



**REQUEST FOR QUALIFICATIONS TO PROVIDE
LEGAL SERVICES FOR
THE CITY OF PACIFIC GROVE**

The City Council of the City of Pacific Grove is requesting interested law firms to submit Statements of Qualifications to provide legal services for the City of Pacific Grove.

BACKGROUND

The City of Pacific Grove (the “City”) is located on California’s Central Coast, on the tip of the Monterey Peninsula, between the City of Monterey and Pebble Beach. The City is approximately 120 miles south of San Francisco and 334 miles north of Los Angeles. The City has a land area of 2.86 square miles and an active, diverse population of approximately 15,000.

The City was founded in 1875, incorporated in 1889, and became a Charter City on April 22, 1927. The City operates under the Council-Manager form of government, with seven total City Councilmembers including a directly elected Mayor. City Councilmembers are elected to four-year overlapping terms on an at-large basis and the Mayor is elected to a two-year term. The City Council is the legislative body responsible for overall policy development and direction of the City. In addition, the City has a variety of citizen committees, boards, and commissions that provide input and help conduct City business. The Council appoints the City Manager, who serves as the executive officer and is responsible for the day-to-day operations of the City. The Council appoints the City Attorney.

The City provides an extensive array of services including police, fire, public works, parks, recreation, a library, planning, housing programs, economic development, wastewater collection, a golf course, a cemetery, as well as all of the traditional internal management support functions. Several of these operations function as enterprises within the City organization. The City has a current annual operating and capital budget of approximately \$40 million, and a regular staff of approximately 96 full-time equivalent employees.

City Attorney Responsibilities

The City Attorney is expected to assist the City by:

- Providing clear and concise legal advice and consultation as requested, to the Council and staff. Response is required within a mutually-agreed upon timeframe.
- Attending regular and special City Council and Planning Commission meetings and advising the Council on agenda items and procedural matters.
- Providing guidance and training with regard to the Brown Act, AB 1234, CEQA, Political Reform Act, Public Records Act, Redevelopment Law, Prop 218 noticing,

Voter Initiatives and City Ballot Measures, and other legal requirements imposed by statute and common law.

- Providing designated office hours or times of availability, as agreed to with the City Manager and/or the City Council.
- Drafting, reviewing or revising documents such as legal memos, contracts, ordinances and resolutions.
- Representing the City in litigation.
- Providing legal advice and assistance to operating departments with regard to employee workers' compensation, employee disciplinary actions, and bargaining unit MOUs.
- Performing legal research and advising on issues related to land use, including interpretation of the California Environmental Quality Act ("CEQA") and Coastal Act.
- Providing legal advice and assistance to Council and Staff with regard to interaction with state agencies, including the California Coastal Commission and State Water Resources Control Board, and special districts, including Monterey One Water (formerly MRWPCA), the Monterey Peninsula Water Management District, and the Monterey Regional Waste Management District.
- Researching and advising on municipal and other legal matters as requested by the City Council or the City Manager.
- Recommend specialist legal firms as needed and provide management of same.
- Monitor pending and current legislation and case law as appropriate and inform City of items of interest; keep the City Council informed of significant developments.

REQUEST FOR STATEMENTS OF QUALIFICATIONS

(1) INTRODUCTION – AREAS OF LAW TO BE COVERED IN RFQ

The City requests interested law firms to submit a Statement of Qualifications to provide legal services for the City.

Please provide the information requested in this RFQ for each of the specialized practices area for which you would like to be considered. These practice areas include:

- General Municipal Specialty, including but not limited to:
 - General municipal law advisory
 - Labor/employment, training and personnel investigations
 - Tax (federal, state, local)
 - Housing Authority/HUD
 - Workers compensation (public entity employer)
 - Election procedures and law
 - Urban Run-off
 - Solid waste/recycling
 - Telecommunications (advisory and administrative proceedings)
 - Bankruptcy

- Code enforcement
 - Disability issues/FEHA/ADA
 - Bidding and Procurement
 - California Public Records Act
 - Special Districts
- Litigation Defense, including but not limited to:
 - Public entity tort claims
 - Labor and employment matters
 - Public safety defense
 - Construction law/public works/prevaling wage matters
 - Writ litigation and appellate procedures
- Real Property, including but not limited to:
 - Condemnation/ eminent domain
 - Unlawful detainer/eviction (commercial)
 - Development/redevelopment
 - CEQA/land use/environmental/hazardous materials/brownfields
 - Coastal issues including storm water discharge
 - Water Use, including laws, regulations and local issues
 - Prop 218 issues
 - Real estate transaction/commercial document preparation
 - Foreclosure

(2) REQUIREMENTS FOR STATEMENTS OF QUALIFICATIONS

Identification of Attorneys. The response to this Request for Qualifications should include descriptions of the attorney or attorneys who would have primary responsibility for providing regular services under the proposal. For each attorney, the Statement of Qualifications should identify the qualifications, areas of expertise, and prior experience. References from comparable and representative public agency clients and the public agency’s teams should be included, with names and telephone numbers of three to five public agency clients which the firm is currently working with or has worked in the recent past.

