

# CITY OF SELMA

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## Request for Proposals City General Counsel Legal Services

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September 2, 2022

## **I. INTRODUCTION**

The City of Selma invites interested legal firms and/or individuals to submit proposals for Legal Services as they are set forth in this Request for Proposal. The firm/individual will provide clear, understandable, and independent legal advice. The firm/individual must be qualified to provide legal expertise in the areas of general municipal law, land use, zoning law, building code compliance law, labor relations and personnel law, contracts and agreements law, real estate law, environmental law, public works law, fees and taxes, open meetings and conflicts of interest law and other related areas. The City General Counsel is an independent contractor serving under the direction and supervision of the City Council.

## **II. COMMUNITY PROFILE**

The City of Selma is a General Law City and operates under the Council/City Manager form of government. The governing body consists of 4 council members elected by district to serve four-year staggered terms and a Mayor elected at large for a two-year term. Selma's City Council meets on the first and third Monday of each month and the Planning Commission on the fourth Monday of the month.

The Manager appoints the heads of the various departments and is charged with the responsibility of the general supervision and direction of the administrative operations of the City. The City has a \$14.06 million General Fund budget and a total City Budget, including Enterprise Funds, of \$26.7 million. The City has 110 full time employees.

The City of Selma provides municipal services including police, fire, public works, planning and parks and recreation activities. The City of Selma is part of a county sanitation district (Selma-Kingsburg-Fowler County Sanitation District) that provides sewer services to the City. Additionally, water and solid waste services are privately contracted to California Water Service, Inc. and Waste Management, Inc., respectively. Additional information about the city can be found on the city's website [www.CityofSelma.com](http://www.CityofSelma.com).

Selma is widely known for its small town charm as well as its big city development. With a population of approximately 25,000, Selma is the fifth largest city in Fresno County. Located at the crossroads of State Routes 99 and 43, makes it a regional hub for southeast Fresno County. The City of Selma is conveniently located halfway between California's two largest population areas – Los Angeles (207 miles to the south) and the Bay Area (209 miles to the north). The City is 15 miles south of the City of Fresno.

### **III. LEGAL SERVICES OVERVIEW**

The City General Counsel serves under the direction and supervision of the City Council and acts as the City's legal advisor. The City General Counsel is not a City employee and is not entitled to the benefits of a City employee; the position is strictly on a contractual basis. The City General Counsel reserves the right to retain or employ other attorneys or special counsel as may be needed, in its sole judgment, to take charge of any litigation or legal matters or to assist the City General Counsel.

The firm/individual is general counsel of the City, Successor Agency, and Planning Commission and works with the City Manager, operating departments and boards and commissions of the City. The firm/individual will report directly to the City Council.

The firm/individual will evaluate projects and their legal issues and provide recommended options to minimize legal risk and ensure due process in City decisions. The firm/individual will have the authority to enforce Selma's Municipal Code and to represent the City in litigation. Additional services that shall be provided are the preparation of ordinances, resolutions, contracts, and other legal documents.

### **IV. SUBMITTAL REQUIREMENTS**

Proposals must be submitted in a sealed envelope, as follows:

Proposal Title: Request for Proposals for City General Counsel Legal Services

Submittal Due Date: September 30, 2022 at 4:00 p.m., PST

Submit To: Reyna Rivera  
City Clerk  
1710 Tucker Street  
Selma, CA 93662

Number of Copies: (1) Original and (5) Copies

Proposers should advise couriers that City Hall is open Monday to Friday between 8 am and 5 pm and closed for lunch from noon until 1pm.

## V. INQUIRIES AND ADDENDA

Any questions, interpretations, or clarifications, either administrative or technical, from prospective proposers regarding this RFP must be requested in writing, no later than Wednesday, September 21, 2022. All inquiries must be submitted to:

Fernando Santillan  
City Manager  
(559) 891-2250  
[FernandoS@cityofselma.com](mailto:FernandoS@cityofselma.com)

The City will not be bound by oral representations of any City employees or officials. Addenda will be posted on the City's website at [www.cityofselma.com](http://www.cityofselma.com). Each proposer is solely responsible for reviewing any and all addenda before submitting its proposal.

