

CITY OF MUSKEGON
HEIGHTS REQUEST FOR
PROPOSAL
CITY ATTORNEY / LEGAL SERVICES

Introduction

The City of Muskegon Heights seeks a qualified Law Firm to serve as City Attorney and provide other legal services. The City invites interested Law firms with a minimum of three years of municipal law experience, representing municipal or other governmental entities in the State of Michigan, to submit a written proposal to provide City Attorney services.

The City Attorney will be expected to provide a wide range of legal services to the City. The City Attorney is appointed by and accountable to the City Council as prescribed by the Charter but works closely with the City Manager. The contract offered will be for a period of one (1) years, with an option for renewal each year for an additional total of 2-years.

Scope of Work

1. Provides legal advice, counsel, services, training, consultation, and opinions to the City Council on a wide variety of civil assignments, including but not limited to land use planning, residential housing and construction, laws against discrimination, income tax assessment and collections, construction of public works, purchasing and procurement, local hire incentives, leasing, purchase and sale of property, economic development and financing, employment legal matters, public disclosure issues, FOIA requests and tort law. The City Attorney's advice includes methods to avoid civil litigation.
2. Attend all meetings as directed by the Mayor and Council
3. When in attendance, furnishes legal representation at City Council meetings, and at other meetings when such meetings are requested.
4. Appears before courts and administrative agencies to represent the City's interests.
5. Assist and advise staff, as requested, in preparation for staff appearances before courts and administrative agencies and develop policy recommendations for such appearances aimed at improving outcomes in the best interest of the City.
6. Prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to the attorney by the Council or the City Manager and shall promptly give their opinion as to the legality thereof,
7. Prosecute ordinance violations and, conduct for the City, such cases in court and before other legally constituted tribunals as the Council may request. Attorney shall file with the Clerk copies of such records and files relating thereto as the Council may direct.
8. Works cooperatively with special legal counsel retained by the City or the City Manager for special projects.
9. Coordinates with other special counsel, as needed, to assure proper management of legal issues, and proper coordination and transition of legal issues among special counsel.

10. Assists City officials and employees to maintain awareness of ethical standards and appearance of fairness standards, and to avoid potential conflicts of interest, prohibited transactions and the appearance of prohibited transactions.
11. Assists officials and employees to understand the legal requirements and limitations of the Open Meetings Act (OMA) and to understand the roles and duties of their respective offices and interrelationships with others. Additionally, the City Attorney shall be vigilant in calling to the attention of the Council all potential violations of the OMA, as well as all other matters of law, and changes or developments therein, affecting the City.
12. Provides the Mayor and City Council with guidance as to Robert's Rules of Order and related procedural matters relating to Council meetings.
13. Prepares legal opinions at the request of the City Council or the City Manager.
14. Provides the City Manager, Mayor and City Council, and administration a legal perspective and advice on various governmental issues, careful to always provide advice and counsel, rather than to act in directing specific action of city officers or personnel.
15. Performs other legal services and tasks as assigned by the City Council.

Specifications

1. The appointed City Attorney attends all City Council meetings as directed by Council. These appearances may be reduced based on the nature of the business to be conducted and the relative potential for legal issues to be in consideration.
2. The City Attorney is expected to gain and maintain a thorough understanding of the City of Muskegon Heights Charter and the current City Code of Ordinances.
3. Timeliness of response and accessibility to the City Attorney is an important aspect of the service. Accessibility and responsiveness for the proposed designated City Attorney is of greatest importance, although these elements will also be considered in relation to assistant attorney(s) as well. Accessibility includes the ability to be generally available to be reached promptly by telephone or text message, respond to e-mails within one business day, and attend meetings in person on reasonable short notice.
4. Service response is also of high importance. When the City Manager or Council requests draft ordinances, opinions, or input on administrative policies or procedures, the City Attorney should provide some estimated time of completion and keep the requesting party apprised of any delays or special considerations.
5. The City does not offer space for offices in a City location.

