



CITY OF BLACK DIAMOND
January 16, 2014 Workstudy Agenda Revised
25510 Lawson St., Black Diamond, Washington

Workstudies are meetings for Council to review upcoming and pertinent business of the City. Public testimony is only accepted at the discretion of the Council.

6:00 P.M. – CALL TO ORDER, ROLL CALL

- 1.) Review of City Attorney RFQ Proposals Mayor Gordon
- 2.) Executive Session - To discuss with Legal Counsel potential litigation pursuant to RCW 42.30.110(1)(i)
- 3.) Adjournment

	A	B	C	D	E	F	G
	Firm Name	Proposed Primary Attorney	# of Years Municipal Law or other Legal Experience	Proposed Rate	# of Hours per Month at Proposed Rate	Brief Description of Primary Attorney's experience	Conflicts
1							
2	Bricklin & Newman, LLP	David Bricklin	34 years	\$11,250	50 hours (the equivalent of \$225/hour)	The proposal describes Mr. Bricklin as having "nearly 35 years" land use and environmental law experience; along with acting as special counsel on a variety of land use matters to several cities/towns, two counties, and Puget Sound Regional Council. The proposal indicates that the firm plans to add additional attorneys with municipal law experience, and that the firm's other partner Claudia Newman and an associate are also available in addition to Mr. Bricklin.	The proposal acknowledges a conflict due to the firm's current representation of Toward Responsible Development (TRD) who is challenging the City's issuance of permits and other approvals for YarrowBay's projects. The proposal indicates that if the firm is selected to represent the City, it would terminate its representation of TRD and would ask the City to adopt a resolution indicating that it was no longer defending TRD's lawsuits challenging the approvals granted by the City for YarrowBay's projects.
3							
4	Firm Name	Proposed Primary Attorney	# of Years Municipal Law Experience	Proposed Rate	# of Hours per Month at Proposed Rate	Brief Description of Primary Attorney's experience	Conflicts

	A	B	C	D	E	F	G
5	Kenyon Disend, PLLC	Chris Bacha	27 years	\$245/hour	None stated. Rate proposed is hourly.	The proposal states the firm was founded for the express purpose of serving Washington cities, and was founded in 1993. Mr. Bacha has been an attorney with the firm since 2006, and prior to that position worked as Senior Assistant City Attorney, Tacoma City Attorney's Office, Civil Division for 18 years. Mr. Bacha is currently serving as the City Attorney for Black Diamond, but the proposal indicates that other attorneys in the firm are available to provide legal services, and the proposal provides each attorney's hourly rate.	This is not addressed in the proposal; but since Mr. Bacha is currently serving as the City Attorney, it is presumed no conflicts exist, or that any conflicts that existed at the time the firm was hired, were addressed at that time.
6	Firm Name	Proposed Primary Attorney	# of Years Municipal Law Experience	Proposed Rate	# of Hours per Month at Proposed Rate	Brief Description of Primary Attorney's experience	Conflicts

A	B	C	D	E	F	G	
Morris Law, P.C.	Carol Morris	24 years	\$240/hour. The City received an amendment to this proposal, date- stamped Dec. 28, which was after the advertised due date for RFP responses, and should not be considered out of fairness to the other applicants.	None stated. Rate proposed is hourly.	The proposal describes Ms. Morris' more than 24 years representing cities either as in-house counsel, or by contract. Ms. Morris is currently the City Attorney for Ruston, represents other cities on specific municipal matters, and is currently working for Association of Washington Cities (AWC) to represent cities in the AWC risk pool in land use litigation matters. The proposal indicates that Ms. Morris is available for up to 25+ hours per week and all City Council meetings. Her associate will provide back up attorney services for illness/vacation or as requested, and provides her hourly rate.	Not addressed in the proposal.	
7							
8	Firm Name	Proposed Primary Attorney	# of Years Municipal Law Experience	Proposed Rate	# of Hours per Month at Proposed Rate	Brief Description of Primary Attorney's experience	Conflicts

A	B	C	D	E	F	G
Ogden Murphy Wallace, PLLC	Bio Park	9 years	\$200/hour	None stated. Proposed rate is hourly.	The proposal states that the firm was founded in 1902 and is a multi- specialty firm with one of its practice groups being municipal law. The firm currently represents 23 cities/towns as City Attorney. The proposal indicates that Mr. Park will be the primary attorney with Scott Snyder providing back-up services as needed and provides Mr. Snyder's hourly rate. Mr. Park currently represents the city of Milton as City Attorney, and the cities of Issaquah and Mukilteo as an Assistant City Attorney.	Not addressed in the proposal.
9						



FOSTER PEPPER PLLC

Direct Phone (206) 447-8971
Direct Facsimile (206) 749-1927
E-Mail dijup@foster.com

December 12, 2013

Mark Hoppen
City of Black Diamond
24301 Roberts Drive
P.O. Box 599
Black Diamond, WA 98010-0599

Re: Request for Qualifications - City Attorney Services

Mark
Dear Mr. Hoppen:

Foster Pepper PLLC is in receipt of the Request for Qualifications of the City of Black Diamond ("City") regarding City Attorney services. As you are aware, Foster Pepper PLLC ("FP") has for many years provided, and continues to provide, bond counsel and special counsel services to cities and other local governments throughout the Pacific Northwest. We have appreciated the opportunity to be of service to many cities in south King County and north Pierce County. For example, I am currently involved in projects for Enumclaw and Sumner.

As you know, FP does not regularly provide general counsel services to Washington cities and counties. We have occasionally provided general counsel services on an interim or short-term basis, as we have in the past for the City of Puyallup, City of Anacortes and City of Mount Vernon. But, we generally recommend that a proximate or other counsel provide regular services to a local government. FP provides special legal services to communities, including municipal bond, public finance and special counsel services (e.g., Auburn, Lakewood and Pierce County); special land use and utility counsel (e.g., Kent and Sumner); and infrastructure and public-private project assistance (e.g., Seattle and Tacoma). We remain available to assist the City should the need arise.

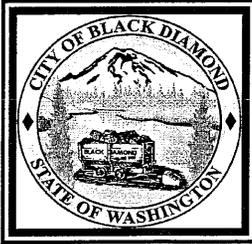
We also note that we have not served as counsel to the City of Black Diamond for many years. And, we have no relationship to the Village or Lawson Hills developments.

Again, thank you for considering us for various services and FP looks forward to the opportunity to work with the City of Black Diamond.

Very truly yours,

FOSTER PEPPER PLLC

P. Stephen DiJulio



CITY OF BLACK DIAMOND

Interoffice Memorandum

TO: CHRISTY TODD, INTERIM CITY ADMINISTRATOR

FROM: BRENDA L. MARTINEZ, CITY CLERK *blm*

SUBJECT: CITY ATTORNEY PROPOSALS

DATE: JANUARY 3, 2014

The following is the order the city attorney proposals were received:

- Carol Morris – Hand delivered to Mark Hoppen on December 19, 2013
- Kenyon Disend – Received and stamped by the City on December 19, 2013
- Dave Bricklin – Received and stamped by the City on December 20, 2013
- Ogden, Murphy, Wallace – Received and stamped on December 23, 2013. On December 23 a phone call was received from Scott Snyder's assistance apprising the City that their proposal was mailed by overnight service from FedEx on Thursday, December 19, 2013. She received notice from FedEx that the proposal was not delivered on Friday, December 20, 2013 as scheduled due to the weather. Mark accepted the late proposal.

