

No: 19-
Date: October 16, 2019

RESOLUTION
OF THE CITY COUNCIL
CITY OF SANDPOINT

TITLE: CONTRACT WITH LAKE CITY LAW GROUP, PLLC, AND CITY ATTORNEY APPOINTMENT

WHEREAS: Sandpoint's City Attorney retired at the end of March 2019;

WHEREAS: Pursuant to an Engagement Agreement with Herrington & Associates, PLLC, Will Herrington has been serving as interim City Attorney;

WHEREAS: The City released a Request for Proposals (RFP) for City Attorney Services, with a response deadline of September 25, 2019; and

WHEREAS: Four proposals were received and reviewed, and interviews were held by a committee consisting of Mayor Rognstad, City Administrator Jennifer Stapleton, Police Chief Corey Coon, and Infrastructure and Development Services Division Manager Amanda Wilson; and

WHEREAS: The committee unanimously selected Lake City Law Group, PLLC, with Andrew Doman serving in the role of City Attorney, Fonda Jovick representing the City through its Planning and Zoning Commission, Peter Erbland representing the City as Special Counsel, and Erik Smith representing the City with litigation prevention, risk management, and land use matters.

NOW, THEREFORE, BE IT RESOLVED THAT: The Mayor, on behalf of the City, is authorized to sign and enter into a contract with Lake City Law Group, PLLC, for the above-listed services.

BE IT FURTHER RESOLVED THAT: Andrew P. Doman is hereby appointed Sandpoint City Attorney.

BE IT FURTHER RESOLVED THAT: This contract is effective as of October 17, 2019.

Shelby Rognstad, Mayor

ATTEST:

Melissa Ward, City Clerk

YES NO ABSTAIN ABSENT

1. Eddy
2. Aitken
3. Williamson
4. Ruehle
5. Aispuro
6. Darling

September 25, 2019

Melissa Ward
City Clerk
1123 Lake Street
Sandpoint, Idaho 83864

Sent via E-mail: cityclerk@sandpointidaho.gov

Dear Ms. West, Mayor &
City Council of the City of Sandpoint:

We are very pleased to submit our Proposal to serve as City Attorney for the City of Sandpoint, Idaho. With a combined total of over 200 years of experience, the attorneys of our firm are well suited to serve the City's needs. We offer the following for your consideration.

Philosophy

Lake City Law Group brings a wealth of experience in serving the legal needs of a variety of clients, both public and private. Our attorneys represent many public entities, including municipalities, fire districts, highway districts, water and sewer districts, and cemetery districts. Moreover, our attorneys have represented numerous public entities throughout Idaho in defense of a variety of legal proceedings. We take pride in providing professional, value-added services to our clients, and we are committed to excellence and integrity in everything we do. Our philosophy is simple; to provide the highest quality legal services to our clients in the most cost-effective manner.

Experience and Qualifications

1. Principal Attorney. The firm has selected **Andrew P. Doman** to serve as City Attorney for the City. Following law school, Mr. Doman served as Judicial Clerk to the Hon. Jesse R. Walters of the Idaho Court of Appeals. He then worked for Moffatt, Thomas, Barrett, Rock & Fields of Boise, Idaho, primarily as a litigator representing a variety of clients through their insurers. For more than twenty years, he has represented numerous public and private clients throughout northern Idaho, including municipalities, fire districts, school districts, highway districts and water and sewer districts. He currently serves as City Attorney for the City of Plummer, Idaho. He has practiced law for over 30 years. His curriculum vitae are attached to this Proposal.

The firm recommends **Fonda L. Jovick** to represent the City through its Planning and Zoning Commission. Mrs. Jovick has extensive experience representing individual clients regarding land use and development, and has appeared before numerous planning and zoning commissions and courts as part of her practice. She has also represented various clients in real estate litigation and transactions. Her public clients included many landowners with a variety of real estate related issues both regulatory and in litigation.

Mrs. Jovick has been with the firm since its inception and is one of four founders of Lake City Law. Previous to Lake City Law, Ms. Jovick was a Partner with Paine Hamblen, LLP. She practiced with Paine Hamblen, LLP from the time of her graduation from law school in 2004 until the establishment of Lake City Law in 2015. Ms. Jovick is licensed to practice law in the State of Idaho, State of Washington, U.S. District Court, District of Idaho, and Ninth Circuit Court of Appeals. Her curriculum vitae is also attached to this Proposal.

The firm also recommends that **Peter C. Erbland** represent the City as special counsel, concerning matters of personnel management, litigation and risk management. Mr. Erbland enjoys an “AV” rating by Martindale Hubbell, and has been selected as one of the “Best Lawyers in America” for numerous years. Mr. Erbland formerly served as Chief of the Criminal Justice Division of the Office of the Idaho Attorney General, and as Chief Deputy Prosecutor for Kootenai County. He has represented literally hundreds of public clients through the Idaho Counties Risk Management Program (ICRMP) during his 40 year career. He currently advises public clients on a variety of issues affecting government entities, including employment matters, liability and risk management. He has successfully mediated hundreds of matters to resolution. His curriculum vitae is also attached to this Proposal.