## VI. SCHEDULE

Below is a tentative schedule, which is subject to change by the City Council:

RFP Release Date:	September 2, 2022
Proposal Submission Deadline:	September 30, 2022
Evaluation of Proposals:	October 4, 2022
Interviews:	October 11, 13 or 19, 2022
Approval of Contract:	November 7, 2022

## VII. SCOPE OF SERVICES (BASIC SERVICES)

The City is requesting proposals from law firms or individuals with experience in advising and representing California cities for the provision of Legal Services. The following are the primary responsibilities that are required:

- Advise the City Council, Boards and Commissions and other City officials and staff on legal matters pertaining to municipal government, including the Brown Act and parliamentary procedures for running meetings.
- Act as legal counsel to agencies the City Council serves as governing body to, including the Successor Agency to the former Redevelopment Agency, Public Financing Authority, and the Community Enhancement Corporation, 501 (c)(3) organization.
- Attend at least two regular City Council meetings per month and any special meetings. Advise the City Council on matters on the agenda as well as procedural or substantive issues that arise during the meeting. Attendance at Planning Commission and its special meetings and other city meetings is required when requested.
- Prepare and/or review all ordinances, resolutions, municipal contracts, joint power agreements and other contracts and agreements entered into by the City.
- Alert the City in a timely manner on new State or Federal legislation or judicial

decisions that may impact the City and propose appropriate action(s) to assure compliance.

- Provide training and/or advice to the City Council, appointed Commissioners and City staff related to the Brown Act, AB 1234, conflict of interest, and other legal requirements imposed by statute.
- Inform the City Council and recommend changes to City ordinances and policies as needed.
- Approve the form of all contracts made by and between the City of Selma and all bonds given to the City, endorsing same.
- Prepare legal opinions for City departments, the City Council, boards and commissions.
- Provide legal work pertaining to land use issues including, but not limited to, property acquisitions, property disposals, public improvements, easements, dedications, the California Environmental Quality Act and public utilities.
- As needed, review memorandums of understanding and provide guidance on personnel matters, labor relations and policies and procedures affecting employees, including employee discipline or procedures to assure compliance.
- Oversee coordination with special legal counsel on all litigation including oversight of the city's risk management program and general liability claims as needed as directed by the City Council and/or City Manager.
- Enforce City codes, zoning regulations, and building standards through administrative and judicial actions. Initiate and prosecute any necessary criminal actions required to enforce municipal ordinances.
- Review documents, policies, and forms to ensure compliance with current laws.
- Oversee services provided by outside legal specialists engaged by the City for special legal problems.
- Promptly respond to calls, e-mails, and correspondence from City Officials and staff.
- Perform such other legal duties as may be required by the City Council as may be necessary to complete the performance of the functions mentioned above.

## **VIII. REQUESTED INFORMATION**

All proposals must provide specific and succinct answers to all questions and requests for information. Indirect, imprecise, or incomplete responses can serve only to the disadvantage of the applicant. Please answer the questions in the format and order presented. (Submissions of individual resumes alone will not be considered responsive to any specific question.)

- a. Letter of Transmittal: Signed by an authorized representative of the firm committed to providing the legal services described above, including a brief introduction and history of your firm, proven work history of the work to be performed, and a statement why you

believe that your firm is the best qualified to perform the services requested.

- b. Table of Contents: Include a clear identification of the material by section and page number.
- c. Firm Qualifications: Provide professional experience and qualifications for you and/or the firm and the designated individuals to provide the service specified in the Request for Proposals. Please include a response to the following requested information:
  - i. Describe your firm's background and history; include number of years in business and number of years providing legal services to public sector agencies.
  - ii. Provide the name(s) and qualifications of attorney(s) who will be assigned to represent the City and attend City Council meetings.
  - iii. Provide complete resumes of person(s) designated by the firm to be the City General Counsel and if applicable Deputy City General Counsel.
  - iv. Describe your view of the role of the City General Counsel.
  - v. Describe how you would structure the working relationship between the City Council, City Manager, Department Heads and other members of staff.
  - vi. Describe the response time we can expect from the City General Counsel to inquiries made by the City Council/City Manager.
  - vii. Describe how you would keep the City Council and City Manager informed about the status of litigation and other legal matters.
  - viii. Please submit an example of a typical invoice your firm provides to a public agency. Please redact any references to specific costs. Also, you may redact any sensitive information. We are interested in the format, type of information included, and readability.
  - ix. Identify the types of in-service training (such as Code of Conduct, AB 1234, Commission roles and responsibilities, how to conduct performance evaluations, harassment, new laws and updates, etc.) your firm is capable of providing to municipalities.
  - x. Please describe your experience in labor negotiations.
  - xi. Clearly describe your range of experience with project negotiations, eminent domain issues, and the drafting and implementation of agreements and contracts (i.e. lease, purchase, Owner Participation and Disposition and Development Agreements) and litigation.
  - xii. Please list any political contributions of money, in-kind services, or loans made to