Statement of Qualifications

Attorneys or firms wishing to submit proposals should meet the following minimum requirements and provide a statement indicating how they meet these requirements:

- Possess a Juris Doctorate and have graduated from a law school accredited by the American Bar Association
- Be a member in good standing of the State Bar of Michigan

- Experience working with municipal clients
- Possess a thorough knowledge and understanding of state statutes for Medical and Adult Use Marihuana as well as the development of and implementation of associated municipal ordinances.

Cost Proposal

Option I

1. **A lump sum annual amount (paid monthly)** as a retainer to perform all Charter duties indicated as items 1 – 15 under Scope of Work.
2. Hourly rate(s) to be charged to perform legal services not specifically prescribed by items 1 – 15 under Scope of Work, but otherwise authorized by the City Council. (Indicate hourly rates for staff to be assigned).

Option II

1. **A lump sum monthly amount** to cover the following services:
 - a) Attendance at all council meetings, including special meetings, study sessions and retreats.
 - b) Review of Council meeting minutes.
 - c) Costs of postage, supplies, materials, equipment and incidental items.
 - d) Consultation and telephone calls with Council and staff less than thirty (30) minutes in duration with no follow-up research needed.
 - e) 40 hours per month of legal work not covered in Option II, 1.a) – 1.d) (provide associated hourly rate for these hours). Assume any of the 40 hours not used each month to be banked for future use.
2. Indicate cost for items listed under 1, if participation is virtual.

Option III

Firms may submit alternate cost proposals for consideration by City Council. However, each firm is asked to also submit a proposal for either Option I or II, or both Options I and II.

Proposal

Proposals should provide a straightforward and concise summation of qualifications, adequate to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content. The City Council requires that all proposals contain the following sections:

- Summaries of Experience and Qualifications
- Summary of Method of Performance
- Identification of Conflict of Interest (if any)

- Proposed Compensation, including any proposed retainer and the billing rate of the lead City Attorney and all other counsel/staff expected to perform work under the contract. (See Cost Proposal)

Submission

In addition to the requirements listed above, at minimum, the submission should address the following:

- Provide information on your firm's specific municipal experience that demonstrates your firm's ability to handle this assignment.
- Describe how your firm will handle the day-to-day activities (i.e. police work and staff contact) of this assignment. If your firm does not currently have an office in the City of Muskegon Heights, explain your plans to establish a local office or otherwise provide services if awarded this contract.
- Provide a list of recent and/or current municipal clients, including a contact person with address and telephone number.
- Provide a brief resume of qualifications for each person to be assigned to provide services to the City under this proposal.

Nine copies of the proposal are due to the City Manager no later than 4:00pm on June 8 2023. A digital copy is also required to be submitted by this date and time and can be submitted by email or included on thumb drive with the physical submission. Documents (and thumb drive) can be mailed or hand-delivered to:

Jessie Franklin
City of Muskegon Heights
2724 Peck Street
Muskegon Heights, MI
49444
Jfranklin@muskegonheights.us

Submissions should be contained in a sealed package or envelope. The exterior of the package or envelope should be clearly labeled "City Attorney RFP".

Evaluation and Selection

1. Firms who submit proposals may be requested to make an oral presentation to the City Council.
2. The Mayor and City Council will evaluate each proposal in regards to the ability of the firm to provide the City of Muskegon Heights with quality legal services in a cost effective, efficient and timely manner.
3. The contract for legal services will be an at will contract that can be terminated by either party with ninety (90) day written notification.
4. A contract awarded for attorney services as a result of this RFP will be expected to take effect no more than 30 days after Council makes the selection.
5. The City of Muskegon Heights reserves the right to reject any or all proposals and

to waive any irregularities in a proposal and to award a contract that, in the Mayor and City Council's judgment, is in the best interests of the City without regard to cost.

Inquires

Questions regarding the RFP should be directed to Jessie Franklin, at Jfranklin@muskegonheights.us or by calling 231.733.8870.