



AGENDA ITEM: \_\_\_\_\_  
MEETING DATE: 9/18/2018  
DEPARTMENT: Administration

## REPORT TO CITY COUNCIL

### SUBJECT:

Consideration and Necessary Action on Authorization of Acting City Manager to Appoint Interim City Attorney

### RECOMMENDATION:

Authorize Acting City Manager to appoint Interim City Attorney

### BACKGROUND:

City Staff has solicited information and recommendations for appointment and legal services from neighboring cities Reedley, Selma, Coalinga, Huron, Kingsburg and Fowler.

We recommend securing immediate interim services from Costanzo & Associates of Fresno at this time based on a budget to be billed at a rate of \$160 per hour with additional provisions to be agreed as needed.

Prepared By:

Antonio Gastelum  
Acting City Manager

Approved By:

Antonio Gastelum  
Acting City Manager



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## REPORT TO CITY COUNCIL

### SUBJECT:

Consideration and Necessary Action on Authorization of Acting City Manager to Issue Request for Proposals for City Attorney Services

### RECOMMENDATION:

Authorize Acting City Manager to issue Request for Proposals for City Attorney Services

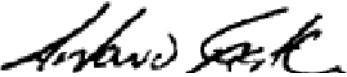
### BACKGROUND:

The attached RFP is for a primary City Attorney firm, including a detailed scope of work and also reservation of the City's right to hire special counsel for any matter the Council would like handled independently.

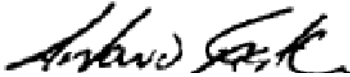
Here is the proposed submission schedule, which is subject to change by the City Council:

RFP Release Date:	September 18, 2018
Proposal Submission Deadline:	October 31, 2018
Evaluation of Proposals	Week of November 5, 2018
Interviews	Week of November 12, 2018
Approval of Contract:	December 6, 2018

Prepared By:

  
Antonio Gastelum  
Acting City Manager

Approved By:

  
Antonio Gastelum  
Acting City Manager

# CITY OF PARLIER

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## Request for Proposals City Attorney Legal Services

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September 18, 2018

## **I. INTRODUCTION**

The City of Parlier invites interested legal firms and/or individuals to submit proposals for Legal Services as they are set forth in this Request for Proposal. The firm/individual will provide clear, understandable, and independent legal advice. The firm/individual must be qualified to provide legal expertise in the areas of general municipal law, land use, zoning law, building code compliance law, labor relations and personnel law, contracts and agreements law, real estate law, environmental law, public works law, fees and taxes, open meetings and conflicts of interest law and other related areas. The City Attorney is an independent contractor serving under the direction and supervision of the City Council.

## **II. LEGAL SERVICES OVERVIEW**

The City Attorney serves under the direction and supervision of the City Council and acts as the City's legal advisor. The City Attorney is not a City employee and is not entitled to the benefits of a City employee; the position is strictly on a contractual basis. The City Council reserves the right to retain or employ other attorneys or special counsel as may be needed, in its sole judgment, to take charge of any litigation or legal matters or to assist the City Attorney.

The firm/individual is general counsel of the City and the Oversight Board; City Manager, and operating departments and all appointed boards and commissions. The firm/individual will report directly to the City Council.

The firm/individual will evaluate projects and their legal issues and provides recommended options to minimize legal risk and ensure due process in City decisions. The firm/individual will have the authority to enforce Parlier's Municipal Code and to represent the City in litigation. Additional services that shall be provided are the preparation proposed ordinances, resolutions, contracts, and other legal documents.

The City reserves the right to hire special counsel for any matter the Council wishes to be handled by another firm for any reason.

## **III. SUBMITTAL REQUIREMENTS**

Proposals must be submitted in a sealed envelope, as follows:

Proposal Title: Request for Proposals for City Attorney Legal Services

Submittal Due Date: October 31, 2018 at 5:00 p.m., PST

Submit To: Bertha Augustine  
Deputy City Clerk  
1100 E Parlier Ave  
Parlier, CA 93648

Number of Copies: (1) Original and (5) Copies

The City reserves the right to reject any or all proposals, to request additional information for the purposes of clarification, to accept or negotiate any modification to any proposal following the deadline for receipt of all proposals, waive any informality or any irregularities in any proposal, modify or extend the proposal due date and time and to select the proposal that best meets the City's needs.

