



## **Port of Brookings Harbor**

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## **Board of Commissioners**

Richard Heap, President  
Joseph Speirs, Vice-President  
Sharon Hartung, Secretary/Treasurer  
Kenneth Range  
Larry Jonas

### **GENERAL COUNSEL SERVICES**

### **REQUEST FOR QUALIFICATIONS**

The Port of Brookings Harbor (Port District) is seeking a law firm or individual attorney to provide General Counsel Services on a contract basis. The selected law firm will be expected to provide a wide range of services to the Port. Law firms and attorneys are invited to submit qualifications and proposals for the provision of these services. In order to be considered, proposals must address each of the concerns requested in this document, including rates and fees.

The General Counsel is selected by and serves at the pleasure of the Port District Board of Commissioners. The General Counsel works closely with the Board President, Port Commissioners, and Port Management.

#### **DEADLINE FOR SUBMISSION**

All proposals must be received by mail or email no later than 2:00 pm on Tuesday, November 30, 2021.

#### **INTRODUCTION**

The Port District of Brookings Harbor covers an area of 400 square miles reaching from the mouth of the Chetco River to the Oregon-California border, north to the drainage of the Pistol River, and east to the Curry-Josephine County line. The Port District is governed by a five-member commission elected at-large from the district, which has a population of approximately 16,000 people. The five-member Port Commission is responsible for all the activities of the Port and the management of public assets. Commissioners are elected at large from the district residents and serve without compensation for a term of four years. There are three official positions within the Commission: President, Vice President and Treasurer/Secretary. These positions are filled by election, within the Commission.

The Port District is a member of Special District Association of Oregon (SDAO), a joint powers agency with numerous other Districts throughout the State. As a member, defense counsel for most tort and worker's compensation claims is assigned to a third-party administrator, rather than handled by the General Counsel.

#### **MINIMUM QUALIFICATIONS**

A qualified candidate must possess a Juris Doctorate from an ABA-accredited law school, a license to practice law in the State of Oregon, and be a member in good standing with the Oregon State Bar. Experience with Oregon municipalities and knowledge of State laws governing special districts, public employment law, public contract law, landlord/tenant law, is required. Experience and knowledge in the area of maritime law is strongly preferred.

## SCOPE OF SERVICES/ DESCRIPTION OF RESPONSIBILITIES

The General Counsel will be required to conduct legal research, provide legal opinions, serve on special projects, represent the Port District as its attorney of record, and supervise or coordinate with outside counsel as needed. The Port District requests one attorney is designated as the point of contact or lead attorney. Accessibility to and a timely response from the attorney is essential to the position.

General duties of the General Counsel include, but are not limited to:

- (1) having charge of all litigation in which the Port District is a party, unless assigned to Special Counsel;
- (2) representing the Port District in all legal matters and proceedings in which the Port District is a party or interested, or in which any of its officers are parties in their official capacity;
- (3) advising the Board of Commissioners or any committee or member thereof, and the Port Manager/CEO as to all legal questions affecting the Port District's interest;
- (4) approving all ordinances, contracts, deeds, bonds and any other documents to be signed in the name of, or made to or with, the Port District; and
- (5) advising the Port District concerning all latent powers, land use issues, and planning and zoning issues.

Basic legal services include:

- (1) reviewing or drafting ordinances, summaries, resolutions, contracts, agreements, deeds, easements;
- (2) providing advice regarding government operations, elections, open meetings, public records, Port District ordinances and Bylaws, State law, routine matters, personnel matters, and property matters including real estate acquisition and sale, zoning, condemnation and public finance;
- (3) reviewing agendas and materials for Board of Commissioner meetings as requested and anticipating and preparing legal advice on items to be addressed at the Board of Commissioner meetings;
- (4) attend any Special meeting or Closed session called by the Board President, at their request; and
- (5) providing legal opinions upon request.

Typically, the General Counsel may anticipate the position to require 8-30 hours per month. The Port District may work in-house to produce initial drafts, such as of Port District ordinances and resolutions, prior to the attorney's review. The Port District may also seek outside specialized counsel as necessary.

