

I ROBERT WALL
A Professional Corporation

837 West 1320 North
West Bountiful, UT 84087
(801) 330-2549
irobwall@fiduciaLegal.net

January 25, 2018

Michael Applegarth
City Council Executive Director
10000 Centennial Parkway
Sandy, UT 84070

RE: Legal Services for the Sandy City Council

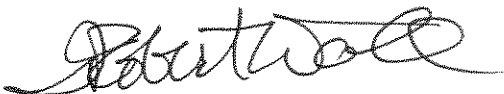
Dear Mr. Applegarth:

Thank you for the opportunity to submit a proposal to provide legal services to the Sandy City Council.

As directed by the Request for Proposal document issued by Sandy City, included are responses to all questions and a summary of qualifications to support the proposal of *I Robert Wall, PLLC* to provide the requested services.

Should you have questions or desire additional information regarding this proposal please feel free to contact me by telephone, text, or email.

Sincerely,



I. Robert Wall
Lawyer

enclosures

PROPOSAL FOR LEGAL SERVICES FOR THE SANDY CITY COUNCIL

submitted by

I Robert Wall, PLLC

INTRODUCTION

Per the Request for Proposals (RFP) issued by Sandy City, dated January 2018, the following proposal ("Proposal") is offered to provide legal services to the Sandy City Council.

Contents of Proposal: For ease of review the Proposal is organized to follow the order of requested information outlined in the RFP. Following the Introduction, the next three (3) sections respond directly to the corresponding sections of the RFP. The fifth (5th) section contains select support materials which elaborate on material previously presented in the RFP which has been included for the convenience of the reviewer:

INTRODUCTION

SPECIFICATIONS FOR COUNCIL LEGAL SERVICES

BASIC QUALIFICATIONS OF ATTORNEYS

ADDITIONAL INFORMATION, REQUIREMENTS, AND QUALIFICATIONS

SELECT SUPPORT MATERIALS

Proposer. *I Robert Wall, PLLC* is a professional corporation organized under the laws of the State of Utah. It's sole member is I. Robert Wall, an attorney licensed to practice law in the State of Utah for over 34 years. His practice has focused predominantly in the area of local government law.

Summary of Qualifications. For a quick summary of Mr. Wall's experience, a Resume is included in the *SELECT SUPPORT MATERIALS* section of this RFP. Mr. Wall's experience is broad and comprehensive, having provided legal counsel to elected officials in three forms of government allowed under Utah law including the Council-Mayor form, the Council-Manager form, and the Six-member Council form. In addition Mr. Wall has participated in thirty-four (34) sessions of the Utah Legislature as an advocate for cities, working closely with elected and appointed official members of the Utah League of Cities and Towns, representing all forms of government.

Mr. Wall's experience provides those he represents with a breadth and sophistication of advice that comes from a unique understanding of municipal governance and local government law. *I Robert Wall, PLLC* will provide competent and reliable counsel and advice to the Sandy City Council. Thank you for the opportunity to present this Proposal.

SPECIFICATIONS FOR COUNCIL LEGAL SERVICES

I Robert Wall, PLLC is qualified to, able, and will provide, all necessary manpower, equipment, materials, and documentation to perform the required services delineated in paragraphs "A)" through "K)" of the section, " SPECIFICATIONS FOR COUNCIL LEGAL SERVICES" found on page 3 of the RFP.

BASIC QUALIFICATIONS OF ATTORNEYS

Mr. Wall possesses a Juris Doctorate Degree, is a member of the Utah State Bar, and is admitted to practice before all state courts and the U.S. District Court, as required by the RFP.

ADDITIONAL INFORMATION, REQUIREMENTS, AND QUALIFICATIONS

A) *Description of qualifications and background for all individuals who will provide services to Sandy City:*

1. *Personal Information of those working under the contract:*

I. Robert Wall
837 West 1320 North
West Bountiful, UT 84087
DOB: 03/07/1954

2. *Lead Attorney:* I. Robert Wall

3. *Council-Mayor form of Government Experience:*

Prior background and municipal experience for Mr. Wall in the Council-Mayor form of government is found in the Resume which is included as part of the *SELECT SUPPORT MATERIALS* following this section. In addition to the summarized experience found in the Resume relative to Sandy City, Mr. Wall has worked closely with elected and appointed officials of other cities operating under the Council-Mayor form on various local government issues through both state legislation and inter-governmental projects and agreements. A sample of cities operating under the Council-Mayor form with which Mr. Wall has worked include Salt Lake City, Murray City, Tooele City & Ogden City. Examples of issues are included in the Resume under the sections, "*Sample Presentations, Writings, Advocacy*". Mr. Wall would be pleased to discuss with you more specifically the nature of such work.

