

Statutory Duties / Scope of Work

Based on the Council / Manager Act (1953-404), the City Attorney shall discharge the duties imposed and exercise the powers conferred upon the office by statute the laws of the state and ordinances of the city as follows:

Sec. 2.38. - Powers and duties generally.

The city attorney shall discharge the duties imposed and exercise the powers conferred upon the office by statute and the laws and ordinances of the city.

- (a) *Recommendations to city council.* It shall be the duty of the city attorney from time to time to make such suggestions or recommendations to the city council as may to him seem advisable and proper in reference to the enforcement, revision or modification of the city laws, both civil and penal.
- (b) *Attendance at council meetings.* The city attorney shall attend all formal meetings of the city council and he shall attend such special or called meetings as he may be requested to attend by any member of the city council.
- (c) *Advisor at council meetings.* The city attorney when attending meetings shall advise the council or any member thereof upon any legal matters pertaining to the officers or interests of the city, shall prepare such ordinances and resolutions as may be required of him and shall, when requested, advise the council as to the legality, reasonableness and constitutionality of legislation pending before the council or of enactments already adopted.
- (d) *Legal advisor of city officers.* The city attorney shall be the legal advisor, on all necessary occasions, of the city council and other city officers and employees in respect to city business, their official duties and all matters pertaining to the city's welfare, its rights and powers, insofar as they may be affected by the official acts of such officers.
- (e) *Prepare written opinions for officials.* The city attorney shall, when requested, furnish written opinions or advice to any city official in respect to his official duties, insofar as the city may be affected thereby.
- (f) *Represent city in litigation.* In all suits or proceedings wherever pending, to which the city shall be a party, plaintiff or defendant, it shall be the duty of the city attorney to appear for and represent the city.
- (g) *Represent policemen when sued.* It shall be the duty of the city attorney to represent all policemen when sued for acts or omissions while acting within the line of their employment as policemen.
- (h) *Represent city boards, etc.* The city attorney shall represent as attorney all city boards which have been created or may hereafter be created by this Code, any law, ordinance or resolution of the city.
- (i) *Pay over collections to director of finance.* It shall be the duty of the city attorney to pay over instantly to the director of finance all money collected by him for the city.
- (j) *Draft deeds, etc.* When directed by the city council, or any city officer, the city attorney shall prepare needed contracts, conveyances, documents, ordinances, resolution, etc., for use by the city or its officers and shall pass upon the legal sufficiency of all bonds of city officers, contracts and bonds of persons having dealings with the city. (Code 1961, § 2.45)

Minimum Requirements

Applications will not be considered from individuals or firms the partners of which do not meet the following, minimum qualifications.

1. Graduation from an accredited school of law
2. Licensed to practice in the state of Alabama
3. In good standing with the Alabama State bar association
4. Five (5) years or more of substantial experience representing local governments as attorney and/or city prosecutor or defending local government agencies as an attorney for local government insurers.

Selection Criteria

The following will be taken into account during the selection process:

1. responsiveness to this request for an SOQ
2. superior academic and professional qualifications
3. exemplary professional reputation and a demonstrated record of successes in legal disputes
4. significant experience practicing law in a municipal environment as prosecutor and/or general attorney
4. extensive knowledge of, and experience with, laws governing Alabama local governments
5. familiarity and experience with state and federal regulations that apply in local government practice
6. demonstrated expertise in land use and zoning law as it applies to cities
7. adequate administrative capacity and available support staff (if so proposed, see below))
8. responses to the questions on the attached questionnaire
9. cost
10. any supplemental information submitted by the applicant
11. in-person interview results

Compensation and Facilities

Applicants are expected to propose a structured fee schedule, retainer fee, and/or hourly remuneration schedule for the city's consideration. Upon presentation of an itemized statement thereof, the city will reimburse the city attorney for all legitimate fees, including any items of traveling expense incurred in attendance upon court elsewhere than in the city or for other legitimate expenses deemed beyond a contracted retainer, as applicable, in transacting city business. The proposal will also delineate needed physical and administrative support to be provided by the city (as opposed to being provided by the attorney's own resources) if necessary or expedient.

Questionnaire

Please provide clear and concise responses to the following questions. A short paragraph should suffice for each question; however, more than one response may be included in a single paragraph. The goal is to provide the City Manager with information that will help him evaluate a candidate's qualifications.

1. Provide information about your experience in delivering legal services in a municipal setting, supported by concrete examples and with more than one reference source for corroboration.
2. Outline your general approach to delivering legal guidance to city staff and city elected officials particularly illustrating ways to build confidence in your ability to serve their needs.
3. Describe the steps you would take to ensure timely resolution of cases, responses to staff requests, and related matters.
4. Recognizing the protocols described in the city's Council / Manager Act (1953-404), characterize your philosophy regarding day-to-day contact with staff and members of the City Council.
5. Describe steps you will take to minimize the exposure of the City to liability and legal expenses.
6. Define the level of support (e.g.: office space, administrative assistant, internet access, etc.) you would need to function efficiently and effectively as City Attorney based on Anniston's normal caseload.
7. Disclose any pending litigation and/or judgments against you in any matter relating to your professional activities.
8. Disclose any pending complaints to the state bar association or any past complaints to the bar association which resulted in a finding of other than "unsubstantiated."
9. Describe how you will safeguard confidential information both in electronic as well as print formats.
10. Estimate the costs for providing the services delivered as above; such costs should include a base fee for providing routine opinions and services including attendance at regular City Council meetings and additional fees related to non-routine services such as representing the city in complex litigation, arbitration, mediation, or appeals court proceedings.

Certifications

The attorney candidate, by submitting this Proposal and Statement of Qualifications, certifies that

- (1) no current elected or appointed official of the city is financially interested, directly or indirectly, in his or her engagement,
- (2) if selected, he/she will not engage in any litigation or collusion against the City or represent or advise clients that have interests adverse to the City, and
- (3) the information contained in his or her SOQ is correct and complete to the best of his or her knowledge.

Signatory: _____

Date: _____

Print Name: _____