

**REQUEST FOR PROPOSALS**  
**MUNICIPAL COURT JUDGE SERVICES**

**Proposal Due Date: July 13, 2022**

The City of Seaside invites proposals for contracted judicial services. Proposals are due to the City Human Resource's office by 5:00 PM on **July 13, 2022**. The City seeks the services of a Municipal Court Judge to perform the functions and duties specified in the job description attached, and to perform such other legally permissible and proper duties and functions as the City Council shall from time-to-time assign. The City Council has decided that it would be prudent and an exercise of due diligence on the part of the city to solicit proposals for judicial services.

**For questions, contact Jon Rahl, Assistant City Manager, at 503-738-5511 or email [jr@cityofseaside.us](mailto:jr@cityofseaside.us).**

**Delivery:** Proposals may be emailed, or hand-delivered to the City of Seaside, attention Human Resource Department.

**Communications:** Restrictions on communications and requests for information are delineated within the RFP package. All communications are to be directly through the City Human Resource Department, and under restricted conditions.

**Overview**

**Introduction**

For information about the City of Seaside, visit [www.cityofseaside.us](http://www.cityofseaside.us).

The City of Seaside, with a total of 81 FTEs, operates under the Council-Manager form of government. The Council consists of a Mayor and six Council Members. The Mayor is elected at large, four Councilors are elected to represent the Ward they reside in and two Councilors are each elected to serve two wards. Council members serve for four-year terms. There is no term limit. The Municipal Judge, City Attorney and City Manager are appointed by and responsible to the Council. The City Manager directs all City operations. Additional officers of the City appointed by the City Manager are currently a Public Works Director, Community Development Director, Chief of Police, Building Inspection Official, Convention Center/Visitors Bureau General Manager, Library Director, Chief of Fire, and Assistant City Manager.

**Court Staff**

The Police Chief is appointed by the City Manager. The city has a police force consisting of 18 sworn staff, three Reserve Officers, and one Community Service Officer and operates an active traffic safety program. The Police Department provides a bailiff on Court days.

**Judicial Services/Duties**

Duties include all normal duties of Municipal Judge acting in that capacity for municipal court. These duties include, but are not limited to, having weekly arraignments, accepting pleas, and conducting sentencing. The judge conducts court trials on court day.

The court conducts jury trials, although infrequently. At present, all DUI! cases are cited into Circuit Court. It may be necessary to conduct a jury trial on a separate day from regular court day. The judge also issues warrants, such as bench warrants for criminal non-appearances, reviews probation reports, and has probation violation hearings.

There are judicial conferences which the judge may attend at his or her own expense. The Court Clerks assist the judge with paperwork and necessary orders. The judge may review court programs, court fines, court charges, and court procedures. The judge may issue court orders establishing the procedure and amounts of fees. The judge will help keep the Court Clerk apprised of changes in laws and procedures.

**City Charter — Chapter V. Section 24. Municipal Court and Judge.****Section 24. MUNICIPAL COURT AND JUDGE.**

1. The Council hereby creates the office of Municipal Judge. The Judge shall be appointed by the Council for an indefinite term and may be removed by the Council at its pleasure.
2. Except as this Charter or City ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of this State governing justices of the peace and justice courts.
3. **All** areas within the City and, to the extent provided by State law, areas outside the City, are within the territorial jurisdiction of the court.
4. The Municipal Court has original jurisdiction over every offense that an ordinance of the City makes punishable. The court may enforce forfeitures and other penalties that such ordinances prescribe.
5. The municipal judge may:
  - a) Render judgments and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdiction;
  - b) Order the arrest of anyone accused of an offense against the city;
  - c) Commit to jail or admit to bail anyone accused of such an offense;
  - d) Issue and compel obedience to subpoenas;
  - e) Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court;
  - f) Penalize contempt of court;
  - g) Issue process necessary to effectuate judgments and orders of the court;
  - h) Perform marriages;
  - i) Issue search warrants; and
  - j) Perform other judicial and quasi-judicial functions prescribed by ordinance.

6. The Council may authorize the Municipal Judge to appoint Municipal Judges pro tem for terms of office set by the Judge or the Council.
7. Notwithstanding this section, the Council may transfer some or all of the functions of the Municipal Court to an appropriate State Court.

### **Contract Term**

The City anticipates a two-year contract, with options for two-year renewals. Renewal of the contract will require Council reauthorization.

### **Schedule**

The City provides the following schedule. This is for information only and will be adjusted as needed. Proposers are encouraged to reserve flexibility for interviews during the week of **July 18,** 2022, as the City will not be able to allow much advance notice when scheduling initial interviews.

