



Request for Proposals City Attorney Services

City of Chico

The City Council of the City of Chico is requesting interested full-service law firms with experience advising and representing California municipalities to submit Statements of Qualifications and Proposals to provide legal services to the City of Chico and Successor Agency of the Chico Redevelopment Agency.

Background

City and City Government. The City of Chico is located in Butte County, 90 miles north of Sacramento, and has a population of approximately 112,293. Chico is home to California State University, Chico, with approximately 16,437 full-time equivalent students.

Chico is a charter city with a seven-member City Council and a Council/Manager form of government. The City has the following departments: City Manager's office (economic development and human resources), City Attorney, Clerk, Police, Fire, Public Works (including municipal sewer services), Administrative Services (finance and information systems), and Community Development. The all-funds budget is \$134,956,232 with a general fund budget of \$53,214,325. Current staffing is 387.91 full-time equivalent positions.

The City Council has regular meetings on the first and third Tuesdays of each month which begin at 6:00 p.m. Closed sessions are held immediately following the regular meetings. The Council occasionally schedules additional meetings.

City Attorney. The City Charter provides for the City Attorney to be appointed by the Council. The City currently contracts for services with an outside full-service law firm for all City Attorney services. The City Attorney's office currently provides day to day general municipal legal services, consulting with outside counsel on specialized matters, primarily employment law matters, as needed, and contracts with various outside legal counsel for all litigation matters, except code enforcement, *Pitchess* motions, and return of firearm hearings.

The City Council is evaluating the options of: 1) continuing with contracting a full-service legal firm for all legal City Attorney services; 2) moving to a hybrid system with a contract City Attorney from a full-service law firm while retaining an assistant city attorney and paralegal as in-house City employees to be supervised by the contract City Attorney; 3) moving to a hybrid system with a reduced in-house staff of a City Attorney and a paralegal and a contract with a full-service legal firm for additional on-going legal services under the supervision and coordination of the City attorney.

The City Council is looking for an experienced law firm or individual to serve at the pleasure of the City Council. The firm or individual will act as legal representative of the City and advisor to the City Council, City Manager, City staff, and various boards and commissions of the City. This position requires a highly experienced executive-level attorney who can provide expert assistance and solid legal advice as well as provide routine legal services for the City of Chico. The selected firm or individual will analyze issues and advise the City Council of the legal aspects of its policy decisions and action matters, and perform other work as required.

Request for Proposals

The City Council is seeking proposals from full-service law firms with experience in advising and representing California cities for the provision of either full city attorney services or for services pursuant to one of the hybrid contract/in-house models described in Alternatives 2 and 3, below. Firms are invited to submit responses for any or all of the Alternatives.

Scope of Services

Alternative 1 – Full City Attorney Services

The City Attorney is expected to assist the City and Successor Agency by:

- Providing clear, concise, legal advice and consultation on a daily basis as requested by members of the City Council, the City Manager and staff;
- Attend all City Council meetings and be prepared to advise the Council on matters on the agenda as well as procedural or substantive issues that arise during the meeting;
- Provide City Attorney representation, on site, for at least three days per week;
- Attend, or assign another attorney to attend, all meetings of the Planning Commission and attend, or assign another attorney to attend, meetings of other boards or commissions when requested to do so;
- Represent and advise the City Council, City officers, boards and commissions in all matters of law pertaining to their offices;
- Prepare, review, and approve, ordinances, contracts, resolutions, leases, deeds and other legal documents;
- Perform legal work in relation to land use matters;
- Provide legal advice and assistance to departments with regard to employee disciplinary actions;
- Research and provide legal opinions as requested by the City Council, City Manager or other officers of the City;
- Represent the City in litigation and oversee services provided by other outside legal counsel engaged by the City for specified legal matters.

Alternative 2 – Contract City Attorney services with in-house Assistant City Attorney and paralegal to be supervised by City Attorney

Under this alternative, the contract City Attorney would have all of the duties described under Alternative 1 and the City would retain an Assistant City Attorney and a paralegal in-house to provide day-to-day legal services or assistance not requiring the personal attendance of the City Attorney. The work of those City employees would be directed and supervised by the contract City Attorney.

Alternative 3 – Ongoing legal services under supervision of in-house City Attorney

Under this alternative it is anticipated that the firm would provide the following services under the direction and supervision of an in-house City Attorney:

- Assist the City Attorney in providing legal advice and consultation on a daily basis, as requested, to members of the City Council, the City Manager and staff on such topics as assigned by the City Attorney;
- Attend City Council meetings, Planning Commission, or meetings of other boards or commissions when requested to do so;
- Prepare, review, and approve, ordinances, contracts, resolutions, leases, deeds and other legal documents;
- Perform legal work in relation to land use matters;
- Provide legal advice and assistance to departments with regard to employee disciplinary actions;
- Research and provide legal opinions;
- Represent the City in litigation.

Statement of Qualifications

The City Charter requires that the City Attorney must be a licensed, active member of the California State Bar for at least five years. The City Council seeks a firm, under any of the alternatives set forth above, which has substantial experience in a broad range of municipal law practice areas and which could be expected to have the experience and expertise necessary to meet all or most of the day to day and specialized legal needs of the City.