Support Staff. The Statement of Qualifications should include information about the types of support staff, such as other attorneys, paralegals, interns and others in the firm who would be assigned to perform work for the City and whose time would be billed for such work. The response should include information about how the firm plans to utilize support staff within the City’s budget constraints.

Description of Services. The Statement of Qualifications should describe the services the firm proposes to provide, the firm’s overall experience with municipal law, any areas of specialty listed above, and any special qualifications that are believed to distinguish it from other law firms.

Rates and Charges. The proposed means of compensation, including hourly rates or fees to be charged for each individual named in the Statement of Qualifications, should be listed. A schedule of the rates or amounts for all fees, charges, and expenses to be billed by each attorney or staff member should also be included. An estimated range of anticipated monthly charges the City may expect to be billed is highly desirable.

Availability and Commitment to Provide Services. The Statement of Qualifications should include an indication of the commitment to provide the services by the attorney or attorneys with principal responsibility for providing services to the City. In this context, the words availability and commitment should be taken in their broadest meanings, incorporating time, flexibility in scheduling, office location of the attorney or attorneys, and firm or personal policies and practices with regard to returning calls and meeting deadlines. Any significant time period required before beginning services should be noted.

Knowledge of Monterey Peninsula Governmental Issues. The Statement of Qualifications should describe familiarity with unique issues facing local governments on the Monterey Peninsula and the City in particular. Living experience on the Monterey Peninsula and in the City should be listed.

Actual or Perceived Conflicts.

- Please list any political contributions of money, in-kind services, or loans made to any member of the City of Pacific Grove Council within the last five years by the applicant law firm and all of its attorneys (including the attorney being proposed as City Attorney).
- Please list all public clients for which your firm currently provides legal services.
- Please list all public clients for which your firm has provided services over the last five years.
- For the proposed City Attorney, please specify current or known future professional commitments in order that the City may evaluate your continuing availability for providing legal services to the City.

Reasonable diligence to identify and disclose potential conflicts is expected of all firms submitting a response to this Request for Qualifications. The proposal should also provide a statement or description of firm policy to address how conflicts of interest between two or more clients are avoided.

Additional Information. Statements submitted in response to the Request for Qualifications may, but are not required to, provide additional information to assist a proper evaluation of the proposal. Any discussions relating to suggested strategies to reduce costs for outside legal services are appropriate in this section.

Submission Requirements. **Proposals are due no later than 5:00 PM PST on March 31, 2022.** All submissions should be provided in digital format (.pdf or .docx) to llivian@cityofpacificgrove.org and bpeake@cityofpacificgrove.org

(3) EVALUATION CRITERIA

The main criteria used to evaluate the Statement of Qualifications will concern the experience and qualifications of the firm's attorneys who would be assigned to the City. Ancillary information including the firm's fee structure and schedule of charges for ancillary services is important but will be given secondary weight.

(4) PROCESS FOR SELECTING LEGAL COUNSEL

The City Council will determine a procedure to review each Statement of Qualifications. Calls to submitting firms or attorneys and their references may be made to clarify material in the submittals. Based upon this review, the best qualified firms may be invited to a personal interview. Following the interviews, thorough background and reference interviews may be conducted. The City Council anticipates making a selection of a firm or firms following a careful evaluation of all relevant information.

(5) SPECIAL PROVISIONS

Contract Award

The contract will be awarded for an initial period of five (5) years. The agreement will be then automatically renewed for additional one-year periods unless terminated by either party. However, the City Attorney shall work at the pleasure of the City Council and nothing herein shall limit their ability to terminate the contract at will with no notice or penalty.

Cost of Preparing and Submitting Statements. All costs incurred in preparing and submitting the Statements of Qualifications is to be borne by the submitter and not the City. In no event shall the City be liable for any cost whatsoever for the preparation or submittal of a response to this Request for Qualifications.

Reservations and Options.

The City Council reserves the rights and options to:

- Reject any or all of the submittals
- Waive any of the provisions of the Request for Qualifications
- Issue subsequent Requests for Qualifications
- Cancel the Request for Qualifications process
- Waive technical error in the responses it receives
- Negotiate with any, all, or none of the respondents to this Request for Qualifications

(6) QUESTIONS

For questions, please contact: Leticia Livian, Human Resources Director or Bill Peake, Mayor

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Pacific Grove, CA 93950

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831-648-3171

bpeake@cityofpacificgrove.org

831-915-6985