

03-15-2022

**City Council Regular Meeting
Second Supplemental Packet**

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Meeting Date March 15, 2022

Council Memo

To: Mayor Palmquist and City Council Members

From: Ron Moorse, City Administrator

Date: March 15, 2022

Re: Legal and Engineering Services Requests for Proposals (RFPs) – **Supplemental**

The Council, at its March 9, 2022 work session, agreed to move forward with a legal services RFP process and requested that staff draft a legal services RFP for the Council's review and feedback. Attached is a draft legal services RFP. The items mentioned by the Council as important during the work session discussion are highlighted. Also highlighted are the timing and dates of the process, particularly the interview dates. The Council can discuss whether the general timing works, and can advise staff of which of the May 2-5 dates work for interviews at 4:30 p.m. The Council may want to schedule one interview at 4:30 on May 2 to avoid a conflict with the 7:00 Planning Commission meeting, and schedule the other interview(s) later in the week.



Request For Proposals and Qualifications

for

City Attorney

to provide

Municipal Legal Services

and Prosecution Services

AFTON, MN

DATE OF ISSUE: March 21, 2022

CONTACT:
Ron Moore
City Administrator
City of Afton
3033 St. Croix Trail
Afton, MN 55001
651-436-8957
rmoorse@ci.afton.mn.us

INTERVIEWS TO BE SCHEDULED May 2-5, 2022

Request for Proposal Table of Contents

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I. PURPOSE

The City of Afton is requesting proposals and qualifications for municipal legal services and prosecuting services from firms experienced in municipal law. The City is searching for a law firm that would understand the issues related to a small city with a rural development pattern. Firms may submit proposals for one or both of the following services: 1) municipal 2) prosecution

II. BACKGROUND

The City of Afton is a community located on the lower St. Croix River, 20 miles southeast of St. Paul. The City encompasses about 26.48 square miles, has a population of 3,000 and is located within Washington County. The City has 1 full-time employee and 3 part-time employees. A full range of public services are provided including police and fire protection; construction and maintenance of streets, parks and infrastructure; and general administration. All City services are contracted, with the exception of administrative support services and City administration. All development in Afton is rural development with private well and septic and a minimum lot size of 5-acres, with the exception of its historic downtown Old Village area on the St. Croix River. The City of Afton is a statutory city operating under Plan A, and is governed by a City Council composed of a Mayor and four Council Members. The Council members are elected by Ward and serve 4-year terms. The Mayor is elected at-large, and serves a two year term.

Historically the City has retained a private firm or firms to provide municipal legal services. The City has also utilized additional firms to provide bond counsel service.

III. PROCESS

The City Council will review proposals and qualifications of submitting firms and if necessary, conduct interviews with one or more of the firms. Upon the decision of the City Council the firm(s) will be appointed to provide municipal legal services.

IV. GENERAL INSTRUCTIONS

A. Responses must include complete information as described in this request. Six (6) copies shall be submitted by 1:00 p.m. on April 18, 2022 to:

City Administrator
City of Afton
3033 St. Croix Trail
Afton, MN 55001

B. To ensure fairness and uniformity, firms submitting responses are requested to not contact directly or indirectly City staff or the City Council. Questions about this RFP may be sent by e-mail to rmoorse@ci.afton.mn.us prior to the submission deadline.

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

D. The City reserves the right to reject any and all proposals and to request additional information from any and all Proposers.

E. Firms may submit a proposal for one or both of the following areas of representation:

1. Municipal
2. Prosecution

Firms should clearly designate the area(s) of representation for which they are proposing.

V. REQUIRED CONTENTS OF RESPONSE

A. Firm Background:

1. Brief history of firm
2. Number of attorneys, including number of partners and associates and areas of specialty
3. Support personnel: number and expertise
4. Office organization and support capabilities
5. Office location(s)
6. Current use of technology
 - a. capability for computerized legal research and for sharing and editing documents electronically.
 - b. Capability to provide monthly reports that provide updates on all in-process matters, (including prosecution matters, if applicable)
 - c. Capability to provide monthly invoices that adequately describe all billed activities
7. Statement 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.
8. Statement of 2021 billings for municipal work as a percentage of total 2021 billings.
9. Describe malpractice insurance coverage: carrier, limits, and exemptions.
10. Statement of compliance with federal and state laws respecting civil rights.

B. Attorney Qualifications:

1. Identify the specific attorney who will serve as the lead attorney and indicate the following:
 - Academic training and degrees
 - 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
 - Describe current responsibilities and client workload and capacity to serve Afton
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.

C. List of cities currently represented and for what type(s) of service.

D. List of cities the firm began representing in the last three years and cities the firm stopped representing in the last three years.

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

F. Description of the firm's view of their responsibilities to the City in the provision of legal services.

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

H. 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. Indicate whether designated lead attorneys or the law firm currently represents any other local units of government having jurisdiction within, or contiguous to, the City of Afton.

4. Identify what procedures your firm utilizes to identify and resolve conflicts of interest.
5. List any and all personal or professional relationships the proposed lead attorney has with the City Council members or city staff.

I. Fees:

1. Retainer: Firms desiring to be considered for City Attorney services may indicate a monthly retainer amount and describe specific services to be included within the retainer and any services that would be outside the retainer. For services outside the retainer, indicate the hourly rates for City Attorney and other attorneys and support staff that may be working on City business.
2. Hourly: Firms desiring to be considered for City Attorney services and charging an hourly rate shall indicate the hourly rates for the City Attorney and other attorney's and support staff that may be working on City business.
3. Identify the minimum increment of time billed for each service including phone calls, correspondence and personal conferences.
4. State the rate for meeting attendance, whether hourly or otherwise.
5. Define the type and unit rates for reimbursement of expenses such as mileage, reproduction of documents, and word processing charges.

