



P.O. Box 46  
Kotzebue, Alaska 99752

City Hall  
(907) 442-3401

Police Dept.  
(907) 442-3351

Fire Dept.  
(907) 442-3404

Public Works  
(907) 442-3401

## Request for Proposals (RFP)

### Legal Services Contract: October 2024- October 2027

The City of Kotzebue is seeking proposals from qualified law firms or individual attorneys to provide legal services for a three-year term. The selected firm or attorney will act as the City's legal representative and advisor, offering counsel on a variety of legal matters pertinent to municipal governance.

The scope of legal services includes, but is not limited to:

- General municipal law advice and representation.
- Drafting and reviewing ordinances, resolutions, contracts, and other legal documents.
- Attendance at City Council meetings and other meetings as requested.
- Providing legal opinions and interpretations of federal, state, and local laws.
- Representation in civil litigation and administrative proceedings.
- Advising on labor and employment law matters.
- Advising on land use, zoning, and environmental law issues.
- Advising on public finance and bond issuance.

### Proposal Requirements

#### 1. Firm/Attorney Overview:

- a. Name, address, and contact information.
- b. Brief history and overview of the firm or attorney's practice.
- c. Areas of specialization and expertise.

#### 2. Qualifications:

- a. Description of the firm or attorney's experience with municipal law.
- b. Resumes of key personnel who will be assigned to the City's account.
- c. Examples of similar work performed for other municipalities.

#### 3. Approach:

- a. Outline of the approach to providing legal services to the City.

#### 4. Fee Structure:

- a. Detailed explanation of the proposed fee structure, including hourly rates for attorneys and support staff.
- b. Any alternative fee arrangements or retainer proposals.

## 5. References:

- a. Contact information for at least two municipal clients who can provide references.

## Submission Guidelines

- **Bid Opening:** August 9, 2024
- **Deadline for Submission:** September 26, 2024
- **Submit To:** [customerservice@kotzebue.org](mailto:customerservice@kotzebue.org)
- **Contact for Questions:** Tessa Baldwin, City Manager, [tbaldwin@kotzebue.org](mailto:tbaldwin@kotzebue.org), 907-442-3401. All questions regarding this RFP will be posted the following Monday.

## Evaluation Criteria

Proposals will be evaluated based on the following criteria:

1. Relevant experience and qualifications within Rural Alaska.
2. Comprehensiveness and clarity of the proposed approach.
3. Demonstrated success in similar legal experiences.
4. References and previous client feedback.
5. Knowledge of Rural Alaska.

## Selection Process and Timeline

The City Manager will collect the RFP submissions and store them in a secure area. These submissions will then be presented to the City Council in early October during an executive session. Once a bid is selected, the lobbying firm will be notified, and the chosen firm will be confirmed by resolution on October 17, 2024.

- **RFP Issued:** August 9, 2024
  - **Proposals Due:** September 26, 2024
  - **Council Selection:** October 4, 2024
  - **Contract Sent for Resolution Approval:** October 17, 2024
  - **Contract Start Date:** October 2024
-

# SMITH + MALEK

ATTORNEYS

ROBERT B. LUCE  
Attorney at Law  
rob.luce@smithmalek.com  
Admitted in Idaho, Alaska, Oregon and Washington

September 16, 2024

Via U.S. Mail

Tessa Baldwin, City Manager  
City of Kotzebue  
P.O. Box 46  
Kotzebue, Alaska 99752

Re: RFP for Legal Services Contract: October 2024 - October 2027

Dear Ms. Baldwin,

My name is Robert Luce. As you may recall from a prior letter of interest/introduction, I grew up in rural Southeast Alaska (Wrangell). I am the Borough Attorney for the City and Borough of Wrangell under a comprehensive four-year contract and have a part-time residence in Wrangell. This background and experience has given me hands-on familiarity with many of the issues and challenges that rural communities face in Alaska.

As you will see from my attached resume and proposal, I have a broad range of experience (general municipal law, land use, water, transactional, human resources, code enforcement/compliance, public safety, governance, and code writing to name a few) which includes serving as the former City Attorney for the City of Boise, Idaho from 2014 to 2018.

Please consider this letter, my resume, and the attached submittal as a formal response to the City's RFP for municipal legal services.

Thank you in advance for your kind attention to my submission.

