

TRUCKEE TAHOE AIRPORT DISTRICT
BOARD OF DIRECTORS AGENDA ITEM SUMMARY

Topic: Approve Request for Proposals for Legal Services and Appoint Legal Services Ad Hoc Review Committee Members

Purpose	Information:	Guidance:	Decision: X
Recommendation	Review and approve Request for Proposals (RFP) for Airport District Legal Counsel and select two Directors to form the District Legal Counsel Ad hoc Review Committee.		
Last Action	The Board of Directors last issued an RFP for legal services in 2004. After a selection process, the District retained the services of the Law Offices of Brent P. Collinson in September of 2004. Mr. Collinson currently serves as the District's legal counsel.		
Discussion	<p>Per District policy, the Board of Directors hires and retains legal counsel for the District. It is the recommendation of the Board President and Vice President to move forward with an RFP process to review options for legal counsel and provide an opportunity for local attorney's to present their qualifications and compete to provide general legal counsel services to the District. Airport Senior Staff support the proposed RFP process.</p> <p>Full details of the qualifications and requirements can be found in the attached RFP.</p> <p>To facilitate the RFP review process, the Board of Directors should appoint two Directors to form the Legal Services Ad Hoc Review Committee. The Committee will review proposals and interview applicants and present the successful applicant to the full Board for approval. Current Active Ad Hoc Committees are:</p> <ul style="list-style-type: none"> - Master Plan Ad Hoc Committee – Directors Hetherington and Morrison - General Manager Contract Review Ad Hoc Committee – Directors Van Berkem and Hetherington <p>The selection process will begin the last week of August and is anticipated to be completed by the Nov/Dec. Board Meeting. Staff will service in an advisory role to the ad hoc committee.</p>		
Fiscal Impact	The District currently expends approximately \$55,000 per year on general legal services. In addition to general legal counsel, the District retains supporting aviation and human resource legal counsel.		
Communication Strategy	The RFP will be posted and distributed to the legal community throughout the Airport District. Staff will also distribute through the State Bar of California, Airport Consultants Council, and other appropriate professional organizations.		

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Attachments

Request for Proposals – Legal Services

**TRUCKEE TAHOE AIRPORT DISTRICT
REQUEST FOR PROPOSALS
GENERAL LEGAL SERVICES**

Services Requested

The Board of Directors of the Truckee Tahoe Airport District (TTAD) invites interested law firms and individuals with a minimum of five years of Special District, County, and/or municipal law experience to submit written proposals to provide general legal services to TTAD. As Airport District Attorney, the selected law firm or individual will be expected to provide a wide range of legal services to the District. The Airport District Attorney is selected by the Board of Directors and works closely with the General Manager and other District staff.

History of the Position

The current TTAD Attorney has served since 2004. As a private contractor the Airport District Attorney attends Board meetings and provides advice and counsel to the Board of Directors and staff on an as needed basis hourly for approximately 30 hours a month. The average annual budget for those services is approximately \$30,000. The District also retains specialized legal counsel to assist with HR and Aviation specific legal issues.

Submittal Guidelines

Law firms or individuals interested in submitting proposals for Airport District Attorney shall submit eight complete copies of the proposal, with a proposed contractual agreement, in a sealed envelope bearing the caption "TTAD – General Legal Services Proposal". The envelope shall be addressed to:

Kevin Smith, General Manager
Truckee Tahoe Airport District
10356 Truckee Airport Road
Truckee, CA 96161

Proposals may be submitted in person or by mail to the Administrative Office but must be received in the office no later than 4:00pm on Oct. 9, 2013. Late proposals will not be considered. All proposals are deemed confidential and will be retained by TTAD.

The Board of Directors reserves the right to reject all proposals, to request additional information concerning any proposal for purpose of clarification, to accept or negotiate any modification to any proposal following the deadline for receipt of all proposals, and to waive any irregularities if such would serve the best interests of the District as determined by the Board of Directors.

All inquires regarding the Request for Proposals and current legal services of the District should be directed to Kevin Smith at the above address or by telephone at 530-587-4119 ext 105 or email at ksmith@fly2trk.com.