**RESPONSE TO REQUEST FOR QUALIFICATIONS
FOR CITY ATTORNEY SERVICES
CITY OF BLACK DIAMOND, WASHINGTON**

1. Firm Name and Contact Information

Bricklin & Newman, LLP
1001 Fourth Avenue, Suite 3303
Seattle, WA 98154
(206) 264-8600 Telephone
(206) 264-9300 Facsimile
bricklin@bnd-law.com

2. A Description of the Legal Team

The principal lawyer assigned to work with the City of Black Diamond will be David Bricklin. Other lawyers in the Seattle office of the firm may also provide assistance at times on an as needed basis. Those lawyers are Claudia Newman, a partner in the firm, and Bryan Telegin, an associate.

We have had preliminary discussions with an attorney who has over ten years of municipal law experience working as a city attorney and who is currently available to join our firm as an associate. In the event this person is no longer available, we plan to contract with a regional law firm with extensive municipal law experience and expect to be able to add one or more municipal law attorneys to our team by subcontract.

3. A Summary of the Firm's Qualifications

David Bricklin has been practicing in the land use and environmental law arena for nearly 35 years. Few lawyers in the state have an equal amount of in-depth experience with municipal land use law. David Bricklin's experience includes in-depth knowledge of state statutes such as the Growth Management Act (GMA), the State Environmental Policy Act (SEPA), the Land Use Petition Act (LUPA), the subdivision (platting) and annexation statutes, the Shorelines Management Act and numerous other laws bearing on municipal land use and environmental issues. Mr. Bricklin helped author the Growth Management Act, the Land Use Petition Act (LUPA) and the state superfund law (Model Toxics Control Act). Mr. Bricklin also has great familiarity with the City of Black Diamond's land use laws as a result of his involvement with the Yarrow Bay project and related litigation over the last several years.

Mr. Bricklin has represented other local jurisdictions as special counsel on a variety of land use matters. These matters have included work for the Puget Sound Regional Council (PSRC), the City of Auburn, the Town of Woodway, the City of Bellingham, the City of Port Townsend, and Whatcom County.

Claudia Newman has over 20 years of experience in the municipal law and land use fields. Like Mr. Bricklin, Ms. Newman has extensive working experience with all of the major state environmental and land use laws including the GMA, SEPA, LUPA, the Shoreline Management Act and the subdivision statute.

4. A Description of How Your Firm Would Propose to Provide the Required Legal Services

We propose to provide legal services by maintaining weekly office hours at Black Diamond City Hall and through phone and e-mail contact. Mr. Bricklin would attend all of the City Council meetings and would schedule office hours on the afternoon of each City Council meeting. Mr. Bricklin will also attend other meetings with the City staff as necessary. Mr. Bricklin will be available at all other times by telephone and e-mail.

Back-up coverage will be provided through Mr. Bricklin's partner and/or associate and/or another lawyer or law firm with whom our firm may sub-contract.

Each attorney on the proposed team has a juris doctorate degree; has graduated from a law school accredited by the American Bar Association; and is a member in good standing of the Washington State Bar Association. Mr. Bricklin graduated from Harvard Law School and Claudia Newman from Washington University School of Law (St. Louis, Missouri).

Because of Mr. Bricklin's ongoing work with land use legislation in Olympia, he is in an excellent position to bring to the attention of the Mayor, City Council, Administrator, and staff relevant new legislation and pending legislation that may impact the City's interests. Mr. Bricklin and Ms. Newman regularly review new court decisions and will be able to provide the City with information on new court decisions that may impact the City's interests, too.

5. Conflicts

Our firm has represented Toward Responsible Development (TRD) and individuals in challenging the City's approval of the Master Planned Development permit and other approvals for Yarrow Bay's projects. If Bricklin & Newman represents the City of Black Diamond on issues related to Yarrow Bay's projects, the potential for conflict between the City's and Toward Responsible Development's positions must be addressed. If we are selected as the City's attorney, we would terminate our representation of Toward Responsible Development. We would also ask the City to adopt a resolution indicating that it no longer was defending TRD'S lawsuits challenging the approvals granted by the City for the Yarrow Bay projects. (While the City cannot unilaterally terminate its previously issued approvals at this time, we do not believe the City is required to defend those approvals in court and, in fact, can advise the courts that it believes that the prior administration erred when it issued those approvals. The Court can then decide whether those approvals were in error or not.)

If those two conditions are met (*i.e.*, our firm terminates representation of Toward Responsible Development and the City adopts a resolution as outlined above), then we believe that there would be no conflict between our representing the City and our prior representation of Toward Responsible Development. We would request both the City and Toward Responsible Development to sign statements indicating that they had independently reviewed these issues with other counsel of their choosing and agreed that we could diligently, competently, and ethically represent the City under the conditions set forth above.

6. Rate Schedule

We propose a monthly retainer of \$11,250 for up to 50 hours per month. Billable hours over 50 hour in any given month will be billed at \$250/hour.

Reimbursable expenses shall include: copy costs at \$.55/page; all costs associated with litigation including but not limited to: court filing fees, service of process fees, courier fees, postage; deposition costs, expert consulting/witness fees, production of records costs, transcription costs, etc.). No mileage reimbursement costs will be billed to the client for travel to/from my office and Black Diamond City Hall and other city facilities for weekly office hours in Black Diamond and attendance at regularly scheduled City Council meetings. Mileage reimbursement costs will be billed for travel costs to other meetings in the city and for meeting locations located outside City of Black Diamond city limits, *e.g.*, to county or other court facilities and other travel on city business.

Special counsel may be needed in areas involving unique areas of municipal law such as utility franchise litigation, and will always be needed where conflicts of interest would prevent our firm's representation.

December 18, 2013

City of Black Diamond
ATTN: Mr. Mark Hoppen
P.O. Box 599
Black Diamond, WA 98010

Re: Response to City Attorney RFP

Dear Mr. Hoppen:

The following is the response of Morris Law, P.C. to the City of Black Diamond City Attorney RFP.

I. About the Firm and Our Experience.

Narrative description of the firm: Since 1998, Morris Law, P.C. has represented municipal clients, and with a focus on general municipal (excluding personnel/labor issues), land use and constitutional law. Carol Morris is the president/owner, and Jennifer Robertson is an associate. The firm's business office is in Gig Harbor, Washington.