Proposals should include a statement of qualifications that includes descriptions of the firm's experience in all of the following practice areas for which they wish to be considered:

General Municipal Specialty, including but not limited to:

- General municipal law advisory
- Labor/employment, training, and personnel investigations
- Tax (federal/state/local)
- HUD
- Worker compensation (public entity employer)
- Elections
- Storm water regulation/solid waste/recycling
- Telecommunications
- Joint Power Authorities
- Code enforcement
- Disability issues/FEHA/ADA

Litigation Defense, including but not limited to:

- Public entity tort claims
- Labor and Employment
- Public Safety Defense
- Construction law/public works/prevaling wage matters
- General writ litigation

Real Property and Land Use, including but not limited to:

- CEQA
- Condemnation/eminent domain
- Development
- Land use/planning and zoning law
- Prop 218
- Real estate transactions/commercial document preparation

Proposals for Alternative 1 should identify the member of the firm who will be assigned to act as the City Attorney and any other members who will be assigned as an Assistant or Deputy City Attorney and shall specifically identify the qualifications, areas of expertise and prior experience of those individuals.

Proposals for Alternative 1 shall also include a statement from the person who would be designated as the City Attorney which answers the following questions:

- How do you view the role of the City Attorney?
- How you will keep the Council and City Manager informed about the status of litigation and other legal matters?
- How will you manage and track legal costs?
- How would you evaluate whether to use an attorney within your firm or an attorney from another firm to handle a case, provide expert advice, or provide other needed services?
- Describe the firm's practices regarding ongoing professional development, training and keeping current on legal developments affecting its clients?

Proposals for Alternative 2 should identify the member of the firm who will be assigned to act as the City Attorney. They should also provide a statement describing how the firm would implement this Alternative, specifically including how and what type of work would be assigned to the City's in-house staff and what type of work would be performed by the City Attorney or other members of the City Attorney's firm. The proposal shall also identify any other members of the firm who will be assigned as an Assistant or Deputy City Attorney and shall specifically identify the qualifications, areas of expertise and prior experience of those individuals.

Proposals for Alternative 2 shall also include a statement from the person who would be designated as the City Attorney which answers the following questions:

- How do you view the role of the City Attorney?
- How you will keep the Council and City Manager informed about the status of litigation and other legal matters?
- How will you manage and track legal costs?
- How would you evaluate whether to use an attorney within your firm or an attorney from another firm to handle a case, provide expert advice, or provide other needed services?
- Describe the firm's practices regarding ongoing professional development, training and keeping current on legal developments affecting its clients?

Proposals for Alternative 3 should identify the attorney who will be assigned to be the primary contact for the City Attorney and any other attorneys who it is anticipated will routinely be assigned to City or Successor Agency matters including, but not limited to, personnel and land use matters, and shall specifically identify the qualifications, areas of expertise and prior experience of those individuals.

Proposals for Alternative 3 shall also include a statement from the person who would be designated as the primary contact for the City Attorney which answers the following questions:

- How will you manage and track legal costs?
- Describe the firm's practices regarding ongoing professional development, training and keeping current on legal developments affecting its clients?

Compensation

Proposals shall describe how the firm intends to bill for the legal services provided, either on a flat monthly retainer, or on a different basis. If it is proposed that general municipal services will be paid for through a retainer with additional charges for special services, the proposals should clearly define what would be considered to be within the scope of general municipal services covered by the retainer and what services would be considered special services subject to additional charges, and the rates that would be charged for those special services. If hourly billing rates would be charged and those rates would vary for different types of work, such as litigation, indicate what rates will be charged for each type of service.

Under both alternatives, general advisory services for employment and land use matters should be included within the scope of any retainer proposal for general municipal services or included within the hourly rated applicable to general municipal services, if hourly rates are proposed.

Proposals shall identify what charges the firm will impose for travel time.

It is expected that the scope of work performed, and the rates charged therefore will be reviewed and evaluated by the parties at the end of the first year of services and be subject to modification at that time based on the review.

Additional Required Information

Each proposal should also include the following:

- A statement of the availability and commitment to provide the services by the attorney or attorneys with the primary responsibility to provide the proposed services, including the ability to devote the necessary amount of time to the work to be performed, flexibility in scheduling, office location of the attorney or attorneys, and firm or personal practices in regard to returning calls and meeting deadlines.
- The types of support staff, such as other attorneys, paralegals and others in the firm who would be assigned to work for the City and whose time would be billed for that work.
- The proposals should disclose the names, nature of assignment, and relevant dates for any of the firm's clients who may have actual or perceived conflicts of interest with the City

or Successor Agency. The proposal should also provide a statement or description of the firm's policy to address how conflicts of interest between two or more clients are avoided.

- Each proposal shall include a description of the pertinent information regarding the general liability and malpractice insurance maintained by the firm, including the amount of coverage under such insurance.
- Three client references (municipal or public agency)

Alternative Proposals

Firms are invited to submit proposals for any or all Alternatives. Proposals which respond to more than one Alternative shall contain all of the information required for each of the Alternatives to which the proposal applies.

Selection Process

The City Council will determine the process by which the proposals are reviewed, although it is anticipated that the material provided in the Statements of Qualifications and Proposals, interviews with the firms, and references will be the determinative factors in making a selection. Proposed fee arrangements, experience, service delivery and other qualifications will all be important selection factors.

The City Council reserves the rights and options to:

- Reject any or all of the submittals
- Waive any of the provisions in the Request for Proposals
- Issue subsequent Requests for Proposals
- Cancel the Request for Proposal process
- Waive any technical error in the responses it receives
- Negotiate with any, all, or none of the respondents to the Request for Proposals in regard to costs or to further refine the scope of services to be provided
- Award a contract or contracts to more than one firm for different services
- Retain existing outside counsel

All costs of preparing and submitting the proposals are to be borne by the submitter and not the City or Successor Agency.

Submittal Deadline

Interested firms should submit one unbound original of each proposal in a sealed envelope, marked on the outside as “**RESPONSE TO REQUEST FOR PROPOSALS – CITY ATTORNEY SERVICES**” by Friday October 18, 2019, at 5 p.m. to:

Jamie Cannon, Human Resources & Risk Manager
P.O. Box 3420
Chico, CA 95927