Background

The Truckee Tahoe Airport is owned by the Truckee Tahoe Airport District and serves as the primary airport for eastern Placer and Nevada Counties, Truckee, and north Lake Tahoe communities. The Airport is located in the Martis Valley, an environmental and noise sensitive area, 7 miles north of Lake Tahoe's north shore. The airport is situated among residential neighborhoods on three sides. Currently the Airport has no scheduled air carrier services and no apparent community interest in pursuing commercial service and Part 139 Certification. The Airport District desires to maintain its General Aviation status and continue to serve and provide resources to the General Aviation community. The District's mission is to providing high quality aviation facilities and services while balancing community needs, quality of life, and safe guarding the authenticity of Truckee and the north Lake Tahoe communities.

Requested Information

The proposal must provide specific and succinct answers to all questions and requests for information. Indirect, imprecise, or incomplete responses can serve only to the disadvantage of the applicant. Submission of individual resumes is optional but encouraged, although resumes alone will not be considered responsive to any specific questions.

1. Please describe the nature of your practice or your law firm's practice and your qualifications for providing general legal services for the TTAD. Please provide a professional chronology of the individual who will be designated to serve as Airport District Attorney as well as for others who you anticipate will be involved in providing legal services to the District.
2. Please provide the overall capabilities, qualifications, training and areas of expertise for each of the principals, partners and associations of the law firm, including the length of employment for each person and his/her area of specialization.
3. For the person whom you propose to designate as Airport District Attorney, and for each person you propose to designate as a deputy or back-up, please provide the following:
 - Legal training and years of practice (including dates of admission to the California Bar). Years of special district, municipal or other local public sector law practice as a full-time local government attorney and/or in a private law office specializing in local government and special districts.
 - Knowledge of, and experience with, California Municipal and/or Special District Law and/or other public sector experience.
 - Types of clients represented and years representing each.
 - Litigation experience and demonstration of a good court track record. Cite examples. Knowledge and practice of law relating to special district law, aviation, land use planning, environmental law including the California Environmental Quality Act (CEQA), risk management, and other related law.
 - Experience in the area of contract law.

- Experience in the area of aviation law.
 - Experience in the area of personnel, disability rights and obligations, worker's compensation, employee relations and negotiations, and employee discrimination claims.
 - Experience in the preparation and review of ordinances and resolutions
 - Experiences in the area of Public Records Act, the Brown Act and Conflict of Interest laws and regulations.
 - Intended office location and accessibility to the District.
 - Scholastic honors and achievements.
 - If the firm/individual, or any of the attorneys employed by the firm, have ever been sued by cities, counties, special districts, or other clients for malpractice, been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar, please provide information on the nature of the incident, the dates from which the matter began and was concluded, and the results of the situation.
4. Describe the staffing of your office (if applicable), including all permanent and temporary employees and their general duties and work schedules. Include any staffing changes you would propose should you be awarded the contract to provide general legal counsel services for the District.
 5. Describe how you would structure the working relationship between the appointed attorney and the Board of Directors, the General Manager, Department Heads and other members of District staff.
 6. Define the standard time frames for response by the Attorney to direction and/or inquiry from the Board of Directors, General Manager or other District staff.
 7. Describe the systems or mechanisms that would be established for monthly reporting of status of projects, requests or litigation.
 8. Describe the computer resources currently utilized in your office. The District presently uses Microsoft Word for Windows word-processing software and compatibility with that software is necessary. The District will also require the Airport District Attorney's office to maintain electronic mail services.

Current Clients/Conflict of Interest

1. Please list all current or former clients residing in, having an interest in a business or owning an interest in property within the TTAD boundaries within the past three years.
2. Please list all public clients for which you or your firm currently provide services under a fee for services basis or on a retainer basis. Please identify any foreseeable or potential conflicts of interest which could result from such representation and the manner in which you would propose to resolve such conflicts.
3. For the person designated to be the Airport District Attorney, please list all public clients that person presently represents as attorney or general counsel. Please

list the meeting dates and times for the city council or governing bodies of these clients.