VI. Municipal Legal Services Requirements

Following are the primary responsibilities:

1. Attend City Council meetings (one per month) and other commission, committee or staff meetings as requested by the City Council or City Administrator.
2. Draft and/or review ordinances, resolutions, agreements, contracts, , including contracts for public improvements, joint powers agreements, construction, purchase of equipment, and the like, forms, notices, certificates, deeds, correspondence and other documents as requested. Review City Council agendas and meeting minutes as requested.
4. Legal advice and opinions concerning legal matters that affect the city.
7. Legal work pertaining to property acquisitions, property disposals, Public improvements, easement dedications, and right-of-way vacations.
8. Provide advice on open meeting law, data practice, records retention, and privacy issues.

9. Provide legal advice as needed regarding zoning matters

Provide legal briefings as requested to City Council and Staff regarding new or proposed legislation affecting municipal operations and activities.

10. Provide written update on new State or Federal legislation or judicial decisions impacting the City and suggested action or changes in operations or procedures to assure compliance.
11. Prepare deeds, easements, and other documents for recording purposes. Record documents at Washington County and provide original document to City Administrator.
12. Represent the City in employment related issues, in administrative hearings and in litigation involving same.
13. Interpret and advise with respect to municipal employment matters including, but not limited to, PERA, personnel policy, FLSA, Veterans' Preference, and unemployment compensation.
14. 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) employment matters.
15. Defend City in uninsured claims and other insurance matters.
16. In coordination with Bond Counsel, review of financing, special assessments, bonds and insurance requirements required by or for City contracts or activities.
17. Represent City in the acquisition of properties for public improvements, easements, and parks.
18. Represent City in condemnation proceedings for public improvement projects.

Represent the City in the acquisition of properties for public improvements, special assessments, construction, purchase of equipment and the like.

Represent the City in condemnation proceedings for public improvement projects, etc.

Provide written updates on new state and federal legislation or judicial holding impacting upon the City, and suggested action or changes in operations or procedures to assure compliance.

Defend the City in all litigation, as requested, except in those areas where insurance policy coverage requires the exclusive provision of defense including, but not limited to: (1) human rights claims, (2) condemnation, (3) zoning and land use regulation matters, (4) permits and administrative actions, and (5) employment matters. In those

matters for which the City is provided with Defense Counsel by its insurer, cooperating fully as necessary with the appointed counsel and in all cases with City's insurance carrier.

Review bonds and insurance requirements required by or for City contracts or activities.

Meet from time to time with the City Administrator to review the status of all legal matters before the City and provide at least quarterly a written status report on all current litigation and unresolved matters.

19. Represent the City in workers' compensation matters.
20. Initiate litigation on behalf of City as requested by City Council.
21. Interpret and advise regarding State land use statutes and City Code.
22. Interpret and advise regarding laws relating to Comprehensive Plans and approvals.
23. Advise and represent the City on environmental matters.
24. Prepare and/or review the following as requested by City Council or Administrator:
 - a. Vacation of Rights-of-way
 - b. Special Assessments
 - c. Business Subsidy Agreements
 - d. Development Agreements
27. 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.

Prosecution Services Requirements

All prosecutions, including jury trials and trials to the court, all petty misdemeanors, misdemeanors and gross misdemeanors charged under the City's jurisdiction and any time spent on files before the Minnesota Court of Appeals and the Minnesota Supreme Court. Those services shall include, but are not limited to, the following items:

- A. Prepare gross misdemeanor and misdemeanor formal complaints, These complaints will establish probable cause, define charges, and include a letter advising of the arraignment date for the defendant.
- B. Prosecute gross misdemeanor and misdemeanor complaints, including preparing for and attending all pretrial hearings, revocation hearings, omnibus hearings, arraignments, court trials, jury trials and sentencing.
- C. Prosecute misdemeanor complaints for housing, business licensing, and zoning/building code violations.

- D. Prepare files for court, including assembling witness lists, preparing subpoenas, copying statutes or ordinances for court trials, etc. Included in this service would be certified document requests and other information required by the Court.
- E. Prepare letters and notices associated with various court trials. These include letters to victims, omnibus hearing notifications, and notices of change in time, date or place of hearings.
- F. Maintain records, including court calendar, records of formal complaints records regarding criminal history requests from the Bureau of Criminal Apprehension (BCA), records of officer vacation schedules, and court assignment schedules of the prosecutor.
- G. Maintain correspondence and telephone conferences with various agencies including law enforcement agencies, courts, Minnesota Correctional facilities, victims/witnesses, defendants/defense attorneys, social workers, psychiatrists, victim advocate representatives, hospitals, banks, insurance companies, etc. Research statutes and/or ordinances for court cases, formal complaints, or as requested by the Washington County Sheriff or the City of Afton
- H. Handling requests for disposition of detained defendants.
- I. Maintain active files.
- J. Prepare written status reports on all current prosecution activities on a monthly basis. Meet as requested with City Administrator to review status of prosecution matters.
- K. Provide training and legal updates for law enforcement officers as needed.
- L. Assist with forfeiture issues, search warrants, and booking motions

VII. Anticipated Timeline

Following is the anticipated schedule the City Council expects to utilize for the review and selection of a City Attorney:

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|----|----------------------------------|---------------------------------------|
| 1. | <u>March 21 2022</u> | Distribute RFPs |
| 2. | <u>April 18, 2022 (1:00 PM):</u> | Deadline for Receipt of RFPs |
| 3. | <u>April 25, 2022:</u> | Review By Council |
| 4. | <u>May 2-5, 2022:</u> | Interview Semi-Finalists |
| 5. | <u>May 17, 2022:</u> | City Council Decision Appointing Firm |