4. *Previous Experience in Offering Services Specified in the RFP:*

Mr. Wall has advised numerous city councils as a full-time legal advisor for thirty-four (34) years in three (3) Utah municipalities: West Valley City, City of South Jordan, and most recently in Sandy City. He has also periodically advised elected and local officials representing other cities on an as-requested basis. His counsel and advice has spanned the entire realm of issues facing local government entities during their young explosive growth years as well as their years of maturity and redevelopment. His skills and knowledge have been uniquely enhanced by active involvement at the Utah Legislature, advocating and drafting legislation on behalf of local government entities and by his full-time representation of various form of local government. His move as legal counsel for West Valley City to the City of South Jordan, and later his move as legal counsel for the City of South Jordan to that of Sandy City were the result of being recruited by appointed and elected officials of the successor government entity. Notably, each move resulted in Mr. Wall representing a different form of government, something the officials who hired Mr. Wall were aware would occur. The reader is invited and encouraged to review Mr. Wall's Resume which illustrates the breadth and complexity of issues upon which he has advised elected officials.

5. *Local Government Entities Currently Served.* Mr. Wall is currently serving no other government entities.

6. *Contact Information.* In addition to the individuals listed below, Mr. Wall would be pleased to provide the names and contact information of any number of elected and appointed officials for whom and with whom he has worked in past years.

Members of the Sandy City Council serving 1/1/15 - 1/1/18
Contact information is available from the Sandy City Council Office
(801) 568-7141

Mr. Ricky Horst (*former City Manager, City of South Jordan*)
3970 Rocklin Road
Rocklin, CA
(916) 660-6754

Mr. Cameron Diehl (*Executive Director, Utah League of Cities & Towns*)
50 South 600 East, Suite 150
Salt Lake City, UT 84102
(801) 910-3912

7. *Verifiable Evidence of State Bar Membership:* Utah Bar #03966 (renews 7.1.18)

B) *Areas of Performance and Effectiveness:* Mr. Wall has a demonstrated reputation for the five (5) areas of performance and effectiveness listed in the RFP. In addition to the background information provided in this Proposal which describes such, he and would be pleased to discuss in detail questions you may have and/or examples of past performance.

C) *Office location:* 837 West 1320 North, West Bountiful, UT 84087

D) *Description of View of Responsibilities to the City Council.* The Council exercises its influence most effectively when acting as a body. The legal advisor should help facilitate the ability of the Council to formulate and make decisions as a body by getting to "4" (majority vote to act) in a manner that is timely, ethical (doing the right things), professional, and promotes the public interest. Unanimity by a council is ideal but not always a realistic expectation as reasonable-elected-official-minds-can-differ.

Three components to the legal advisor responsibility to the City Council:

First: Options and No. Experience has taught that information and options, presented to a council in a manner that promotes creative thinking and collaboration, is the most valuable asset a legal advisor can offer an elected body. Lawyers are criticized at times for a reputation of saying, "no". One of the finest compliments Mr. Wall received earlier in his career was from an elected official (city council member) who said, as best he remembers,

"I can rely on your information and advice, you always try to give us options, and I can seldom discern what your personal bias or decision might be if you were in our shoes unless we specifically ask."

Legal advisors are not the decision makers and should be careful to not allow their personal biases to unduly influence the prerogative of elected officials. Mr. Wall's approach to local government law has been and will always be the following mantra, *"understand the desired outcome of the elected official(s); help those I advise arrive at the outcome, within the bounds of the law, taking into account the ethical and political realities of elected official decision-making."* If there are simply no options in a given request or endeavor, or if a council is moving in a direction that is not legally defensible, ethical, or unrealistic, the legal advisors role is to so advise.