General experience of the firm:

Carol Morris has more than 24 years of experience representing cities and towns as the city or town attorney. She is currently the City Attorney for Ruston, and provides land use services to other cities under contract, such as Edmonds, Fircrest and Bremerton. In the past, Carol Morris has been the Town/City Attorney for Gig Harbor, Carnation, Hunts Point, Kenmore, Kalama and Eatonville. She has worked "in house" for the City of Kent as an Assistant City Attorney, and as a Rule 9 intern/paralegal with the City of Seattle. Carol also provided Assistant City Attorney services for a number of cities while an associate and later, a member, of Ogden Murphy Wallace LLC, (including, but not limited to, Bothell, Clyde Hill, Mukilteo, Edmonds, Issaquah, Poulsbo and Redmond).

For the last 19 years, Carol has also been hired by the Association of Washington Cities Risk Management Services Agency (AWC-RMSA) to represent the pool cities in land use litigation. These lawsuits involved appeals of land use decisions with accompanying damage claims up to 50 million dollars.

She has also handled land use lawsuits (or administrative appeals) with or without damage claims for a number of cities, including but not limited to, Airway Heights, Brier, Ellensburg, East Wenatchee, Ferndale, Friday Harbor, Gig Harbor, Gold Bar, Hunts Point, Kalama, North Bend, Orting, Port Orchard, Poulsbo, Ruston, Sequim and Yelm.

As part of her services to AWC-RMSA, she provides land use training seminars (about 6 per year) for city councilmembers and planning commission members in the member cities.

In addition to the above, Carol has provided general advice and/or legal representation in land use lawsuits to non-AWC-RMSA pool cities such as Everett, Bremerton, Stanwood, Colville, Fircrest, Mercer Island and the only two community municipal corporations in the State of Washington (the Houghton Community Council and the East Bellevue Community Council).

Carol has also developed a model development code for use by small cities, which is annotated with case law and updated on a regular basis to ensure consistent compliance with law. AWC-RMSA hires her to craft ordinances for use by the cities and towns in the insurance pool to address new legal issues (such as marijuana and recent legislative amendments to the State Subdivision Act).

In sum, Carol's litigation experience during the last 24 years involves representation of municipal clients in general land use, real property and tort litigation, in administrative hearings before boards such as the Pollution Control Hearings Board, Shorelines Hearings Board, the Growth Management Hearings Board, as well as superior court, the appellate and federal courts. In all of this time, Carol has only lost four of these lawsuits, but her clients have never had to pay any money to the plaintiffs as a result.

Current municipal clients.

Currently, Carol Morris is the City Attorney and Jennifer Robertson is the Assistant City Attorney for Ruston. Jennifer provides the bulk of the services to Ruston. Carol Morris is currently providing model code services to Edmonds and Yakima. She advises Bremerton and Fircrest on land use issues on an as-needed basis. She is currently representing the Cities of Ruston, Ferndale and Port Orchard in land use litigation through the AWC-RMSA insurance pool. At present, Carol is advising the Edmonds City Council in a closed record hearing involving the appeal of the Architectural Review Board's decision on large multi-family residential project.

Identify experience with municipal and land use issues.

As city/town attorney for the last 24 years, Carol has been involved in every aspect of municipal law and practice (with the exception of personnel and employment issues), including, but not limited to: comprehensive plan adoption/amendment, zoning code amendment, SEPA, critical areas ordinances, permitting, development agreements, moratoria, marijuana, water/sewer/transportation concurrency, code enforcement, condemnation, nuisance litigation, real property acquisition, public works contracting, utility services, street issues, subdivisions and shorelines. Carol also taught municipal law at the University of Puget Sound Law School (now Seattle University) for two semesters in 1998-99.

Carol's general municipal experience also involves the review, drafting and negotiation of contracts and interlocal agreements on any subject, ranging from the funding and construction of \$40 million roadway improvements to \$75.00 contracts for quilting workshops. As city attorney (and attorney for a fire district), she drafted contracts for the purchase of fire engines, police cars and patrol boats. Carol has been asked to draft, review and/or enforce contracts for the sharing of responsibilities between her client city, another city and/or the county for mutual aid, police task force responsibilities, annexation agreements, inspections relating to building permits in newly annexed areas and the construction of large-scale sewer projects.

In the planning arena, Carol has been asked to provide training to city councils, planning commissions, staff members and the public on land use issues. As city attorney, she reviews and provides recommendations on staff reports, to assist final decision makers and provide advice on issues such as appearance of fairness, conflict of interest, authority, constitutional matters and the drafting of the final land use decision of the city. She has drafted numerous ordinances on every subject, including, but not limited to, comprehensive plan amendments, zoning codes, permit processing procedures, SEPA, concurrency, impact fees, transfers of development rights, critical areas and code enforcement. Carol has attended hundreds of city council and planning commission meetings as city attorney or special land use counsel (for the purpose of assisting the decision-makers in the drafting of findings and conclusions to support land use decisions).

Carol has represented a number of cities in administrative actions such as appeals before the Growth Management Hearings Board involving appeals relating to concurrency, comprehensive plan amendments, inter and intra-jurisdictional consistency of development regulations, annexation issues, designation of urban growth areas, etc. She has also been asked to represent cities challenging county comprehensive plan amendments, based on deficiencies relating to SEPA and GMA compliance.

Carol was hired by AWC-RMSA to develop a training manual for cities on moratoria and interim zoning, complete with model ordinances, which is available on her website at carolmorrislaw.com. More recently, she wrote a report on Marijuana Regulation (also available on her website) and was asked by the insurance pool to develop a model ordinance for cities relating to medical marijuana. This Marijuana Regulation report has been used by municipalities throughout Washington, as well as the Washington County Prosecuting Attorneys' Association (in Oregon).

In 2010, Carol obtained a dismissal of a lawsuit involving a \$56 million damage claim filed against Gig Harbor and the Gig Harbor City Council members *personally*, for their actions relating to a land use decision. She obtained another complete dismissal of recent lawsuit filed against the City of Yelm and the Planning Director *personally*, based on a subdivision approval. A few years ago, Carol filed a lawsuit on behalf of the City of Orting to invalidate a development agreement between the City and a developer relating to the installation of a sewer line to serve a proposed development of over 8,000 people.

The City prevailed in the lawsuit, and in subsequent mediation obtained a dismissal of the developer's \$35 million dollar damage counter-claim against the City.

Many city attorneys are involved in the front end of the development process – advising the city on code adoption, review of permit applications and land use decision-making. When a lawsuit is filed, the city's insurance carrier usually assumes defense of the lawsuit, and assigns a new attorney to handle the litigation. Because the city attorney is not involved in the litigation arising from the advice he/she provided or ordinance he/she drafted, the ability to predict the outcome of the litigation is limited. Carol's advice can be relied upon because she has filled the role of both city attorney and the attorney assigned to handle defense of a damage lawsuit arising from her advice/work product. This breadth of experience allows her to "see around corners," and prevent unnecessary litigation and/or disputes.

