

**CITY SOLICITOR
CITY OF REHOBOTH BEACH
REQUEST FOR QUALIFICATIONS**

The City of Rehoboth Beach (“City”) is issuing a Request for Qualifications (RFQ) to identify and retain a City Solicitor to represent the City. As a Charter position, the City Solicitor is the Chief legal counsel to the City, which includes the City Commissioners, the City Manager, various City departments, and various City Boards and Commissions, except for the City’s Planning Commission and the City’s Board of Adjustment (each of which has its own independent counsel). The successful candidate will be hired as an independent contractor of the City. This is an exciting opportunity to work on a variety of important issues facing “the Nation’s Summer Capital” as it continues to maintain its small-town beachfront charm consistent with the needs of its residents, property owners, businesses, and visitors.

CITY SOLICITOR—Code of the City of Rehoboth Beach-Charter Section #19.

“The Commissioners shall select and appoint a City Solicitor for an indefinite term who shall be removable at the pleasure of The Commissioners of Rehoboth Beach either with or without due cause stated. The City Solicitor shall be a member in good standing of the Bar of the State of Delaware. It shall be his duty to give legal advice to The Commissioners and other offices of The City and to perform other legal services as may be required of him by The Commissioners.”

REQUIREMENT AND DUTIES:

- The City Solicitor is selected by, reports to, and is evaluated by the Commissioners of the City of Rehoboth Beach (“Commissioners”).
- The City Solicitor shall be a member in good standing of the Delaware Bar and be licensed to practice law before all state Courts in the State of Delaware and the Federal District having jurisdiction over Delaware (or eligible to be admitted to practice before the Federal District Court as soon as practicable).
- The candidate shall have a minimum of three years of legal experience and be licensed to practice law in Delaware for three years – five years of experience representing municipalities and government entities is preferable. The City Solicitor shall serve as an independent contractor of the City.
- Except for the Planning Commission and Board of Adjustment (each of which has its own independent counsel), the City Solicitor will manage all the legal activities and representation of the City. The City Solicitor may utilize other resources in his or her firm and, in consultation with the Mayor and/or City Manager, will retain and manage outside counsel/attorneys that may be required to represent the city in a variety of matters.
- The selected attorney should be familiar with litigation procedures, land use law, real estate law, personnel and labor law, regulatory and election law, and expertise as it relates to city financial activities such as borrowing, bonds, etc., and other areas as needed.
- In his or her role of advice and consultation to the Mayor and the Commissioners, the City Solicitor will regularly prepare for and participate in all City Commission

meetings and workshops. This will include prior review and comment on all legal and legislative matters to come before the Commission, including drafting resolutions, motions, ordinances, and other documents for further action, as well as assisting with reviewing the agenda prior to being published. The Board of Commissioners typically meets monthly in a workshop meeting on the second Monday preceding the regular meeting and the third Friday of each month in a regular meeting. Special meetings are scheduled as needed. Attendance may be required at all meetings of the Board of Commissioners.

- The City Solicitor will also advise the City Manager regularly and continuously on all relevant matters pertaining to City activities. This includes but is not limited to the review of all contracts, all regulatory activities, code interpretation, all leases, and other ongoing matters.
- Upon approval of the City Manager or Mayor, the Directors and Department heads of the City, such as the Planning and Community Development Director, Chief of Police, and others, may seek direct advice from the City Solicitor.
- The City Solicitor is expected to consult regularly with the Building and Licensing Department on matters related to code interpretation and issuance of permits and represent the Building Inspector before the City's Board of Adjustment, Parks and Shade Tree Commission, and Planning Commission when deemed appropriate. For matters requiring the City Solicitor's involvement, the Board of Adjustment usually meets the fourth Monday of each month, the Parks and Shade Tree Commission usually meets the fourth Monday of each month as needed, and the Planning Commission usually meets the second Friday of each month. As stated above, the Planning Commission and the Board of Adjustment each have their own independent counsel.
- The City Solicitor should have adequate familiarity with many of the types of matters in the City Charter (<https://ecode360.com/12119262>) and City Code (<https://ecode360.com/RE0659>), as well as matters addressed in the Delaware Code including those applicable to municipalities (e.g., Title 22 of the Delaware Code, <https://delcode.delaware.gov/title22/index.html>). For example, such matters may involve public infrastructure and property, city services, licensing, zoning, planning and development, personnel and employment, municipal borrowing, public records, election law, ethical standards, and litigation. It is preferable, but not required, that the selected candidate be familiar with and/or have expertise in all of these matters.
- The City Solicitor should have some direct litigation experience and/or should have worked in coordination with litigators on some litigation, whether that is court and/or administrative agency litigation. In the past, when there has been court litigation involving the City, in some instances, the City Solicitor has represented the City (solely or as co-counsel), but in some instances, the City has retained separate litigation counsel. Where the Planning Commission or the Board of Adjustment is a named party to any court litigation, their own respective counsel may be involved in such litigation, and the City Solicitor may or may not be involved. An otherwise strong candidate with an absence of direct litigation experience will not be excluded from consideration.

