



**CITY OF WASHOUGAL  
REQUEST FOR PROPOSALS PACKET  
CITY ATTORNEY AND CITY PROSECUTOR SERVICES  
Proposal Due Date: 5/27/16**

**PROPOSAL REQUIREMENTS**

1. Description of your law firm/private attorney practice (including professional qualifications of individuals who will provide services).
2. Understanding of the type and level of services required, and the capability of providing such services, including an explanation of how these services will best meet the City's needs. A description of whether the proposal is for the full scope of City Attorney and City Prosecutor services, or for one or the other.
3. Compensation structure for proposed services.
4. A list of at least three references regarding reputation and qualifications of the law firm/private attorney.
5. Disclosure of any pending litigation or judgments rendered against the law firm/private attorney in any matter relating to professional activities of the firm, including any pending complaints to the Washington State Bar Association.

**SCOPE OF WORK: CITY ATTORNEY**

The City Attorney provides legal advice, counsel, services, consultation, and opinions to the Mayor, City Council, City Administrator, and other City Management staff, on the full scope of civil municipal legal assignments, including but not limited to: all matters related to the Washougal Municipal Code; state statutes and rules related to Code cities; ordinances and resolutions of the Council; land use planning; compliance with City, state and federal regulatory requirements; intergovernmental agreements; laws against discrimination; public private development partnerships; construction of public works; utility regulations and operations; purchasing and procurement; leasing; purchase and sale of property; employment legal matters; public disclosure issues; Open Public Meetings Act requirements; municipal risk and tort law. Support of the code enforcement and nuisance abatement function is also included in the City Attorney scope, but the City will accept individual proposals for City Prosecutor that include the code enforcement and nuisance abatement scope, and may choose to include such scope in the City Prosecutor contract if contracted separately. The City Attorney's advice includes methods to avoid civil litigation.

1. Furnishes legal representation at all regular City Council meetings, and at other meetings when requested.
2. Appears before courts and administrative agencies to represent the City's interests. Such administrative and court hearings include but are not limited to: appeals to the City Hearing Examiner of land use matters, appeals to superior court of final administrative decisions made by City officials, and hearings regarding code enforcement and nuisance abatement.

Particularly when opposing parties are represented by legal counsel at such hearings, the City may choose to also have legal representation.

3. Advises Code Enforcement on the interpretation and applicability of code provisions, the conduct of investigations, civil infraction preparation, nuisance abatement, and related matters.
4. Prepares and reviews ordinances and resolutions, contracts and other documents for legal correctness and acceptability.
5. Works cooperatively with the City Prosecutor (if separately contracted), Municipal Research Services Center (MRSC) and 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 City officials and employees to understand the legal roles and duties of their respective offices and interrelationships with others.
9. Provides the Mayor and City Council with guidance as to Robert's Rules of Orders and related procedural matters relating to Council meetings.
10. Prepares legal opinions and memoranda at the request of the City or the Council.
11. Provides the Mayor, City Council, and administration a legal perspective and advice on various governmental issues.
12. Performs other legal services and tasks, as assigned by the Mayor or Designee.

#### **SPECIFICATIONS: CITY ATTORNEY**

1. The appointed City Attorney attends all City Council business meetings. Regularly scheduled meetings are held at 7 pm the second and fourth Mondays of each month, except in November and December, when meetings are held the first, second and third Mondays. Attendance at various other meetings may be required occasionally. The City Attorney is expected to attend all Council business meetings unless excused by the Mayor or designee, so that there remains continuity in representation.
2. The City Attorney may be asked to attend other meetings as needed by the Mayor, City Council or city management.
3. The City Attorney must be available by phone, cell phone, fax and e-mail.

4. Timeliness of response from and accessibility to the City Attorney is an important aspect of the service. Accessibility includes the ability to be generally available to attend meetings in person and the ability to be reached promptly by telephone.

#### **MINIMUM QUALIFICATIONS: CITY ATTORNEY**

1. Each attorney in the proposed team must possess a Juris Doctorate degree and have graduated from a law school accredited by the American Bar Association.
2. Each attorney in the proposed team must be a member in good standing of the Washington State Bar Association.
3. The proposed designated City Attorney should have a minimum of five years experience in the field of general municipal law, with particular experience in land use and public works construction desired.

