



**Bernstein, Shur,
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September 20, 2016

Mayor Louise MacLellan Ruf
Rockland City Council
City of Rockland, Maine
270 Pleasant Street
Rockland, ME 04841

Re: Municipal Legal Services

Dear Mayor Ruf and Members of the Rockland City Council:

Bernstein Shur is pleased to respond to the City of Rockland's request for a proposal to provide legal services to the City during a time of transition for the Council and administration.

As you and other Council members may know, Bernstein Shur's Municipal & Governmental Services Practice Group is one Maine's longest serving and largest municipal law practice groups. We have represented Maine cities, towns and other municipal organizations throughout the state for more than 50 years. The firm currently serves as general counsel to more than 50 Maine municipalities and districts, and has served as special counsel to more than 100 Maine municipalities, counties and districts. We also serve as general counsel to the Maine Municipal Association and have a long-recognized record of specialized knowledge and breadth of experience in municipal law. Our municipal attorneys have vast experience in general municipal matters and each attorney specializes in at least one particular aspect of municipal law, such as land use, property tax, municipal bonds, and labor and employment.

Our breadth of experience enables us to effectively and efficiently represent public entities in a variety of specialty areas. We routinely provide assistance to municipal clients in:

- Land use permitting matters
- Labor and employment issues
- Property tax valuation disputes
- Designating or amending tax increment financing districts
- Issuing municipal bonds
- Legislative matters

Bernstein Shur is also a full service law firm with over 100 attorneys who practice in a wide variety of specialty areas, and municipalities often find themselves involved in situations that can benefit

from expertise outside the traditional confines of municipal law. Bernstein Shur can provide that expertise.

We employ different types of alternative billing practices tailored to meet the needs of our clients. We are amenable to a traditional hourly rate arrangement but would be very excited to work with Rockland on a fixed fee program for a set of regular services. This provides the City with a flat monthly fee based on historical data for regular municipal legal services. This approach achieves budget predictability and may be particularly suited for the transition period during which the City seeks services. We feel this also has the potential to result in a more productive and close client relationship. We are using this approach with other municipal clients and it is meeting their needs (and budgets) effectively. If the City would like to pursue a fixed fee arrangement, together we would first decide on a scope of work within which a regular monthly retainer would apply. This scope will include all the services for which city attorneys routinely provide for client municipalities and that do not generally create wildly unpredictable demands for legal services. Once we determine that scope of services, we would base the retainer amount on some historical data about the City's most recent three years of legal services needs and fees. That process can occur quickly and efficiently.

If the City prefers to be charged on an hourly rate basis, our partner rate for general municipal services is \$245 per hour. Hourly rates for specialty practices, such as labor and employment, tax increment financing, and property taxation appeals range from \$185 to \$300 per hour.

We pride ourselves on being immediately available to answer client needs and to using a practical and value-added approach to solve problems; we are well-versed in and sensitive to the pressures and issues facing municipal decision-makers. Our biographies are attached to this letter along with a summary of our municipal practice and list of attorneys in our group for your information. We would be pleased to meet with the Council and administration to introduce ourselves and get your sense of the City's needs during the interim period. Of course we will provide references upon request. We are available to answer any questions you may have.

Thank you,



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Linda McGill
Labor & Employment and Municipal
& Governmental Services Groups
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Practices & Industries Served

Municipal & Governmental Services

Talk of the town.

Our nationally-recognized municipal team is one of the largest groups of its kind in the region, providing seasoned, responsive counsel on land use, municipal litigation, public finance, and tax-exempt bonds, labor and employment, tax increment financing, and property tax and valuation, among other areas.

In addition to our deep, traditional practice expertise, our team also includes lawyers well-versed in legal issues relatively new to municipalities, including data security, technology, complex construction contracting, and more. Our public sector clients include a broad range of entity types, including municipalities, school, water, sewer and sanitary districts, regional planning commissions as well as councils of governments. This diversity of expertise is a big advantage for our public-sector clients. Likewise, our 360-degree understanding of municipal and public sector issues benefits our private-sector clients, as we can help them find the best way to work with

MUNICIPAL & GOVERNMENT SERVICES DETAILS

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ATTORNEYS

View our attorneys in this practice

their local governments, particularly with regard to land use development, tax increment financing and property tax.