- Regarding all matters in which the City Solicitor is involved, the City Solicitor (and any other resources authorized to be used and managed by the City Solicitor) must provide a high-quality work product in a timely manner.
- Absent a waiver, the City Solicitor and all counsel utilized on behalf of the City or any of its entities must have no conflict of interest with the business of the city, and shall take all measures to avoid the appearance of a conflict of interest.
- The City Solicitor is expected to be knowledgeable of Chapter 100, Title 29 of the Delaware Code, Freedom of Information Act (FOIA), and the ability to interpret and provide guidance on FOIA compliance and defend the City in any FOIA violation allegations.
- Overall, and in general, the City Solicitor should view the role as providing the City with a proactive legal approach that helps it manage its business and anticipates both long-term and short-term impacts.

SUBMISSION PACKAGE

The Request for Qualifications submission should include at minimum:

- Educational background
- Relevant legal experience, with emphasis on municipal work or related experience
- List of relevant memberships
- Location of office(s)
- What resources - personnel and others - will be made available to support your work as the City Solicitor
- Firm resources to assist if the designated Solicitor is not available
- Any client references you are willing to share with the City
- A statement that there is no conflict of interest between the business of the City and current clients of the firm or disclosure of any conflicts of interest
- Any special skills or expertise that you or your firm may bring to the position of Solicitor
- Compensation Requirements

RECRUITMENT PROCESS AND SCHEDULE

- Due to recent FOIA opinions by the Attorney General's office, the recruitment, review of RFQ submissions, and selection process of a new City Solicitor as an independent contractor must be conducted in an open public meeting.
- The City reserves the right to reject any and all responses to this RFQ.
- The Board of Commissioners is also interested in exploring the option of an in-house City Solicitor as a City employee rather than an independent contractor. If

you prefer this scenario, please apply to the job posting instead of this RFQ process at <https://www.cityofrehoboth.com/employment-opportunities>.

Proposed Schedule

- RFQ will be made available to interested parties.
- RFQ submissions are due Monday after Thanksgiving weekend, December 2nd.
- The City Manager will write an executive summary or cover memo of key points and qualifications to present to the Commissioners.
- A review of submission packages (shortlist) will occur at a special December meeting.
- Interviews occur later that month at a special meeting in December.
- As part of the interview day, a staff evaluation committee made up of key staff that interface with the solicitor on a regular basis would provide additional feedback to the Commissioners for their decision-making process.
- It is expected that the new City Solicitor will begin their services with the City in January - February 2025.

INQUIRIES

- We understand and respect that some candidates/firms require that any questions regarding the opportunity be handled with confidentiality due to their work status (e.g., current engagements with state, local, or federal government; current partner, associate or other position with a law firm; current position within academia or non-profit organization; retired or semi-retired work status).
- If you are in that situation, please contact Taylour Tedder, City Manager, at 302-227-2737 or ttedder@cityofrehoboth.com with any questions.

RFQ SUBMISSIONS

Electronic submission of RFQ responses is preferred. Send your RFQ response by **4:30 p.m. on December 2nd, 2024** addressed to:

City of Rehoboth Beach
229 Rehoboth Avenue
Rehoboth Beach, DE 19971
Attention: Taylour Tedder, City Manager
ttedder@cityofrehoboth.com