II. Proposed City Attorney and Back-Up.

Carol Morris is proposed as the City Attorney for Black Diamond. Jennifer Robertson will provide back-up services as needed to cover Carol's vacation/illness. Their resumes are attached.

III. Accessibility and Responsiveness.

Carol Morris is available to handle all City Council meetings and up to 25+ hours per week on Black Diamond matters. She will be available to the City in person, by e-mail, telephone land line, cell phone or fax. Lead time is usually very short for ad-hoc meetings, especially telephone conference calls. If there is a reason for Carol to attend an ad-hoc, unscheduled, urgent meeting in person, she may need at least 3-4 hours lead time.

IV. Proposed fee structure.

The hourly rate for Carol Morris during the first three years of the contract for all legal services (including litigation) would be \$240.00. Jennifer Robertson's hourly rate is \$225.00. However, Carol Morris would be the lead attorney, and Jennifer Robertson would not be involved with Black Diamond except in the event Carol was ill or on vacation (or with Black Diamond's express permission).

We understand that some cities would like to have more predictability with regard to their finances, and might desire a retainer contract for attorney services. Morris Law is open to executing a retainer contract with the City with a not-to-exceed amount for city attorney services (although not with regard to litigation). If the City desired a contract of this type, we would propose to work for the City for up to 6 months under an hourly arrangement in order to establish an average number of hours to use in the retainer contract. (Please keep in mind that the existing city attorney contracts are not helpful in this regard, given the difference in experience and skill levels of the attorneys.)

Morris Law, P.C. does not bill for long-distance telephone, legal research costs or mileage. We will not charge for travel time. Black Diamond will only be billed for the firm's out-of-pocket costs, such as filing fees, legal messenger fees, large photocopying projects or bulk mailing (without markup).

V. Why Black Diamond Should Hire Morris Law, P.C.

The City may receive a number of responses to the RFP from firms specializing in municipal law and the provision of city attorney services. Many of these firms propose an experienced attorney as the city attorney during the interview process, but once hired, a much less experienced associate provides the day-to-day city attorney services. The result is that the City may be billed at a lower rate for the associate, but because the associate likely is performing many tasks for the first time, the associate spends a great deal of time on the particular task.

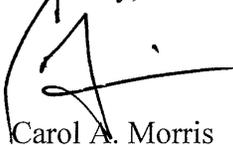
If the City hires Morris Law, P.C., we will guarantee that Carol Morris will be the city attorney and provide all of legal services to the City. There are very few city attorney tasks that she hasn't already done at least once, and usually many times, over the last 24 years. Usually, Carol has a form that she has developed, and can modify it for the City with little to no cost.

In addition, the City should consider the fact that Carol was the city attorney in Gig Harbor for 14 years, while Mark Hoppen was the administrator. During that time, Carol and Mark established significant trust in each other's abilities and an excellent working relationship. Mark knows exactly what to expect with Carol, and this can be a significant advantage in all aspects of the City's business, from Mark's knowledge of the way Carol handles herself in negotiations to his knowledge that her work product will be accurate and timely delivered.

Finally, if the City is interested in an attorney with a great deal of municipal land use knowledge and experience, few attorneys can compare with Carol. That is the reason that the AWC-RMSA has hired Carol over the last 10+ years to answer its Land Use Hotline and provide answers to land use questions to pool members. It is also significant to note that city attorneys (such as the Bremerton City Attorney) hire Carol to provide more expansive land use advice on land use issues or in land use litigation.

Thank you for the opportunity to respond to the RFP.

Sincerely,



Carol A. Morris

VI. References.

Steve Ekberg. Steve is a Gig Harbor City Council Member, and was on the Council for many years while Carol Morris was City Attorney. He is also the President of the Board of Directors for the Association of Washington Cities Risk Management Services Agency. His contact information is as follows:

Steve Ekberg
7411 Stinson Ave.
Gig Harbor, WA 98335
253-851-7937
Cell: 253-380-0287

Derek Bryan. Derek is the Program Manager for Association of Washington Cities Risk Management Services Agency. Derek has worked with Carol for at least five years, assigning her work for the cities in the insurance pool.

Derek Bryan
Association of Washington Cities
1076 Franklin Street S.E.
Olympia, WA 98501
800-562-8981

Steve Osguthorpe. Steve is the Planning Director for the City of Yakima. Steve worked as a Planner in Gig Harbor while Carol was City Attorney there. Since that time, Steve has hired Carol to represent his employers – Shelton and now Yakima – in land use matters.

Steve Osguthorpe
City of Yakima
129 N. 2nd Street
Yakima, WA 98901
509-575-6000

CAROL A. MORRIS
Morris Law, P.C.

3304 Rosedale Street N.W., Gig Harbor, WA 98335
(253) 851-5090 F: (360) 850-1099
carol@carolmorrislaw.com
website: carolmorrislaw.com

EDUCATION

<u>Juris Doctorate</u> University of Puget Sound, Tacoma, WA (Seattle University)	1988
<u>Bachelor of Science</u> <i>Major:</i> Legal Administration City University, Seattle, WA	1984

AFFILIATIONS

Washington State Bar Association; Washington State Association of Municipal Attorneys
United States District Court, Eastern and Western Washington, 9th Circuit Court of Appeals,
United States Supreme Court

EXPERIENCE

<u>Owner/President/Attorney</u> Morris Law, P.C.	1998- present
---	---------------

Represent cities and towns by providing a full range of civil legal services (excluding employment and criminal prosecution) with a special emphasis on land use. Served as city/town attorney or assistant city attorney for over 19 cities in the last 24 years. Currently serve as the Ruston City Attorney.

Handle land use damage and tort litigation for the 80+ cities in the Association of Washington Cities Risk Management Services Agency (AWC-RMSA) insurance pool (since 1994). Provide additional services for the pool cities, such as code review (to ensure codes are consistent with law), code revision, pre-litigation advice and representation, and answer the land use hotline sponsored by AWC-RMSA. Provide land use training seminars as requested by AWC-RMSA at the Association of Washington Cities annual conference and provide general land use training seminars for cities throughout the state (average of 4-5 per year).

<u>Of Counsel</u> Kenyon Law Firm Issaquah, WA	1998
--	------

Same general municipal practice – city attorney representation, land use and tort litigation.

CAROL A. MORRIS

- Adjunct Professor of Law 1998-1999
University of Puget Sound (Seattle University), Tacoma, WA
Taught municipal law at the UPS law school for two semesters.
- Member 1996-1998
Ogden Murphy Wallace, PLLC
1601 – 4th Ave., Seattle, WA 98401
Same general municipal practice – represented Kenmore, Gig Harbor, Carnation, Hunts Point as city/town attorney, handled land use and tort litigation for cities in the AWC-RMSA insurance pool.
- Associate 1992-1996
Ogden Murphy Wallace, PLLC
(see above)
Same general municipal practice – represented Bothell, Clyde Hill, Mukilteo, Edmonds, Redmond, Issaquah as assistant city attorney.
- Assistant City Attorney 1990-1992
City of Kent
Kent, Washington
In-house assistant city attorney, assigned to departments of planning and public works. Provided advice, drafted ordinances/resolutions, handled condemnation actions, administrative appeals, code enforcement, etc.

