
**REQUEST FOR QUALIFICATIONS
AND PROPOSALS
TO PROVIDE LEGAL SERVICES
TO THE CITY OF BRAINERD**

CITY ATTORNEY – CIVIL



**City of Brainerd
County of Crow Wing
State of Minnesota**

August 2, 2010

CITY OF BRAINERD
REQUEST FOR QUALIFICATIONS AND PROPOSALS
FOR LEGAL SERVICES
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Introduction

The City of Brainerd is requesting qualifications and proposals from firms experienced in municipal law to provide Legal Services to the City. As City Attorney, the selected law firm will be expected to provide a wide and diverse range of legal services. The City Attorney will be selected by the City Council and will work closely with elected officials, the City Administrator, Department Heads and various other City Staff.

Background

The City of Brainerd was incorporated in 1881 and is governed by a Home Rule Charter. It has a population of 13,178 according to the 2000 census. The State Demographer estimates the current population at 13,947. The City of Brainerd is known as a “Regional Center” in the State of Minnesota and is the County Seat of Crow Wing County. The City Council is comprised of eight (8) elected officials including the Mayor. The seven Council Members are elected to four-year staggered terms with four (4) members elected by ward and three (3) elected at-large. The Mayor serves for a four-year term and is elected at-large. The City obtains insurance coverage through the League of Minnesota Cities Insurance Trust.

The City provides a full range of municipal services which include the following: public safety (police and fire), streets, economic development services, culture/parks/recreation, engineering, public improvements, animal control, civil defense, planning and zoning and general administrative services. The City also operates public electric, water, sanitary and storm sewer collection and treatment utilities and is co-owner of a municipal airport.

General Instructions

- A. Responses must provide complete information as described in this request. Ten (10) copies shall be submitted by **4:30 p.m. on September 15, 2010** to:

City Administrator
Attn: City Attorney Proposal
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

B. Questions about this RFP may be directed to:

Dan Vogt, City Administrator
218-828-2307
dvogt@ci.brainerd.mn.us

C. The City will not reimburse any expenses incurred by the firm submitting the responses including, but not limited to, expenses associated with the preparation and submission of the response to this invitation 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, and to suggest modifications to the terms and conditions of a retainer agreement from that offered by a Proposer.

Basic Services Requested

Basic services, for the purpose of this proposal, shall include those legal services generally understood within the field of municipal law to fall within the category of “general counsel” work, and shall include, but not necessarily be limited to, the following:

- Routine legal advice, electronic communication, telephone, and personal consultations with the elected officials, City Administrator, Department Heads and various other City staff as appropriate.
- Attendance at the regular monthly City Council meetings (1st and 3rd Monday – 7:30 p.m.); attend the monthly Public Utilities Commission meeting (4th Tuesday – 9:00 a.m.); attend other special City Council meetings, Board, Commission or Committee meetings as requested by elected officials or the City Administrator.
- Assistance in the preparation and review of ordinances, resolutions, agreements, contracts, forms, notices, certificates, deeds and other documents as necessary and required by the City.
- Legal advice and opinions concerning legal matters that affect the City.
- Legal advice to the Council and all Boards, Commissions and Committees as requested.
- Legal advice to individual elected officials as requested.
- Guidance and advice on City employment related personnel matters, including, but not limited to, labor agreements, personnel policy, FLSA, Workers Compensation, Veterans’ Preference, PELRA, employee disciplinary and grievance matters as well as the handling of interest and grievance arbitration. May include limited labor negotiations as requested by the City Administrator.
- Advice on open meeting law, data practices and data privacy issues as requested.

- Legal work pertaining to property acquisition, property disposals, public improvements, easements, right-of-way vacations, eminent domain, etc.
- Legal work pertaining to the City's Revolving Loan Funds.
- Legal work pertaining to legal documents as required by the City's Zoning and Subdivision Codes.
- Enforcement of City Codes and zoning regulations through administrative and judicial actions.
- Defend the City in litigation as necessary that is not covered by liability insurance.
- Initiate litigation on behalf of the City as requested by the City Council.

Required Proposal Elements

Background – Describe the nature of your law firm's practice and the firm's qualifications for providing City Attorney services. Include a professional chronology for the individual who will be designated to serve as City Attorney.

Provide the overall capabilities, qualifications, training and areas of expertise for each of the principals, partners, and associates of the law firm, including the length of employment for each person and her/his area of specialization. Provide the following for the person who will be designated as City Attorney and for each person you propose to designate as deputy or back-up, if any:

- Legal training and number of years of practice, including date of admission to the Minnesota Bar Association, number of years of municipal or other local public sector law practice as a local government attorney and/or in a private law office specializing in local government.
- Professional affiliations.
- Knowledge of, and experience with, Minnesota municipal Law or other public sector experience.
- Knowledge and practice of law relating to land use and planning, environmental law, risk management, redevelopment, general plans, real estate and other related law.
- Experience in the area of personnel, disability law rights and obligations, workers' compensation, PELRA, employee relations and negotiations and employee discrimination claims.
- Experience in the preparation and review of ordinances and resolutions.
- Types of clientele represented and years representing each.
- Office location and accessibility to the City.
- Current use of technology, including capability for computerized legal research and for sharing and editing documents electronically.
- Copy of malpractice/liability insurance certificate in a minimum amount of \$1,000,000.

Provide a statement of any malpractice claims and/or ethics complaints taken against your firm or firm's attorney(s) over the last five (5) years and the status or outcomes of such action. If the firm or any of the attorneys employed by the firm have ever been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar, please provide information about the nature of the incident, the dates of when the matter began and was concluded, and the results of the situation.

Describe your office staffing, including all permanent and temporary employees, their general duties and work schedules. Include any staffing changes you would proposed should you be awarded the City Attorney duties.

City Elected & Appointed Personnel/City Attorney Relationship

Describe how you would structure the working relationship between the City Attorney and the elected officials, City Administrator, Department Heads and other staff members.

Define the standard time frames for response by the City Attorney to direction and/or inquiry from the City.

Describe your computer resources including software currently in use as well as internet and e-mail capabilities.

Client/Conflict of Interest

List all public sector clients for which your firm currently provides services under a fee for services basis or on a retainer basis. Identify any foreseeable or potential conflicts of interest both public and private that could result from such representation and the manner in which you would propose to resolve such conflicts.

For the person to be designated as City Attorney, list all public clients that person presently represents as City Attorney or general counsel, along with the meeting dates and times for each governing body.

Compensation

Firms desiring to be considered for City Attorney services as contemplated by this RFP shall indicate a monthly retainer amount and describe specific services to be included within the retainer as well as any services that would be outside the retainer. (Refer to the list of Basic Services Requested.) For services outside of the retainer, indicate the hourly rate for said services.

Identify any and all other costs and reimbursable items including travel, conferences, schools, subscription services, telephone, printing, photocopying, etc.

Professional References

Provide names, telephone numbers and contact information of at least three (3) client references. City clients are preferred.