The firm also recommends **Erik P. Smith** represent the City with litigation prevention, risk management and land use related advice and opinions. Mr. Smith has practiced law for over 20 years and has extensive experience in both State and Federal Court in the State of Idaho. Previous to joining Lake City Law as a partner in 2017, Mr. Smith was an extremely successful solo practitioner in Kootenai County. Mr. Smith received his Juris Doctorate from the University of Idaho and then attended a course for LLM in Environmental Law at the University of Natal in Durban, South Africa, where he practiced as an Associate Attorney in South Africa’s largest law firm, specifically in their Environmental and Local Planning Department. Mr. Smith has licensure with the Idaho State Bar, Washington State Bar and the U.S. District Court, District of Idaho.

2. Capabilities and Qualifications of Principals. Please see the previous discussion.
3. Qualifications of City Attorney and Supporting Counsel.

Andrew P. Doman was admitted to practice to the Idaho Bar in 1988. He has served as City Attorney for the City of Plummer since 2013. He has served fire districts, school districts, highway districts and water and sewer districts since 1997. He has, throughout his career, represented a variety of clients concerning land sale and purchase transactions. He has represented governmental entities in the past with respect to liability issues including tort claim defense. He currently advises the City of Plummer, Idaho, with respect to land use planning, contracts, real estate acquisitions and sales, code enforcement, water law, matters affecting water and sewer regulation, and public utility matters. He has prepared numerous draft ordinances and resolutions for municipalities

and other government entities. He has counseled school districts on matters affecting employment matters and labor negotiations, having served as a hearing officer for school disciplinary proceedings. He has regularly responded to requests for public records disclosure, and routinely responds to matters affecting Idaho's Open Meeting laws. If selected, he intends to meet regularly with the Mayor, City Council and City Administrator, in person, to discuss matters affecting the City's affairs. He is currently a member of the Idaho Municipal Attorney and North Idaho Municipal Attorney practice groups. He has never been sued by any governmental entity or individual for malpractice, nor has he had any disciplinary action brought against him by the Idaho State Bar. He is a Member, of "Mountain," the graduate and senior honorary Society of West Virginia University.

The remaining attorneys at Lake City Law, including but not limited to Peter C. Erbland, Fonda L. Jovick, and Erik P. Smith, are versed in multiple areas of the law, work tirelessly to solve problems for their clients and spend an enormous number of hours volunteering on community and state wide boards. All of the attorneys are professional, thorough and highly regarded and respected in the legal communities of Kootenai and Bonner County. The attorneys at Lake City law offer a wide array of practice areas to include, municipal defense and loss prevention, business and civil litigation, personal injury, zoning and land use, criminal defense, family law, guardianship and conservatorship, mediation and arbitration. Lake City Law was reported by U.S. News & World Report as one of the best law firms in 2018 and 2019. The breadth of legal experience and practice areas covered by the attorneys at Lake City Law make them well suited to serve the legal needs of the City of Sandpoint.

Performance

1. **Working Relationship.** The firm will develop and maintain a personal relationship with the Mayor, City Council, City Administrator and staff, by conferring with these individuals on a regular basis in order to determine the particular needs of the City. The best way to accomplish this goal is to maintain effective personal relationships with each of these individuals so that their particular needs can be met and questions answered. The attorneys with the firm will insure that the lines of communication are continuously maintained and preserved.
2. **Time Frames.** Because of the size and diversity of our firm, any inquiries made by the City to the firm will be returned within 24 hours. Nonetheless, an attorney from the firm will be available for response to time-sensitive inquiries on a daily basis.
3. **Staffing.** Our firm is staffed by very competent and capable paralegals. In addition, our staff of legal assistants also serve as support for our offices. It is not anticipated that the firm would make any changes at this time, unless it would be advantageous to the City to have an individual in Sandpoint.

4. Reporting. The firm will provide the City with monthly reports on the status of any assignments made to it, preferably at the regularly scheduled City Council meetings. The firm's attorneys will provide reports on specific projects, as necessary, on a regular and continuous basis. Such reports will be made to the City by mail, email, or personally, as the case may be.

Current Clients/Conflict of Interest

Unfortunately, it would be ethically inappropriate for the firm to list its current or former clients who may have a possible conflict of interest within the City for the previous three years. A determination of whether a conflict of interest exists, and whether it can or cannot be resolved can only be made on a case-by-case basis. Nonetheless, the firm is not aware of any current or former clients which pose a foreseeable or potential conflict of interest affecting the firm's ability to provide services to the City.

