



Town of White Lake, North Carolina
Request for Proposals -- Legal Services

Proposals must be received by the Town by 5pm, February 09 2024 either by mail

Town of White Lake
1879 White Lake Dr PMB 7250
White Lake, NC 28337

Or via email to the Town Administrator, Sean Martin at smartin@whitelakenc.org.

All proposals should be delivered in a sealed envelope marked "PROPOSAL FOR TOWN ATTORNEY."

Introduction

Town of White Lake, NC – Town Attorney. The Town of White Lake is seeking proposals for the provision of contract legal services as Town Attorney. The Town is seeking proposals from qualified legal service providers, licensed in the State of North Carolina, to represent the Town in a full range of legal affairs relevant to North Carolina municipalities. The Town Attorney is appointed by the Board of Commissioners and provides primary legal service to the Commissioners, Town Boards and Committees, and Town staff.

The Town of White Lake prefers the Town Attorney maintain membership in the NC Association of Municipal Attorneys and attend their annual conference(s) on behalf of the Town of White Lake. At least three years of municipal experience is preferred, but all applicants will be considered.

Scope of Services

The Town Attorney shall advise the Mayor, Board of Commissioners, Administrator, and other officials with respect to Town affairs; give opinions upon any municipal legal matter or questions submitted by the Mayor, Commissioners, Administrator, and any other town staff; draw proposed ordinances when requested; inspect and pass upon all agreements, contracts, franchises and other instruments that concern the Town; attend the regular monthly meetings of the Board of Commissioners (2nd Tuesday at 7pm), and other Town board meetings such as Planning Board or ad hoc committees upon request; engage in litigation on the Town's behalf when appropriate; and perform such other duties as may be required by virtue of the position as Town Attorney.

The following are further illustrative of the services to be provided to the Town of White Lake by its Town Attorney. This is not to be construed as a complete list of services.

1. When authorized by the Board of Commissioners prepare all charges and complaints against, and appear in the appropriate court in the prosecution of, every person charged with the violation of a Town ordinance. Under the direction of the Board of Commissioners, defend

Town officials, Board and Committee members and employees in any action or claim against them in their official capacity. In those claims where the Board's insurance company has appointed legal counsel, the Board Attorney shall provide only those services requested by the Town Administrator.

2. Immediately report to the Administrator the filing of any litigation against the Town, as well as the final outcome of any such claim.
3. Prepare deeds, easements and contracts as pertaining to real estate and render title opinions on property being acquired by the Town.
4. Additional services as from time to time may be required, including counseling Department Heads, elected officials, instructing Board members and employees of the Town in the elements of public law and examining intergovernmental activities.
5. This scope of services does not include: answering inquiries from the general public or press. All such requests shall be forwarded to the Town Administrator; providing legal counsel to individual members of the Board of Commissioners, or other Town Boards.

Specific Requirements.

1. The Town of White Lake shall not be restricted from appointing specialized counsel as the need arises, or counsel when a conflict is evident.
2. Any firm selected by the Town will be prohibited from assigning, transferring, conveying, subcontracting or otherwise disposing of its responsibility for legal services with the Town or its rights, title, and interest therein, or its powers to execute such agreement to any other person, company, partnership or corporation without the previous consent and approval in writing from the White Lake Board of Commissioners.
3. Firms selected to provide legal services for the Town will not be allowed to represent any person, corporate entity, or Town employee in any action against the Town or before any Town board or committee in the regulatory process.
4. The law firm selected as a result of this proposal shall indemnify the Town of White Lake from all suits, actions or claims of any kind brought on account of any injuries or damages sustained by any person resulting from any act or omission by the firm or its employees which constitutes negligence or malpractice. The firm shall be required to carry professional liability insurance and the proposal must specify the carrier and the coverage limits, which can be no less than one million dollars. An insurance certificate to this effect shall be provided to the Town on an annual basis.
5. Each attorney/firm must agree to keep a complete record of all actions, suits, proceedings and other matters handled by the firm for the Town, including written opinions on legal matters, and to deliver such records to any successor Town Attorney, upon request of the Board of Commissioners.
6. Each attorney/firm must identify an address of the offices of the attorneys who would provide services to the Town and their proximity in miles and driving time to the White Lake Town Hall. The applicant must indicate their availability to provide services in the evening hours between approximately 5:00 p.m. and 11:00 p.m. However, in rare circumstances (emergency situations) there may be times that legal representation is needed at other times including weekends and holidays. The Town reserves the right to request the services from the attorney and/or firm. The method of requesting services after 5pm shall be established between the Town Administrator and Town Attorney.

Desired Qualifications of the sole practitioner and/or firm:

- A thorough understanding of the legal framework of municipal government in North Carolina

- Diverse legal experience, particularly in the areas of municipal liability, regulation of new development, public employment law, construction and professional service contracts, and real estate law
- Prior local government law experience in service to a North Carolina city, town, village, county or related local government entity
- Accessibility and prompt response for the Mayor, Commissioners, Administrator, and designated Town staff as needed

Form of the Proposal

Proposals should address:

- Outline of the size and experience of the firm, including any legal municipal experience
- Office location(s)
- How the firm/individual will provide prompt, skilled, and efficient service to the Town
- Description of areas of expertise or legal experience that may benefit the Town
- Resumes of key personnel providing services to the Town, along with individual specialties
- Proposed rates for all work to be provided to the Town, including hourly rates, retainer rates, rates for travel, attendance at meetings, legal research, work done by legal staff, etc.
- Identify proposed Town Attorney, and how the firm will handle assignments if the Town Attorney is not available
- Listing of municipal clients and references, with contact information
- Other factors or information relevant to the scope of work sought

For purposes of the proposal, it is estimated that the Town Attorney will typically spend approximately five hours per week on Town related matters plus attend necessary municipal meetings.

While the Town Attorney is expected to perform the primary legal services function for the Town, the Town may hire specialized legal counsel to represent the Town in various matters considered outside the normal scope of work or outside of the firm's field of expertise. In the event that the Town Board of Commissioners hires outside legal help, the Town Attorney is expected to represent the Town's interest and act to coordinate the use of outside counsel.

Selection Process

Proposals will be reviewed and forwarded to the Board of Commissioners for further consideration.

The Town Attorney is a direct appointment of the Town Board of Commissioners. The Town reserves the right to negotiate with any or all bidders, to seek modifications or re-submissions of portions or entire proposals and to accept or reject any and all bids received. Please be advised that the Village Council may request candidate interviews prior to rendering a decision.

Contract for Services:

It is anticipated that the Town and the attorney or firm will enter into a two-year contract for services after appropriate negotiations, with options to extend the contract upon mutual consent. The contents of this RFP and the representations made in the proposal will become part of any contract awarded as well as any additional terms and provisions negotiated by the parties.

Questions

Questions or requests for information may be submitted to Sean Martin at the above address, by telephone at 910-862-4800, or by email at smartin@whitelakenc.org.