#### **IV. INQUIRIES**

Any questions, interpretations, or clarifications, either administrative or technical, from prospective proposers regarding this RFP must be requested in writing, no later than Friday, October 19, 2018. All inquiries must be submitted to:

Antonio Gastelum  
Acting City Manager  
(559) 646-3545 ext 229  
[agastelum@parlier.ca.us](mailto:agastelum@parlier.ca.us)

#### **V. SCHEDULE**

Below is a tentative schedule, which is subject to change by the City Council:

RFP Release Date:	September 18, 2018
Proposal Submission Deadline:	October 31, 2018
Evaluation of Proposals	Week of November 5, 2018
Interviews	Week of November 12, 2018
Approval of Contract:	December 6, 2018

## **VI. SCOPE OF SERVICES (BASIC SERVICES)**

The City is requesting proposals from law firms or individuals with experience in advising and representing California cities for the provision of Legal Services. The following are the primary responsibilities that are required:

- Advise the City Council, Commissions and other City officials and staff on legal matters pertaining to municipal government, including the Brown Act and parliamentary procedures for running meetings.
- Act as legal counsel to agencies the City Council serves as governing body to, including the Successor Agency to the former Redevelopment Agency, Public Financing Authority, and the Community Enhancement Corporation, 501 (c)(3) organization.
- Attend at least two regular City Council meetings per month and advise the City Council on matters on the agenda as well as procedural or substantive issues that arise during the meeting. Attendance at Planning Commission or other city meetings is required when requested.
- Prepare and/or review all ordinances, resolutions, municipal contracts, joint power agreements and other contracts and agreements entered into by the City.
- Alert the City in a timely manner on new State or Federal legislation or judicial decisions that may impact the City and propose appropriate action(s) to assure compliance.
- Provide training and/or advice to the City Council, appointed Commissioners and City staff related to the Brown Act, AB 1234, conflict of interest, and other legal requirements imposed by statute.
- Inform the City Council and recommend changes to City ordinances and policies as needed.
- Approve the form of all contracts made by and between the City of Parlier and all bonds given to the City, endorsing same.
- Prepare legal opinions for City departments, the City Council, boards and commissions.
- Provide legal work pertaining to land use issues including, but not limited to, property acquisitions, property disposals, public

improvements, easements, dedications, the California Environmental Quality Act and public utilities.

- Review memorandums of understanding and provide guidance on personnel matters, labor relations and policies and procedures affecting employees, including employee discipline or procedures to assure compliance.
- Oversee coordination with special legal counsel on all litigation including oversight of the city's risk management program and general liability claims as needed as directed by the City Council and/or City Manager.
- Enforce City codes, zoning regulations, and building standards through administrative and judicial actions. Initiate and prosecute any necessary criminal actions required to enforce municipal ordinances.
- Review documents, policies, and forms to ensure compliance with current laws.
- Oversee services provided by outside legal specialists engaged by the City for special legal problems.
- Promptly respond to calls, e-mails, and correspondence from City Officials and staff.
- Perform such other legal duties as may be required by the City Council as may be necessary to complete the performance of the functions mentioned above.

## **VII. REQUESTED INFORMATION**

All proposals 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. Please answer the questions in the format and order presented. (Submissions of individual resumes alone will not be considered responsive to any specific question.)

- a. Letter of Transmittal: Signed by an authorized representative of the firm committed to providing the legal services described above, including a brief introduction and history of your firm, proven work history of the work to be performed, and a statement why you believe that your firm is the best qualified to perform the services requested.