Compensation or Reimbursement

Please describe how the firm intends to provide legal services, either on a flat-rate monthly retainer (state the amount of the retainer), or on an hourly or different basis. Basic services, for the purpose of this proposal, shall include those legal services generally understood within the field of special district or municipal law to fall within the category of "general counsel" work, and shall include, but not necessarily be limited to, the following:

- Routine legal advice, telephone and personal consultations with the Board of Directors and District staff.
- Assistance in the preparation and review of policies, resolutions, agreements, contracts, forms, notices, certificates, deeds and other documents required by the District.
- Attendance at all Board of Directors regular and special meetings. Meetings are held on the fourth Wednesday of every month at 4:00 PM.
- Attendance at other Board, commission and committee meetings as required. Airport Community Advisory Team (ACAT) meets on the second Tuesday of each month and may require attendance from time to time.
- Attendance at staff meetings and meetings with District staff as needed.
- The rendering of legal advice and opinions concerning legal matters that affect the District.
- The handling of District personnel matters, including employee disciplinary and grievance matters. The General Manager also retains specialized legal counsel to assist with personnel and human resource issues.
- Legal work pertaining to property acquisitions, property disposals, public improvements, easement dedications, right of way abandonments.
- The monitoring of pending and current state and federal legislation and court decisions as appropriate.
- The coordination of outside legal counsel as needed and as directed by the Board of Directors and the General Manager.

Please define what type of work you would consider to be extra or special work which would be billed in addition to basic services. Please state the hourly rates for the designated Airport District Attorney and associates for such specialized services.

If hourly billing is preferred, please state the hourly rates for designated Airport District Attorney and associates for general work and for special services such as litigation, if such services will be billed at a different hourly rate.

Please define the type and unit rates for reimbursement for expenses such as mileage, reproduction of documents, faxed documents, work processing charges, etc.

Professional References

Please provide three professional references for the individual designated as Airport District Attorney. Please include for each reference an address and work telephone number.

Evaluation and Selection Process

All proposals must be received in the Airport Administrative Office by 4:00 pm on October 9, 2013. Proposals will be screened and the top candidates will be selected by the Board of Directors or a subcommittee appointed by the Board of Directors. The qualifications for the top candidates will be verified and references will be checked. In reviewing the proposals, the District will carefully weigh:

- Depth and breadth of experience and expertise in the practice of law, most specifically in those areas most often encountered in special district and/or municipal government operations;
- Capability to perform legal services promptly and in a manner that permits the Board of Directors and staff to meet established deadlines and to operate in an effective and efficient manner;
- Degree of availability for quick response to inquiries that arise out of day to day operating questions and problems;
- The written client services policies of your firm, if provided;
- Degree to which the Board determines the candidate is service-oriented, actively involved in the business of the District, creative in finding solutions and pro-active in helping District officials and staff avoid legal pitfalls;
- Degree to which firm and/or individual attorneys stay current through continued professional development and active communication with practitioners in the municipal law fields;
- Communication skills;
- Cost of services;
- Other qualifications/criteria as deemed appropriate by the Board of Directors.

The Board of Directors or an appointed ad hoc committee of Board Members with assistance from Airport staff will conduct interviews with the final candidates and make the final selection.

A subcommittee appointed by the Board of Directors will negotiate the terms and conditions of a contract with the individual or law firm selected. The contract will require that any law firm selected as Airport District Attorney maintain general liability, automobile, worker's compensation and errors and omissions insurance in a form and amount acceptable to the Board of Directors. The contract will also contain provisions requiring the selected individual to law firm to indemnify the District and providing that the Airport District Attorney is an independent contractor serving at the will of the Board of Directors. Provisions will also be included in the contract allowing the Board of Directors to terminate the agreement, at its sole and entire discretion, upon the provision of notice.

The Board of Directors will formally approve the contract and appoint the next Airport District Attorney. Services to the District are anticipated to begin in January 1, 2014. It is anticipated the selected firm or individual will work with the current Airport District Attorney to insure a smooth transition and transfer of his institutional knowledge.

On behalf of the Board of Directors and the staff of the TTAD, thank you for your consideration and efforts.