Second: Roles. Perhaps the greatest challenge that faces an elected official is to understand and remember she or he acts as part of an elected body; in the case of the Sandy City Council that is generally four (4) votes. That said, policy (which is the realm of the Sandy City Council) usually begins with an idea from a single council member or less than four council members. Frequently an elected official will desire private consultation with the legal advisor. A critical piece to the success of the client/lawyer relationship in a city council setting is that the

lawyer, the executive, and each council member individually appreciate that the legal advisor must work with a council office, council members individually, and a council as a body. Mutual understanding of who the lawyer is obligated to at any given time, with any given issue, must be clearly understood, regularly discussed, and respected by all involved.

Third: Separation of Powers. Perhaps the second greatest challenge for an elected body is productively dealing with the natural tension between the executive and legislative branches of government. The Council's responsibility to "check" the power of the Executive and conversely, to "check" its own power is intended by design to protect the public interest. Tension does not necessarily mean acrimony or even adversary although those two can be present. An effective legal advisor will (i) work with a council to deal with the tension that may arise in a given issue, particularly when there is not unanimity among the branches, (ii) raise questions when the lines of power are crossed or become unclear, (iii) analyze Executive proposals with the end to assist the Council in understanding both the proposal and its implications or possible outcomes.

E) *Malpractice Insurance*. Insurance consistent with the requirements listed in *Exhibit A* of the RFP will be provided should the City Council accept this proposal.

F) *Conflict of Interest - Past 10 Years*. Prior to employment with Sandy City Mr. Wall represented the City of South Jordan, full-time, as noted on the Resume. If a matter arises in which Mr. Wall becomes aware of a potential or of an actual conflict of interest, the potential conflict will be disclosed and discussed with the Council Executive and the Council Chair and resolved to their satisfaction.

G) *Fee Structure*.

1. Hourly Rate: \$200.00 per hour for all services; 10-minute increments
2. Other Costs & Reimbursables:

Administrative and office costs will be borne by *I Robert Wall, PLLC*.

Travel time to and from City Council meetings located in Sandy City as well as any other meeting within Salt Lake County will be billed the lesser of either total travel time, or as one-half hour total for travel to and from the meeting site. Travel time outside Salt Lake County will be billed based upon actual time (travel time can be negotiated if the City Council is not comfortable with the proposed arrangement).

3. Telephone calls are not separated from the hourly rate in this RFP; generally where the client is one individual, periodic telephone calls of less than 10 minutes are not billed. In this engagement the intent is to be available in a reasonable manner at a reasonable rate for run-of-the-mill issues as well as

major projects. This could include a separate pricing arrangement for telephone calls depending upon who is authorized to request work and make calls.

Mr. Wall's intent as legal advisor is to make himself available as the Council and Council Executive desire; I am open to discussion of any reasonable fee structure the Council would like to consider.

H) *Agreement for Council Legal Services.* I Robert Wall, PLLC will enter into a negotiated agreement for services as required by the RFP.

I) *Organizational Information.*

1. As stated, I. Robert Wall will be the contracting attorney

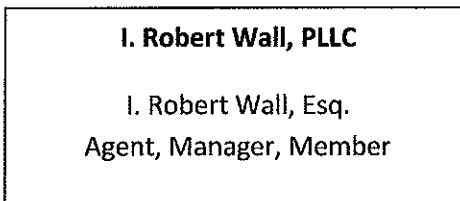
2. Business Entity Information:

Name and Address: I Robert Wall, PLLC
837 West 1320 North
West Bountiful, UT 84087
(801) 330-2549

Registered Agent: I. Robert Wall (same contact information as entity)

Manager: I. Robert Wall (same address information as entity)

3. Organizational Chart:



SELECT SUPPORT MATERIALS

Attached Resume for I. Robert Wall

Attached copy of RFP document

I. Robert Wall

837 West 1320 North
West Bountiful, UT 84087
(801) 330-2549
irobwall@msn.com

City Attorney

Sandy City | 2015 through 2017

- Council - Mayor form of government
- Legal Counsel to Mayor, City Council, City administration, City staff, boards, agencies, & commissions; training elected officials, city staff, boards, agencies, and commissions in all areas of local government law, governance, and leadership; State legislature advocacy and State code drafting; City representative on boards committees, task forces, conferences

Assistant City Manager & General Counsel

City of South Jordan | 2004 through 2014

- Six-member Council form of government
- Similar responsibilities as described in *Sandy City* above, adapted to form of government