RECENT PRESENTATIONS:

Land use training for city councils, planning commissions and staff, sponsored by Association of Washington Cities Risk Management Services Agency (at least 3-4 per year)
Marijuana Law, King County Bar Association, Seattle, 2013
Marijuana Law, Washington State Municipal Attorneys' Association, Suncadia, 2013
Marijuana Law in Washington, Washington State Bar Association-CLE, Seattle, 2012
Land Use Toolbox, Annual Association of Washington Cities conference in Spokane, 2011
Medical Marijuana Local Regulation, AWC-RMSA sponsored workshop, Bellevue, 2011
Law Seminars, Seattle, development agreements, 2011
University of Washington Law School Foundation, Seattle, presentations on concurrency, subdivisions, development agreements, takings, impact fees, permit conditioning, SEPA, 2006, 2007, 2008, 2009, 2010
Appellate Judges' Spring Program, Regulatory Takings and Damages, 2003

RECENT ARTICLES

Author, "Recreational and Medical Marijuana Uses – Local Regulation," 2013; "Moratoria Handbook for Municipalities" 2005; "Concurrency and Moratoria" 2006; Completion and Maintenance of Subdivision Improvements" 2007; "Subdivisions, Imposing Conditions" 2008; "Code Enforcement" 2009; "Development Agreements" 2011. Articles are posted on website: carolmorrislaw.com.

JENNIFER S. ROBERTSON

Morris Law, P.C.

3304 Rosedale Street N.W., Gig Harbor, WA 98335
(253) 851-5090 F: (360) 850-1099

EDUCATION

Doctorate of Jurisprudence, cum laude (6/150) 1993
Certificate in Dispute Resolution
Willamette University College of Law, Salem OR

Bachelor of Arts 1990
Major: Economics; *Minors:* Mathematics and English
University of Puget Sound, Tacoma WA

AFFILIATIONS

Washington State Bar Association; Washington State Association of Municipal Attorneys
United States District Court, Western Washington

EXPERIENCE

Attorney 2010 - present
Morris Law, P.C.
Gig Harbor WA

Represent small cities and towns by providing a full range of civil legal services with a special emphasis on land use. Duties include drafting ordinances and resolutions; advising city councils, planning commissions and staff; reviewing and drafting contracts and interlocal agreements; advising on public works issues and bid packages; advising on city-operated utilities and land use applications and decisions, including drafting decisions and recordable documents.

City Councilmember 2009 – present
(Deputy Mayor 2012-2013)
City of Bellevue
Bellevue WA

Elected to serve the citizens of Bellevue to provide oversight and policy direction for the City, including setting the City budget. Elected in 2009 and re-elected in 2011. Represent Council on the Light Rail Leadership Group which successfully negotiated with Sound Transit on the following issues: the \$160 million tunnel funding MOU, the land use code overlay, and the final system alignment through Bellevue. Regional assignments include: PSRC Growth Management Policy Board and King County Growth Management Planning Council and Executive Committee. Serve as Council Liaison to Planning Commission, Library Board, Bellevue School Board and Bellevue Sister Cities Association.

JENNIFER S. ROBERTSON

Planning Commissioner 2003 – 2009
(Chairperson 2007-2008)
City of Bellevue
Bellevue WA

Prepared recommendations to City Council regarding land use and zoning issues, including conducting public hearings and evaluating information from staff. Completed the award-winning Bel-Red Plan update during time as chair.

Co-Chair Light Rail Best Practices Committee 2007 - 2008
City of Bellevue
Bellevue WA

Studied and evaluated light rail development and design. Made recommendations to City Council regarding adoption of land use regulations and Comprehensive Plan Amendments to facilitate “best practices” for light rail design and implementation.

Attorney 1996 - 2000
Ogden Murphy Wallace, PLLC
Seattle WA

Practiced municipal law and land use litigation. Duties included drafting ordinances and resolutions; advising city councils, planning commissions, and boards of adjustment; reviewing and drafting contracts and interlocal agreements; performing all aspects of telecommunications work; litigating land use matters, including Land Use Petition Act appeals, 42 U.S.C. §1983 damage claims, code enforcement, and condemnation claims.

Attorney 1993 - 1996
Davies Pearson, PC
Tacoma WA

Practiced in the areas of civil litigation, general business, and estate planning/trusts. Litigation practice included employment law, domestic relations, business law and debt collection.

Court Certified Law Clerk 1992 - 1993
Marion County District Attorney’s Office
Salem OR

Represented County prosecuting juvenile offenders for felonies and misdemeanors and terminating parental rights.

VOLUNTEER ACTIVITIES

Girl Scout Troop Leader 2011 – present
Girl Scout Volunteer 2004 – present
Board Member, Bellevue Philharmonic Orchestra 2010 – 2012
Somerset Elementary PTSA Legislative Affairs Chair 2005 – 2009



OGDEN MURPHY WALLACE, PLLC
901 FIFTH AVENUE, SUITE 3500
SEATTLE, WA 98164-2008

T 206.447.7000
F 206.447.0215

OMWLAW.COM

Bio F. Park
bpark@omwlaw.com

W. Scott Snyder
ssnyder@omwlaw.com

December 18, 2013

Mark Hoppen, City Administrator
CITY OF BLACK DIAMOND
PO Box 599
Black Diamond WA 98010

Re: Request for Qualifications - City Attorney Services

Dear Mr. Hoppen:

The law firm of Ogden Murphy Wallace P.L.L.C. ("OMW") is pleased to submit the enclosed Proposal for City Attorney services. After reviewing the City of Black Diamond's Request for Qualifications, we are confident that our firm possesses the skills, capacity and expertise necessary to meet the City's legal needs.

OMW is a well-established and highly regarded law firm that has served public and private sector clients throughout the Pacific Northwest for over 100 years. Our firm's longevity has enhanced our regional reputation for stability, and underscores the success we have enjoyed in attracting and retaining institutional clients over the past century.

The municipal attorneys at OMW enjoy a statewide reputation for providing the highest quality legal services to Washington cities, towns, counties and special purpose districts. As a result of our expertise in this field, our firm currently serves as City Attorney to more cities than any other Washington law firm.

If our firm is ultimately selected as your legal counsel, I would serve as your lead City Attorney, with my colleague Scott Snyder serving as the primary back up. The expertise and services of every other OMW professional would also be available to the City on an as-needed basis.

Qualification Highlights:

- OMW's municipal practice group in our firm's Seattle office includes eight attorneys with extensive experience representing municipalities. We focus exclusively on municipal work, and take pride in being accessible and providing attentive service to our client cities at all times.
- The breadth and depth of our firm's municipal practice benefits our clients in that we do not have to "reinvent the wheel" every time a particular issue arises. This significantly reduces our clients' legal costs by applying our previous and current experience with other municipal clients.
- Separate from our municipal department, OMW has other practice groups that focus on business law, litigation, and employment and labor matters. Attorneys specializing in these fields are available to provide a wealth of expertise and experience when needed during complex transactions or litigation.