Very truly yours,



ROBERT B. LUCE  
Attorney at Law

# SMITH + MALEK

ATTORNEYS

Proposal for Municipal Legal Services  
City of Kotzebue, Alaska

**CONFIDENTIAL**

September 16, 2024

## **Introduction**

Thank you for considering this proposal from Smith + Malek, PLLC (“Smith + Malek”) for municipal legal services. We welcome the opportunity to serve the City of Kotzebue and believe our team will fit in well with yours.

## **Firm Practice Areas**

In addition to our general business, real estate, and healthcare practice, our local government team has vast experience in all aspects of municipal law, including all of the services set forth in the RFP’s scope of services:

- General municipal law advice and representation.
- Drafting and reviewing ordinances, resolutions, contracts, and other legal opinions.
- Attendance at City Council meetings and other meetings as requested.
- Providing legal opinions and interpretations of federal, state, and local laws.
- Representation in civil litigation and administrative proceedings.
- Advising on labor and employment matters.
- Advising on land use, zoning, and environmental law issues.
- Advising on public finance and bond issuance.

## **Providing the Most Value to Your Team**

At Smith + Malek, our priorities are to provide clarity to our clients, help mitigate risks, and handle issues that arise in a way that reduces conflict and expense. We work as a team and have found that creative solutions are a natural product of our environment. Because we have numerous attorneys with a wealth of varied knowledge, if you choose to work with us, we will provide service that surpasses that which a single attorney can provide.

## **Meet Our Local Government Team**



Rob Luce will be your main contact for legal services and is the proposer for purposes of this RFP. He is a member in good standing of the Alaska Bar Association and is qualified to represent the City in all state of Alaska courts and in the District of Alaska. He has more than four decades of professional experience that spans private practice (litigation and general business/real estate), lumber manufacturing (V.P. and general counsel), and state and local government (Deputy Attorney General and the City Attorney for the City of

Boise, Idaho).

Rob grew up in rural Southeast Alaska (Wrangell) and is licensed to practice law in Idaho, Oregon, Washington, and Alaska. In that capacity, he advises clients across the Pacific Northwest on regulatory compliance issues, as well as general contract, human resources, and related business issues. Rob is the Borough Attorney for the City and Borough of Wrangell under a comprehensive four-year contract. He has a part-time residence in Wrangell and visits his

hometown regularly. This background and experience has given Rob hands on familiarity with many of the issues and challenges that rural communities face in Alaska.

Rob served as the City Attorney for Boise from 2014 to 2018. As a working City Attorney, Rob was the executive and administrative head of the City's legal department. He actively led the code writing and transactional practice teams.

Prior to serving as Boise City's chief legal officer, Rob served as the Department of Health and Welfare's Administrator of the Division of Family and Community Services (child protection and services for the developmentally disabled). In these roles, Rob gained significant experience with respect to state and local government and engaging with the various administrative processes.



Kimberly Smith specializes in municipal and local governance law, land use, and general business matters. Prior to joining Smith + Malek, Kim led the Public Safety Division of the Boise City Attorney's Office, where she oversaw all of the city's litigation as well as provided legal services and counsel to elected officials and police and fire department leadership. Kim previously served as a prosecutor in both Idaho and California, where she handled an extensive caseload of felonies, misdemeanors, juvenile offenses, and appeals. Kimberly is licensed to practice law in Idaho, California, Washington (pending), and Alaska (pending).

### **Hourly Rates and Proposed Governmental Rates**

The following are the typical hourly rates for the attorneys listed above: Rob Luce: \$475 and Kim Smith \$375.

We find that many non-profit organizations, and state, local, and tribal governments, prefer a fixed rate for all attorneys. Feedback from our clients indicates that this is the best value, which also coincidentally aligns with the RFP. Our proposed governmental rate for the City of Kotzebue is \$275 per hour. Travel time for all City Council meetings will be billed at a 50% discount or \$138 per hour in recognition of the fact that productivity may be negatively impacted during travel and in-flight.

### **Conclusion**

It should go without saying that we would be honored to provide legal services to the City of Kotzebue. We look forward to the opportunity to work with you and thank you for taking the time to consider our proposal. Please do not hesitate to contact Rob with any questions. He can be reached via email at [rob.luce@smithmalek.com](mailto:rob.luce@smithmalek.com) or via phone at 208-473-7009. Rob's cell phone number is 208-412-7492.

