



**City of New Albany
Request for Proposal/Position Posting
Director of Law**

Purpose of Request

The purpose of this Request for Proposal (RFP) Announcement is to solicit proposals from qualified law firms that desire to provide legal services to the City of New Albany and designate a member of the firm to serve as director of law. At the present time, the city is contracting with a law firm for legal services on an interim basis following the retirement of its law director.

The City of New Albany

THE COMMUNITY

New Albany is a strategically-planned community with a commitment to lifelong learning, health and wellness, environmental sustainability, and the arts. These community pillars inspire our daily decision-making and help to provide our residents and businesses with a quality of life that is among the best in the nation.

LOCATION

New Albany covers almost seventeen square miles in the northeastern quadrant of Franklin County in central Ohio. Nestled in a pristine country setting, its residents and business partners are only ten miles from the Port Columbus International Airport and fifteen miles from downtown Columbus, Ohio's capitol city and the 14th largest metro area in the United States. There are twenty-six colleges and universities in the central Ohio region, including The Ohio State University featuring the nation's largest campus, the Wexner Center for the Arts, and the Wexner Medical Center.

STYLE OF GOVERNMENT

The city operates under a Council-Manager form of government, combining the professional management of an appointed city manager with the leadership of elected officials. The city council performs the legislative functions of government and consists of seven members, one of whom is directly elected to serve as mayor. Council members are elected by residents to four-year terms. Council and mayoral elections are held in November of odd-numbered years and are non-partisan. Council members appoint the city manager and the clerk of council, who serve at Council's pleasure.

City Council members have been granted certain powers by the Ohio Constitution, the laws of the State of Ohio and the New Albany Charter. Council exercises those powers by or through the adoption of ordinances and resolutions. Among other things, the Charter gives city council the authority to create and abolish departments, commissions, boards and committees; audit city accounts and records; conduct inquiries and investigations; levy taxes; enforce city laws and regulations; adopt a budget; appropriate funds; and adopt building and zoning regulations. In addition to the powers, rights and duties of a council member, the mayor presides over council meetings and Mayor's Court, and performs ceremonial duties.

The city manager is the city's chief executive officer. The city manager appoints and removes the director of law and the director of finance, subject to the consent and approval of city council. All other department heads are appointed by and serve at the pleasure of the city manager.

RESIDENTIAL LIFE

Superlative design is part of New Albany's DNA. Famous designers and architects, as well as central Ohio's own Jack Nicklaus, all played an integral part in the creation of New Albany's unique landscape, stunning neighborhoods, and golf courses. Their final product combines the peace of the country with modern life conveniences and connects each neighborhood with signature white horse fences, an extensive leisure trail system, and 1,800 acres of greenspace so that virtually every New Albany home is one quarter of a mile or less from a neighborhood park.

There are townhomes and single-family homes within New Albany's Village Center that offer a pedestrian lifestyle within walking distance of the library, post office, restaurants, coffee shops, arts center and learning campus. There are homes offering pristine views of golf courses and grand estates with sweeping views of the picturesque New Albany countryside.

While New Albany is known for its architectural and natural beauty, it is the people and the connectedness that set it apart. New Albany is a place where family and friendships are highly valued, from the people who live and work here to the staff dedicated to serve them.

Whether celebrating the annual 4th of July parade; seeing a nationally renowned performance at the McCoy Center; or participating in America's best rated walking event, the New Albany Walking Classic; many New Albany residents share their passions and blend their individual talents in the process of giving back to the community.

COMMERCIAL DEVELOPMENT

Much of New Albany's economic vitality can be attributed to the 5,000+ acre New Albany International Business Park. Established in 1998, the park is now home to Fortune 500 companies like Abercrombie & Fitch, AEP, Aetna, Amazon, American Regent, Amgen, Bath and Body Works, Commercial Vehicle Group, Discover, Facebook, Google, Intel, Lower.com, Motorists Insurance, Nationwide, TJX, and Tween Brands.

The New Albany International Business Park is one of the largest master planned business parks in Ohio and the only one with four direct highway interchanges. Private businesses have created more than 15,000 jobs and invested more than \$5.5 billion in our business park since its inception just twenty-four years ago. The park itself is served by dual feed power and one of the most powerful fiber optic networks in the country, offering very competitive rates and access to more than 200 different service providers nationwide.

This world class infrastructure, combined with shovel ready sites, a culture of innovation and a desire to cultivate longstanding partnerships, signals an even brighter future on the horizon for our business park.

EDUCATION & LIFELONG LEARNING

The 200-acre New Albany Plain Local School learning campus makes it possible to synergize all school activities and grade levels in one place. The school campus is the largest single use in the Village Center, the community's geographic and social core. School district staff benchmark against the nation's highest performing schools to foster a spirit of continual learning and innovation. The school district's goal is to become one of the leading districts in the nation and to develop high achieving, ethical, self-directed and intellectually curious citizens of the world.

New Albany is also located near the most prestigious private schools in central Ohio, as well as a multitude of colleges and universities including The Ohio State University. With many of central Ohio's brightest strategic thinkers and entrepreneurs calling New Albany home, it should be no surprise that the local library has the highest circulation in central Ohio.

