

# CITY OF PALESTINE

(Public Advertisement)

## REQUEST FOR PROPOSALS CITY ATTORNEY AND MUNICIPAL PROSECUTOR SERVICES RFP-15

**Proposal Due Date: May 10, 2010**

The City of Palestine invites proposals for contracted City Attorney and/or Municipal Prosecutor services. Proposals are due to the City Manager's Office by 2:00 p.m. on May 10, 2010. The City seeks services encompassing the traditional scope of work including legal counsel, opinions, consultation prosecution of Class C Misdemeanors, and coordination with special counsel. Attendance at a variety of meetings and/or Court proceedings will be required, including meetings with city staff and City Council meetings as specified. The proposal may be for either City Attorney Services, Municipal Prosecutor services, or both.. For a copy of the RFP package, access the City Web Site ([www.palestine-tx.org](http://www.palestine-tx.org)) or phone R. Dale Brown, City Manager at 903-731-8416 or e-mail [rdbrown@palestine-tx.org](mailto:rdbrown@palestine-tx.org).

**Delivery:** Proposals may be mailed, e-mailed, or hand-delivered to the City of Palestine, City Manager. Please see the RFP document for specific information regarding delivery.

**Pre-Proposal Conference:** The City Manager will meet with any proposer prior to the submittal date to provide any additional information. Proposers are requested to make appointments by contacting the city manager's office at 903-731-8415 to schedule the appointment.

**Communications:** All communications are to be directly through the City Manager.

**Minimum Qualifications:**

- a) The attorney must possess a Juris Doctorate degree and have graduated from a law school accredited by the American Bar Association;
- b) The attorney must be a member in good standing of the Texas State Bar Association;
- c) The attorney must have a minimum of ten years experience in the field of municipal law with particular experience in land use and zoning, public bidding and construction, and employment law.

The City of Palestine reserves the right to reject any or all proposals, waive technicalities or irregularities, and to accept any proposal if such action is believed to be in the best interest of the City.

Official Publication: Palestine Herald Press

**CITY OF PALESTINE**  
**REQUEST FOR PROPOSALS**  
**CITY ATTORNEY SERVICES**

**RFP-15**  
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**Introduction**

For information about the City of Palestine, visit <http://www.palestine-tx.org>.

Palestine has approximately 180 employees, and operates under a Council-Manager form of government. The City Council consists of six members elected by district and a mayor elected at large. The City Manager is hired by and reports to the city council and directs all City operations.

It is estimated that the current city attorney averages 50 to 60 hours per month on city business. The city is billed on an hourly basis except for council meeting days where the city is billed a flat fee for the entire day. On council meeting days the city attorney is expected to be available during the day of the meeting to meet with city staff and council members on an individual basis.

It is estimated that the current municipal prosecutor averages 5 – 10 hours per month addressing municipal court matters. The city is billed on an hourly basis. The municipal prosecutor is considered a part-time employee of the city and is subject to federal withholding as well as FICA and Medicare withholding.

The firm selected to represent the city as city attorney will provide primary legal services to the city; however, the City utilizes special counsel on an hourly basis, for certain litigation, claims, human resource concerns relating to civil service law, and other special issues. Some of the current special counsel's work could be transferred to the City Attorney firm, depending upon the depth and breadth of special services available from the winning firm. Some special counsel work will continue with the existing relationships, particularly for civil service work. The awarded City Attorney firm will assist the City in coordination of these relationships to the City.

The firm selected to represent the city as municipal prosecutor will provide primary legal services for the Municipal Court. They will prosecute all cases brought to trial in the Municipal Court and, if necessary, handle appeals of those cases in Anderson County Court.

The City Manager's Office, manages the legal services for the City. Individual departments may frequently initiate the work, although the City Manager retains the core responsibility for legal functions, coordination of these services, and the legal budget. The City has nine primary departments (Administration, Finance, Fire, Police, Public Works, Utilities, Development Services, Economic Development and Public Facilities. Each department works actively with the City Attorney for advice and counsel.

### **General Job Description (Scope of Services) – City Attorney**

1. Provides legal advice, counsel, services, training, consultation, and opinions to the Mayor, City Council, City Manager, Boards and Commissions, and City department heads, on a wide variety of civil assignments, including but not limited to land use planning, laws against discrimination, public facility bidding and construction, condemnation, purchasing and procurement, leasing, purchase and sale of property, employment legal matters, public disclosure issues, and tort law. The City Attorney's advice includes methods to avoid civil litigation.
2. Furnishes legal representation at all City Council meetings, and at other meetings when requested. The attorney should be knowledgeable in the Texas Open Meetings Act and the Texas Open Records Act.
3. Appears before courts and administrative agencies to represent the City's interests.
4. Prepares and reviews ordinances and resolutions, contracts and other documents for legal correctness and acceptability.
5. Works cooperatively with the municipal prosecutor and any 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 officials and employees to understand the legal roles and duties of their respective offices and interrelationships with others.
9. Provides the Mayor and Council with guidance as to Robert's Rules of Orders and related procedural matters relating to Council meetings.
10. Prepares legal opinions at the request of the City Manager or the City Council.
11. Provides the Mayor, Council, and administration a legal perspective and advice on various governmental issues.
12. Performs other legal services and tasks, as requested by the City Council or the City Manager.

