



**Request for Qualifications:** Town Attorney Services

**Deadline:** 5 PM MST on Tuesday, January 31, 2023

**Date:** January 10, 2023

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The Town of Mt. Crested Butte, Colorado, (“Town”) is seeking the services of a municipal attorney or attorneys to fulfill the duties and responsibilities described in this Request for Qualifications (RFQ) as the Town Attorney. The Town is inviting individual attorneys and firms, to respond to this RFQ with Statements of Qualifications (“Qualifications”) for the purpose of providing the Town the services described herein.

The Town reserves the right to reject all proposals, or to reject any proposal in part or in whole, and to award the proposal to the most responsive and responsible firm as deemed in the best interest of the Town. Further, the right is reserved to waive any formalities or informalities contained in said proposal.

**1. SELECTION PROCESS AND DEADLINES**

The Mayor and Town Council will evaluate all Qualifications. The Town reserves the right to make an award based directly on the Qualifications or to negotiate further with one or more firms, all in its sole discretion. The Town Council shall make the final determination of the firm selected.

Timeline for the selection process (all in Mountain Standard Time Zone):

- |                              |  |
|------------------------------|--|
| a. January 25, 2023, 5 pm    | Final deadline for questions on the RFQ  |
| b. January 27, 2023, 5 pm    | Posting of questions and responses to <a href="http://www.mtcb.colorado.gov">www.mtcb.colorado.gov</a> |
| c. January 31, 2023, 5 pm    | Final electronic deadline for RFQ Submittal  |
| d. February 10, 2023         | Internal review of proposals and finalists selected  |
| e. February 13, 2023         | Finalists contacted by Town to schedule interviews   |
| f. Week of February 21, 2023 | Interviews conducted by Town Manager and Mayor   |
| g. March 7, 2023             | Final selection and notification to all candidates   |

- h. TBD Contract for legal services approved by Town Council at regular meeting. First Town Council meeting for new Town Attorney.

The Town reserves the right to modify the schedule as necessary and will notify those participating in the RFQ of changes.

## 2. INQUIRIES

Questions may be submitted to the Town Clerk, Tiffany O'Connell, [toconnell@mtcb.colorado.gov](mailto:toconnell@mtcb.colorado.gov), (970) 349-6632 ext. 103. Questions will be accepted until January 25, 2023, 5 pm MST. Questions and responses will be posted to the town's website [www.mtcb.colorado.gov](http://www.mtcb.colorado.gov) by January 27, 2023, at 5 pm MST.

## 3. SUBMITTALS

All responses must be submitted in the form set forth in this RFQ.

Submit to: Tiffany O'Connell, Town Clerk, [toconnell@mtcb.colorado.gov](mailto:toconnell@mtcb.colorado.gov)  
Submittal Deadline: Tuesday, January 31, 2023  
Form: One (1) PDF file  
Number of pages: No minimum/maximum

Information concerning this RFQ may be found on the Town's website under the Projects and Initiatives – Request For Proposals tab. Posted on the website is the RFQ, plus clarifications, schedule changes, or other important information related to the RFQ.

## 4. COMMUNITY SUMMARY

The Town of Mt. Crested Butte is located at an elevation of 9,375 feet within the majestic Elk Mountains in northern Gunnison County. This unique area, with origins in mining, has since developed into a quaint community with diverse recreation and tourism. The Town, incorporated in 1974, is 2.05 square miles with extreme topography and development along the 'spline' of Gothic Road. The Town has a population of 950 year-round residents and is a four-season outdoor destination.

## 5. ORGANIZATIONAL SUMMARY

The Town was established as a Home Rule municipality in 1974. The Town has a seven-member elected Town Council with a Council appointed Mayor. The Mayor serves as chair of Town Council meetings and the Council takes action on contractual, legal, and legislative issues impacting the town.

The Town has the following departments. Water and sanitary sewer services are provided separately by the Mt. Crested Butte Water and Sanitation District.

- a. Community Development
- b. Finance
- c. Clerk
- d. Parks
- e. Maintenance

f. Police Department

The Town employs a Town Manager and a staff of approximately 27 full time employees to manage the Town's day-to-day business. Neither the Mayor nor any Councilpersons have offices at Town Hall but can be contacted by phone or email. The Town Council hires the Town Attorney.

