

Town of Paonia



REQUEST FOR PROPOSAL – TOWN ATTORNEY

The Town of Paonia is currently seeking the services of a municipal attorney to serve as its Town Attorney. It is intended that the successful candidate would perform the services listed in this proposal.

COMMUNITY BACKGROUND

The Town of Paonia was incorporated in 1902. The Town has a population of approximately 1,497 residents. The community consists of approximately 800 households. The Town is almost entirely built-out. Paonia is a statutory town in Delta County, situated on the North Fork of the Gunnison River. Paonia is home to the noted western newspaper the *High Country News*, and the KVNF community radio station.

The community is zoned for and developed with different zones for commercial, residential, industrial and developing resources. Listed below are amenities located within Town limits:

Parks: Apple Valley Park, Town Park, Poulos Park, Paonia River Park, and Lee’s Park.

Paonia Public Library

Delta County Fire Protection District #2

Town Hall, which includes town administration, police, public works, parks, and municipal court;

Public schools: Paonia Elementary and Middle School.

The Town of Paonia has a Mayor/Council form of government. The Town is a Title 31 statutory Town. There are six (6) Board of Trustee representatives, and each representative is elected to the Board for staggered four (4) year terms. The Mayor is elected for a four (4) year term. Every two (2) years, (possibly) the Mayor and three (3) Council representatives are up for election. The Mayor and all Trustees are elected “at-large.”

The Town employs Department Heads and a staff of approximately 18 full time and no part-time employees to manage the Town’s day-to-day business. Town departments include administration, public works, and police. In addition to the Board of Trustees and the Mayor, there are currently three (3) volunteer boards: Planning Commission, Water Advisory Board, and the combined Zoning Board of Adjustments/ Board of Appeals.

SCOPE OF SERVICES

CRS 31-4-304 provides for the appointment of a Town Attorney. “The board of trustees shall appoint a town attorney, as it deems necessary for the good government of the corporation [Town].”

Town Attorney-Functions and Duties:

1. The Attorney shall act as legal advisor to, and be attorney and counsel for, the Board of Trustees and the Mayor. They shall advise any officer or department head of the Town in

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matters relating to their official duties when so requested and shall file with the Clerk a copy of all written opinions given by them.

2. The Attorney shall prepare or review all ordinances, contracts, bonds, and other written instruments, which are submitted to him by the Board or by the Mayor and shall promptly give their opinion as to the legal consequences thereof.
3. The Attorney shall prosecute ordinance violations and they shall conduct for the Town such cases in court and before other legally constituted tribunals. They shall file with the Clerk copies of such records and files relating thereto as the Board may direct.
4. The Attorney shall call to the attention of the Board all matters of law, and changes or developments therein, affecting the Town.
5. The Attorney shall act as parliamentarian for the Board of Trustees and inform accordingly.
6. The Attorney shall perform such other duties as may be prescribed for them by the Board of Trustees, including municipal court prosecution.

The Town Attorney is usually required to attend in person or remotely one (1) Board of Trustee meeting a month and may be required to attend Board of Adjustment and Appeals, Planning & Zoning Commission, weekly staff meetings with the Department Heads, and other meetings as necessary. Meetings may be attended in person or remotely.

PROPOSAL REQUIREMENTS

The following items should be addressed as part of the proposal:

1. Describe your experience with municipal law generally and specifically speak to your experience with regard to municipal elections, municipal land use regulations, real property matters generally, zoning law, constitutional issues (state and federal) affecting municipalities, municipal finance, complex litigation, appellate practice and any other areas you believe are relevant to the Town's decision.
2. Provide a list of other municipal clients with whom you have worked in the past five years.
3. Describe any knowledge or experience that makes you particularly qualified for the position.
4. The Town is soliciting talent and expertise first and foremost. While cost to the Town is important, the selection will not be based solely on cost. Please detail and explain your required fees to perform the requested services.

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5. Provide your Martindale-Hubbell rating and a biography.
6. Please provide a list of all attorneys in the firm who might provide services under this proposal and list any disciplinary proceedings against them.
7. Please disclose any potential conflicts of interest.
8. Please provide a minimum of three client references.
9. If you propose to bill for services at an hourly rate or a monthly fee, provide the current hourly/monthly rate for each lawyer and for each employee of your firm who may work on Town matters. State specifically whether you will work on a fixed fee basis and, if so, how you propose that such a fee be determined. State specifically that if you are the successful candidate and if your fee will be based on hourly rates that you will not increase for Town matters before January 1, 2024.
10. Please provide the name of your professional liability insurance carrier and the limits of your professional liability insurance.
11. Describe the support services you would receive from your firm if selected.
12. Specify availability and preferences for in person or remote attendance.

GENERAL TERMS AND CONDITIONS

1. The Town reserves the right to undertake its own investigation to evaluate a candidate. The Town shall have the sole discretion to accept or reject a proposal.
2. All proposals become the property of the Town upon receipt and will not be returned to the candidate. Selection or rejection of the proposal will not affect this right.
3. The Town operates under the public disclosure laws, as part of normal procedures. Proprietary information must be identified and will be protected as far as possible.
4. Cost of developing the proposal, attendance at the oral interview or any other such costs are entirely the responsibility of the candidate and shall not be reimbursed in any manner by the Town.

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5. Failure to conform to proposal rules, including failure to respond to each item in the Proposal section of this RFP or to follow the proposal format requested in the RFP may lead to the rejection of a proposal. The submittals should contain all information necessary to evaluate the proposals.
6. The successful candidate shall not at any time permit any individual employed by the Town to benefit because of a financial interest in the candidate's firm, any affiliate of the successful candidate, or any subcontractor.
7. The final selection will be based on the written proposal, oral and written responses of client references and on the interview with the candidate.

SELECTION PROCESS

The following is the timeline for the selection process:

- Send out Request for Proposals: October 8, 2021
- Deadline for submission of proposals: November 1, 2021 (4:30 p.m.)
- Schedule interviews: November 10, 2021
- Conduct interviews: November 16, 2021
- Appointment of Town Attorney at Board Meeting: November 23, 2021

Questions concerning the information contained herein should be directed to the following person:

Corinne Ferguson, Town Administrator 970/527-4101 telephone 970/527-4102 fax

Written proposals will be received at the Town of Paonia, Clerk's Office, PO Box 460, 214 Grand Avenue, Paonia, CO 81428, or via e-mail at: corinne@townofpaonia.com, until 4:30 p.m. on Monday, November 1, 2021. The Town reserves the right to accept or reject any and all proposals and to waive any informalities or irregularities in said proposals. The Request for Proposal does not bind the Town to accept a proposal when, in the Town's sole discretion; the Town determines not to do so. Additionally, the Town reserves the right to modify the schedule as necessary and will notify those participating in the proposal of the change in writing. The Town of Paonia is an equal opportunity employer.