#### **SCOPE OF WORK: CITY PROSECUTOR**

City Prosecutor services fall into four categories: a) criminal prosecution in municipal court; b) traffic infractions; c) Animal Control issues and Aggressive Dog Hearings (hearings a very infrequent); and d) support of code enforcement activities, including administrative and court hearings (optional scope, the City requires all proposals for City Attorney to include the code enforcement and nuisance abatement scope, but will accept individual proposals for City Prosecutor which include the code enforcement and nuisance abatement scope, and may choose to include such scope in the City Prosecutor contract if contracted separately). The attorney selected as prosecutor will be responsible for all aspects of prosecution in the Washougal Municipal Court, Animal Control issues and Aggressive Dog hearings, and support of the Code Enforcement program (optional), including:

1. Making filing decisions on criminal cases, with input from City police.
2. Advising City police on the conduct of investigations, trial preparation, seizures, and related matters.
3. Interviewing witnesses and victims of crimes.
4. Advising victims regarding their rights and responsibilities.
5. Representing the City at arraignments, pretrial hearings, bench and jury trials, and review hearings and appeals in connection with criminal misdemeanor and gross misdemeanor cases and certain contested infraction matters, and traffic infractions upon request; and at Aggressive Dog hearings.
6. Making appropriate sentencing recommendations and decisions to the court.
7. Preparing and presenting legal memoranda, subpoenas, jury instructions, and other related materials.

8. Providing legal research, training, and assistance to City police in criminal matters, including statutory interpretation, enforcement issues, and case decisions.
9. Advising Code Enforcement on the interpretation and applicability of code provisions, the conduct of investigations, civil infraction preparation, nuisance abatement, and related matters (optional scope for City Prosecutor).
10. Representing the City at administrative and court hearings on code enforcement related civil infractions and related matters (optional scope for City Prosecutor).
11. Preparing and presenting legal memoranda regarding code enforcement and other related materials (optional scope for City Prosecutor).
12. Creating and maintaining appropriate files.

### **SPECIFICATIONS: CITY ATTORNEY**

1. Currently, the Municipal Court is in session on every Thursday from 1:00 pm - 4:30 pm, and first and third Tuesday from 12:00 pm - 4:30 pm. Detailed information indicating the volume and nature of the City's prosecutions can be found at <http://www.courts.wa.gov/caseload/>. (data is located under the Courts of Limited Jurisdiction link.)
2. The City Attorney may be asked to attend other meetings as needed by the Mayor, City Council or city management.
3. The City Attorney must be available by phone, cell phone, fax and e-mail.

### **MINIMUM QUALIFICATIONS: CITY PROSECUTOR**

1. Each attorney in the proposed team must possess a Juris Doctorate degree and have graduated from a law school accredited by the American Bar Association.
2. Each attorney in the proposed team must be a member in good standing of the Washington State Bar Association.
3. The proposed designated City Prosecutor should have a minimum of five year's experience in prosecution and code enforcement support (code enforcement optional).

### **CONTRACT TERM**

The City anticipates an initial two-year contract, with options for extensions to be negotiated.

### **SELECTION PROCESS**

All proposals will be reviewed and screened by the City. Proposals will be evaluated by considering the proposer's quality of experience, the strength of the approach described in the proposal, and the cost to the City. Finalists will be invited for interviews, after which the Mayor intends to make an appointment(s), subject to the confirmation of the City Council.

## **INSTRUCTIONS TO REPLY TO THIS REQUEST FOR PROPOSALS**

To reply to this RFP, please submit five copies of the proposal in one packet to:

Jennifer Forsberg

Finance Director/City Clerk

1701 C Street

Washougal, WA 98671

(360) 835-8501

An e-mail copy of the proposal shall also be emailed to [jennifer.forsberg@cityofwashougal.us](mailto:jennifer.forsberg@cityofwashougal.us)

**ALL APPLICATION MATERIALS MUST BE RECEIVED BY 3:00 P.M. ON MAY 27, 2016.**

At the City's discretion, proposals submitted after the due date and time may be considered. Proposers accept all risks of late delivery of mailed proposals.

The City of Washougal 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.