



REQUEST FOR PROPOSAL  
FOR THE PROVISION OF PROFESSIONAL LEGAL SERVICES  
AS TOWN OF CRAMERTON, NC ATTORNEY

The Town of Cramerton (“the Town”) Board of Commissioners (“the Board”) desires to solicit qualification statements from interested firms and/or individuals for the provision of professional legal services. Through a Request for Proposal (“RFP”) process, firms and/or individuals interested in appointment as Town Attorney must prepare and submit a qualification statement in accordance with the procedure and schedule stated in the attached RFP. The Board intends to consider firms and/or individuals who possess the professional, financial, and administrative capabilities to provide the proposed services. As part of the RFP process, the Town is also interested in exploring cost-saving options like attorney sharing with other North Carolina municipalities, staff attorney hiring, contract attorney arrangement, and firm and individual town attorney engagements.

The factors to be considered by the Board in its appointment of a Town Attorney include, but are not limited to: (i) experience and reputation within the profession; (ii) knowledge of the subject matter to be addressed under contract; (iii) availability and accessibility to accommodate any required meetings of the Board or town staff; (iv) ability to give priority to Town work; and (v) such other factors as determined by the Board, in its sole discretion, to be in the best interest of Town of Cramerton. Selection of a Town Attorney will be made pursuant to the sole discretion of the Board, and such attorney shall serve at the pleasure of the Board.

Will Cauthen, Mayor  
Town of Cramerton

**Section 1 – Scope of Services and Background**

Town of Cramerton (est. pop. 5,050) is located in the southwestern Piedmont region of North Carolina (about 15 miles west of Uptown Charlotte). The Town government is comprised of the following departments each offering its unique services to the citizens of the Town.

Services performed by the Town:

- Police (includes Code Administration, Minimum Housing      ▪ Fire
- Planning & Zoning      ▪ Public Works      ▪ Parks and Recreation
- General Administration

Services performed by other entities:

- Tax Collection (performed by Gaston County)      ▪ Building Code (performed by Gaston County)
- Water and Sewer is provided by Two Rivers Utilities (TRU)

Pursuant to N.C.G.S. 160A-173 and Section 5.2 of the Charter, the Board must appoint a Town Attorney to serve as the Board's legal advisor. The exact nature of the Town Attorney's duties varies from town to town, as does the amount and method of compensation. The Town Attorney is not appointed to a definite term, but instead serves at the pleasure of the Board on a contract basis.

Cramerton Attorney History

The Town previously has received town attorney services from a staff attorney it shared with another municipality. The staff attorney worked at Town Hall one day per week and the other days at the other municipality. The previous attorney attended all Town Board meetings, Planning and Zoning Commission meetings and staff agenda meetings. The Town Attorney represented the Town in civil proceedings, litigation, real estate matters and land use and zoning issues. It is anticipated that the Town Attorney will work closely with the Town Manager and Department Heads to ensure the agency compliance with all federal, state, and local laws. Commissioners or Town Manager may authorize the engagement of attorneys experienced in specialty areas of the law when deemed in the best interests of the Town. The Town Attorney may recommend such engagement.

**Section 2 - Duties and Responsibilities:**

The Town Attorney shall be the statutory legal adviser to the Board and as such, shall perform legal services assigned by the Board. The Town Attorney shall also work closely with the Town Manager and shall provide such legal services as may be requested by the Town Manager. It is expected that the Town Attorney will give priority to the work assigned on behalf of the Town and that he or she will perform all work in a timely manner.

*\*The full list of Cramerton Town Attorney Duties and Responsibilities is included at the end of the RFP as "Attachment A".*

Minimum Qualifications

Interested individuals must meet the following minimum qualifications:

- a. Must be an attorney in good standing licensed to practice law in the State of North Carolina as of the date of appointment;
- b. Must possess J.D. or LL.B from an ABA accredited law school;
- c. Must have at least seven (7) years of prior experiences in local government law, specifically representing county or municipal government; and
- d. Must have broad general experience in the practice of law, preferably in matters of litigation, contracts, employment law, land use, real estate, and constitutional law.
- e. Must possess a strong background in land use, land development, and planning and zoning.

**Section 3 - Submittal information**

**A. Proposal Submission Deadline**

Proposals shall be sealed and labeled on the outside "Cramerton Attorney RFP". RFP's are to be received at Cramerton Town Hall by 3:00 p.m. on Wednesday, August 30, 2017.