Acting City Attorney; Deputy City Attorney; Risk Manager

West Valley City | 1983 to 2004

- Council - Manager form of government
- Similar responsibilities as described in *Sandy City* above, adapted to form of government

Private Legal Counsel

Limited Private Practice | 1983 to Present

Legal counsel to private clients dealing primarily in the areas of land-use, real property, liability & property claims, risk management, local government law

Public Safety Instructor

Utah Departments of Public Safety and Corrections | 1983 to 2008

Managed legal block teaching schedule for Utah peace officer candidates; Developed and drafted course materials for and instruct classes in Utah & Federal Courts, Utah Criminal Code, Peace Officer and Government Liability, Governmental Immunity

Sample Negotiations & Projects

- Hale Centre Theatre (Sandy & West Valley City locations)
- WCF & MACU Parking Structures (2500 stalls - 10 levels)
- Jordan School District split & interlocal agreement
- The District (200 acre commercial/residential mixed-use)
- Rio Tinto Distribution Center
- RiverFront Business Park (200-Acre high-rise mixed-use)
- West Ridge & Stone Bridge Golf Courses
- 11400 South I-15 Interchange Settlement
- Lake Park Business Park [1200 Acre mixed-use: PRI (Property Reserve Incorporated)]
- Roseman University Campus (Schools of Dentistry, Pharmacy, Nursing, Medicine)
- Daybreak (4,000 acre community)
- Cavalia Odysseo
- Central Wasatch Commission (CWC)
- South Jordan Front Runner station
- 3 UTA TRAX stations (Daybreak)
- WVC Cultural Celebration Center
- WVC Hall & Courts Complex
- 11400 South: I-15 to Daybreak

Sample Boards, Associations, Task Forces

- UMAA (*Utah Municipal Attorneys Association*: President & Board Member)
- IMLA (*International Municipal Lawyers Association*: Member & Conference Presenter)
- PRIMA (*Professional Risk and Insurance Management Association*)
- Roseman University - President's Advisory Council
- ULCT (*Utah League of Cities & Towns*: various task forces)
- Utah State, Salt Lake County, and Federal Bar Associations
- URMMA (*Utah Risk Management Mutual Association*)
- Sixth Amendment Study (Utah commission)
- Utah Land-use Leadership Alliance
- ICMA (*International City Manager's Association*)
- RIMS (*Risk and Insurance Management Society*)

Sample Presentations, Writings, Advocacy

Legislation, Ordinances, Policies, & Advocacy:

- *Author/co-author*: State legislation; ordinances & policies; training materials for numerous city councils, ULCT, Utah Public Works Association, URMMA, & Utah Department of Public Safety

- *Examples*: City Ordinances re telecommunications, group homes, subdivision completion assurance, development agreements firearm open & conceal carry, employee rights & appeals, business licensing, animal control; State statutes re local government finance, transportation funding, school district funding & formation, canal trail immunity, firearm open & conceal carry, employee rights & appeals, short-term rentals, unclaimed property, head injury; Contracts & agreements re standard terms and conditions for local government construction, construction bonding, land use development; land leases, revenue bonds, interlocal agreements; Policies re officer involved critical incidents, mandatory physical performance standards policies for police officers and firefighters, land use appeals, employment, purchasing, social media & technology

Lectures, Presentations, Workshops: Presenter/Workshop Facilitator/Lecturer on local government leadership, legal, and governance issues for city councils and organizations such as Utah Land Use Institute, ULCT, URMMA, PRIMA, *States Insurance Group*, Utah Department of Public Safety Command College, University of Utah College of Law, UMAA, & IMLA. Examples:

- "Mixed Use Development: Lessons Learned for Public Officials"
- "You Are the Jury: A Mock Trial for Public Officials"
- "Risk Management Accountability Model for Local Government"
- "Volunteer Liability: Is it Worth the Risk?"
- "Local Government Law Office Automation"
- "Development Agreements"
- "Negotiate or Litigate: Your Final Answer Please!"
- "Risk Management for Police Administrators"
- "Group Homes"
- "Transfer of Development Rights: A Practical Approach"

Formal Education

Insurance Institute of America, A.R.M.
University of Pacific, McGeorge School of Law, J.D.
Brigham Young University, B.A.

Salt Lake City, UT | July 1992
Sacramento, CA | May 1982
Provo, UT | August 1979