RFP Release Date: **June 28, 2022**

RFP Submission: **July 13, 2022**

Interviews: Week of: **July 18, 2022**

Council Consideration: **July 25, 2022**

Anticipated Start Date: **August 1, 2022** or **August 8, 2022**

### **How to Respond**

Respondent's proposal should include the following items in the following sequence and any additional information deemed relevant:

#### **A. Information to be included:**

1. Provide a brief description of your professional experience and qualifications, including:
  - a) education
  - b) employment
  - c) offices held
  - d) professional organizations
  - e) Oregon State Bar number if applicable

Note: a résumé may be attached.

2. Identify any experience with municipal law.
3. Describe your capability in providing services as Municipal Court Judge.
4. Provide a brief description of your judicial philosophy.
5. Provide a brief description of actions you would take to:
  - a) Monitor and report timeliness and efficiency of court proceedings;

- b) Minimize and monitor work load in other City departments created by court actions;
  - c) Increase outstanding fine(s) collections;
  - d) Facilitate court and City Council relations;
  - e) Control and monitor costs associated with court operations;
  - f) Keep the City Council informed regarding changes that would affect court operations.
- 6. Describe any other action or program you would implement in court proceedings;
  - 7. Provide a brief description of your philosophy as to the administration of fines for first and repeat offenders.
  - 8. Provide any other information or comments, which you believe are relevant and will assist the City in making its selection.
  - 9. Describe how you would assist the City Council to establish an evaluation process for the Judicial Services/Municipal Court Judge. A draft evaluation form is attached for review and comment.

Note: Additional questions concerning judicial philosophy, programs, and duties may be asked at the interview. Additional information may be requested in order to conduct a background check.

**B. Letters:**

Provide three current letters of recommendation made in specific reference to this position.

**C. Compensation:**

State the necessary compensation you would expect to perform these services. The City reserves the right to negotiate compensation.

## **Evaluation and Selection**

### **Evaluation Process**

The following steps are anticipated.

**Step 1:** Receipt and review

**Step 2:** City Council scoring of written proposals

**Step 3:** Initial reference and information checks

**Step 4:** City Council interviews

### **Evaluation Criteria**

- A. Overall experience, background, qualifications.
- B. The ability to understand the legal requirements (ordinances) of the City of Seaside and State criminal and traffic laws.
- C. The approach(es) in the proposal and extent to which it is thorough, original, comprehensive, and tailored to the needs of the City.
- D. The nature and extent of prior experience in performing legal services for general purpose local governments.
- E. Relevant expertise outside traditional municipal legal functions.
- F. Demonstrated skill in establishing and maintaining effective working relationships with subordinate, public and private officials, and the general public.
- G. Cost, although a factor, may not be the dominant factor, Cost is particularly important when all of the other evaluation criteria are substantially equal.
- H. Minimum of three (3) years with five (5) years of legal experience preferred.
- I. A member in good standing with the Oregon State Bar.
- J. Innovative approaches recommended.

### **Contract Negotiations**

The City of Seaside reserves the right to negotiate all elements which comprise the apparent successful proposal to ensure that the best possible consideration is afforded to all concerned. City representatives and the selected finalist will review in detail, all aspects of the requirements and the proposal. During the review of the most favorable, apparent successful proposal, the Proposer may offer and the City may accept revisions to the proposal.

### **Authority of City**

If the City Council elects to conduct interviews, respondents may be interviewed and rescored based upon the same criteria or other criteria to be determined by the selection committee and/or City Council.

The City may also request additional information from respondents at any time prior to final approval of a selected response, The City reserves the right to select one, or more, or none of the respondents to provide the judicial services. Final approval of the selected respondent is subject to the action of the Seaside City Council.

The City reserves the right to reject all proposals and cease the selection process at any time.

## **POSITION DESCRIPTION**

<b><u>Title:</u></b>	Municipal Court Judge
<b><u>Pay Classification:</u></b>	Employment Contract
<b><u>Department:</u></b>	MUNICIPAL COURT
<b><u>Supervision:</u></b>	Seaside City Council

### **GENERAL STATEMENT OF DUTIES:**

Serves as the judicial officer of the City. Performs judicial activities and oversees the judicial functions of the court, ensuring conformance with legal and departmental requirements. Works as an independent contractor with provisions set forth by the City Council. The City Council has the sole authority to appoint and remove the Municipal Court Judge as an officer of the City under the Charter for the City of Seaside. The Municipal Court Judge serves at the pleasure of the City Council and may be removed by the City Council at any time without cause.