**Mail or hand-deliver submission packets to:**

Town of Cramerton  
Attn: David Pugh, Town Manager  
155 North Main Street  
Cramerton, NC 28032

The proposal must be submitted in printed form and electronically on a non-returnable CD or flash drive. One (1) original (mark "ORIGINAL") plus seven (7) hard copies of the proposal must be submitted. The original proposal package must have original signatures and must be signed by a person who is authorized to bind the proposing entity (firm and/or individual). All additional proposal sets may contain photocopies of the original package.

**Electronic (email) or facsimile submissions will not be accepted.**

There is no expressed or implied obligation for the Town to reimburse firm(s) and/or individual for any expenses incurred in preparing proposals in response to this request.

## B. Proposal Questions

Proposal questions should be directed to Mayor Will Cauthen [wcauthen@cramerton.org]. There shall be no lobbying of the Board on the selection of a Town Attorney.

## Section 4 – Content of Proposal

### A. Proposal format

In response to this Request for Proposal, each interested individual shall provide the following information:

Qualification Information:

- a. Full Name;
- b. Firm OR Individual Name, Address and Telephone Number; an identity of the individual attorney to be assigned to this engagement;
- c. Years in practice;
- d. Your (and your firm's) legal specialties or emphases of practice (please also list if applying as an individual);
- e. A listing of all of your post high school education;
- f. Date of licensure or anticipated licensure in the State of North Carolina;
- g. A listing of your professional affiliations or membership in any professional societies or organizations;
- h. If applying as a firm, the number of attorneys employed and/or affiliated with your firm;
- i. A listing of all previous public sector entities for which you have provided legal representation, including dates of service and position(s) held;
- j. Your familiarity with the Town and an explanation of how derived;
- k. The relevant legal experience that qualifies you for the position of Town Attorney;

- l. Any other relevant legal or work experience that you would like the Board of Commissioners to consider in evaluating your qualifications for the position of Town Attorney;
- m. Details regarding any conflict of interest or potential conflict of interest;
- n. A listing of any relative, by blood or marriage, employed by the Town or serving in an elected or appointed capacity;
- o. The name, address and telephone number of three client references that can be contacted by the Town;
- p. Your compensation requirements, including an hourly rate and any retainer (if any) to be charged to the Town, and the manner in which travel time will be billed; and the ability to work from Cramerton Town Hall
- q. Any additional information that you would like the Board to consider in evaluating your qualifications including any proposal attorney sharing options, staff or contract attorney proposals.

### **Section 5 – Method of Evaluation and Selection**

The Board shall determine the relative weight to be assigned to the various selection factors outlined in this RFP. Selection of a Town Attorney will be made by the Board in its sole discretion regardless of price or qualifications.

The Town assumes no liability or responsibility for the costs incurred by a respondent for any materials, efforts or expenses required to prepare a response or to make any presentation in connection with a response to the Request for Proposal.

**This Request for Proposal is not an offer, obligation, or agreement to award work to any respondent. No contractual relationship is created by responding to this Request for Proposal. The Town reserves the right to accept or reject any or all proposals received, to re-open the process for additional respondents, or to award to any attorney in the Town's discretion. The Town reserves the right to waive any irregularity, informality, or technicality in proposals received. It is understood and agreed by those submitting a response that all information submitted will be public record and subject to public inspection and copying.**

## **ATTACHMENT A: TOWN ATTORNEY DUTIES AND RESPONSIBILITIES**

**GENERAL STATEMENT OF DUTIES:** Serves as legal counsel to the Mayor, Board of Commissioners, Town Manager, Town Boards and Committees, and other Town employees. Acts as General Counsel for the Municipal Corporation.

**DISTINGUISHING FEATURES OF POSITION CLASS:** The Town Attorney performs complex professional work in providing legal guidance for operations of the Town Government. The Town Attorney counsels the Town Board. The Town Attorney serves at the pleasure of and under the general supervision of the Town Board of Commissioners pursuant to North Carolina statute.