Respectfully submitted this 16th day of September, 2024.  Robert B. Luce, Attorney

## Statement of Qualifications

1. As set forth in their respective resumes, Rob and Kim have a wide range of experience that will be highly beneficial to the City of Kotzebue. Rob has provided services in nearly every possible sector and area of law over the course of his career including private practice, corporate counsel, state government, municipal government, and the private sector working for and with non-profit health care centers. Rob is licensed to practice law in Alaska, Idaho, Washington, and Oregon.
2. Kim is an accomplished prosecutor and has provided civil legal counsel to various municipal department heads, with a focus on public safety clients. She also has significant risk management and municipal land use experience. Kim is licensed in California, Idaho, Washington (pending) and Alaska (pending).
4. Rob and/or Kim were heavily involved in the following cases while he was the City Attorney for Boise:
  - *Martin v. City of Boise*, 140 S. Ct. 674 (2019) defense of anti-camping ordinance.
  - *Rossmann v. City of Boise*, defense of a tort claim alleging the City was negligent in issuing a building permit for a multi-million-dollar home that slid down a hill and was condemned.
  - *Bedard and Musser v. City of Boise City*, 403 P.3d 632 (Idaho 2017) disputed easement.
  - *James v. City of Boise*, 160 Idaho 466 (Idaho 2015) defense of excessive force claim.
  - *State of Idaho v. Connor Neil Wolf*, CR-FE-2015-16885 prosecution of a felony domestic battery with traumatic injury.
  - *Highlands Cove v. The City of Boise*, CV-OC-2016-05440 defense of Boise City's land use decisions on judicial review.
5. In terms of general municipal law and drafting and reviewing ordinances, resolutions, contracts and other legal documents, Rob led the code writing team at the City of Boise. Major accomplishments included: rewriting city code pertaining to business licensing, day-care, and e-bike/e-scooters. This included drafting and presenting on multiple ordinances and resolutions. Rob and Kim were also involved in preparing and reviewing the City Council's weekly agenda packet which exceeded 500 pages covering consent agenda, resolutions, ordinances, public hearings, appeals, and executive session. This task was a weekly refresher course on the myriad of issues that are challenging for municipalities. They both directed, advised, and drafted many, many legal opinions on a myriad of state, federal, and local issues.

Kim handled public records requests for the City of Boise from 2018 until her coming over to Smith + Malek. Rob performed that same service for the Idaho Department of Health and Welfare from 2006 to 2010 as a deputy attorney general. Both are very familiar with the rules, regulations, and law pertaining to open meetings, public records, and applicable codes of conduct. Rob advised the Clerk's Office which included code enforcement including parking, noise, and animal control.

Rob and Kim are both knowledgeable in the area of land use and zoning, including the process and procedure involved with historic preservation districts, plats, design review, permitting, and appeals. Rob worked with Boise's Planning and Zoning Department on large scale projects like the Boise Sports Stadium (abandoned by a new administration) and low income housing projects for the homeless and veterans, which involved complex financing and bonding issues. He was also instrumental in negotiating an extensive expansion of a large regional hospital that involved vacating a major arterial in downtown Boise. He worked directly with Boise's downtown redevelopment agency on major real estate/development projects during his tenure as the Boise City Attorney, all of which implicated the acquisition and disposition of public property that had to comply with purchasing, sales, and municipal tax laws. In addition, Rob worked with department heads to ensure procurement rules and regulations were followed in the course of leasing or purchasing such things as police cars and fire trucks.

With respect to labor and employment matters, Rob represented the City of Boise in two distinct contract negotiations with the police and fire and was involved in numerous strategy sessions over public employee labor grievances. Kim advised Boise's Police and Fire Departments on a daily basis with respect to labor negotiations, employment matters, policy drafting, contract negotiations, and the various general legal matters that arise in a municipal setting. Both Rob and Kim, actively engaged in consultation with Boise's Human Resources Department.

Kim led the Public Safety Division while at the City of Boise and advised Boise Police Department Command Staff on a daily basis with respect to the complex laws and issues that police departments regularly face. This included advice on executing and obtaining warrants, excessive force, risk management, Police Academy training, contract drafting and negotiation, procurement, and labor and employment matters. She is very knowledgeable in these areas of the law.

### **Conflicts**

There are no matters or cases where Smith + Malek represents an individual or an entity with interests potentially adverse to the City.

### **Availability**

If we are successful, the City will be Rob's primary municipal client in the Northwest Artic Borough. He or one of the other local government team members will be available during normal business hours Monday through Friday. We are dedicated to providing excellent customer service, which includes being available, sticking to deadlines, and working to accommodate the City's schedule to every extent possible. In most cases, we will return calls or inquiries the day they are received. After hours calls, texts, and emails will be returned the following day. Services will be delivered by Rob and Kim from our Boise, Idaho office. We don't envision any change in availability for the foreseeable future.