any member of the Selma City Council within the last three years by the applicant law firm and all of its attorneys, including the attorney being proposed to represent the City of Selma.

- xiii. Identify your proposed billing rates as shown in the sample format displayed below. This table may be modified by the firm/individual.

Proposed Monthly Retainer (Basic Services)	\$ _____
Attorney	\$ _____
Assistant Attorney	\$ _____
Associate Attorney	\$ _____
Clerk	\$ _____
Paralegal and/or Legal Assistant	\$ _____

- xiv. Identify the types of legal services and number of hours that are included as part of the retainer;

- xv. Identify the rates for other legal services

- xvi. Define the type and unit rates for reimbursement of expenses; for example, rate for mileage, reproduction of documents or word processing charge, unit costs for telephone costs, etc.

- xvii. State whether travel time will be charges and if so, at what rate.

- xviii. Would your firm be willing to operate under a maximum annual expenditure cap with the City? If so, please explain how it might be structured.

- xix. Provide references for three (3) municipal, public agency or key clients served. Please indicate the person's name, address, phone number and email address.

d. Insurance

- i. Please include a description and pertinent information regarding the general liability and malpractice carried by the firm or individual, including the amount of coverage provided by such insurance.

e. Sample Documents

- i. Report: please submit a typical report your firm provides to public sector clients (i.e., staff report, memorandum, legal opinion, etc.)
- ii. Billing invoice: please submit a copy of a typical invoice your firm provides to public sector clients. Please redact any confidential information.

**IX. EVALUATION AND SELECTION PROCESS**

- a. Evaluation: Proposals will be evaluated according to the following:
- Complete and clear responses to items requested in the Request for Proposal.
  - Experience and qualifications of law firm, proposed City General Counsel, and other key personnel.
  - Expertise with laws and regulations governing California municipal governments and operating procedures relative of City business.
  - Demonstration of workload capacity and level of experience commensurate with the level of service required by the City.
  - Communication skills.
  - Cost of services.
  - The firm has no conflicts of interest with regard to any work performed by the firm for the City, and all potential conflicts have been identified.
  - References of past or current municipal clients or municipal practice.

b. Selection

The City Manager will establish a process to review and evaluate the submitted proposals and recommend finalists to the full City Council. The City Council will choose a finalist with whom to negotiate a contract and will make the final determination.

c. No contacts with Mayor and City Council Members

Please note that in an effort to maintain the integrity of the selection and interview process all proposing firms are prohibited from contact with the City Council members outside of the formal interview process.

## **X. CONTRACT**

The successful firm will be required to enter into a Legal Services Agreement with the City of Selma, which will include the requirements of this RFP, as well as other requirements to be determined. The City reserves the right to negotiate the price, terms, and scope of services with the proposer, prior to entering into an Agreement.

The agreement will contain provisions requiring the selected law firm to indemnify the City and provide that the City General Counsel is an independent contractor serving at the will of the City Council. Provisions will also be included in the contract allowing the City Council to terminate the agreement, at its sole and entire discretion, upon the provision of notice.



## **XI. DISCLAIMERS AND RESERVATION OF RIGHTS**

Upon receipt, each Proposal becomes the sole property of the City and will not be returned to the Proposer. Each Proposer is solely responsible for the costs it incurs to prepare and submit its Proposal. The City reserves, in its sole discretion, the right to reject any and all Proposals, including the right to cancel or postpone the RFP at any time, or to decline to award an Agreement to any of the Proposers. The City reserves the right to waive any immaterial irregularities in a Proposal or submission of a Proposal. The City reserves the right to reject any Proposal that is determined to contain false, misleading, or materially incomplete information.