RESPONSIVE CITY SERVICES

New Albany combines a sophisticated approach to sustainable development with a friendly atmosphere where our 100+ city employees understand the importance of being personally engaged with our residents and business partners.

New Albany is a full-service community with a very high level of master planning built upon the best traditions of small-town America. Behind its charming urban village design, a sophisticated approach to economic development, sustainable development and ongoing public-private partnerships result in a remarkable level of architectural integrity, community interaction and economic vitality. New Albany has been frequently recognized by a variety of publications for its quality of life.

Day-to-day city operations are the responsibility of the city manager, who oversees directors in the following city departments: Administrative Services, Community Development, Finance, Police, and Public Service. With all departments working as a coordinated team, New Albany has earned its reputation for providing a high level of municipal services in an efficient manner. Departments effectively communicate to expedite projects, resolve conflicts, and enhance the community's quality of life.

New Albany's commitment to sustainable development is evident in virtually everything we do. Our community consists of over 100 miles of sidewalks and leisure trails that connect our neighborhoods to our business park and our historic Village Center; our community development department offers a green building incentive program that includes building permit discounts and other benefits for applicable projects; 75% of our public service department fleet runs on bio-diesel fuel; we've integrated permeable brick streets into our stormwater management system to improve water quality; and we recently installed a solar power grid that provides 50% of the annual power supply for the public service complex.

Fire and recreation services are not provided by the city. The Plain Township Fire Department, Monroe Township Fire Department, and the West Licking Joint Fire District provide fire and emergency medical services to the community, while the New Albany Joint Parks District offers sports and recreational programming for all age groups.

FINANCIAL

New Albany's current bond rating is Aaa by Moody's and AAA by Standard & Poor's.

The anticipated general fund operating revenue in 2022 is \$28,415,151 with \$24,298,191 coming from the city's 2% income tax. Budgeted operating expenses for the year are \$25,074,105. Additionally, approximately \$2.64M is budgeted for transfer from the general fund to other funds for capital projects and initiatives.

BY THE NUMBERS

| | |
|---|--------------|
| Population (2010 US Census) | 10,825 |
| Number of Households | 3,242 |
| Percentage of Residents 25 or Older with Bachelor's Degree | 78.5% |
| Median Household Income | \$203,409 |
| Median Home Value | \$497,800 |
| Number of Committed Jobs in New Albany International Business Park | 16,000 |
| Total Gross Income Tax Receipts (2021) * | \$50,001,130 |

** New Albany shares income tax revenues with three school districts, a township, a neighboring city and the New Albany Community Authority district.*

Director of Law Position and Scope of Services

In accordance with the New Albany City Charter Section 8.04(b), the director of law shall be the prosecuting attorney and legal counsel for the city, and subject to the direction of the council, shall represent the city in all proceedings in court or before any administrative board or body. The director of law shall perform other duties as required by this charter, by city legislation, by council, or by the city manager. The director of law shall not be required to represent any school district or any other unit of government, other than the city.

The director of law shall attend all regular and special meetings of city council, the planning commission, and upon request of the city manager, other board and commission meetings and/or other meetings related to the city.

The director of law shall serve as legal counsel to all city boards and commissions, and upon request shall advise the city manager and/or city council on all questions of law pertaining to the duties of such officers or city governmental operations.

Additional duties of the director of law not specifically set forth in the city charter or ordinance, shall include but not be limited to the following, as may be determined, updated or revised by the city manager:

- Provides routine legal advice, electronic communication, telephone, and personal consultations with city council, city manager, department heads, and other city staff as appropriate.
- Performs research and interprets laws, court decisions and other legal authorities in order to prepare legal opinions and to advise city council and the city manager.
- Assists with the preparation and review of ordinances, resolutions, agreements, contracts, forms, notices, certificates, deeds, and other documents as necessary and required by the city.
- Prosecutes cases in Mayor's Court and municipal court; appears on the city's behalf in court at all stages including trials and appeals; advises police as to the legal questions regarding enforcement of criminal and traffic laws; advises the clerk of court as to the legal questions covering the handling of criminal and traffic cases.
- Advises on matters relating to risk management.
- Advises on all State and Federal laws, legal matters, etc.
- Performs legal work pertaining to property acquisition, property disposals, public improvements, easements, right-of-way vacations, eminent domain, annexations, etc.
- Performs legal work pertaining to legal documents as required by the city's zoning code.
- Enforcement of city codes and zoning regulations through administrative and judicial actions.
- Attends meetings with the development community and staff.
- Defends the city in litigation that is not covered by liability insurance, as necessary.
- Initiates litigation on behalf of the city, as requested by city council.
- Attends meetings and discussions with the city, county, state, and federal officials and other governmental officials.
- Provides guidance and advice on city economic development related matters.
- Provides guidance and advice on city employment related personnel matters, including, but not limited to, labor negotiations, labor agreements, personnel policy, FLSA, Workers' Compensation, Veterans' Preference, OPERS, employee disciplinary, and grievance matters as well as the handling of interest and grievance arbitration.
- Performs or oversees legal services incidental to public improvements and issuance of notes and bonds in payment thereof.
- Advises on matter relating to economic development.