## **Disclosure**

There are no known significant prior or ongoing contract failures, contract breaches, civil or criminal litigation or bar association investigations which involve Rob, the proposer, as a party or in which Rob has been judged guilty or liable or sanctioned.

## **Fee Schedule**

Our proposed flat governmental rate is \$275 per hour. Travel time for all Council meetings will be billed at a 50% discount or \$138 per hour in recognition of the fact that productivity may be negatively impacted during travel and in-flight.

## **Municipal Experience**

In addition to their service at Boise City, Rob and/or Kim provided a variety of legal services to the following counties and municipalities pursuant to contracts that are in the public domain:

- Wrangell, Alaska
- Garden City, Idaho
- Eagle, Idaho
- Meridian, Idaho
- Ada County, Idaho
- Canyon County, Idaho

## **References**

- Honorable David H. Bieter, Mayor of the City of Boise (2004-2020)
- Denis Doan, Fire Chief, Gig Harbor Fire & Medic One (formerly Fire Chief Boise City 2008-2020)

Respectfully submitted this 16<sup>th</sup> day of September 2024.

  
Robert B. Luce, Attorney



## Robert B. Luce

208-412-7492 - cell  
rob.luce@smithmalek.com

Rob is an attorney with Smith + Malek, Boise, Idaho. In that capacity he provides counsel (transactional, contracting, compliance, and HR) to federally qualified health care centers, non-profits, individuals, and governmental entities across the Pacific Northwest and Intermountain West, including the state of Alaska.

Prior to coming out of retirement he was the City Attorney for Boise City. As the City Attorney he served as the chief legal advisor to the mayor and council. Rob actively led the transactional/contract, labor, and code writing teams. Major accomplishments included: rewriting city code pertaining to business licensing, day-care, and e-bikes/e-scooters. He was instrumental in drafting and negotiating multiple major property transactions.

**HULA PROPERTIES, LLC – May 2005 to present.** As manager, Rob owns, manages, and restores historic rental properties in Boise's North End.

**TERRY REILLY HEALTH SERVICES – December 2018 to December 2020.** Rob provided in-house legal services and established the first corporate counsel role for TRHS. In that time, he was instrumental in training medical professionals and writing policies and procedures, including HIPPA, informed consent, and mandatory reporting, among many others.

**BOISE'S CITY ATTORNEY – October 2014 to October 2018.** In that capacity he served as the City's chief legal advisor and senior partner of the third largest municipal law firm in the Pacific Northwest. In addition to restructuring the office with an emphasis on improving the quality of legal services provided, as a working city attorney, Rob was responsible for state, federal, and local compliance, including HIPPA, open meetings, public records, and ethics in government. He was instrumental in devising multiple organizational property wins for the community, such as the fair housing projects known as Adar Manor and Housing First.

**DEPUTY ATTORNEY GENERAL AND ADMINISTRATOR – December, 2006 to July 31, 2014.** As a deputy attorney general, Rob served as general counsel to the Division of Behavioral Health, the Division of Family and Children's Services, the Board of Catastrophic Health Care Cost Program (medically indigent), and the Idaho State School and Hospital. As Administrator, Mr. Luce was the executive and administrative head of the division, which employed more than 800 individuals, with an annual budget of approximately \$95 million dollars.

**PRIVATE SECTOR - Idaho Timber Corporation, Boise, Idaho – June 1996 to December 2006. Hall, Farley, Oberrecht & Blanton, Boise, Idaho – January 1988 to June 1996. Karr Tuttle, Seattle, Washington – January 1987 to December 1987. Moffatt, Thomas, Barrett and Blanton, Boise, Idaho – December 1982 to December 1986.** As a litigation trial attorney and partner, Rob handled complex civil litigation (professional malpractice defense) from discovery through trial. As the first general counsel for Idaho Timber, he established the role of

in-house legal counsel and handled every conceivable matter – litigation, contracts, governmental relations and lobbying (largest trade dispute with Canada), worker's compensation, employment, human resources, acquisitions, real estate, planning and zoning, risk management, insurance, OSHA, wage and hour, immigration and labor and tribal relations.

**PROJECT HAITI** – June 1996 to present. Rob established a 501 (c) (3) non-profit corporation for the purpose of fund raising and supporting the growth and development of a regional hospital in Port-au-Prince, Haiti. Over the last 28 years, he and Betsy have worked with St. Alphonsus and its Foundation to successfully develop a network of regular physician led team missions to Haiti which includes an annual fund-raising event in Boise.