Finally, we understand the difficult financial climate under which many cities are operating. As the enclosed Proposal demonstrates in greater detail, we are prepared to provide the City of Black Diamond with exceptional, cost-effective representation encompassing the full spectrum of municipal law issues. We look forward to hearing from you as the first step in what will hopefully be a long and successful relationship with the City of Black Diamond.

Sincerely,

OGDEN MURPHY WALLACE, P.L.L.C.



Bio F. Park



W. Scott Snyder

Attachments (5 copies)



PROPOSAL FOR CITY ATTORNEY SERVICES

for

CITY OF BLACK DIAMOND

Submitted by:

Ogden Murphy Wallace, P.L.L.C.
901 Fifth Avenue, Suite 3500
Seattle, Washington 98164-2008
(206) 447-7000

Bio F. Park
bpark@omwlaw.com

W. Scott Snyder
ssnyder@omwlaw.com

OGDEN MURPHY WALLACE, P.L.L.C.

Donald W. Black, Managing Member
901 Fifth Avenue, Suite 3500
Seattle, Washington 98164-2008
(206) 447-7000
Fax: (206) 447-0215

Firm Experience

Ogden Murphy Wallace, P.L.L.C. (“OMW”), has been a member of the Pacific Northwest legal community since 1902. Since our founding more than 100 years ago, the firm has grown to over forty lawyers with offices in both Seattle and Wenatchee. Today OMW is a leading multi-specialty law firm committed to providing practical, cost-effective legal services to businesses, municipal corporations and individuals. The firm’s primary practice groups include our Municipal, Business, and Litigation departments.

Our Municipal Practice Group

OMW is a widely-acknowledged leader in municipal law, representing a large and diverse group of municipalities as general counsel. We currently serve as City Attorney to more cities than any other Washington law firm. The following are the cities (and towns) that we serve as City Attorney:

Issaquah	Milton	Gig Harbor
Redmond	Monroe	Edgewood
Mukilteo	Woodway	Clyde Hill
Woodinville	Buckley	Normandy Park
Poulsbo	Carnation	Grand Coulee
Index	Brewster	Conconully
Bridgeport	Rock Island	Bainbridge Island (Interim)
Deer Park	Pomeroy	

We also represent housing and transportation authorities and park, fire, water/sewer and public hospital districts. Additionally, we have provided complex litigation and workplace investigation services to King County and investigation services to Snohomish County PUD No. 1, the University of Washington, and other state agencies.

Today, eight attorneys in our Seattle office and three attorneys in our Wenatchee office emphasize municipal law in their daily practice. In addition, many of the other attorneys in both offices represent our municipal clients in specialized matters such as litigation, bankruptcy, real estate transactions, labor relations and personnel issues.

Our experience working with governmental entities includes providing legal advice on everything from land use and development issues; assistance with public works contracting;

writing legal opinions; preparing and reviewing agreements, ordinances and resolutions; furnishing legal representation at board and Council meetings; consulting with staff and parties having legal business with our clients; preparing personnel policies and assisting in personnel actions as needed; assisting with implementation of new programs and projects; initiating and processing demand letters; bringing code enforcement, nuisance abatement and property forfeiture actions; and other legal matters. One of the primary benefits of retaining our firm is our ability to employ an integrated approach to client representation, and to recognize when a particular legal issue requires the attention of a business or litigation attorney outside of the municipal practice group.

OMW's municipal practice group offers specific expertise in each of the following areas:

- Land Use and Development. Each of our municipal attorneys is well-versed in all aspects of Washington law related to zoning, planning and project permitting, with detailed knowledge of the Growth Management Act, the Planning Enabling Act, the Land Use Petition Act, the Shoreline Management Act, the Regulatory Reform statute, the Appearance of Fairness Doctrine, and all other laws governing land use and development in local communities. Our attorneys have represented municipalities in land use litigation at every level of the judiciary, including the United States Supreme Court. We have also successfully defended local land use decisions and zoning actions before a variety of administrative tribunals, including the Growth Management Hearings Board and the Shoreline Hearings Board. A number of our attorneys have served as Hearing Examiners in local land use matters, a role that enhances the depth and breadth of our land use knowledge. OMW has been in the forefront in assisting municipalities navigate through the maze of changing and conflicting laws and court decisions on medical and recreational marijuana - with particular emphasis on their impact on land use regulations.
- Public Works. Our firm's public works expertise spans a wide variety of contracting, labor, finance and litigation issues. Our attorneys routinely negotiate and draft contracts both large and small. We have participated in major design-build projects such as the Edmonds Public Safety Building, the Redmond City Hall, the Edgewood City Hall and the Redmond Public Safety Building. We have successfully represented our municipal clients in litigation and arbitration proceedings arising out of bid protests, contractor disputes and damage claims. We have also advised on innovative public-private partnerships such as the construction of a fire station in Issaquah as a part of the Gilman Village project, and the North Kelsey project in Monroe.

We routinely work with our clients as they perform street, sewer and water projects. These services include contract drafting, acquisition of easements, licenses and other property interests, and condemnation proceedings. Our attorneys have particular expertise in forming local improvement districts and defending challenges to LID assessments.

- Environmental Services. Land use and public works matters often implicate environmental concerns. Our attorneys have handled Clean Water Act cases for our municipal clients who operate wastewater treatment facilities. We are familiar with

shorelines and SEPA issues, and we litigate them frequently in the courts and before administrative tribunals.

- Ordinances and Resolutions. A critical function of municipal government is the development and implementation of local legislation. Each of our municipal attorneys reviews and drafts ordinances and resolutions for the firm's municipal clients as part of our daily practice. We are keenly aware of the legal form requirements for these documents, and our substantive understanding of municipal law enables us to assist our clients in crafting clear, concise, well-organized ordinances and resolutions that will effectively advance the legislative intent of the city or town council. Our approach to preparing local legislation is to constantly verify that a particular document is defensible in both form and substance, and we provide our clients with helpful drafting suggestions as appropriate to this end.
- Contracts and Interlocal Agreements. While many firms view municipal contract review as a *pro forma*, rubber stamp exercise, our attorneys recognize that every contract embodies our client's legal relationship with a third party, and we vigilantly review all aspects of each proposed agreement to ensure that the client's legal interests will be adequately protected. We have significant expertise in all aspects of municipal contracting, and each of our attorneys is familiar with the legal framework governing competitive bidding, contracting with professional service providers and procuring equipment and materials. We also routinely prepare interlocal agreements spanning a broad range of issues including law enforcement, shared municipal services, environmental protection, and joint financing programs.
- Council Meetings. Attendance at city council meetings is an important aspect of municipal law practice. Each of our municipal attorneys is familiar with the legal requirements imposed by the Open Public Meetings Act, relevant parliamentary procedures, and the executive/legislative division of responsibility under state law. Our land use expertise is also invaluable in assisting clients with quasi-judicial public hearings. We pride ourselves on our ability to facilitate the orderly, successful public meetings of our client cities.
- Police/Fire/Public Safety. Several of the cities within our firm's municipal client base operate their own police and fire departments; others contract with other municipalities for these services. Our attorneys are keenly aware of the unique legal challenges inherent in providing—or contracting for—law enforcement and fire protection, and we are able to knowledgeably advise our clients regarding safety concerns, risk management considerations, personnel matters and other issues as necessary.
- Employment and Labor. OMW's Employment and Labor Law practice group specializes in handling the unique aspects of labor and/or employment issues. Our attorneys conduct workplace investigations, engage in union contract negotiations, represent clients in arbitration and mediation proceedings, draft employee handbooks and personnel policies, and advise clients regarding a broad range of employment and labor issues. These include, but are not limited to, employee discipline, ethics, wage and hour issues and HIPAA compliance.

