

City of Springfield
Finance & Judiciary Committee Meeting

All proceedings are recorded

Monday, September 11, 2017

4:00 –5:15 p.m.
City Hall Conference Room 202
(Finance Department)

The meeting location is wheelchair –accessible. For the hearing impaired, an interpreter can be provided with 48 hours notice prior to the meeting. To arrange for these services, call 726-3740.

CALL TO ORDER

ROLL-CALL – Councilor Pishioneri _____, Councilor Hillary Wylie_____, and Councilor Woodrow _____,
Councilor VanGordon _____

Presiding Judge Recruitment Process*

- | | |
|--|-------------------|
| 1. Time Line and Process Update | Staff |
| 2. Review of RFP and Scope of Services | Committee & Staff |
| 3. Interview Questions and Schedule | Committee & Staff |

ADJOURNMENT

*Attachments

Attachment 1 - Proposal to Provide Municipal Court Judge Services

Attachment 2 - Municipal Court Judge Scope of Services

Additional handouts for Interview Questions will distributed and discussed during the meeting

City of Springfield, Oregon

Proposal to Provide Municipal Court Judge Services

Overview

The City of Springfield is requesting proposals from qualified persons to perform the services of Municipal Court Presiding Judge to perform the functions and duties specified in the Scope of Services attached hereto, and to perform such other legally permissible and proper duties and functions as the City Council shall from time to time assign.

As a result of this Request for Proposals (RFP), the City will select a top qualifier with whom to commence employment contract negotiations. If negotiations are successful, the City will enter into an employment contract with the successful proposer. The City will consider a contract of approximately three (3) years with an option to renew the contract for up to two additional two (2) year terms upon mutual consent of both parties. The initial contract period is anticipated to start November 1, 2017 and run through October 30, 2020. The City reserves the right to conduct periodic reviews of these services. Each year after execution of the contract, employee's performance will be formally evaluated pursuant to adopted evaluation procedures. A subcommittee of the City Council meets periodically to review the evaluations.

Employee may submit revised prices for consideration at the time of renewal. The City retains the option to use alternative service methods and service providers when the City deems it appropriate.

About the City of Springfield

Springfield was established in 1885 and currently has a population of over 61,000. The City located in the southern Willamette Valley is bordered on the western edge by both Interstate 5 and the City of Eugene. With the McKenzie River to the north and the Willamette River to the South, Springfield provides the entrance to the east into the McKenzie Valley and the Cascade Mountains.

The City of Springfield operates under a Council-Manager form of government. The City Council consists of a Mayor and six Councilors. The Mayor's term runs four years and the Councilors serve four-year staggered terms. The City Manager is the administrative head of city government and is appointed by the City Council. The Presiding Municipal Court Judge, Municipal Court Judges Pro-Tem and City Attorney are also appointed by the City Council and responsible to the Council. The City Manager directs all City operations.

The Springfield Municipal Court has a Court Supervisor, Senior Court Clerk and 5 Court Clerk positions. All court staff are assigned to the Finance Department. Also, appointed by the City Council are 3 Judge Pro-Tem positions. The Finance Director, with assistance from the Municipal Court Judge, is responsible for the staff's evaluation, budgeting, and other day to day supervision. The Municipal Judge is responsible for coordinating needs with the Court Supervisor for directing staff's court responsibilities. The Municipal Court Judge will coordinate with Judges Pro-Tem. Court staff assists 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. Some fees are established and/or reinforced by the City Council. The judge keeps the Court Supervisor apprised of changes in laws and procedures. The judge directs development and update of the uniform court rules outlining the process in the Springfield Municipal Court.

The City of Springfield has its own Police Department. The Police Chief is appointed by the City Manager. The City has a police force consisting of 68 sworn officers. The Police Department also operates Springfield's 100-bed municipal jail that is authorized to hold male and female individuals accused or convicted on misdemeanor crimes.

The Springfield Municipal Court is not a court of record. Currently, the Court operates 5 days a week with the Presiding Judge conducting all court activities 3 days a week and the Judges Pro-Tem conducting court activities on the other 2 days. The Presiding Judge currently averages 18 to 24 hours per week. Two of Judge Pro-Tem positions work an average of 6 to 8 hours each week while the third position is available for vacations and emergencies. Duties of the Springfield Municipal Court Judge include all normal duties of a municipal judge acting in that capacity for municipal court. The cases include traffic offenses, City Ordinance violations and misdemeanor criminal offenses. These duties include, but are not limited to, having daily arraignments, accepting pleas, and issuing judgments and orders. The Court conducts arraignments, court trials and other court business 5 days a week. The judge also performs services as outlined in the City Charter and Springfield Ordinances relating to the Springfield Municipal Court.

In addition to the traffic, misdemeanor and Ordinance violation cases, the Court also conducts a truancy court, a DUII court, a traffic court and may occasionally have referrals from the juvenile Peer Court program.

Section 22 of the Charter of the City of Springfield related to the Municipal Court and Judges and reads as follows:

SECTION 22. MUNICIPAL COURT AND JUDGES.