**PERSONAL** - Rob was raised in Wrangell, Alaska. He married his high school sweetheart Betsy Bryson. They have two children, ages 31 and 27, both of whom were adopted from Haiti; one adorable Frenchie named Spud; 20+ fresh water pond fish, and one German riding pony. Rob enjoys cooking, golf, fly fishing, and snow skiing.

### **EDUCATION AND PROFESSIONAL MEMBERSHIP**

Juris Doctorate, University of Idaho, Moscow, Idaho – Rank 5 of 93

B.A. Foreign Language (Spanish)/Political Science, Seattle University, Seattle, Washington – 12 months' study abroad in Mar del Plata, Argentina

Wrangell High School, Wrangell Alaska - valedictorian

State Bar Memberships – Alaska, Idaho, Oregon, and Washington

# KIMBERLY E. SMITH

6177 North Cape Arago Place  
Garden City, Idaho 83714  
208.949.9162  
kimberlyerinasmith@gmail.com

## EXPERIENCE

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**Attorney • *Smith + Malek, PLLC* • Boise, ID • 2024 – present**

Advises clients on strategies to navigate the legal system, specializing in Real Estate, Business, Employment, Administrative and Regulatory Law, and Municipal Law.

**Public Safety Division Senior Manager • *Boise City Attorney's Office* • Boise, ID • 2017 – 2024**

Supervised a team of attorneys and staff representing Police, Fire, Human Resources, and Litigation; advised department leadership, the Mayor's Office, and City Council on legal issues including contracts and regulatory law, labor negotiations, arbitrations, employment matters, police oversight, risk management, emergency preparedness, litigation, constitutional issues, and general business matters.

**Deputy City Attorney • *Boise City Attorney's Office* • Boise, ID • 2015 – 2017**

Prosecuted misdemeanors and conflict felonies; drafted search warrants and provided on-call legal advice to law enforcement officers; screened and filed criminal cases; drafted and argued appellate briefs; liaised with the courts and community stakeholders; and trained law enforcement officers as a Peace Officers Training and Standards (POST) Academy instructor.

**Deputy Public Defender • *State Appellate Public Defender's Office* • Boise, ID • 2013 – 2015**

Drafted appellate briefs and argued criminal appellate issues in the Idaho Supreme Court and Idaho Court of Appeals.

**Deputy District Attorney • *Santa Clara County District Attorney's Office* • San Jose, CA • 2010 – 2013**

Prosecuted felony and misdemeanor cases from initial review and filing through pre-trial hearings, discovery, trial, sentencing, and subsequent proceedings; drafted and argued appellate briefs; handled motions to set aside convictions, petitions for rehabilitation and pardon, and motions to suppress evidence.

**Provisional License Attorney • *San Francisco District Attorney's Office* • San Francisco, CA • Fall 2009**

Conducted preliminary hearings; researched, drafted, and argued motions; interviewed and prepared victims and witnesses.

**Legal Extern • *U.S. Army Corps of Engineers, Office of Counsel* • San Francisco, CA • Summer 2009**

Advised senior attorneys on issues of employment, regulatory, and contracts law; prepared materials for litigation and assisted in depositions.

**Legal Extern • *Campbell & Jayne, LLP* • San Francisco, CA • Summer 2008**

Researched and drafted pre-trial and post-trial motions on federal and state criminal issues; conducted client interviews; assisted in court proceedings.

## EDUCATION

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**University of California, Hastings College of the Law**, San Francisco, CA • Juris Doctor, 2010

- Criminal Law Concentration
- Moot Court: Best Oral Advocate, Board Member, Coach
- *Hastings Science and Technology Journal*: Senior Editor, Founding Member

**Boston University** • Boston, MA • Bachelor of Science, Communication, *summa cum laude*, 2007

**University of Oxford** • Oxford, England • Honors Program for British History, Law, and Politics, 2006

## ASSOCIATIONS AND COMMUNITY SERVICE

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Idaho State Bar – Bar No. 9150

State Bar of California – Bar No. 271334

Garden City Planning and Zoning Commission • Commissioner

Giraffe Laugh Early Learning Centers • Board Member

Idaho Academy of Leadership for Lawyers • Class of 2019

Idaho Shakespeare Festival • Volunteer

Law-Related Education Program • Presenter

DUI In Schools Program • Presenter

High School Mock Trial • Judge

Organized Retail Crime Association of Idaho (ORCAID) • Presenter

**Joseph W. Evans**  
**Response to RFP for Legal Services**  
**City of Kotzebue**

**Pursuant to City of Kotzebue Resolution 24-45, dated August 1, 2024 and RFP  
for Legal Services Contract, August 9, 2024**

