

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION**

Meeting Date: April 12, 2010

SUBJECT: Proposals for Legal Services/Appointment of Town Attorney

AGENDA INFORMATION

Agenda Location: New Business
Item Number: 6-A
Department: Board of Aldermen
Contact: Marcy Onieal, Town Manager
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: Ronald E. Sneed P. A. has provided legal services for the Town of Black Mountain for approximately 20 years, having most recently been re-appointed as town attorney by the Board of Aldermen on October 6, 2008. In December, 2009, the board directed the town manager to issue a request for proposal for legal services, based on the terms stipulated by the RFP adopted by the board on February 18, 2010. Three qualified proposals were received by the deadline of March 31, 2010. In engaging the services of legal counsel, the board is not required to accept the lowest qualified bidder, however, fees are one of many criteria the board may consider as part of its selection process. Hourly fees for the three candidates were proposed as follows:

- Brison-\$180/hr standard & \$225/hr specialty legal services (no minimum/no retainer);
- Jackson-\$185/hr (no minimum/no retainer);
- Sneed-\$150/hr (no minimum/no retainer; flat fee of \$500/month for the regular monthly mtg)

Additional considerations regarding candidate qualifications, availability, resources, references, etc. are addressed within the narrative of each proposal.

MOTION FOR CONSIDERATION: *To award contract for legal services, and to appoint [one of the qualified candidates listed below] as town attorney, in accordance with terms of the RFP issued by the Board of Aldermen on February 18, 2010*

FUNDING SOURCE: General Fund

ATTACHMENTS:

Request for Proposal to Provide Legal Services, dated February 18, 2010

Proposals dated March 31, 2010 received from:

- Patsy Brison, Roberts & Stevens, P. A. , Asheville, NC
- Rick Jackson, McGuire, Wood & Bissette, P. A., Asheville, NC
- Ronald E. Sneed, P. A., Black Mountain, NC

MANAGER'S COMMENTS: The appointment of the town attorney is at the Board's discretion. The board may appoint one of the candidates above based on the proposals received, or request additional review of, or negotiation with, one or more candidates. It should be noted that candidate Brison is currently impacted by a conflict of interest issue by virtue of her representation of a client(s) who has filed suit against the Town's Board of Adjustment. This conflict would not disqualify her from consideration, but would need to be resolved prior to the Town engaging her services or appointing her town attorney.