We help municipalities finance their top-priority projects—and stretch their budgets.

Bernstein Shur can help. We routinely act as bond counsel to help clients borrow money at advantageous rates, so they can make the strategic infrastructure investments they've been planning. Moreover, we do more tax increment financing (TIF) than any other firm in the state, helping municipal clients plan and establish TIF districts and negotiate credit enhancement agreements. We also understand these constraints given our long history in this industry. We find ways to provide our services in the most cost-effective manner and we practice preventative law, to save our clients legal costs over the long term.

Our private-sector clients benefit from our experience with the public sector.

Given our experience over a long period of time representing governmental entities, we're sensitive to the public-sector perspective—which makes us an even stronger partner for private property owners and developers navigating zoning restrictions, land use permitting requirements and procedures, property tax obligations, and challenges securing financing. Plus, we can efficiently and effectively represent private and nonprofit business interests before local governments and help work toward successful outcomes for both.

We take pride in finding win-

win solutions to tough municipal challenges.

Our work in renewable energy captures the benefits of our diverse background and client base. When wind energy started to gain steam in Maine, municipalities weren't sure how to assess it for tax purposes. At the time, there was not enough data for a meaningful income-based assessment model, and no market sales had occurred.

But we didn't let that stop us from finding a solution. We worked with the data and information we did have—and coordinated with the Maine Revenue Service to develop a methodology that worked well for both parties. Our team reviewed each wind project's capital expenditure budget, allocating portions among communities where appropriate. Then we developed a cost-segregation model that distinguished between hard costs subject to taxation and soft costs that should be eliminated as not entirely tied to tangible property interest or reduced from the project's overall assessed value.

Our cost-based methodology was designed to be fair and predictable to property owner and taxing jurisdictions—and in the end, it improved goodwill between both parties.

With your budget in mind, we look for ways to avoid litigation.

Litigation—in response to judicial challenges—makes up the most significant chunk of legal expenses for most Maine municipalities. We practice preventative law in part to keep our clients from having to go to court. But we also

try to avoid litigation for another reason: It's often not the most efficient and cost-effective way to solve a legal problem. Instead, we seek out pragmatic solutions aimed at resolving current disputes and preventing future ones, so our clients can keep their focus on running their businesses and agencies.

We provide ongoing education and training for municipal leaders.

We work closely with elected officials, board members, committees, and department heads, helping them develop the background and knowledge necessary to make the most of their time in office. We also partner with various other professional organizations and the Maine Municipal Association to provide training to municipal officials on a wide range of topics.

Our practice includes:

- General municipal law
- Property tax matters
- Land use matters
- Tax increment financing
- Public finance/tax-exempt bonds/private activity bonds for private entities
- Labor and employment

AWARDS

Our team members are ranked in *Super Lawyers* and *Martindale-Hubbell*.

Meet Phil, mastermind of land use, counselor of municipalities, and proud home cook.

Here's why you'll enjoy working with him.

Having worked as an urban planner, as chair of the Portland Zoning Board, and inside state government, Phil is well acquainted with municipal and land use law. That experience, combined with his legal expertise, makes him extremely adept at counseling municipal officials and boards and obtaining land use approvals at local, state, and federal levels for real estate developers and property owners. And he's just as equipped to help clients with health care-related issues: He helped pass health care legislation during his time as Governor John E. Baldacci's senior legal advisor.

Whether he's drafting legislation or helping clients solve seemingly intractable issues, Phil keeps his calm and level-headedness, and delivers efficient, thoughtful solutions.

But that's not all. Phil is also very experienced in:

- All aspects of election law and Maine's Freedom of Access Act
- Ongoing general counsel to municipal officials and



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CHAIR

Municipal & Governmental Services Group

CO-CHAIR

Land Use & Environmental Practice Group

ADDITIONAL FOCUS

Drone Law

boards, covering general administration, zoning, planning, enforcement actions, administrative and judicial appeals, and more

- Representing a wide variety of clients before the Maine State Legislature and other administrative agencies
- Drafting legislation and testimony
- Advising clients on campaign compliance election law, including government ethics requirements, political action committee formation and governance, and ballot question campaigns
- Securing permitting and contract zone agreements

In his former life, Phil was:

- Senior policy and legal advisor on health care and health insurance matters for Governor John E. Baldacci, as well as one of the governor's legislative liaisons to the Maine Legislature
- Associate at Verrill Dana in Portland, Maine
- Law clerk for the Honorable John A. Woodcock Jr. of the US District Court for the District of Maine
- Urban/land use planner at Sasaki Associates, an international architecture and design firm

When Phil isn't working, he is...

