



CLEVELAND COUNTY WATER REQUEST FOR QUALIFICATIONS

Subject: District Attorney – Letter of Interest and Statement of Qualifications

Issue Date: November 13, 2024
Contact Info: Cleveland County Water
Post Office Box 8
Shelby, N.C. 28151-0008
Attn: Brad Cornwell, General Manager
All Inquiries: Brad Cornwell, General Manager
(704) 466-3696

INTRODUCTION

Cleveland County Water is a Sanitary District (local government unit) organized under the laws of the State of North Carolina in accordance with Chapter 130A Article 2 Part 2 of the North Carolina General Statutes. Cleveland County Water is seeking letters of interest and statements of qualifications from professional law offices interested in serving Cleveland County Water as primary legal counsel. Letters and statements should be submitted to the Office of the General Manager, Attention: Brad Cornwell, no later than **Friday, December 6, 2024 – 5:00 pm.** Packages received after that time will only be considered at the District's discretion.

BACKGROUND

The District had retained Timothy K. Moore (Tim Moore) including his firm or associates as legal counsel continuously since 2005. Mr. Moore recently notified the Board of Commissioners that he was resigning as District Attorney after nearly 20 years of contractual service. The Board of Commissioners of Cleveland County Water is responsible for appointing legal counsel in accordance with the North Carolina General Statutes.

SCOPE OF WORK

The District Attorney serves as primary legal counsel to the Chairman and Board of Commissioners of Cleveland County Water and will perform and assist with duties as outlined in the Corporate Powers of a Sanitary District as outlined in North Carolina General Statute 130A-55. The services provided by the District Attorney are not limited to the enumerated duties found in this section. The District Attorney works closely with the General Manager and Department Directors providing legal advice and direction in a variety of district operational and policy matters. The following expectations should be considered when submitting a letter of interest and statement of qualification.

- **NC Local Government/Municipal Law Experience** – It is the preference of the Board of Commissioners that submitting firms possess experience in the practice of NC local government/municipal law. However, it is not required and all submitting firms will be duly considered based upon their qualifications.
- **Firm Resources** – It is the preference of the Board of Commissioners that submitting firms possess the resources to adequately serve the District in the variety of areas that require legal services. Firms demonstrating the capacity to perform multiple tasks in a timely and efficient manner will receive strong consideration.
- **Board of Commissioners Meeting Attendance** – It is the expectation of the Board of Commissioners that the District Attorney or a District approved designee will attend all regular and special meetings of the Board of Commissioners unless otherwise excused from these meetings by the Board of Commissioners. It is also expected that the District Attorney may from time to time be requested by the General Manager to attend other district related meetings or business.

THE PROCESS

The following is a general description of the process by which a firm will be selected to serve as District Attorney.

- 1.) Request for Qualifications issued to prospective firms.
- 2.) Letters of Interest and Statements of Qualifications will be received from each firm in a sealed package. The original must be signed and dated by an official authorized to submit on behalf of the firm. Unsigned packages will not be considered.
- 3.) All packages must be received by Cleveland County Water not later than the date and time specified on the cover sheet of the RFQ.
- 4.) Each response will be reviewed by the General Manager and then will be submitted to the Board of Commissioners for consideration.
- 5.) Firms should be aware that this is a request for letters of interest and statement of qualifications, not a request for contract. The Board of Commissioners of Cleveland County Water reserves the right to select the most qualified firm based upon the information received.

Submitting firms should be aware that the relationship between the District and the District Attorney is contractual in nature. A separate contract specifically addressing the responsibilities of each party will be negotiated and must ultimately be approved by a majority vote of the Board of Commissioners.

SUBMITTAL INFORMATION

Submitting Firm: _____

Address: _____

City, State, Zip: _____

Telephone # : _____

By: _____
(Signature)

Title: _____

(Typed or printed name)

Date: _____

Sample duties of the District Attorney

- (1) Prosecute and defend suits against the district as necessary: such as
 - a. EEOC claims against the district;
 - b. Small claims;
- (2) Advise the Chairman, Board of Commissioners, or any officer of the district in regard to matters connected with the district's business;
- (3) Attend all meetings of the Board of Commissioners when requested to do so;
- (4) Draw, review, approve and execute such deeds, contracts, bonds, notes and other legal papers as may be required for the proper conduct of the district's business;
- (5) Approve all ordinances as to form before their passage;
- (6) Advise nonofficer employees;
- (7) Advise on bankruptcy matters;
- (8) Perform title searches;
- (9) Knowledge of construction contract law, NC Public Water Supply and Environmental Law are all preferred; and,
- (10) Other matters as assigned by the Board of Commissioners