- b. Table of Contents: Include a clear identification of the material by section and page number.
- c. Firm Qualifications: Provide professional experience and qualifications for you and/or the firm and the designated individuals to provide the service specified in the Request for Proposals. Please include a response to the following requested information:
  - i. Describe your firm's background and history; include number of years in business and number of years providing legal services to public sector agencies.
  - ii. Provide the name(s) and qualifications of attorney(s) who will be assigned to represent the City and attend City Council meetings.
  - iii. Provide complete resumes of person(s) designated by the firm to be the City Attorney or Deputy City Attorney.
  - iv. Describe your view of the role of the City Attorney.
  - v. Describe how you would structure the working relationship between the City Council, City Manager, Department Heads and other members of staff.
  - vi. Describe the response time we can expect from the City Attorney to inquiries made by the City Council/City Manager.
  - vii. Describe how you would keep the City Council and City Manager informed about the status of litigation and other legal matters.
  - viii. Please submit an example of a typical invoice your firm provides to a public agency. Please redact any references to specific costs. Also, you may redact any sensitive information. We are interested in the format, type of information included, and readability.
  - ix. Identify the types of in-service training (such as Code of Conduct, AB 1234, Commission roles and responsibilities, how to conduct performance evaluations, harassment, new laws and updates, etc.) your firm is capable of providing to municipalities.
  - x. Please describe your experience in labor negotiations.
  - xi. Clearly describe your range of experience with project negotiation, eminent domain issues, and the drafting and implementation of agreements and contracts (i.e. lease, purchase, Owner



Participation and Disposition and Development Agreements) and litigation.

- xii. Please list any political contributions of money, in-kind services, or loans made to any member of a city council within the last three years by the applicant law firm and all of its attorneys, including the attorney being proposed to represent the City of Parlier.
- xiii. Identify your proposed billing rates as shown in the sample format displayed below. This table may be modified by the firm/individual.

Proposed Monthly Retainer (Basic Services)	\$_____
Attorney	\$_____
Assistant Attorney	\$_____
Associate Attorney	\$_____
Clerk	\$_____
Paralegal	\$_____

- xiv. Are there any additional legal services that would not be included in your retainer? If so, please identify them.
- xv. Define the type and unit rates for reimbursement of expenses; for example, rate for mileage, reproduction of documents or word processing charges, unit costs for telephone costs, etc.
- xvi. Would your firm be willing to operate under a maximum annual expenditure cap with the City? If so, please explain how it might be structured.
- xvii. Provide references for three (3) municipal, public agency or key clients served. Please include the person's name, address, phone number and email address.

d. Insurance

- i. Please include a description and pertinent information regarding the general liability and malpractice carried by the firm or individual, including the amount of coverage provided by such insurance.

e. Sample Documents

- i. Report: please submit a typical report your firm provides to public sector clients (i.e., staff report, memorandum, legal opinion, etc.)

- ii. Billing Invoice: please submit a copy of a typical invoice your firm provides to public sector clients. Please redact any confidential information.

## **VIII. EVALUATION AND SELECTION PROCESS**

### **a. Evaluation: Proposals will be evaluated according to the following:**

- Complete and clear responses to items requested in the Request for Proposal.
- Experience and qualifications of law firm, proposed City Attorney, and other key personnel.
- Expertise with laws and regulations governing California municipal governments and operating procedures relative to the conduct of City business.
- Demonstration of workload capacity and level of experience commensurate with the level of service required by the City.
- Communication skills.
- Cost of services.
- The firm has no conflicts of interest with regard to any work performed by the firm for the City, and all potential conflicts have been identified;
- References of past or current municipal clients or municipal practice.

### **b. Selection**

The City Manager will establish a process to review and evaluate the submitted proposals and recommend finalists to the full City Council. The City Council will choose a finalist with whom to negotiate a contract and will make the final determination.

Please note that in an effort to maintain the integrity of the interview process all proposing firms are prohibited from contact with the City Council members outside of the formal interview process.

## **IX. CONTRACT**

The successful firm will be required to enter into a Legal Services Agreement with the City of Parlier, which will include the requirements of this RFP, as well as other requirements to be determined. The City reserves the right to negotiate the price, terms, and scope of services with the proposer, prior to entering into an Agreement.

The agreement will contain provisions requiring the selected law firm to indemnify the City and provide that the City Attorney is an independent contractor serving at the will of the City Council. 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 notice.

The City reserves the right to hire special counsel for any matter the Council wishes to be handled by another firm for any reason.