

**CITY OF CARMEL-BY-THE-SEA  
REQUEST FOR QUALIFICATIONS (RFQ)**

For:  
**RFQ 18-19-005  
LEGAL SERVICES**



**Proposal Release Date:**  
Friday, March 29, 2019

**Proposal Submittal Due Date and Time:**  
Friday, May 3, 2019 at 4:00 PM

# CITY OF CARMEL-BY-THE-SEA

## REQUEST FOR QUALIFICATIONS (RFQ) FOR LEGAL SERVICES

The City Council of the City of Carmel-by-the-Sea (“City”) invites interested law firms and individuals to submit written proposals to provide legal services to the City and the City Council.

### **Background and overview**

The City of Carmel-by-the-Sea is a general law city incorporated in 1916. The City provides administrative services (finance, human resources and IT); planning, building and code compliance services; library services and community activities; public safety services of ambulance, fire prevention and response (through a contract with a neighboring city) and police and patrol services; and public works services including facility maintenance, park, beach and tree/forest maintenance and sidewalk, street and storm drain maintenance to its residents businesses and visitors. The City operates under the City Administrator/Council form of government. The Council includes the Mayor (two-year term) and four Councilmembers (four-year term), all elected at large. The position of City Attorney is appointed by, and works directly for, the City Council. The City Attorney is selected by and serves at the pleasure of the City Council.

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

The selected firm or individual will be accountable for the legal direction of municipal affairs. In addition to providing a broad range of routine legal services; however, court litigation, eminent domain proceedings, labor negotiations and bond issue proceedings could be considered special legal services and would be provided using an agreed upon hourly rate and/or retainer scenario. The selected firm or individual will have outstanding communications and interpersonal skills, and the ability to work with a wide variety of individuals. It is essential that the City’s selected firm or individual stays current in municipal law, is well versed in the “art of the possible,” and is not risk averse in terms of problem solving or approaches to best meet the City’s needs. The selected firm or individual must also recognize the importance of retaining trust and confidence, and should be highly accessible. The selected firm/individual should have an appreciation of Carmel’s unique character, and/or a willingness to understand it.

### **What the City Council is looking for in its next City Attorney:**

**Submittal Package:** Proposals should provide specific and succinct answers to all questions and requests for information. Please respond in the format and order of inquiry presented. (Submissions of resumes alone will not be considered responsive.)

A. **Qualifications to provide services:** As an introduction, please describe the firm’s or individual’s qualifications for providing City legal services, overall capabilities, training, and areas of expertise for the partner/principal who would be the designated ‘City attorney,’ and the person most likely to be the principal deputy. Responses should include:

- Length of employment with the firm;
- Specialization;
- Legal training;

- Scholastic honors and professional affiliations;
- Date of admittance to California Bar;
- Years of practice;
- Municipal or other local public sector experience;
- Knowledge of, and experience with California Municipal Law (what percentage of practice represents municipal law, and statement of other types of clientele represented).
- Litigation experience and track record;
- Knowledge and practice of law relating to land use and planning, California Environmental Quality Act (CEQA), general plans, real estate, environmental issues, hazardous waste and other related law;
- Experience in the areas of personnel, workers' compensation, general liability and employee relations, and employment and labor law;
- Experience in the area of contracts and franchises;
- Experience in the preparation and review of the ordinances and resolutions;
- Experience in the area of the Public Records Act, the Ralph M. Brown Act, the Political Reform Act and conflicts of interest, and the Elections Code;
- Experience in negotiating agreements and disputes;
- Experience in criminal prosecution;
- A disclosure, and explanation, of malpractice decisions;
- A disclosure, and explanation, of complaints filed with the State Bar and/or discipline imposed by the State Bar.

#### **B. Scope of Services**

The selected firm or individual will be required to enter into a Professional Services Agreement. Although it is the intention of the City Council to develop a long-term relationship with its legal services provider, the initial term of the agreement for legal services shall be for period of one (1) year, with an option to renew for one (1) additional year at the sole discretion of the City Council. The City does not guarantee a minimum amount of legal service hours to be rendered by the selected individual or firm.

The selected firm or individual will advise the City Council, and would be expected to work closely with any special counsel representing the City. The selected firm or individual will be required to work closely with the City Administrator, and members of the City Administrator's staff, and will be closely associated with the City Administrator's Executive Team. The selected legal counsel will neither direct nor supervise City staff.

The scope of the services of the legal counsel would include, but is not limited to, the following:

- Attend regular City Council meetings, as well as special City Council meetings upon request;
- Periodically attend Planning Commission meetings, and other board and commission meetings upon request;
- Provide legal advice, written legal opinions and consultation on matters relating to normal day-to-day business of the City to the City Council, City Administrator, boards, commissions, committees, and officers of the City as requested by the City Council or the City Administrator;
- Be available for telephone consultations with City Staff and City Council members;
- Prepare or review normal legal documents such as City ordinances, resolutions, and ordinary contracts and legal agreements;
- Prosecute Municipal Code violations including Health and Building Code violations;
- Represent the City in all non-monetary lawsuits such as writs of mandate; Pitchess motions, suits for declaratory relief and injunctions;

- Use a wide variety of legal research methods, study and review as necessary to properly advise and protect the interests of the City.
- Review and provide advice regarding Council meeting agendas and proposed staff reports;
- Provide guidance as needed on the Ralph M. Brown Act and other procedural issues;
- Advise City on Public Records Act requests as needed;
- Advise City on pending and potential litigation;
- Monitor pending and current legislation and case law as appropriate and inform City of items of interest; keep the City Council informed of significant developments.
- Supervise outside legal services as authorized by City Council.

To reinforce, the selected legal counsel must have a strong working knowledge and experience in the following areas of law: Ralph M. Brown Act, Political Reform Act, Public Records Act, Coastal Act, public contracting law, employment and labor law, and other areas of municipal law. Direct experience in advising a public entity, and familiarity with current issues in municipal law, are also essential.

### **C. Your Current Practices / Conflicts of Interest**

- Please list any political contributions of money, in-kind services, or loans made to any member of the City of Carmel-by-the-Sea Council within the last five years by the applicant law firm and all of its attorneys (including the attorney being proposed as City Attorney).
- Please list all public clients for which your firm currently provides legal services. Please list all public clients for which your firm has provided services over the last five years.
- For the proposed City Attorney, please specify current or known future professional commitments in order that the City may evaluate your continuing availability for providing legal services to the City.

### **Submittal Content and Procedures**

Submit seven (7) copies of the following:

- 1) A one-page cover letter with the name and contact information for the proposed lead attorney.
- 2) Description of the demonstrated qualifications and experience of the proposed lead attorney and any associates to be assigned to work for the City Council in the areas of law described above.
- 3) Three (3) relevant client references.
- 4) List of current hourly rates for each attorney and support staff proposed to be assigned to work for the City Council.

All proposals are due by **4:00 pm on Friday, May 3, 2019**. Proposers are required to submit:

- Seven (7) hard copies of the proposal in a sealed envelope bearing the caption: "City of Carmel-by-the-Sea – Proposal for City Attorney Legal Services (RFQ #18-19-005)," and
- A PDF of the proposal on a CD or USB drive addressed to:

Chip Rerig, City Administrator  
 City of Carmel-by-the-Sea  
 City Hall  
 Carmel-by-the-Sea, CA 93921

The City Council reserves the right to reject any and all submittals and to waive minor inconsistencies. The cost of preparing responses to this Request for Qualifications shall be borne by the respondents and will not be reimbursed by the City.