

CITY OF BERLIN REQUEST FOR PROPOSALS FOR CITY ATTORNEY

1. STATEMENT OF PURPOSE

The City of Berlin (hereinafter referred to “CITY”) invites attorneys qualified to practice law in the State of Wisconsin to submit a proposal to serve as the City Attorney for the CITY, as outside (not in-house) counsel subject to the terms and conditions described herein.

2. GENERAL INFORMATION

The CITY is located in Green Lake and Waushara counties, Wisconsin. The CITY has an estimated population of 5,600 and is served by a Mayor and six City Alderpersons. The CITY employs 53 full-time equivalent positions including a City Administrator.

The annual general fund budget is approximately \$6.4M. The CITY has 3 active Tax Incremental Districts (TIDs) and is in the process of creating a 4th TID.

Generally, the Committee of the Whole meets on the 1st Tuesday of the month at 7:00 p.m., the Common Council meets on the 2nd Tuesday of the month at 7:00 p.m., and the Plan Commission meets on the last Tuesday of the month at 6:00 p.m.

3. SERVICES TO BE PROVIDED

- A. Except as expressly provided herein, serve as the City Attorney for the CITY, and perform any and all services pursuant to the duties of City Attorney as described in Chapter 2, Article III, Division 4 of the Berlin Municipal Code of Ordinances and Wis. Stat. § 62.09(12) of the Wisconsin Statutes.
- B. Apprise CITY officials as needed about changing laws and other legal matters that may be of interest and/or concern to the CITY.
- C. Attend governing body meetings at the request of the CITY. The necessity of the City Attorney’s presence at meetings of the Common Council and/or any other governing bodies will be at the discretion of the CITY. Regular attendance is anticipated for meetings of the Common Council, Committee of the Whole, Plan Commission, Board of Appeals, Board of Review and Berlin Community Development Corporation (BCDC). Occasional attendance is anticipated for meetings of all other governing bodies (currently Oakwood Cemetery Board, Library Board, Police & Fire Commission, Sewer & Water Commission, Travel & Tourism Commission, Committee on Aging, Community Development Authority, and Park and Recreation Commission).
- D. Provide storage of existing files currently maintained.
- E. Provide the Mayor, the Common Council, and other governing bodies with guidance as to Robert’s Rules of Order, Open Meetings Law, and related procedural matters at meetings, or as otherwise requested.
- F. Perform legal services in accordance with all ethical responsibilities and rules for lawyers as established by the Wisconsin Supreme Court and any other governing regulatory authority.
- G. Provide own support staff for the City Attorney, and any assistant attorneys, as desired.
- H. Provide own office space for the City Attorney, and any assistant attorneys, and applicable support staff.

- I. Submit annually, or as otherwise required, proof of professional liability insurance covering the City Attorney's services to the CITY.
- J. The following services should be excluded from proposals because they will be provided by separate special counsel appointed by the CITY pursuant to Wis. Stat. § 62.09(12)(g):
 - a. Municipal citation prosecution and enforcement, including but not limited, to building code enforcement actions, zoning violation enforcement actions, nuisance enforcement actions, raze order enforcement actions, and all municipal court and circuit court citation and complaint prosecution.
 - b. Specialized legal services, such as labor and employment law services, for which the City chooses to use separate counsels for specialized expertise, to avoid conflicts of interest, or any other reason.
- K. Proposals should reflect that the City Attorney will not be an employee of the CITY, but rather an outside independent contractor who is not entitled to any employment fringe benefits such as vacation time, paid leave, health insurance, or retirement programs. The City Attorney will also specifically not be eligible to participate in the Wisconsin Retirement System.

4. PROPOSAL REQUIREMENTS

Proposals should include responses to each of the following items. Include other information as appropriate to address the services the CITY can expect from the attorney.

- A. Profile and history of the firm including attorneys in the firm and a list of the principals. Indicate the attorney(s) who will be responsible for the work performed for the CITY.
- B. A listing of current and past local government clients including the name and telephone numbers of the client contact.
- C. Current fee schedule/expense rates. Indicate whether the fee schedule varies for different types of legal work or by attorney or support staff. Be sure to be inclusive of all costs to the CITY.
- D. Identify any currently known potential conflicts of interest in representing the CITY.

5. EVALUATION CRITERIA

Proposals will be evaluated based on the following criteria:

- A. Qualifications and experience of the attorney and/or firm working with local government.
- B. Experience and availability of staff assigned to serve the CITY.
- C. Scope and cost of services.
- D. References.
- E. Propensity for conflicts of interest regarding representation of the CITY.
- F. Anticipated longevity and ability to provide a continuous and stable level of service to the CITY.

6. SCHEDULE OF DATES

The following schedule has been established by the CITY for the selection of a firm as City Attorney. Dates are tentative and are subject to change.

January 15, 2025	Publish RFP.
January 29, 2025	Proposals due at 12:00 p.m.
February 4, 2025	Committee of the Whole interviews of selected firms.
February 11, 2025	Common Council makes decision.
No later than May 1, 2025	(Preferred March 1, 2025) Effective date for selected attorney/firm to become City Attorney.

7. TERMS AND CONDITIONS

- A. The CITY reserves the right to accept or reject any or all proposals and to award a contract to the next most qualified attorney/firm if the successful attorney/firm does not execute a contract within thirty days after the award.
- B. The CITY reserves the right to request clarification of the information submitted and to request additional information.
- C. All questions should be emailed to cityadministrator@cityofberlin.wi.gov.
- D. There is no expressed or implied obligation for the CITY to reimburse responding firms for any expenses incurred in preparing proposals in response to this request.
- E. The proposals must be received at the email or mailing address below no later than Friday, January 29, 2025, at 12:00 p.m.:

City of Berlin
Attn: Legal Services Proposal
108 N Capron Street
PO Box 272
Berlin, WI 54923
cityadministrator@cityofberlin.wi.gov