The Town Attorney serves at the pleasure of the Town Council and is required to review all meeting materials prior to scheduled meetings and attend Town Council meetings. Town Council holds regular meetings at 6 pm on the first and third Tuesday of the month, with work sessions typically scheduled up to two hours beforehand. The Town attorney attends work sessions only when necessary. Meetings are held both virtually and in person at Town Hall located at 911 Gothic Road, Mt. Crested Butte, Colorado. The Town Attorney may attend these meetings virtually.

The Town Attorney occasionally may be asked to attend Planning Commission meetings held the first and third Wednesday of each month at 5 pm, or Downtown Development Authority Meetings held the first Monday of the month.

If necessary, the Town Attorney may be requested to attend Municipal Court, trial proceedings, and other hearings and meetings as necessary. Municipal Court is held on the first Wednesday of every month at 8:30 am. The Town Attorney may attend most municipal court hearings virtually but will be expected to be present for a jury trial.

## 6. QUALIFICATIONS

### A. General Qualifications:

1. Any attorney(s) hired or contracted by the Town for legal counsel must meet the following minimum requirements:
  - a. Graduation from an accredited law school with a Juris Doctor degree in law;
  - b. Five (5) years of experience as a practicing municipal attorney; and
  - c. A license to practice law in Colorado, with a State Bar Association membership (in good standing).
2. For the purpose of filling the Town Attorney position, the Town will consider qualifications submitted by:
  - a. Individual attorneys that meet the duties and requirements listed under all four areas below and are applying for the Town Attorney position in its entirety; or
  - b. Law firms with qualified attorneys on staff that specialize in the duties and requirements listed under all four areas below and will jointly fulfill the requirements of the Town Attorney position.
3. The following items should be addressed as submitted qualifications:
  - a. Describe your/your firms' experience with Home Rule municipalities and municipal law generally and specifically your experience with regard to municipal elections, municipal land use regulations, real property, contracts, zoning law, constitutional issues affecting municipalities (state and federal), municipal finance, and any other areas you believe are relevant to the Town's decision.
  - b. Provide a list of the specific municipalities you/your firm have worked with as an Attorney in the past five (5) years or other relevant experience. If you are submitting to include the

Prosecuting Attorney duties, please note in which towns or cities where you have provided these services or other relevant experience.

- c. Provide a list of any other attorneys in your firm who may provide services under this request, and a list of services they may provide.
  - d. Describe any knowledge or experience that makes you, or any attorney(s) in your firm, particularly qualified to fulfill the Town Attorney duties.
  - e. Disclose any and all potential conflicts of interest that may arise in the performance of Town Attorney duties by you or any member of your law firm.
  - f. 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. Provide a detail of and explain your required fees to perform the requested services.
  - g. If you propose to bill for services at an hourly rate, provide the current hourly rate for each attorney and for each employee of your firm who may work on Town matters. Alternately, state specifically whether you will work on a fixed fee (retainer) basis and, if so, how you propose that such a fee be determined. Please specify how your hourly or fixed fees will be based and the general rate in which fees may be adjusted on a regular or annual basis. Please disclose any applicable billable rates for paralegal and administrative services, and expenses such as but not limited to travel mileage, photocopying, and postage.
  - h. Provide a minimum of three (three) municipal client references.
  - i. Provide the name of your professional liability insurance carrier and workers' compensation carrier and the limits of your insurance.
  - j. Describe your philosophy for servicing a municipality and commitment to customer service and quality assurance.
  - k. Provide your last annual report and documentation indicating the current financial structure of your practice/firm including evidence that your practice/firm is financially sound.
4. Submittal of a proposal shall be taken as prima facie evidence that the proposing entity has full knowledge of the scope, nature, quality, and quantity of the work to be performed, and the detailed requirements and conditions under which the work is to be performed.

## **B. Specific Qualifications**

1. Provided below are three (3) specific areas that are considered the duties of the Town Attorney position. For the purpose of filling the Town Attorney position, the Town will consider qualifications submitted by:
  - a. Individual attorneys that meet the duties and requirements listed under all three areas and are applying for the Town Attorney position in its entirety.
  - b. Law firms with qualified attorneys on staff that specialize in the duties and requirements listed under all three areas below and will jointly fulfill the requirements of the Town Attorney position.