### **General Job Description (Scope of Services) – City Prosecutor**

1. Work with the Municipal Court in scheduling trial dates.
2. Prosecute bench and jury trials.
3. Prepare legal documents
4. Perform legal research to support legal decision making.
5. Review citizen initiated allegations of Class C misdemeanor offenses and determine if charges are to be filed based upon those allegations.

### **Specifications – City Attorney**

1. The appointed City Attorney attends all City Council meetings. These are scheduled for every second and fourth Monday night, from 5:30 p.m. until close, which could typically be about 8:00 p.m.
2. The City Attorney must be available by phone, cell phone, fax and e-mail.
3. Timeliness of response and accessibility to the City Attorney is an important aspect of the service. Accessibility and responsiveness for the proposed designated City Attorney is of greatest importance. Accessibility includes the ability to be generally available to attend meetings in person on short notice and the ability to be reached promptly by telephone and/or e-mail. The City does not offer space for offices in a City location.

### **Specifications – Municipal Prosecutor**

1. The appointed Municipal Prosecutor shall be present for bench, jury, pre-trial, and bond forfeiture dockets. Appearance at arraignment dockets and for property hearings may also be required. Court is scheduled every Tuesday, but most dockets requiring the Prosecutor are scheduled on either Wednesday or Friday.
2. The Municipal Prosecutor must be available by phone, cell phone, fax, and e-mail.
3. The Municipal Prosecutor must attend annual training provided by the Texas Municipal Courts Education Center. The City shall pay for the cost of attending the training.
4. Timeliness of response and accessibility to the Municipal Prosecutor is an important aspect of the service. Accessibility and responsiveness for the proposed designated Municipal Prosecutor is of greatest importance. Accessibility includes the ability to be generally available to attend meetings in person on short notice and the ability to be reached promptly by telephone and/or e-mail. The City does not offer space for offices in a City location.

### **Contract Term**

The City anticipates a one year contract, with automatic one-year renewals.

## **Schedule**

The City anticipates the following schedule. This is for information only and will be adjusted as needed. Proposers are encouraged to reserve May 24, 2010 for interviews with City Council.

RFP Release Date: April 6, 2010; RFP Submission: May 10, 2010; Interviews: May 24, 2010; Council Consideration: June/July 2010; Anticipated Start: on or before August 1, 2010.

## **How to Respond**

Please provide ten copies of a written response, responding to each inquiry in the order below.

### **1. Firm History**

Provide a brief description of the history of the firm; when founded, etc.

### **2. Firm Experience**

- a) Provide a narrative description of the firm.
- b) Describe the general experience of the firm.
- c) Identify other municipal clients.
- d) Identify experience with municipal issues including land use, zoning, growth management, environmental law, prosecution of class C Misdemeanor offenses, complicated agreements including inter-local agreements, public works, personnel, and other municipal specialties.

### **3. Proposed Attorney**

- a) Name and describe the attorney(s) proposed to provide services to the city. Clearly identify the lead City Attorney and/or Prosecutor and name any assisting attorney(s) (if any).
- b) Provide a resume or similar description for the attorney(s), with considerable detail provided in describing experience similar to what is expected of the city attorney or municipal prosecutor.
- c) If specialty attorney(s) or additional resources are available through your firm (in addition to the principal attorney) to meet special or unusual needs, please briefly identify such individuals and specialties as well.

### **4. Accessibility and Responsiveness**

- a) Identify the accessibility of the proposed designated City Attorney and/or Municipal Prosecutor, and the response time that the individual offers to the City. Specifically identify the lead-time required for attending scheduled or ad-hoc meetings. Identify how quickly the City Attorney and/or Municipal Prosecutor can arrive in person to attend an unscheduled, urgent meeting.
- b) Provide the same information for any assisting attorney(s).

## **5. Proposed Fee Structure**

Propose a compensation package, inclusive of all service costs. The City is open to a variety of approaches, including hourly rates, a flat monthly rate, or a combination of both. The City will select the finalist 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 cost.

## **6. References**

- a) Provide five references for the proposed City Attorney and/or Municipal Prosecutor.
- b) The City prefers references that include municipal government experience.
- c) Inclusion of the reference in your proposal is also agreement that the City may contact the named reference.
- d) The City may contact any companies or individuals, whether offered as references or otherwise, to obtain information that will assist the City in evaluating the Proposer. The City retains the right to use such information to make selection decisions. Submittal of a proposal is agreement that the City may contact and utilize such information.

**Contract Negotiations:** The City of Palestine reserves the right to negotiate all elements which comprise the apparent successful proposal to ensure that the best possible consideration is afforded to all concerned. City representatives and the selected finalist will review in detail, all aspects of the requirements and the proposal. During the review of the most favorable, apparent successful proposal, the Proposer may offer and the City may accept revisions to the proposal.