(1) The City Council may create the office of Municipal Judge and fill one or more positions by appointment. The appointee(s) shall hold within the City, at a place and times that the Council specifies, a court known as the Municipal Court for the City of Springfield, Lane County, Oregon. The office created and any appointment(s) made prior to the adoption of this Charter shall be confirmed upon such adoption.

(2) Except as this Charter or City Ordinance prescribes to the contrary, proceedings of the court shall have the jurisdiction and powers, and shall conform to the general laws of this state governing Municipal Courts.

(3) The territorial jurisdiction of the court is the area within the City and certain areas outside the City to the extent provided by State Law.

(4) The Municipal Court has original jurisdiction over all offenses that Ordinances of the City make punishable. The court may enforce forfeitures and other penalties that the Ordinances prescribe for the offenses.

(5) The Municipal Court may:

(a) Render judgments and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdictions;

- (b) Order the arrest of anyone accused of an offense against the City;
- (c) Commit to jail, commit to public service, 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 appear and serve in the trial of matters before the court;
- (f) Penalize contempt of court;
- (g) Issue process necessary to enforce judgments and orders of the court;
- (h) Issue search warrants; and
- (i) Perform other judicial and quasi-judicial functions prescribed by City Ordinance.

(6) The Council may appoint when necessary, Judges Pro Tem to serve for such terms as may be provided.

(7) Notwithstanding this section, the Council may transfer the functions of the municipal court to the appropriate state court.

General Information

The qualified person selected will meet all minimum requirements of this RFP.

The qualified person will be required to be a member of the Oregon Municipal Judge Association, and the City pays the membership dues for such Association. The City also pays the costs associated with judicial conferences as approved in advance by the City Manager or designee. No other costs are paid for or reimbursed.

The qualified person must be a member in good standing with the Oregon State Bar.

The qualified person must have completed a course on courts of special jurisdiction offered by the National Judicial College or in the alternative a course that is equivalent to the course stated and approved by the Chief Justice of the Supreme Court.

The qualified person must have a minimum of five (5) years of legal experience, with eight (8) years preferred.

The qualified candidate must be able to pass a CJIS background check and complete testing within 90 days of appointment.

Time Line

- | | |
|---|----------------------------|
| ◆ Issue Request for Proposals | July 05, 2017 |
| ◆ Receive Proposals no later than 4:00 pm | August 15, 2017 |
| ◆ Evaluate proposals and rank no later than | September 13, 2017 |
| ◆ Interviews | Week of September 25, 2017 |
| ◆ Complete employment contract process with successful proposer | October 10, 2017 |
| ◆ Present Employment Contract to Council for approval | October 16, 2017 |
| ◆ Enter into Employment Contract with successful proposer | October 17, 2017 |
| ◆ Anticipated Start Date | November 01, 2017 |

This time line is for information only and will be adjusted as needed. Proposers are encouraged to reserve flexibility for interviews during the week of September 25th, 2017, as the City will not be able to allow much advance notice when scheduling initial interviews.

Scope of Services

The City will expect the qualified person to perform the functions and duties specified in the Scope of Services attached hereto, and to perform such other legally permissible and proper duties and functions as the City Council shall from time to time assign. If there are differences or inconsistencies between this RFP and the attached Scope of Services, the Scope of Services shall control.

The City's resources are limited. The City reserves the right to reduce the level of service based on available funding upon sixty (60) days' notice.

Content of Responses

Responses to this Request for Proposals must be complete, timely, and submitted in conformance with the RFP specifications, including addressing the following items in the following sequence and any additional information deemed relevant:

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
 - f) name of course completed that meets the requirements in ORS 221.142
 - g) if there are any bar disciplinary proceedings pending or completed which are relevant to your qualifications, please disclose and explain
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 monitor and report the timeliness and efficiency of court proceedings.
6. Are there specific recommendations which you might make regarding employee and attorney efficiency?
7. Describe any other action or program you would implement in court operations.
8. Provide a brief description of your philosophy as to the administration of fines for first and repeat offenders.
9. Provide a brief description of your philosophy as to the administration of citations relating to code enforcement matters such as solid waste or noxious vegetation.
10. Provide a brief description of your philosophy as to the administration of citations relating to code enforcement matters such as building safety or fire safety..

11. Do you anticipate any issues to arise regarding assisting the Finance Director with staff evaluations and oversight?
12. Provide any other information or comments, which you believe are relevant and will assist the City in making its selection.
13. Provide three current letters of recommendation made in specific reference to this position.
14. State the compensation (hourly rate) you would propose to perform these services. The City reserves the right to negotiate compensation.
15. Provide any other information that you believe is important or relevant to this RFP.

Proposals should be prepared simply and economically, providing a straight-forward, concise description of proposer's capabilities to satisfy the requirements of the request. Special bindings, colored displays, promotional materials, etc. are not desired. Emphasis should be on completeness and clarity of content.

Investigations

The City reserves the right to conduct appropriate investigations into the background, previous experience and training, financial affairs and related matters of any individual under consideration for a contract resulting in successfully completing the RFP process. Said investigations may include, but are not limited to, credit reports, submission of audited financial statements, and communication with clients, as appropriate, relating to the ability of proposer to successfully perform the duties and responsibilities associated with being the Springfield Municipal Court Judge.