**[Bid Opening: August 9, 2024 / Deadline for Submission: September 26, 2024]**

**Submitted on Saturday, September 21, 2024 to**

**[customerservice@kotzebue.org](mailto:customerservice@kotzebue.org)**

**Introduction**

The City Council passed Resolution 24-45, entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KOTZEBUE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO FINALIZE AND PUBLISH A REQUEST FOR PROPOSAL (“RFP”) FOR LEGAL SERVICES FOR THE THREE-YEAR PERIOD OF CY2025, CY2026 AND CY 2027, dated August 1, 2024. This Resolution extended my present contract *nunc pro tunc* with the City of Kotzebue through December 31, 2024. See, fifth WHEREAS which provided, “[T]he current City Attorney has served in that position since 1999 and since his contract expired on June 30, 2024, the City Council *nunc pro tunc* extends his contract for six months for the period July 1, 2024 to December 31, 2024, so that any future contracts for City Attorney services shall be on a calendar year basis.” Therefore, this Response is to provide legal services to the City of Kotzebue for CY2025, CY2026 and CY2027 as stated in Resolution 24-45.

**Resume**

I came to Alaska with my family in 1966 and lived in Alaska (Anchorage and Fairbanks) from 1966 to 1998 and moved to Washington State in 1999. I now live in Bremerton, Washington -- on the west side of Puget Sound, in Kitsap County.

**Joseph W. Evans**

**Response to City of Kotzebue RFP for Legal Services for the three-year period CY2025, CY2026 and CY2027**

**Page 1 of 9**

I enlisted in the United States Marine Corps following high school and served in the Marine Corps from 1967 to 1970. I was in Vietnam from June 1968 to July 1969 with the 2nd Battalion, 27th Marine Regiment and 1st Armored Amphibian Company, 11th Marine Regiment, 1st Marine Division. I was honorably discharged as a Sergeant (E-5) in September 1970.

I received my B.A. in political science from the University of Kentucky in three years (1970-1973) and graduated Phi Beta Kappa in May 1973. I then attended Duke Law School from 1973 to 1976. (I used the GI Bill for my undergraduate degree and the first year of law school.) I returned home to Alaska in June 1976.

I was admitted to practice law in Alaska in 1976. I worked at the Law Offices of Murphy L. Clark from 1976 to 1977 and, then, at Birch, Horton, Bittner and Cherot, in Anchorage and Fairbanks, from 1977 to 1998. I served as managing partner at Birch, Horton from 1984 to 1988. I am, also, admitted to practice law in Washington State (2000).

I was admitted to practice before the U.S. District Court - Alaska and the Ninth Circuit Court of Appeals in 1977; the D.C. Court of Appeals and U.S. Supreme Court in 1984; the U.S. Court of Appeals for Veterans Claims in 1999; and, the U.S. District Court - Western District of Washington in 2000.

I served two terms on the Anchorage Municipal Assembly (and did not run for a third). I was on the Board of Directors of the Alaska Municipal League from 1985 to 1991. I have served, continuously, on the Board of Trustees of the AMLJIA since it was found in 1988. I am presently also serving on the AMLJIA/APEI Consolidation Committee.

**Joseph W. Evans**

**Response to City of Kotzebue RFP for Legal Services for the three-year period CY2025, CY2026 and CY2027**  
**Page 2 of 9**

As noted below, I am currently City Attorney for the City of Kotzebue, City of Nuiqsut and City of King Cove. I have also served as a consultant and contract attorney for the City of Fairbanks, City of Kiana, City of Palmer, City of Pilot Point and City of Unalakleet.

Finally, for the past ten years, I have taught City Clerks from Alaska at the Northwest Clerks Institute (sponsored by Washington State University) at the University of Puget Sound in Tacoma, Washington. I will teach this class, again, in June 2025. (Each year, approximately 20-30 Alaska City/Borough Clerks participate in this class.)

