



Town of Lyons, Colorado

Request for Proposals

Town Attorney Legal Services

RFP Issue Date: February 26, 2018

Proposal Due Date: March 23, 2018

RFP Summary

The Town of Lyons is seeking the services of a municipal attorney from qualified law firms and individual attorneys wishing to provide legal services to the Town. The Legal Services sought include the traditional legal services needed by a municipal corporation that operates its own Water, Wastewater and Electric Power Utilities, Public Works, Parks, Recreation, Finance, Community Development and Administrative Services. The Town Attorney is currently a contract position appointed by Board of Trustees, but could be proposed as a different arrangement.

The RFP contains the instructions for proposals to be submitted, the materials to be included, and the requirements that must be met to be eligible for consideration.

The Town of Lyons is a Statutory Town with a population of approximately 2,000 with 15 - 40 employees depending on the season and stage of flood recovery. The Town Attorney reports directly to a seven member Board of Trustees and works closely with the Town Administrator and Department Heads.

Scope of Legal Services

Section 2-3-30 of the Lyons Municipal Code sets forth the following requirements:

Sec. 2-3-30. - Town Attorney.

(a)

Appointment. The Board of Trustees, within thirty (30) days of its first regular meeting after each biennial election, shall appoint a qualified attorney at law as the Town Attorney, in compliance with applicable state statutes, [115](#) and shall fix his or her compensation.

(b)

Duties. The Town Attorney shall perform the following duties:

- (1) The Town Attorney shall act as legal advisor to, and be attorney and counsel for, the Board of Trustees, and shall be responsible solely to the Board of Trustees. He or she shall advise any officer or department head of the Town in matters relating to his or her official duties when so requested by the Board of Trustees and shall file with the Town Clerk a copy of all written opinions given by him or her.
- (2) The Town Attorney shall prosecute ordinance violations, and he or she shall conduct for the Town cases in Municipal Court.
- (3) The Town Attorney shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him or her by the Board of Trustees and shall promptly give his or her opinion to the legal consequences thereof.
- (4) The Town Attorney shall call to the attention of the Board of Trustees all matters of law, and changes or developments therein, affecting the Town.
- (5) The Town Attorney shall perform such other duties as may be prescribed for him or her by the Board of Trustees. (Prior code 1-7-3; Ord. 956 §1, 2014)

Legal Services required by the Town include, but are not limited to:

General Government: This work includes contract/document review and drafting, ordinance and resolution drafting and review, Municipal Code and State Statute interpretation and providing written and oral legal opinions to the Board of Trustees and staff. Research legal issues and draft legal memoranda.

Board of Trustees: Attend Board of Trustees meetings at least twice per month (generally on the first and third Mondays of each month) and special meetings as required by Board of Trustees, provide analysis, strategy and legal advice to protect the Town against liability and accomplish desired policy objectives.

Real Estate: This work includes the purchase, sale and transfer of land and improved property, up to and potentially including the use of eminent domain

Land Use: This work includes drafting and interpreting land use code, advising staff and Board of Trustees concerning land use policy, variances and enforcement.

Litigation: Ability to manage, conduct and/or oversee litigation in all courts. In special or complex matters, assist the Town in obtaining services of outside counsel.

Personnel Issues: Provide guidance on personnel issues to Department Heads and the Administrator. Understand and apply basic state and federal personnel law.

Flood Recovery and Federal Funding: Be able to interpret federal and state laws pertaining to disaster recovery and funding constraints.

Water Law: work with a water attorney to resolve and navigate water law issues pertaining to municipalities.

Criteria

The Respondent must comply with all applicable laws and regulations governing the provision of legal services in the State of Colorado.

The Respondent must be licensed by the Colorado State Bar and in good standing.

The Respondent must have at least five years experience providing legal services with preference given to experience in local government.

The Town Attorney (or designee) is required to attend Board of Trustees, Board of Adjustment and Appeals, Planning & Zoning Commission meetings on a regular basis, as well as occasional in-person meetings with the mayor, administrator, and department heads, as necessary. Phone conferences may suffice for weekly meetings.

RFP Procedures

Proposal Format:

- A. Name(s) of proposed firm and/or individuals to provide legal services including background and experience with emphasis in municipal or other government work provided.
- B. Describe your experience with municipal law generally and specifically to your experience with regard to municipal elections, municipal land use regulations, real property matters generally, zoning law, constitutional issues (state and federal) affecting municipalities, complex litigation, appellate practice and any other areas you believe are relevant to the Town's decision.
- C. Provide your biography and a Martindale-Hubbell rating, if available.
- D. Provide a list of other municipal clients with whom you have worked in the past five years.
- E. Identify any services or methods of approach you use that would make you more qualified for this position or would give you a competitive edge.
- F. Describe the support services the town would receive from your firm if selected.
- G. Please detail and explain your required fees to perform the requested services including cost for any and all services to be provided, including hourly rates and reimbursable expenses, if any.
- H. Please provide a list of public disciplinary proceedings against any lawyer in your firm or any employee of your firm, and the disposition of each proceeding.
- I. Please provide the name of your professional liability insurance carrier and the limits of your professional liability Insurance.
- J. Please disclose any potential conflicts of interest.
- K. Provide at least three references, preferably from local governments or other political subdivisions.

GENERAL TERMS AND CONDITIONS:

1. The town reserves the right to undertake its own investigation to evaluate a candidate. The town shall have the sole discretion to accept or reject a proposal.
2. All proposals become the property of the town upon receipt and will not be returned to the candidate. Selection or rejection of the proposal will not affect this right.
3. The town operates under the public disclosure laws as part of normal procedures. Proprietary information must be identified and will be protected as far as possible.
4. Cost of developing the proposal, attendance at the oral interview or any other such costs are entirely the responsibility of the candidate and shall not be reimbursed in any manner by the town.
5. Failure to conform to proposal rules, including failure to respond to each item in the Proposal Format section of this REP may lead to the rejection of a proposal. The submittals should contain all information necessary to evaluate the proposals.

6. The successful candidate shall not at any time permit any Individual employed by the town to benefit because of a financial interest in the candidate's firm, any affiliate of the successful candidate, or any subcontractor.
7. The final selection will be based on the written proposal, oral and written responses of client references and on the Interview with the candidate.

CALENDAR:

February 26, 2018	Send out Request for Proposals
March 23, 2018	Deadline for submission of proposals
By March 30, 2018	Select finalists for interviews
Week of April 2, 2018	Conduct interviews
April 16, 2018	Recommendation of Candidate
May 7 or 21, 2018	Appointment of City Attorney

Submittal: Written proposals (7 copies) should be delivered to:

Lyons Town Hall
Town Clerk's Office
432 5th Avenue
PO Box 49
Lyons, CO 80540

Proposals are due by 4:00 pm Friday, March 23, 2018. The Town reserves the right to accept or reject any and all proposals and to waive any informalities or irregularities in said proposals. The Request for Proposal does not bind the Town to accept a proposal when, in the Town's sole discretion, the Town determines not to do so.

Due Date: 4:00 PM MT Friday, March 23, 2018

Questions: All questions shall be submitted via email to Victoria Simonsen, Town Administrator, at vsimonsen@townoflyons.com

The Town of Lyons thanks you for your interest. Please submit any questions you have, in writing, to the Town Administrator at the email listed above.