Evaluation of Requests for Proposals & Selection

The City reserves the right to cancel the procurement or, to accept or reject any or all submissions in the best interest of the City. In connection with the evaluation, the City may, at its option, invite one or more applicants to interview with the selection committee at time and location to be announced, and may require the submission of supplemental material intended to substantiate or clarify information previously submitted. Upon completion of the evaluations of submitted RFP's and/or interviews of potential proposers, the City reserves the right to select the best proposer in its sole discretion to perform the services referred to herein.

A selection committee consisting of three Councilors appointed by the Mayor will evaluate the proposals. The City reserves the right to change the make-up of the committee depending on the availability of the proposed members. The proposals will be evaluated on the following criteria (not in ranked order):

1. Meets all qualifications and requirements identified in this RFP.

2. Overall experience, background, qualifications.
3. The ability to understand the legal requirements (ordinance) of the City of Springfield and State of Oregon criminal and traffic laws.
4. The response in the proposal and extent to which it is thorough, original, comprehensive, and tailored to the needs of the City.
5. The nature and extent of prior experience in performing legal services for general purpose local governments.
6. Relevant expertise outside traditional municipal legal functions.
7. Demonstrated skill in establishing and maintaining effective working relationships with subordinate, public and private officials, and the general public.
8. Proposed hourly rate. Cost, although a factor, may not be the dominant factor. Cost is particularly important when all the other evaluation criteria are substantially equal.
9. Minimum of five (5) years of legal experience, with eight (8) years preferred.
10. A member in good standing with the Oregon State Bar.
11. Taken the required court required courses under ORS 221.142.
12. Innovative approaches recommended.
13. Supplemental information submitted by the proposer.

Some of the criteria may be weighted more than others.

Submittal Deadline

One (1) original and three (3) copies of the submission, clearly marked “**Proposal to Provide Springfield Municipal Court Judge Services**”, must be received by **4:00 p.m., August 15, 2017. Faxes or Electronic submittals will not be accepted.**

Deliver to:

Robert Duey
Finance Director
City of Springfield
225 5th Street
Springfield, OR 97477

Submissions received after that date and time will not be accepted or considered.

The City of Springfield 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.

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.

The City may require 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 approval of the City of Springfield City Council.

The City of Springfield shall not be responsible for any costs incurred by proposer in preparing, submitting or presenting its response to this RFP.

Any proposal may be withdrawn up until the date and time set above for submittal of the proposals. Any proposal not so timely withdrawn shall constitute an irrevocable offer, for a period of sixty (60) days to enter into a Contract with the City of Springfield.

Questions regarding responses to this RFP or requests for general information regarding the City of Springfield should be directed to Robert Duey, Finance Director City of Springfield, at (541) 726-3740.

City of Springfield

Municipal Court Judge Scope of Services

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 requirements 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 Section 22 of the Charter for the City of Springfield. 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, to commit any such person to jail or admit them to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before the Court, 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 the 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. A subcommittee of the Council meets periodically to review the municipal court operations. The judge operates independently as to judicial decisions, responsibilities and functions. Beginning at 6 months and periodically thereafter the subcommittee of the City Council will meet with the Municipal Judge to receive and discuss Court services.

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 Finance Director or other designee of the City Manager. The judge will consult and cooperate with the Finance Director concerning all aspects of the operation of the court and court personnel and assist with the evaluation of court personnel. The hiring and termination of court personnel shall be done following city personnel procedures for employees who are responsible to the City Manager. The Judge may not appoint assistants and/or pro-tem judges to fulfill specific functions or roles.

EDUCATION, LICENSING AND TRAINING REQUIREMENTS:

Juris Doctor law degree and a minimum of five (5) years' experience, with eight (8)

years preferred 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.

MINIMUM QUALIFICATIONS:

- Juris Doctor Law Degree
- Licensed by the Oregon State Bar to practice law in Oregon
- A member of the Oregon Municipal Judge Association at the time of signing the Municipal Judge Services Contract
- A member in good standing with the Oregon State Bar
- Completed the course required under ORS 221.142 prior to being seated
- 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
- City of Springfield Municipal Code
- City of Springfield Development Code
- Case Law
- Court 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
- Manage court environment to ensure individuals rights are consistent with current applicable controlling case law and legislation
- 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 Prosecutor, 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 case loads and court calendar
 - Provide advice and training to Court staff
 - Provide timely explanation of rulings to City Prosecutor, City Attorney, Defense Attorneys, Police Officers, defendants and City officials as the Oregon Code of Judicial Ethics allow
 - Be punctual and consistent in attendance
 - Demonstrate conduct and language that reflects positively on the City of Springfield
 - Concisely communicate verbally and in writing and ensure 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 Prosecutor, City Attorney, 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 and Finance Director in preparation of annual Municipal Court budget
 - Work with the Finance Director to manage court costs and expenditures in compliance with adopted budget requirement
 - Assist the Finance Director with staff evaluations and oversight