attorney practice, including professional qualifications and experience of each attorney who would provide legal services, along with detailed resumes. This description will clearly identify the person to serve as primary attorney and will differentiate this person from other supporting key personnel and their particular area(s) of expertise.

4. Experience

- Disclosure of any pending litigation 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.
- Describe experience and familiarity with issues unique to municipalities.
- Describe experience updating Council and staff as well as City Code to maintain compliance with new laws. Describe experience with tracking new laws as they are passed and processes for ensuring City compliance.
- Describe experience in working with reducing liability/exposure for municipalities.
- Describe, specific to the category of your submittal, your experience in that realm of law and the number of years of experience.
- Describe your trial experience in relevance to the category of the submission.

5. Method and Approach

Description of how your firm would propose to provide the required legal services. This should include an understanding of the City's service requirements, the firm's ongoing service commitment, exact timeline for responsiveness, office location, etc. Include information on availability and back-up attorney services, if absent for illness, vacation, trials, etc.

6. Statement of Contract Compliance

A Statement of Contract Compliance: Upon execution of a Professional Services Agreement the person/firm selected will be required to provide proof of comprehensive insurance, general liability, or other financial security in a manner satisfactory to the City and sufficient

to provide a minimum of \$2,000,000 per occurrence or claim in liability and lawyers' professional errors and omissions coverage. City of McCleary must be named as an additional named insured on liability policy(s) and a certificate of insurance provided for lawyers' professional policy(s).

7. Fee Proposal

Propose the type and amount of fee you/your firm is seeking for compensation. Describe the basis on which the proposer proposes to charge for services. If the proposer intends to charge on an hourly basis, please indicate the hourly rate(s) for each timekeeper. Identify any costs which will be billed to the City as a separate line item instead of being built into the hourly or monthly rates. Include areas or issues that would require special counsel and a list of items you will seek reimbursement costs. (Final agreement will be negotiated under a professional services agreement.).

8. Professional References

A list of at least three references regarding reputation and qualifications of the law firm/private attorney, addresses, phone numbers, and your relationship with them.

RFP SELECTION CRITERIA

The Selection Committee, as determined by the Mayor, will review all proposals and may invite the most qualified individuals and firms to an interview.

In reviewing and evaluating the submitted proposals and interviews, the Selection Committee will use the following criteria:

Criteria	Points
1. Qualifications and experience of key personnel with regard to all municipal government legal issues	25
2. Proposed fee structure. The City is open to a variety of approaches, including hourly rates or a flat, monthly with add-ons. The City will select the finalists by considering the proposed compensation as a “best and final offer”, although the City reserves the right to negotiate terms as needed to improve elements of the proposal to best meet the needs of the City, including costs.	25
3. Service commitment, responsiveness, and flexibility to meet City’s needs	25
4. Understanding and quality of proposed services	20
5. References. Names and references for which the firm has provided similar services	5
TOTAL:	100

AWARD OF CONTRACT:

The contract resulting from acceptance of a proposal by the City shall be in a form supplied or approved by the City, and shall at a minimum reflect the specifications in the RFP.

NOTICES:

Good Faith

This RFP has been compiled in good faith. The information contained within is selective and subject to revisions or amendments by the City.

Right to Cancel

The City reserves the right to change any aspect of, terminate, or delay this RFP, the RFP process and/or the program which is outlined within this RFP at any time, and notice shall be given in a timely manner thereafter.

Not an Award

Recipients of this RFP are advised that nothing stated herein, or any part thereof, or any communication during the evaluation and selection process, shall be construed as constituting, offering or awarding a contract, representation or agreement of any kind between the City and any other party.

Property of the City

Responses to this RFP will become the property of the City, and will form the basis of negotiations of an agreement between the City and the apparent successful Submitter.

City not Liable for Costs

The City is not liable and will not be responsible for any costs incurred by any Submitter(s) for the preparation and delivery of the RFP responses, nor will the City be liable for any costs incurred prior to the execution of an agreement, including but not limited to, presentations by RFP finalists to the City.

City's Expectations

During the review of this document, please note the City's emphasis on the expectations, qualities, and requirements necessary to be positioned as an RFP finalist and successful Submitter.

Proposal Interviews

Not all proposers may be interviewed. The proposers shall be responsible for the accuracy of the information supplied. The City reserves the right to reject any and all proposals, to issue one or more contract(s) for the intended scope of services, to waive minor irregularities, to issue additional RFPs, and to either substantially modify or abandon the

selection process prior to any award of a contract. The City reserves the right to contact entities and individuals who have worked with or have knowledge of the proposers, regardless of whether those entities or individuals are listed as references.

Right to Award

The City reserves the right to make an award without further discussion of the proposal submitted. Therefore, the proposal should be submitted initially with the most favorable terms the Submitter can offer.

Withdrawal of Proposals

Submitters may withdraw a proposal at any time up to the proposal closing date and time. To accomplish this, a written request signed by an authorized representative of the Submitter must be sent to the City Clerk-Treasurer. The Submitter may submit another proposal at any time up to the proposal closing date and time.

Proprietary Proposal Material

Any information contained in the proposal that is proprietary must be clearly designated. Marking the entire proposal as proprietary will be neither accepted nor honored. If a request is made to view a Submitter’s proposal, the City will comply according to the Open Public Records Act, Chapter 42.17 RCW. If any information is marked as proprietary in the proposal, such information will not be made available until the affected Submitter has been given an opportunity to seek a court injunction against the requested disclosure.

Schedule Of Proposal Process

The City will make every effort to follow this timetable; however, we reserve the right to modify the proposal process and dates as necessary.

Distribution of RFP	July 8, 2024
Deadline for Submittal of Proposals	August 16, 2024, 4:00 PM
Selection Committee determines finalists	August 31, 2024
Possible Finalist interviews	September 2024
Firm or individual selected	October 2024
Anticipated Target Start Date	January 1, 2025