- *Litigation.* Our firm's preference is to resolve disputes before they reach the litigation stage wherever possible. However, when litigation becomes necessary, we stand ready to vigorously fight to protect our clients' interests. For over 40 years, our lawyers have successfully represented municipalities before a host of courts and administrative tribunals. The range of legal issues implicated in these proceedings is enormous, and includes personnel matters, public records disclosure, public works matters, code enforcement, public nuisance abatement, land use permitting and zoning, SEPA determinations, eminent domain, homeless encampments, gambling ordinances, annexation, *quo warranto* actions, takings and substantive due process challenges, among others. Currently, OMW is defending a consortium of twenty-four (24) Washington cities in the lawsuit where New Cingular Wireless (formerly AT&T) is seeking refunds for allegedly overpaid taxes.

Proposed City Attorney Team

City Attorney Team

Our proposed City Attorney team would feature Bio F. Park as lead attorney and W. Scott Snyder as his primary back-up. Mr. Park would attend City Council meetings in most cases, recognizing the City's desire to maintain continuity in representation. Mr. Snyder would provide meeting coverage in the event of conflict and would handle additional legal tasks as needed. Both Mr. Park and Mr. Snyder will work closely with the City to ensure that legal matters are handled by the appropriate team member, taking into consideration cost, expertise needed, and the City's desired balance of team participation.

Both Mr. Park and Mr. Snyder meet the qualifications set forth in the City of Black Diamond Request For Qualifications for contracted City Attorney services. The following are their statements of the qualifications and biographical information (full resumes are available upon request):

Bio F. Park:

Bio Park is the senior associate in the firm's municipal practice group. Mr. Park has nine years of municipal experience, and currently serves as City Attorney for the City of Milton and as assistant City Attorney for the Cities of Issaquah and Mukilteo. He is experienced in covering city council meetings, executive sessions and other city board/commission meetings. He also provides legal services to Pierce Transit and the Cities of Gig Harbor, Normandy Park, Redmond, Monroe, Poulsbo, Carnation and Buckley.

Mr. Park's practice focuses on public works construction, condemnation, public contracting and procurement issues, code enforcement and nuisance abatement, land use, planning and zoning matters, public records disclosure, ordinance and resolution drafting, Open Public Meetings Act compliance and governance questions. He has represented the firm's municipal clients before the superior courts of King, Snohomish and Pierce Counties, and his litigation experience spans a broad spectrum of municipal issues, including successfully defending elected officials against recall proceedings, Land Use Petition Act appeals, public works construction claims, civil code enforcement actions, public nuisance abatements, and petition for condemnation. Mr. Park has

worked closely with staff, administrations and city councils to develop laws and policies on subject matters ranging from temporary homeless encampments and plastic bag ban to development code rewrites and amendments to comprehensive plans. He has also served as a Hearing Examiner *pro tem* for Mason County and the Cities of Federal Way, Auburn and Port Townsend with respect to land use and code enforcement matters.

Mr. Park received his B.S. in finance from Georgetown University and his J.D. from Seattle University School of Law. During law school, Mr. Park served as a legal intern at the Ronald A. Peterson Law Clinic representing indigent persons in civil cases and matters involving predatory lending, consumer debt, and denial of insurance coverage. Mr. Park also served as a Student Fellow for the Center on Corporations, Law & Society and received the Access to Justice Institute Award of Distinction for Leadership & Dedication towards Public Service. His professional memberships include the Washington State Bar Association, Washington State Association of Municipal Attorneys, King County Bar Association and the Korean American Bar Association of Washington.

Prior to joining Ogden Murphy Wallace, Mr. Park was a financial analyst for the Xerox Corporation and a controller of a local business. Born in Seoul, Korea, Mr. Park grew up in São Paulo, Brazil, and also speaks fluent Korean and Portuguese. He lives in Seattle, enjoys playing soccer, and is a Sounders FC season ticket holder.

W. Scott Snyder:

Scott Snyder has 34 years of experience in municipal law. During the course of his career, he has served as the City Attorney for Columbia, Missouri, Poulsbo, and Edmonds, Washington, a special deputy for Snohomish and King Counties, legal counsel to Kitsap Transit, and has represented the cities of Redmond, Issaquah, Gig Harbor, Mukilteo, Puyallup, Carnation, Medina, Bothell, Montesano, and Milton, the Mayor of Bremerton, and the Kitsap Regional Coordinating Council. He served as Managing Partner of Ogden Murphy Wallace from 1995 through 1999 and currently serves on the firm's Board. He also currently serves on the Washington State Association of Municipal Attorney's Board of Directors.

Mr. Snyder's practice emphasizes personnel and labor law, as well as land use. In labor relations, Mr. Snyder regularly handles resolution of employee grievances and he has been instrumental in the development and implementation of "preventive" labor and employment law practices. He has negotiated labor contracts for a wide variety of cities and towns, including Poulsbo, Medina, Clyde Hill, Gig Harbor, Mukilteo, Milton, Edmonds, Elma, McCleary, and Montesano. He has served as a lead negotiator for over 20 years and has 35 years experience in the public sector in mediation, arbitration, civil service proceedings, and advising public employers.

Mr. Snyder is a frequent public speaker for entities such as the Local Public Governmental Institute, the Association of Washington Cities, the Washington State Association of Fire Chiefs, the Washington State Civil Service Conference and the Washington State Association of Municipal Attorneys. His *pro bono* service includes both individuals and a variety of social service agencies, such as the Washington Foundation for the Handicapped. He was a founding

participant in the Family Violence and Workplace Initiatives of the Family Health Institute of the Washington Physicians for Social Responsibility.

Mr. Snyder attended Dartmouth College on a National Merit-General Motors Scholarship, receiving his A.B. in English and History. He earned his J.D. from the University of Missouri-Columbia in 1975. He is a member in good standing of the Washington State Bar Association. He holds an AV rating from Martindale-Hubbell, has been repeatedly named a Super-Lawyer by *Washington Law & Politics* magazine and was recognized as a 2010 Top Lawyer in the Labor and Employment Law area by *Seattle Metropolitan* magazine.