Time Schedule

The city will use the following time table, which should result in the selection of a successful firm by April 19, 2022.

| | |
|--|-------------------|
| Issue RFP/Announcement | February 18, 2022 |
| Deadline for submittal of proposals/applications by 5 p.m. | March 11, 2022 |
| Applicants notified of city's intent to move forward with the interview process* | March 25, 2022 |
| Anticipated contract/employment commencement | May 01, 2022 |

Instruction to Firms Responding to the RFP

1. All proposals must be received by March 11, 2022, 5 p.m. EDT. Please submit three (3) copies of the proposal via mail or delivered in person to the New Albany Village Hall. No fax, email, or telephone proposals will be accepted.
2. All proposals must be sent to:

Mandy Bonifield
Administrative Services Coordinator, City of New Albany
99 West Main Street
P.O. Box 188
New Albany, Ohio 43054

Phone: (614) 855-3913
3. The city manager or his representative will notify all respondents of their status throughout the selection process.
4. All proposals must include the following:
 - a. Overall capabilities, qualifications, training and areas of expertise for all key personnel
 - b. Name of the partner/principal who will be designated director of law and the person likely to be the principal deputy (substituting when the director of law is not available), including but not limited to:
 - Name of individual(s) with resumes;
 - Length of employment with firm;
 - Specialization;
 - Legal training;
 - Scholastic honors and professional affiliations;
 - Date of admittance to the Ohio Bar
 - Years of practice;
 - Municipal or other local public sector experience;

- Years of experience as a director of law or similar position, with cities represented and references for each;
 - Knowledge of, and experience with Ohio Revised Code;
 - Litigation experience and track record;
 - A statement describing any existing or potential conflicts of interest that might affect the firm's ability to represent the city.
- c. Description of preferred working relationship between the director of law and the city council, city manager, department heads, and other members of the city staff.
 - d. A proposed monthly retainer/hourly rate for basic legal services detailed above. Please provide an hourly rate or separate fee for any special legal services. Also, please include any specific expenses for which the firm or individual attorney will claim reimbursement from the city including type and unit rate (i.e. mileage, reproduction of documents, travel expenses, conference registrations or professional association memberships, etc.).
 - e. List of all Ohio public entities represented and a description of the legal services provided to each.
5. All inquiries regarding this RFP must be submitted by e-mail to mbonifield@newalbanyohio.org or by letter with confirmation by 5:00 P.M. no later than one week prior to the Due Date, and be addressed to the administrative services coordinator at the address set forth in Section 2, above.

Compensation for Legal Contracts

1. Please present detailed information regarding the firm or attorney's proposed fee schedule for basic legal services and for any variation for non-routine tasks, and any other applicable governmental charges. Please provide specifics as to definitions of routine versus non-routine tasks, what is fixed as opposed to variable, and how costs are adjusted according to that classification.
2. The City of New Albany reserves the right to negotiate an agreement to include any portion or portions of the services covered by the RFP. The City of New Albany reserves the right to reject any and all responses in total or by components.
3. Specifically for contract option: Payment by the City of New Albany for the services will only be made after the services have been performed, an itemized billing statement is submitted in the form specified by the City of New Albany and approved by the Director of Finance, which shall specifically set forth the services performed, the name of the person performing such services, the hourly charge rate for such person, and/or monthly retained fee for any and all services. Payment shall be made on a monthly basis, thirty (30) days after receipt of such billing statement.

Criteria

1. The City of New Albany reserves the right to reject any and all proposals, and/or to waive minor irregularities in any proposal.
2. Understanding that no consultant may completely meet all requirements of the specifications, the City of New Albany reserves the sole right to determine whether a proposal substantially complies with the specifications; accept, negotiate modifications to, or reject the terms of any proposal; and waive the right to accept a part, or parts, of a proposal, unless otherwise restricted in the proposal.

3. The City of New Albany reserves the right to request clarification of information submitted, and to request additional information from any proposer.
4. The City of New Albany reserves the right to award any contract to the next most qualified firm, if the successful firm does not execute a contract within thirty (30) days after the award of the proposal.
5. The contract resulting from acceptance of a proposal by the City of New Albany shall be in a form supplied or approved by the City of New Albany, and shall generally reflect the specifications in this RFP. The City of New Albany reserves the right to reject any proposed agreement or contract that does not conform to the specifications contained in this RFP, or which is not approved by the City's law director.
6. The City of New Albany shall not be responsible for any costs incurred by the firm or individual in preparing, submitting or presenting its response to the RFP.
7. Must be in good standing, and able to maintain good standing, with the Ohio Bar Association.
8. The City is committed to full compliance with Ohio Public Records Act and as such retains the right to disclose both the name and proposals submitted by all respondents in response to a public records request. It is the responsibility of all respondents to exclude any and all proprietary information, trade secrets or other information, which if disclosed pursuant to a public records request could have a negative impact on the respondent.