

CITY OF ST. AUGUSTINE BEACH REQUEST FOR PROPOSALS FOR LEGAL SERVICES

RFP 19-03

INTRODUCTION

The City of St. Augustine Beach is seeking an attorney licensed to practice law in Florida to be the City Attorney. Continuous membership in the Florida Bar is a precondition to consideration and a continuing condition of being City Attorney.

Questions about the City Attorney's position, its workload, the amount and type of litigation the City now has, etc., may be directed to the current City Attorney, Mr. James Wilson, at 904-810-1025 or by e-mail to James@coquinalawgroup.com or to the Assistant City Attorney, Jeremiah Mulligan, at 904-810-1025 or Jeremiah@coquinalawgroup.com.

Interested attorneys are asked to provide responses as indicated below to the City Manager at 2200 A1A South, St. Augustine Beach, FL 32080 by Friday, May 31, 2019 at 4:00 p.m.

The City Commissioners will individually review and rank the responses received and will at a special meeting on Monday, June 17, 2019 at 5:30 p.m. will inform each other of their respective rankings and determine which firm or firms will be interviewed at a special meeting for the position of City Attorney.

The firm selected will be expected to assume the duties of City Attorney within thirty (30) days after an employment agreement has been approved by the City Commission.

SCOPE OF WORK

The scope of work is divided into two parts: regular and extra-legal. Under regular is the following:

1. Attend all regular and special or workshop meetings of the City Commission.

The City Commission has one regular meeting on the first Monday of every month. This meeting begins at 6:00 p.m. The Commission sometimes has special meetings or workshop meetings on other days of the month. These meetings may be held at 5:00 or 6:00 p.m.

2. Attend all meetings of the Comprehensive Planning and Zoning Board.

The Board normally has one meeting a month: the third Tuesday at 6:00 p.m.

3. Attend meetings of the Code Enforcement Board as the attorney for the Code Enforcement Officer.

The Officer brings cases to the City's Code Enforcement Board once a month, as needed, usually on the fourth Wednesday at 2:00 p.m. The City Attorney provides legal advice to the Officer. The Code Enforcement Board has its own attorney, if one is needed. Sometimes the Board has an emergency or special meeting.

4. Attend other meetings when requested or when deemed appropriate by the City Commission.
5. Perform all legal work for the City as required by the City Charter, excluding litigation.
6. Handle the negotiation and preparation of agreements, contracts, or similar documents.
7. Review and comment on contract form between the City and independent contractors.

8. Perform legislative work associated with City Commission, Planning Board, and Code Enforcement Board meetings, including preparation of ordinances and resolutions, variances, conditional use permits, final development plans, etc., together with research work associated with the preparation of those documents.
9. Respond by telephone, email, or regular mail to requests for advice from the Mayor, Commissioners, Police Department, City Manager's office, and Building and Zoning Department regarding administrative, legislative, executive, and legal issues.
10. When requested by the City Commission or by the Police Chief or by the City Manager, perform investigations that would require interviewing witnesses, taking testimony, review of reports, and legal research.

Work performed under extra-legal consists of the following:

- A. Attend City, County, State, and Federal meetings and conferences on litigation work concerning the City when approved by the City Commission.
- B. Prosecute violations of local ordinances or of the zoning code in any Court, if the State Attorney is not handling the prosecution.
- C. Provide labor negotiations and assist with labor relations matters that go beyond routine telephone conferences or counseling. Ability to perform labor negotiations legal work is optional as the Police Department has traditionally used separate counsel for this work.
- D. Provide legal services for such matters which do not involve items covered by paragraphs 1-10 above, but which necessitate legal advice or use of the City Attorney's office, as determined by the City Commission. These matters which might be difficult to qualify, but may include attendance at meetings between City officials and officials or representatives of other business entities or governmental entities, or attendance at mediation.
- E. Provide legal counsel and defense to challenges to the City's ordinances and regulations; and defend the City in lawsuits which are not defended by legal services provided by the City's insurer, the Florida League of Cities.
- F. Conduct real estate or public finance closings and related legal work as bond counsel, etc.

METHOD OF PAYMENT

The City prefers that the method of payment consist of a monthly retainer for all legal work performed under paragraphs 1-10 above, and an hourly fee to be paid for extra-legal work performed under paragraphs A-E above.

The current City Attorney has charges \$3,000 per month for retainer work and \$175 per hour for non-retainer work.

1. How much will you charge per month for the retainer?
2. How much will you charge per hour for extra-legal work?
3. If you must perform legal work for the City outside of St. Johns County, how much will be charged per day for this work?
4. Does this amount include expenses?

5. If you will charge the City for legal services under another arrangement, please describe that arrangement in detail and specifically what the charges will be.

REQUIRED INFORMATION

The City currently compensates the City Attorney on a monthly basis for all routine matters including preparation of documents, attendance at meetings, consultation with City officials, and advice. Litigation is handled on an hourly rate. Any responses to the Request for Proposals are a public record and subject to public inspection. The City is an Equal Employment Opportunity Employer.

1. Please furnish a brief resume for the person to be primarily responsible for representation of the City.
2. In the event of unavailability, the name and address of the individual(s) who will fill in for you as Assistant City Attorney, together with a brief statement of his or her experience in representation of governmental agencies.
3. With regard to the individual to be primarily responsible for representation of the City, please indicate:
 - A. Whether he or she is rated by Martindale-Hubble, and if so, the rating and how long he or she has been so rated.
 - B. Please indicate whether such individual currently represents any local governmental agencies, and if so, the names of any contact persons with such agencies.
 - C. Please briefly indicate such individual's experience in the following areas:
 - 1) Representation of Local Government agencies or boards.
 - 2) Experience in Zoning Matters including representation of Zoning Boards and Building Departments and handling of zoning appeals in either Circuit or District Courts of Appeal. With regard to appellate matters, please furnish the citation for any reported decisions.
 - 3) Experience with regard to matters pertaining to "Open Government" including "Government in the Sunshine", "Public Records", "Quasi-Judicial" hearings, and potential conflicts of interest by members of a governmental board.
 - 4) Whether such individual has been personally a party to a lawsuit within the past five years as a plaintiff or defendant, and if so, please furnish the style of the action, the court, and docket number.
 - D. Is there any area of the work wherein you will rely upon another attorney to provide legal advice to the City, such as an area of practice or specialty? If so, please describe.
 - E. If you have litigated an action for or against a local government agency, please provide a writing sample of such work, if available.

MISCELLANEOUS INFORMATION

1. Does your firm have a fax machine and e-mail address?
2. Have you ever represented a client who has been involved in litigation with the City of St. Augustine Beach? If yes, please describe the circumstances.

3. Do you currently provide legal services for any other public agencies in St. Johns County, or in other north Florida counties? If so, please list them.
4. Have you, any attorney in your firm, or any attorney who would serve as Assistant City Attorney, ever been disciplined by the Florida Bar? If so, please provide the date of such action, a brief description, and summary of the discipline.
5. Please provide any other information which you think will help the City Commission to evaluate your qualifications.