Specialty Attorneys

In addition to our proposed City Attorney team, we have a variety of experts whose services would be provided based on the nature of the litigation, problem or City requirement. The following is a sample of municipal specialty attorneys available to our clients:

- Public Records Act: Angela Summerfield and Kristin Eick
- Contracting and construction litigation: Bio Park and James Haney
- Land use litigation: Wayne Tanaka and Zach Lell
- Personnel and labor negotiations: Scott Snyder and Greg Rubstello
- Condemnations: Bio Park and James Haney
- Telecommunications: Scott Snyder and Wayne Tanaka

It has been our firm's experience that utilizing attorneys with specialized knowledge helps keep our clients' legal costs down, as does using supervised associate attorneys in certain project formulations and research assignments.

Accessibility and Responsiveness

Our firm's responsiveness to the needs of our clients is a point of professional pride for our attorneys. The large number of lawyers practicing municipal law at OMW enables us to meet any level of availability the City of Black Diamond may require. Although our firm's primary office is located in downtown Seattle, it has been our experience that—other than attendance at Council and staff meetings—the vast majority of our municipal work can be cost-effectively conducted via telephone and email. Both attorneys proposed for the City Attorney Team have availability for Thursday evening City Council meetings.

Each attorney, paralegal and legal assistant employed by OMW is provided with a personal computer and is proficient in online legal research, court docket access and monitoring, and internet communication. OMW utilizes Microsoft Office for its internal network, and the firm's information technology staff is adept at identifying and eliminating technological problems before they negatively impact client service. Both attorneys proposed for the City Attorney Team are available by phone, cell phone, fax, and email.

Our response time in providing requested advice and assistance to clients depends largely upon the nature and complexity of the particular issue involved as well as the client's needs for

service. For routine and relatively simple issues, our initial response typically includes a substantive answer to the client's inquiry. For more complex or long-term matters requiring consultation with third parties or research (e.g., ordinance drafting, contract negotiation, preparation of formal legal opinions, etc.), the initial response is sometimes formatted as an acknowledgement of the client's request and an estimated timeframe for completing the necessary work. We are sensitive to our clients' needs for timely assistance and we can generally meet any reasonable deadline.

Availability to attend meetings in person on short notice will be dependent upon the travel time required from downtown Seattle and infrequent scheduling conflicts. As a general matter, we are confident that either attorney proposed for the City Attorney Team (or another municipal attorney from our office, in case of conflict) would be available to attend any meeting upon two hours advance notice.

One additional possibility is the use of video conferencing equipment, which would permit City employees and officials to conference with members of our team on a timely, mutually convenient basis. Our recent installation of a LifeSize video conferencing system provides OMW clients with an additional option for in-person meetings. We are able to initiate or receive video calls whenever it is convenient for our clients, thereby providing more flexibility on timing and better efficiencies through the elimination of travel time. Our video teleconferencing system allows for point to point communication and the ability to share computer data, and is compatible with all major video teleconferencing equipment brands.

Proposed Fee Structure

Our firm's service delivery model attempts to utilize technology to assure ready access and prompt response by an experienced professional. We have been providing services to suburban and rural communities for over 50 years. To do so efficiently and at a high professional level requires partnership with our clients. We utilize technology to avoid travel time where appropriate. We have found that efficient use of modern technology, and particularly email, help provide both timely and high quality legal service.

Joining our municipal clients provides other cost-saving benefits. Our all-cities program provides legislative updates, sample policies and reports on matters of common interest. Joining cities of comparable size and interest together for litigation and negotiation purposes provides distinct cost savings. Our recent experience representing a dozen King and Snohomish County cities in franchise negotiations with Verizon resulted in a high-quality legal product at very low per-city cost.

Our rates and charges are extremely competitive with other reputable law firms that practice in the fields of municipal and land use law. Indeed, our experience allows us to provide more efficient and cost-effective services than many other firms.

Based on our service model, for the 2013 calendar year, we would propose the following rate structure for a standard hourly fee arrangement:

City Attorney Team:	Bio Park:	\$200/hr
	Scott Snyder:	\$240/hr
Specialty Attorneys:	Members:	\$220-295/hr
	Associates:	\$180-220/hr
Other Legal Services:	Law Clerks:	\$109/hr
	Paralegals:	\$94/hr

The above rates would be adjusted annually by the percentage change in the local June-to-June Consumer Price Index throughout the term of the legal services contract.

The firm would work with the City to develop and implement a billing and invoicing framework that meets the City's recordkeeping and budgetary needs. At the City's preference, individual billing numbers can be established for each City department as well as for any specialty matter (i.e., litigation, contract negotiations, etc.) that arises. Legal services would be billed on a monthly basis, and each invoice would include a billing narrative for every time entry. Document reproduction charges, CALR charges, delivery fees, filing charges and other external expenses would be billed to the City at cost with no mark up. Transit time, including transportation to/from meetings, would be billed at the applicable hourly rates above. The City would not be separately invoiced for mileage reimbursement, long-distance telephone calls or facsimile transmissions.

References

Mr. Subir Mukerjee, City Administrator
CITY OF MILTON
1000 Laurel Street
Milton, WA 98354
(253) 517-2706
smukerjee@cityofmilton.net

Ms. Diane Supler-Marcotte, Finance Director
CITY OF ISSAQUAH
130 E. Sunset Way
Issaquah, WA 98027
(425) 837-3056
dianem@issaquahwa.gov

Mr. Al Compaan, Chief of Police
CITY OF EDMONDS
250 - 5th Avenue N
Edmonds, WA 98020
(425) 771-0200
al.compaan@edmondswa.gov

Mr. Scott James, Finance Director
CITY OF MUKILTEO
11930 Cyrus Way
Mukilteo, WA 98275
(425) 263-8030
sjames@ci.mukilteo.wa.us

Mr. Stephen Misiurak, P.E., City Engineer
CITY OF GIG HARBOR
3510 Grandview Street
Gig Harbor, WA 98335
(253) 853-7626
(253) 377-3685 (Cell)
misiuraks@cityofgigharbor.net

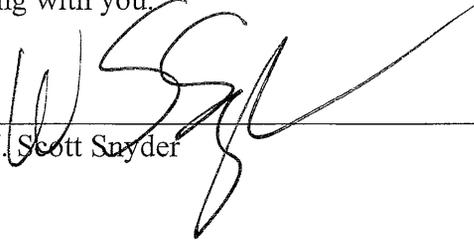
(Specific references for any OMW specialty attorney will be made available on request.)

Conclusion

Ogden Murphy Wallace P.L.L.C. is extremely interested in serving as the City Attorney for the City of Black Diamond. We believe that our professional experience and the depth and breadth of our expertise make us a logical choice to meet the City's needs. We hope you will agree after reviewing our Proposal, and we look forward to working with you.



Bio F. Park



W. Scott Snyder