### **Municipal Cases**

A list of some of the municipal cases I have handled are as follows:

#### **Reported Cases**

WPTV, Inc. v. City of Petersburg, 1984 WL 908369 (Alaska, Feb. 1, 1984)

City of Fairbanks v. Amoco Chemical Co., 1995 WL 15591 (9th Cir., January 13, 1995)

City of Fairbanks v. Amoco Chemical Co., 952 P.2d 1173 (Alaska 1998)

FFFA, Local 1324 v. City of Fairbanks, 48 P.3d 1165 (Alaska 2002)

City of Kotzebue v. Lane, 2004 WL 1535165 (Alaska, July 7, 2004)

Randall v. City of Fairbanks, 352 F.Supp.2d 1028 (D. Alaska 2005)

Randall v. Williamson, 211 Fed.Appx. 565 (9th Cir. 2006)

City of Kotzebue v. State of Alaska, 166 P.3d 37 (Alaska 2007)

Russell v. City of Kotzebue, 258 P.3d 795 (Alaska 2011)

Brown v. City of Kotzebue et al., 2024 Alaska Supreme Court, S18360, MOJ (August 16, 2023)

City of Kotzebue et al. v. Outwater, Alaska Supreme Court, S19134, PforR (September 4, 2024)

#### **Trial Court Cases**

Wilfred Lane v. City of Kotzebue, 2KB-95-50CI  
(trial after remand from Supreme Court in 2001)

**Joseph W. Evans**

**Response to City of Kotzebue RFP for Legal Services for the three-year period CY2025, CY2026 and CY2027**

**Page 3 of 9**



Melton v. City of Kotzebue, 2KB-00-75CI

Tia Wakolee v. Reid Hermann and City of Kotzebue, 2KB-01-254CI

Roberta Carter v. City of Kotzebue, 2KB-02-175CI

City of Kotzebue v. State of Alaska, 2KB-03-66CI

Russell v. City of Kotzebue, 2KB-05-23CI

Henry v. City of Kotzebue, 2KB-05-43CI

Johnson v. City of Kotzebue et al., 2KB-05-107CI

KIC Construction v. City of Kotzebue et al., 2KB-05-115CI

Weibl v. City of Kotzebue, 3CO-05-14CI

Allen v. City of Kotzebue, 2KB-06-134CI

Viveiros v. City of Kotzebue, 2KB-06-159CI

Karmun v. City of Kotzebue et al., 2KB-06-185CI

Page v. City of Kotzebue, 2KB-07-76CI

Allen v. City of Kotzebue, 2KB-08-185CI

Lloyd Thomas v. City of Kotzebue, 2KB-09-223CI

Shroyer-Beaver v. City of Kotzebue, 2KB-10-69CI

Jolma v. City of Kotzebue, 2KB-12-34CI

Richards v. City of Kotzebue, 2KB-12-108CI

Reed v. City of Kotzebue et al., 2KB-14-13CI

Kayotuk v. North Slope Borough School District, 2BA-15-259CI

Cleveland v. City of Selawik, 3AN-17-05874CI

Eklund v. City of Kotzebue, 2KB-17-46CI

Brown v. Slease [KPD Police Officer], 2KB-17-66CI

Outwater v. City of Kotzebue et al., 2KB-22-00276CI

Clement Richards, Jr. v. Kotzebue Police Department, 2KB-24-00006CI

Joseph W. Evans

Response to City of Kotzebue RFP for Legal Services for the three-year period CY2025, CY2026 and CY2027

Page 4 of 9

## **Level of Experience**

In Kotzebue, Nuiqsut and King Cove, I work with the respective City Manager and City Administrator to draft ordinances and resolutions for presentation to the City Council. In Kotzebue, I have worked with the City Manager, City Planner, Chief of Police and Public Works Director on ordinance enforcement and zoning/land use regulation. Public employee labor law has been a significant part of my practice with those municipalities, as well as the City of Fairbanks.

Kotzebue has a 6% sales tax, 12% bed tax and a tobacco excise tax. Nuiqsut has a 12% bed tax and a tobacco excise tax. These communities use the ITB, RFP and RFI processes for their procurement needs. Contracts with successful bidders, as well as MOAs with other local entities, are also part of my practice.

I have handled numerous cases for police, fire and emergency medical operations including, among others, excessive force cases, §1983 claims and negligent firefighting.

Each of the communities I presently represent has disposed of public property -- real and personal -- over the years (or is considering such disposal at this time). I work with the Kotzebue Planning Commission on land management issues and, a few years ago, prepared a subdivision code and subdivision regulations for Kotzebue. I consult with the City Administrator in King Cove and City Administrator in Nuiqsut on land management matters, as well.

Grants through ADEC, USDA/RD, AEA, NPR-A and USACE are an important part of projects in all of the communities. I work closely with these granting agencies and the City Administrations on these matters.