The General Counsel will be required to provide a detailed, itemized billing on a monthly basis, in order to avoid misunderstanding. A standing request exists for legal review of contracts, ordinances and resolutions presented to Board of Commissioners for consideration at its regular meeting in addition to anticipating and preparing legal advice on issues up for consideration, as well as attendance (in person or teleconference) at Regular or Special Commissioner meetings. The General Counsel is required to provide legal services upon request of the Port Manager/CEO, or by direction of the Board as a whole. For all other requests, including citizen's inquiries, approval by Board President or Port Manager/CEO prior to commencement of service is required. General Counsel will be required to generally familiarize themselves with general municipal law and keep abreast of legislation affecting Districts outside the scope of billable services.

## **REQUESTED INFORMATION**

If you or your firm is interested in the opportunity to work with the Port District, please provide the following information:

- Firm or individual name and contact information, including e-mail and website addresses and year organized.
- Summary of qualifications, specializations, experience (including Special District), professional affiliation, special training, availability, Oregon Bar license numbers, and contact information for key personnel and proposed lead and back-up attorneys for the District.
- Information on any previous experience or services provided, including Special District experience, such as General Counsel services, district or city-related court cases, litigation experience, list of past or present Special District clients, etc.
- List of clients you currently represent that could cause a conflict of interest with your responsibilities as General Counsel. Describe how you would be willing to resolve these or any future conflicts of interest.
- If your firm or you have filed any litigation in the past five years in which the Port District or one of its employees was named as a party, please describe the case(s).
- Other factors or special considerations you feel would influence your selection.
- List of references and contact information.
- Proposed hourly rates for each attorney assigned to the Port District or any alternative fee structure you propose.

## **OTHER TERMS AND CONDITIONS:**

The Port District reserves the right to reject any or all responses. The Port District reserves the right to waive any variances from original RFQ specifications in cases where the variances are considered to be, in the sole discretion of the Port District, in the best interests of the Port District. The proposing firm is solely responsible for the costs of preparing or submitting proposal in response to this RFQ.

All proposals submitted in response to this RFQ shall become the property of the Port District. The Port District retains the right to use any or all information presented in any proposal to the RFQ, whether amended or not. Selection or rejection of the proposal does not affect this right.

Contracts shall be awarded to the applicant determined to be best qualified to meet the District's needs, with a mutually agreeable start date.

## **EVALUATION AND SELECTION CRITERIA**

- General qualifications of the candidate for the position and key support personnel
- Quality and extent of services available
- Experience
- References
- Costs
- Compliance with this Request for Qualifications

- Other criteria which pertain to providing effective and efficient legal services such as availability for questions and contact, timeliness, responsiveness and follow-through

## **SUBMITTAL**

Please provide the proposal with the signature of an authorized individual on a typed letter of submittal. Proposals mailed shall be submitted in a sealed envelope, clearly marked on the outside of the envelope, "General Counsel Services" and addressed to:

Port of Brookings Harbor  
RE: General Counsel Services  
P.O. Box 848  
Brookings, OR 97415

Submittals may also be submitted via email in a .pdf format to [portmanager@portofbrookingsharbor.com](mailto:portmanager@portofbrookingsharbor.com). Any questions regarding this submittal may be addressed to the Port Manager at 541-469-2218, Ext 406 or by email at [portmanager@portofbrookingsharbor.com](mailto:portmanager@portofbrookingsharbor.com).

## **ABOUT THE PORT OF BROOKINGS HARBOR:**

- The Port of Brookings Harbor represents over 75 percent of the population base for Curry County.
- The Port of Brookings is the busiest recreational Port on the Oregon Coast with more than 31,000 bar crossings and more than 95,000 recreational users annually.
- The Port has more than 5,000 commercial fishing vessels that visit the Port annually.
- The Port moves more than 20 million pounds of bait, fuel, ice and fish products across its docks annually.
- Because of its location and geographical configuration, the Port of Brookings Harbor is listed as a "Harbor of Refuge" by the U.S. Coast Guard.
- The Chetco River, on which the Port is located, is the safest bar on the Oregon Coast with more than 280 passable days per year.
- The Port of Brookings Harbor is classified as a Shallow-draft harbor. Shallow-draft harbors are defined as those with 14 feet or less depth.
- Shallow-draft harbors are dependent upon commercial and recreational fishing to maintain port infrastructure.
- The Port owns and operates RV Park, Fuel Dock and Moorages. Provides vessel haul-outs at the boat yard which is leased to a boat repair company. Landlord to 34 tenants throughout Port properties. Tenants range from retail to restaurants, commercial fish receiving companies and repair shops.