### **ESSENTIAL FUNCTIONS:**

- Attends all Board meetings and provides legal counsel to Mayor, Board of Commissioners, and Municipal staff.
- Attends Planning and Zoning and Board of Adjustment Meetings as needed.
- Ensures that all laws of the State, the Town charter, and the ordinances, regulations and resolutions of the Board are executed within the Town.
- Research and submission of legal opinions on municipal or other legal matters requested by Town Manager; availability to answer questions by telephone.
- Legal consultation and general support for Mayor, Board of Commissioners and Town Manager on general legal matters.
- Provide legal advice to staff, Town Manager, Planning Board and Town Board regarding zoning matters.
- Represents the Town in matters related to the enforcement of Town land development and minimum housing codes.
- Prepare such resolutions and ordinances as the Town Manager or the Town Board shall direct.
- Review of municipal contracts, including contracts for public improvements, developments, subdivisions, joint powers agreements, construction, purchase of equipment, and the like for content, form, legality and execution as requested.
- Examine and advises the legality of all proceedings and actions of the Town Board and other boards or commissions.
- Render written opinions on law when requested, including interpretation of statutes, ordinances, rules and regulations.
- Drafting of ordinances, ordinance amendments, resolutions, developer agreements and contracts, subdivision agreements and correspondence as requested.
- Review ordinances as requested.
- Review bonds, deeds, securities and insurance requirements required by or for Town contracts or activities.
- Review data requests and related documents and advise staff regarding release and redactions.
- Review acquisition requirements with appropriate departments, evaluate any special legal or cost problems, develop acquisition timetables, make preliminary cost estimates and obtain or develop proper legal descriptions.

### **Town Attorney (continued)**

- Represent the Town in the acquisition of properties for public improvements, easements, parks and the like as needed, utilizing outside general real estate counsel.
- Handle all legal matters under construction contracts and any resulting litigation.
- Represent the Town in condemnation proceedings for public improvement projects, etc.
- Initiate annexation proceedings at the direction of the Town and follow through with all necessary documentation and presentation to necessary authorities.
- Representation of the Town on Economic Development related issues, including developer agreements and tax increment document review as needed. Finance tax abatement and other forms of public finance assistance. Public financing assistance in public/private partnerships.
- Where no insurance coverage is provided, make appropriate evaluation of claims for legality, investigate facts, and make recommendations to the Town Board.
- Defend in court all litigation where no insurance coverage is available. This includes but is not limited to: (1) human rights claims; (2) condemnation; (3) zoning and land use regulation matters; (4) permits and administrative actions; (5) administrative citations; (6) code enforcement issues; (7) employment matters; and (8) engage in specialized legal counsel as necessary and appropriate.
- Assist in resolving claims not resulting in litigation, including mediations.
- Investigate and evaluate all claims by the Town against others and recommend appropriate course of action, including, but not limited to code enforcement issues and administrative citations.
- Represent the Town in litigation on zoning matters; i.e. rezoning, variances, special permits, subdivisions.
- Review all minutes.
- Provide high level of professional service by responding to elected and staff clients in a prompt manner.
- Performs any other duties that may be required or authorized by Board.

**JOB RELATED PHYSICAL ACTIVITY REQUIREMENTS:** This position involves light work requiring the employee to exert in excess of 20 pounds of force occasionally and less force frequently to move objects. Physical activity related to this position may include climbing, grasping, feeling, talking, hearing and repetitive motion. Sufficient visual acuity is required to prepare and analyze data and figures; performs functions related to accounting, transcription and extensive reading, use of measuring devices, and use of computer terminal. An employee in this position will not be exposed to adverse environmental conditions.

**REQUIRED KNOWLEDGE, SKILLS AND ABILITIES:** Considerable knowledge in a variety of legal areas, including but not limited to: Town Charter and general municipal ordinances; employment law; general state and federal laws relating to municipal government, zoning, housing, annexation, subdivision and land use law; economic development activities including development, redevelopment, enforcement, and property/real estate law; legal activity relating to general obligation bonds, revenue bonds, and other bonding and financial

### **Town Attorney (continued)**

processes; resolution development and interpretation, government data practices; contract law, environmental law, franchise law, and criminal/civil processes; municipal leases and property disposition; eminent domain; and trial activity. The ability to establish good working relationships with the Town Board and municipal staff, learn of various changes in local government regulations, exhibit good professional judgement, and provide sound counsel and advice.

**ACCEPTABLE EDUCATION, EXPERIENCE AND TRAINING:** Must have juris doctor degree from an accredited law school and license to practice law in the State of North Carolina. A Minimum of seven (7) years of experience practicing law in the State of North Carolina, a considerable amount of which shall have been in the practice of municipal law. Must be in good standing with the North Carolina Bar and possess an appropriate driver's license valid in the State of North Carolina.