**Joseph W. Evans**

**Response to City of Kotzebue RFP for Legal Services for the three-year period CY2025, CY2026 and CY2027**  
**Page 5 of 9**

I have also worked with ADEC (and the private contractor, Stantec, in Anchorage) on spill clean-ups for Kiana and Pilot Point.

### **Conflicts**

I have no matters and/or cases that currently represent a conflict with/are potentially adverse to the City of Kotzebue and I would not undertake any such work if I were retained as General Counsel for the City of Kotzebue.

### **Availability**

I am available 24/7, 365 days by text, phone and/or Internet for my clients. I pride myself on efficient, effective case management. I work out of my office in Bremerton, Washington and my daughter's home in Anchorage. Currently, I travel within the State of Alaska approximately one to two weeks per month.

### **Disclosure**

I have no prior or ongoing contract failures of any kind -- no contract breaches of any kind, no civil or criminal litigation of any kind against me, no Bar Association investigations of any kind and have never been judged guilty or liable, or sanctioned.

### **Approach**

I pride myself on being pro-active with my legal advice to my clients. That is, I try to avoid protracted legal matters that can be costly to my municipal clients. However, if litigation is necessary, I am prepared to vigorously pursue such. I work closely with my municipal clients to be fully informed of their respective needs and address those promptly. As noted above, I am not an 8am-5pm municipal attorney!

**Joseph W. Evans**

**Response to City of Kotzebue RFP for Legal Services for the three-year period CY2025, CY2026 and CY2027**  
**Page 6 of 9**

## **Fee Structure**

I will be the only attorney providing legal services to the City of Kotzebue. My hourly rate for the City of Kotzebue from 1999 to 2007 was \$110.00 per hour for Attorney Time. From 2008 to the present my hourly rate for the City of Kotzebue has been \$150.00 per hour for Attorney Time. If I am selected to provide legal services for CY2025, CY2026 and CY 2027 to the City of Kotzebue my fee structure will remain the same as it has been since 2008:

### Hourly Rates

\$150.00 per hour for Attorney Time

\$ 75.00 per hour for Paralegal Time

### Travel Costs

No charge for time while traveling for City business. Other travel costs and expenses are billed at cost -- with airfare and ground transportation costs split amongst other clients whenever possible to minimize costs to any one client.

## **Municipal Experience**

**City of Kotzebue (1999 to Present):** Ordinance and resolution drafting, ordinance enforcement, public records law, zoning and land use regulation, public employee labor law, municipal sales tax, tobacco excise tax, municipal procurement and contract law, laws and litigation related to police, fire and emergency medical operations, acquisition and disposal of public property, land management, ANCSA/ANILCA, ADEC / EPA / USDA-RD / ANTHC / SRF / Denali Commission / NANA VEI / NWAB VIF grants, police excessive force, small boat harbor, municipal-owned liquor store. [Contact Person: Tessa Baldwin, City Manager]

**City of Nuiqsut (2008 to Present):** Ordinance and resolution drafting, ordinance enforcement, public employee labor law, tobacco excise tax, municipal procurement and contract law, disposal

Joseph W. Evans

Response to City of Kotzebue RFP for Legal Services for the three-year period CY2025, CY2026 and CY2027

Page 7 of 9

of public property, NPR-A grants, early-learning center, oil company relations, oil company grants. [Contact Person: Jeremy Kasak, Office Manager]

**City of Pilot Point (2014 to 2018):** Ordinance and resolution drafting, public employee labor law, municipal procurement and contract law, disposal of public property, AEA Renewal Energy Grants, PPTC Seafood processing plant, ADEC clean-up. [Contact Person: Lori Ann Abyo, former City Manager]

**City of Fairbanks (2002-2011 and 2016-2017):** ALRA, public employee contracts, public employee discharge. [Contact Person: Paul Ewers, former City Attorney]

**City of Palmer (2013):** Conflict of interest matter. [Contact Person: former Finance Director, Esther Greene]

**City of Unalakleet (2016):** USACE/River Revetment Project/Authorization for Entry -- brief, one-time matter. [Contact Person: Shannon Hough, former Administrator and former Noele Weemes, Grant Administrator]

**City of King Cove (2024):** general City Attorney legal services [Contact Person: Garry Hennigh, City Administrator]

## References

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Joseph W. Evans  
Response to City of Kotzebue RFP for Legal Services for the three-year period CY2025, CY2026 and CY2027  
Page 8 of 9

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### Conclusion

I would be honored to continue to serve as the City Attorney for the City of Kotzebue for CY2025, CY2026 and CY2027 if selected by the Review Committee.

Respectfully,

  
Joe Evans, City Attorney

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