The Municipal Judge shall exercise original and exclusive jurisdiction of all crimes, violations and all actions brought to recover or enforce forfeiture or penalties defined or authorized by ordinances of the City including adopted state criminal and vehicle codes. The Judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the City including adopted state criminal and vehicle codes. The Judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the City, to commit any such person to jail or admit them to bail pending trial, to issue subpoenas, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of the court. When not governed by ordinances or this Charter, all proceedings in the municipal court for the violation of a City ordinance shall be governed by the applicable laws of the State governing justices of the peace and justice courts. Nothing in this section shall preclude transfer of **all** or part of the municipal court jurisdiction to a state court.

### **SUPERVISION RECEIVED:**

The Municipal Court Judge works under the executive direction of the City Council. The Mayor is the official contact person. The judge operates independently as to judicial decisions, responsibilities and functions.

### **SUPERVISION EXERCISED:**

The judge shall exercise supervision over the court personnel concerning their in-court and municipal court responsibilities. The day-to-day job supervision and evaluation of the court personnel shall be the responsibility of the City Manager or other designee of the City Manager. The judge will consult and cooperate with the City Manager concerning all aspects of the operation of the court and court personnel and assist with the evaluation of court personnel.

**EDUCATIONAL LICENSING AND TRAINING REQUIREMENTS:**

Doctor of Juris Prudence Law degree and a minimum of three (3) years with five (5) years' experience in the areas of municipal and criminal law, trial experience or experience as an administrative hearings officer, arbitrator or judge; or any equivalent combination of experience and training that demonstrates the knowledge, skill and abilities described above. Member in good standing with the Oregon State Bar. Possession of a valid driver license and proper insurance if required to drive for work-related activities.

The Judge should be able to demonstrate any equivalent combination of education and experience that provides the Judge with the knowledge, skills and abilities that would be required to possess a Doctor of Juris Prudence degree and a minimum of five years of progressively responsible legal experience. Experience presiding over hearings, working with municipal entities, or working in an organization presenting comparable complex challenges is preferred.

**MINIMUM QUALIFICATIONS:**

- Licensed by the Oregon State Bar to practice law in Oregon
- Previous Municipal Court experience to provide knowledge of procedures and functions
- Citizen of the United States and resident of the State of Oregon during position appointment

**REQUIRED KNOWLEDGE AND SKILLS:****Knowledge of:**

- Oregon and United States Constitution
- Oregon Revised Statutes (ORS)
- Oregon Administrative Rules (OAR)
- Oregon Uniform Motor Vehicle Code
- Oregon Criminal Code
- Seaside Municipal Code
- Seaside Development Code
- Case Law and Management

**Ability to:**

- Ensure all Municipal Court operations are diligently and courteously conducted
- Demonstrate an impartial, non-discriminatory approach to all court activities
- Avoid appearance of conflicts of interest and exercise sound judgment, keeping individual personal interests separate from responsibilities as Municipal Court Judge.
- Manage court environment to ensure individuals are heard and respected. Maintain an appearance of independent and professional court demeanor
- Listen actively and attentively to all who come before the court
- Manage and administer Municipal Court operations and personnel in an efficient and timely manner

- Be creative in developing practical solutions to problems faced in the course of court functions
- Analyze and appraise case facts, rules of evidence and jurisdiction
- Manage and initiate court programs in cooperation with the City Attorney and court staff to secure compliance with court orders, fines, assessments and sentences
- Manage the proper maintenance and use of confidential information
- Manage caseloads and court calendar
- Provide advice and training to Court staff
- Provide timely explanation of rulings to Seaside City Attorney, Defense Attorneys, Police Officers, defendants and City officials as the Oregon Code of Judicial Ethics allow
- Focus exclusively on Seaside Municipal Court matters while serving in the official capacity of Municipal Court Judge
- Be punctual and consistent in attendance
- Demonstrate conduct and language that reflects positively on the City of Seaside
- Concisely communicate verbally and in writing and insure open channels of communication between the court, its users, City Council and other City departments
- Establish and maintain effective working relationships with City Council, Court staff, City Department Heads, and the general public
- Organize and prepare annual or semi-annual reports as requested by the City Council
- Assist the City Manager in preparation of annual Municipal Court budget
- Control court costs and expenditures in compliance with adopted budget requirements
- Work with the City Manager to monitor court expenses
- Prepare timely budget and reports to City Manager
- Understand budget laws, processes and procedures.