



TOWN OF PAONIA, COLORADO

REQUEST FOR PROPOSALS

TOWN ATTORNEY

RFP 2024-03

March 29, 2024

REQUEST FOR PROPOSAL – TOWN ATTORNEY

The Town of Paonia is currently seeking the contracted services of a municipal attorney to serve as it's Town Attorney. It is intended that the successful candidate would perform the services listed in this proposal. THIS REQUEST FOR PROPOSAL (RFP) IS NOT A COMPETITIVE BID BASED ON PRICE ONLY. The request for proposal allows the Town of Paonia, Colorado (the Town) to select a service provider that best meets the needs of the Town, taking into consideration proposer qualifications, price, products, and service capabilities and other factors relevant to the Town's policies, programs, administrative resources, and budget.

This RFP has been advertised on <https://www.bidnetdirect.com/>. Any modifications to this RFP or addenda pertaining to this RFP will be published on the above-mentioned website, and all proposers are responsible to periodically check these websites for relevant updates prior to the submittal of a proposal.

COMMUNITY BACKGROUND

The Town of Paonia, Delta County, Colorado, is a Title 31 statutory Town, and was incorporated in 1902. The Town has a population of approximately 1,447 residents (2020 Census) and consists of approximately 800 households. The Town is situated on the North Fork of the Gunnison River, and services approximately 632 households (approximately 1,482 people) outside of the Town limits with drinking water. Paonia is home to the noted western newspaper *High Country News*, and KVNF community public radio station.

The Town provides a full range of public services, including a Police Department, Municipal Utilities (water, wastewater, and trash), Infrastructure (drainage, streets, public buildings, and sidewalks), and Recreational programs (parks and recreation activities).

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;
- Schools: Paonia Public K – 8, North Fork School of Integrated Studies (PreK – 6).

The Town of Paonia has a Mayor-Town Board form of government with a contract Town Administrator/Treasurer. 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, the Mayor (possibly) and three (3) Trustee representatives are up for election. The Mayor and all Trustees are elected "at-large."

The Town employs Department Heads and a staff of approximately 21 full-time and 2 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 four (4) volunteer boards: Planning Commission, combined Zoning Board of Adjustments/Board of Appeals, the Tree Board, and the North Fork Valley Airport Advisory Committee. Six Board of Trustees' Committees were formed in 2022 consisting of Finance, Personnel, Water/Sewer/Trash, Parks, Streets and Public Safety. Two Trustees serve on each Committee.

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 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 requested to attend all or selected portions of two (2) Board of Trustee meetings a month and may be requested to attend Board of Adjustment and Appeals, Planning & Zoning Commission, bi-weekly staff meetings with the Department Heads, and other meetings, as necessary. Meetings may be attended in-person or remotely. The Board of Trustees meets the second and fourth Thursday of every month with

meetings beginning at 6:30 and has full capability for interactive remote attendance by the Town Attorney via Zoom software.

PROPOSAL REQUIREMENTS

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

1. Describe your and/or your firm's experience with municipal law generally and specifically speak to your experience regarding municipal elections, municipal land use regulations, real property matters, 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 and/or your firm have worked in the past five years.
3. Describe any knowledge or experience that makes you and/or your firm 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 and/or your firm's required fees to perform the requested services.
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, 2026.
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.

Current and Specific Projects Requiring Legal Assistance:

1. **Comprehensive (Plan) Revision and Amendments.** The current comprehensive plan was last amended/modified in 1996. The Town is currently working with a consulting firm for the draft but will require legal review for the final draft.
2. **Municipal Code Revisions.** The Town has circular language and dead-end citations that will be revised and edited by a consulting firm, the bid is currently active and accepted proposals. The biggest issue lays within current chapters 16 – 18 of the Paonia Municipal Code. In 2018, zoning code provisions were moved into the building code, but didn't remove citations or check for conflicts throughout the rest of the Town's code. At the completion of the Comprehensive Plan project, there will undoubtedly be land development regulations that will also need to be updated. This project will certainly need legal review prior to adoption of any correcting ordinances.
3. **Water Company Agreements.** The Town provides drinking water to twenty-three water companies, defined as communities/HOA's that purchase water from the town through a master meter and distributes water to their homeowners through a consecutive system. The existing water company agreements either don't exist, so there is no way of determining expectations for either party, or they are very outdated and need to be updated/amended.

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 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 remotely held 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.
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.

The Town will not be bound or responsible for any explanations or interpretations other than those given in writing as set forth in this Request for Proposals (RFP). No oral interpretations will be made by the Town to any firm as to the requirements of this RFP.

Emailed PDF proposals titled in the subject as, "PROPOSALS FOR TOWN ATTORNEY," will be accepted on or before 4:00 PM (MT) Tuesday, April 30, 2024 (Deadline), at the email addresses below. Proposals tendered after the deadline will be rejected.

Stefen Wynn
Town Administrator
StefenW@TownofPaonia.com

AND

'cc'd to: Paonia@TownofPaonia.com

Mailed proposals will be clearly marked Attn: "PROPOSALS FOR TOWN ATTORNEY," and will be accepted on or before 4:00 PM (MT) Tuesday, April 30, 2024 (Deadline), at the physical and/or mailing address below. Proposals received after the deadline will be rejected.

Paonia Town Hall
214 Grand Avenue
PO Box 460
Paonia, CO 81428

The Town shall reserve the right to reject any or all proposals, and to waive any informalities or irregularities therein and request new proposals when required.

Any questions or clarifications concerning this RFQ shall be submitted by email to Stefen Wynn, Town Administrator, at e-mail address: StefenW@TownofPaonia.com; and 'cc'd to: Paonia@TownofPaonia.com.

The Town reserves the right to request additional information or clarifications from firms, and or to allow corrections of errors or omissions.

Submission of proposals indicates acceptance by the firm of the conditions contained in this RFP.

It is anticipated that the selection of a firm will be completed at a **Regular Meeting of the Board of Trustees on May 14, 2024.**

All materials submitted in connection with the proposal document become the property of the Town. All information received by the Town shall become public record and shall be open to public inspection should an award of contract result from this solicitation.

KEY DATES

A tentative schedule of key dates for the project has been established as follows:

1. Proposal Calendar

Publication of RFP	March 29, 2024
Due date for proposals	April 30, 2024
Special Meeting to Choose Candidates for Interviews	May 2, 2024
Conduct Interviews	Week of May 6, 2024
Appointment of Town Attorney at Regular Town Board Meeting	May 14, 2024

The accuracy of the proposal is the sole responsibility of the Consultant. No changes in the proposal shall be allowed after the submission deadline, except when the Proposer can show clear and convincing evidence that an unintentional factual mistake was made, including the nature of the mistake and the price actually intended. Alternate proposals will not be considered.

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 RFP of the change in writing. The Town of Paonia is an equal opportunity employer.

TERMINATION OF CONTRACT

The Town may, by written notice to the successful Consultant, terminate the contract if the Consultant has been found to have failed to perform in a manner satisfactory to the Town's specifications, including delivery as specified. The date of termination shall be stated in the notice. The Town shall be the sole judge of non-performance.

The Town may cancel the contract upon thirty (30) days' written notice for reasons other than cause. This may include the Town's inability to continue with the contract due to non-appropriation or reduction of funding.