Cooking or brewing up a storm. He loves good food and beer, and even more when it's homemade. Phil is a member of Board of Directors for the University of Maine School of Law Alumni Association, a member of the Board of Directors for The Children's Center, and a former member on the Board of Trustees for the Portland Stage Company. He enjoys playing tennis, canoeing, and spending quality time with his family.

Background

EDUCATION

PRACTICES & INDUSTRIES SERVED

Health Care

Land Use & Environmental

Municipal & Governmental Services

Political Campaigns & Consulting

AWARDS

- Recognized as a *New England Super Lawyers* "Rising Star"
- Faculty Significant Achievement Award, University of Maine School of Law

JD, University of Maine School of Law, *cum laude*

Editor in chief, *Maine Law Review*

BA, Vassar College

ADMITTED TO PRACTICE

State of Maine

US District Court, District of Maine

Memberships

Portland Zoning Board of Appeals (Past Chair, 2005 – 2012)

Maine State Bar Association (Co-chair, Municipal Section)

Meet Linda, labor and employment superstar,
and world traveler.

Here's why you'll enjoy working with her.

Every employer, no matter the industry, sector, or size, must be able to manage its workforce for success. With more than 30 years' experience in every facet of labor and employment law, Linda helps companies, nonprofits, and state and local governments do just that. She digs deep to understand the culture of her clients' business, and helps them maximize employee productivity, remain compliant with laws and regulations, and avoid or mitigate personnel issues.

In addition to having a thorough understanding of private and public sector labor laws, workplace discrimination laws, and compliance, she also represents employers in executive compensation, employment contracts, and intellectual property matters. Outside of the office, she speaks on, and trains others in, workplace law issues, and has taught discrimination law at the University of Maine School of Law.

But that's not all. Linda is also very experienced in:

- Union avoidance, labor management negotiations,



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PRACTICES & INDUSTRIES SERVED

Labor & Employment

Municipal & Governmental Services

AWARDS

- Recognized as one of the Top 50 Women Super Lawyers in New England, 2007

defense of claims based on Title VII, federal and state disabilities laws, whistleblower protection, and other workplace discrimination laws

- Defense and avoidance of wage and hour claims, wrongful termination, and other workplace claims
- Private mediation in employment disputes
- Interest arbitration in public sector bargaining disputes
- Providing counsel, claims prevention, and training on a wide variety of employment issues

In her former life, Linda was:

- Director of a health care center in rural Maine
- Assistant attorney general
- Governor's chief counsel for labor relations
- Founder of a successful labor and employment law firm

When Linda isn't working, she is...

Jogging, listening to classical music, reading, gardening, taking French lessons and traveling. She also actively participates in a number of bar and community activities in Maine, has served as a senior legal consultant for the Human Rights Law Network and the Center for Constitutional Rights in New Delhi, India, and was named Volunteer of the Decade for her work with the International Senior Lawyers Project based in New York.

Background

EDUCATION

JD, Northeastern University School of Law, 1978

BS, Randolph-Macon Women's College, 1971

ADMITTED TO PRACTICE

State of Maine

- Listed in *New England Super Lawyers* and *Rising Stars* for Labor and Employment, 2008
- Honored as "Volunteer of the Decade" by International Senior Lawyers Project, 2011
- Sumner T. Bernstein Pro Bono Service Award, 2012
- Top Ranked in *Chambers USA* for Labor and Employment (2012–2014)
- Listed in *Best Lawyers in America* for Labor and Employment (2012–2014)
- Named "Lawyer of the Year" in *Best Lawyers in America* (2013–2014)
- AV-rated by Martindale-Hubbell

Memberships

Maine State Bar Association

Cumberland County Bar Association

American Bar Association

American Arbitration Association

International Senior Lawyers Project

Maine Board of Bar Examiners

Governor's Panel on Civil Service Reform

Freeport Shakespeare Festival (Board of Directors)

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