

City of Manhattan Beach, MN
REQUEST for PROPOSAL and QUALIFICATIONS
For CITY ATTORNEY SERVICES

I. PURPOSE

The City of Manhattan Beach is requesting proposals and qualifications for City Attorney services from firms experienced in municipal law.

II. BACKGROUND

The City of Manhattan Beach, located near the north side of the Whitefish Chain of Lakes within Crow Wing County, is a statutory city operating under the Standard Plan, with a population of 59. Manhattan Beach is governed by a City Council composed of a Mayor and three Council Members and a Clerk/Treasurer. All are elected at-large, the Mayor for a four-year term and the Council for four-year terms.

Historically the City has retained a private firm or firms to provide City Attorney services.

III. PROCESS

The City Council will review proposals and qualifications of submitting firms and if necessary, conduct interviews of all or a few of the firms. Upon the decision of the City Council the firm will be appointed to provide City Attorney services.

IV. GENERAL INSTRUCTIONS

- A. Responses must include complete information as described in this request. Five (5) copies shall be submitted by 4:00 p.m. on August 31, 2023:

City Clerk/Treasurer
City of Manhattan Beach
39148 County Road 66
Manhattan Beach, MN 56442
clerk@manhattanbeachmn.org

- B. To ensure fairness and uniformity, firms submitting responses are requested to not contact City staff or the City Council. Questions about this RFP may be sent by e-mail to clerk@manhattanbeachmn.org 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, to request additional information from any and all Proposers.

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, especially capability for computerized legal research and for sharing and editing documents electronically.
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 2022 billings for municipal work as a percentage of total 2022 billings.
9. Describe malpractice insurance coverage: carrier, limits, and exemptions.

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
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.

4. Indicate current responsibilities of person designated to serve as lead attorney.
- C. List of cities you currently represent and for what type of service.
 - D. List of cities you began representing in the last three years and cities you stopped representing in the last three years.
 - E. Names, telephone numbers, and contact person of at least four (4) 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 Manhattan Beach.
 4. Identify what procedures your firm utilizes to identify and resolve conflicts of interest.
 - I. Fees:
 1. Firms desiring to be considered for City Attorney services shall indicate the hourly rate for City Attorney and other attorneys and support staff that may be working on City business.
 2. Firms shall indicate all other costs and reimbursables including meeting attendance, travel (per mile), telephone, printing, photocopying, etc.
 3. Firms shall indicate the minimum increment of time billed for each service including phone calls, correspondence and personal conferences.

VI. City Attorney Services Requirements

Following are the primary responsibilities:

1. Attend City Council meetings and other Commission meetings as requested by the City Council or City Clerk/Treasurer.
2. Draft and/or review ordinances, resolutions, and correspondence, as requested. Review City Council agendas and meeting minutes as requested.
3. Advise the Mayor, Council Members, and City Clerk/Treasurer on city legal matters. City has implemented a policy that the Mayor/Presiding Officer shall be responsible for consulting with the City Attorney. If other council members, residents wish to consult with the City Attorney, they will request to have the matter placed on the Council Agenda for appropriate action on the matter.
4. Prepare and/or review municipal contracts, such as contracts for public improvements, joint powers of agreements, construction, and purchase of equipment.
5. Represent City in matters related to the enforcement of City zoning codes.
7. Research and submit legal opinions on municipal or other legal matters, as requested by City Council or City Clerk/Treasurer.
8. Meet with the City Council, and City Clerk/Treasurer as needed to review status of all legal matters before the City.
9. 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. Provide advice on open meeting law, data practice, records retention and privacy issues.
12. Represent the City in employment related issues, arbitration, administrative hearings and in litigation involving same.
13. 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.

14. Defend City in uninsured claims and other insurance matters.
15. Initiate litigation on behalf of City as requested by City Council.
16. Interpret and advise regarding State land use statutes and City Code.
17. Interpret and advise regarding laws relating to Comprehensive Plans and approvals.
18. Interpret and advise regarding impact fees and legal uses.
19. Advise and represent the City on environmental matters.
20. Prepare and/or review the following as requested by City Council or Clerk/Treasurer:
 - a. Vacation of Rights-of-way
 - b. Special Assessments
 - c. Business Subsidy Agreements
 - d. Development Agreements
26. Possess an adequate knowledge of TIF and newly enacted Job Opportunity Business Zones (JOBZ) laws and understand their application.
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.

VII. Anticipated Timeline

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

1. August 5, 2023: Distribute RFPs
2. August 31, 2023 (4:00 PM): Deadline for Receipt of RFPs
3. September 5, 2023: Review By Council
4. September 11 – 29, 2023: Interview Semi-Finalists
5. October 3, 2023: City Council Decision Appointing Firm