### **A. General Municipal Legal Counsel**

1. For the purpose of providing general legal counsel to the Town, the Town Attorney(s) will be required to:
  - a. Attend two (2) Town Council meetings per month to provide counsel on legal issues and attend other meetings as assigned by the Mayor or Town Council. Regular meetings are held on the first and third Tuesday of every month. Virtual attendance is permitted.

- b. Ensure acknowledgement of receipt of correspondence from Town Council or staff within 48 hours, with confirmation of an estimated timeline of resolution of the issue.
- c. Act as legal advisor to and counsel for the Mayor, Town Council, Town Boards/Commissions, Town Manager, and Town Staff.
- d. Provide guidance on Town personnel matters, including employee disciplinary and grievance matters.
- e. Draft, review, and present agreements, bonds, contracts, ordinances, resolutions, and other written instruments pertinent to Town functions or that will be considered by the Town Council, Town Manager, and Town Staff and provide a legal opinion as necessary as to the consequences of such documents.
- f. Provide counsel regarding land use rights and the ability to draft, review, and present legal documents relating to acquisitions, easements, variances, rights of way, and other land uses.
- g. Provide counsel for general municipal procedures involving: Town Council meeting procedures under the Colorado Revised Statutes pertaining to Colorado Open Meetings Law, the Colorado Open Records Act, liquor licensing, and municipal election law. Research and submit legal opinions on municipal and other legal matters as requested by the Mayor, Town Council, and/or Town Manager.
- h. Assure compliance with all ordinances, state or federal laws, and call attention to any legislative matters or changes that may affect the Town.

**B. Prosecution/Litigation**

1. If including the Prosecuting Attorney duties in your proposal, for the purpose of municipal court prosecution or other litigation related to municipal courts, the Town Attorney(s) will be required to;
  - a. Attend municipal court hearings as necessary starting at 8:30 a.m. on the first Wednesday of each month and other hearings as assigned. The Town Attorney may attend most municipal court hearings virtually but will be expected to be present for a jury trial.
  - b. Perform the duties of the Town's prosecuting attorney during administrative hearings for code violations and municipal court to prosecute ordinance violations.
  - c. Work with the Town Clerk/Municipal Court Clerk to process the violations and collections relating to any administrative hearing or municipal court procedures.
  - d. Have experience in pretrial, trial, and post-trial proceedings and represent the Town in cases of litigation and other legal hearings when so required.

**C. Land Use**

1. For the purpose of providing legal counsel on specific land use issues, the Town Attorney(s) will be required to:
  - a. Provide legal guidance in the enforcement of Town codes, zoning regulations, and building standards through administrative and judicial actions.
  - b. Have experience with state and federal regulations relating to municipal land use law.
  - c. Have experience in community development in Colorado and the ability to negotiate, draft, review, and present legal agreements and documents relating to, but not limited to:
    - I. Development agreements;
    - II. Land dedications;
    - III. PUDs and complex legal land use agreements;

- IV. Subdivision documents;
- V. Appeals to the Town Council;
- VI. Charter amendments;
- VII. Revisions to existing codes;
- VIII. Annexation agreements;

## 7. OTHER TERMS AND CONDITIONS

- a. Late proposals will not be accepted. Within two (2) business days of your submittal, you will receive a confirmation email. If you do not receive a confirmation email that the Town has received your qualifications, please call (970) 349-6632. Sole responsibility rests with the proposing firm to confirm the qualifications are received on time.
- b. 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 any submittal.
- c. The Town reserves the right to solicit or recruit any attorney(s) or legal firms directly to request qualifications.
- d. All submittals become the property of the Town upon receipt and will not be returned to the candidate. Selection or rejection of the candidate's qualifications will not affect this right.
- e. The Town operates under the public disclosure laws, as part of normal procedures. Proprietary information must be identified and will be protected as far as possible.
- f. Cost of submitting qualifications, attendance at an interview, or any other such costs are entirely the responsibility of the candidate and shall not be reimbursed in any matter by the Town.
- g. Failure to conform to directions under this RFQ may lead to the rejection of the submittal. The submittals should contain all information necessary to evaluate the qualifications of a candidate or firm.
- h. 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.
- i. By submitting a proposal, the candidate and all prospective attorneys identified in the submission are agreeing to a background check.