Compensation and Reimbursement

Based upon the City's Request for Proposal, it is understood that an attorney will be in attendance at regularly scheduled City Council meetings, regularly scheduled public hearings of the Planning and Zoning Commission, if requested, and weekly meetings with either the Mayor or City Administrator. The firm also realizes that the handling of general legal matters, including, but not limited to: providing routine legal advice and opinions; preparation of simple ordinances, orders or resolutions for the City; the review of contracts and agreements affecting the City; and the review of routine matters affecting the enforcement of the City Code, zoning regulations and building codes, will be provided to the City under a flat rate of \$3,000.00, per month, for up to twenty (20) hours, per month. Services which would be defined as extra, or specialized, would include: enforcement of the City's Code provisions, zoning regulations and building standards through administrative or judicial proceedings; providing advice and counsel on complex regulatory matters, such as enforcement actions by state or federal agencies; contested personnel matters; negotiations with vendors for providing services to or by the City, and any time in excess of the twenty hours per month for services rendered under the flat rate described above would be offered at an hourly rate of Two Hundred Dollars (\$200) per hour, for all legal services provided by a Partner of the firm. Associate attorney time will be billed at One Hundred Seventy-Five Dollars (\$175) per hour, and Paralegal time will be billed at One Hundred Dollars (\$100) per hour.

We would be happy to address any of these matters in more particular detail at your request. Any inquiries regarding this matter should be directed to either myself, or Fonda L. Jovick, managing partner of our firm.

Very truly yours,

LAKE CITY LAW GROUP PLLC

A handwritten signature in black ink, appearing to read "A.P. Doman". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Andrew P. Doman

Attorney at Law

adoman@LCLattorneys.com

APD:tb
Enc.

ANDREW P. DOMAN
c/o LAKE CITY LAW GROUP PLLC
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St. Maries, ID 83861
Business: (208) 245-9155 Res: (208) 245-6728
Fax: (208) 245-1095
e-mail: adoman@lclattorneys.com

PROFESSIONAL EXPERIENCE

Attorney: (2018-Present) Lake City Law Group, PLLC, 435 W. Hanley Ave., Suite 101, Coeur d'Alene, Idaho 83815 (208) 664-8115.

Attorney: (1997-2018) Doman Law Offices, P.C., (formerly Christensen & Doman) 907 Main Ave., St. Maries, Idaho 83861 (208) 245-9155.

Attorney: (1990-1996) Moffatt, Thomas, Barrett, Rock & Fields, P.O. Box 1367, Idaho Falls, Idaho 83402 (208) 522-6700.

Law Clerk: (1988-1990) Chief Judge Jesse R. Walters, Idaho Court of Appeals, 537 W. Bannock, Boise, Idaho 83702 (208) 334-5167.

Law Student Clerk: (1987-88) Coldren, Adams, DeHaas & Radcliffe, Gallatin Bank Building, P.O. Box 1327, Uniontown, Pennsylvania 15401 (412) 437-2711.

Law Student Intern: (1986) State of West Virginia - Office of Legislative Services, Room 132-E, State Capitol, Charleston, West Virginia 25305 (304) 348-2040.

Economist: (1981-85) United States Forest Service, Nezperce National Forest, Rt. 2, Box 475, Grangeville, Idaho 83530 (208) 983-1950.

Forester: (1979-1981) United States Forest Service, North Central Forest Experimental Station, 1992 Folwell Avenue, St. Paul, Minnesota 55108 (612) 642-5280.

EDUCATION

Juris Doctor:

(1988) West Virginia University College of Law, Morgantown, West Virginia. Law Review Article - Note, United States v. Stanley: Has the Supreme Court Gone a Step Too Far? 90 W.Va. L. Rev. 473 (1988).

Master of Science in Forestry:

(1978) West Virginia University, Morgantown, West Virginia. Thesis -Incremental Costs of Selected West Virginia Forest Practice Standards.

Bachelor of Science in Forestry:

(1976) West Virginia University, Morgantown, West Virginia. Member Xi Sigma Pi (National Forestry Honorary).

PROFESSIONAL ASSOCIATIONS

Member, Idaho, Wyoming, and West Virginia State Bar Associations.

Participant, 2012-2013 Professionalism and Ethics Law School Orientation Program,
University of Idaho Law School.

Special Deputy Attorney General,
State of Idaho Department of Administration
Risk Management Program 2014.

Member, State of Idaho, First Judicial District, Magistrate Selection Committee, 2005-2009.

Commissioner, Idaho Code Commission, 2012-2014.

Member, Defense Research Institute, 1998-2008.

Member, Trucking Industry Defense Association, 1994-2002.

HONORS AND ACTIVITIES

Member, St. Maries Chamber of Commerce, 1998-Present.

Member, Rotary Club of St. Maries, 1995-Present.
President, 2003-04, 2007-08, 2017-19

Rotarian of the Year, 2007-08
Paul Harris Fellow

Idaho Youth Soccer Association, District One Commissioner, 2008-2011.

Member, St. Mary's Roman Catholic Church Parish and Finance Councils, St. Maries, Idaho,
1998-2006.

President, Greater St. Maries Youth Soccer Association, 1998-2000.

Member, West Virginia University Law Review, 1987-88.
Member, West Virginia University College of Law Moot Court Team, 1987-88.
Finalist, Baker Cup Moot Court Competition, 1986.

Member, Order of the Barristers.

Member, Idaho Falls Chamber of Commerce Committee on the Idaho National
Engineering Laboratory, 1992-94.

Guest Lecturer, Denver Claims Associates Symposium on Tort and Insurance Law, 1997.

Guest Lecturer, Environmental and Natural Resource Law, Idaho Law Foundation, 1995.

Guest Lecturer, ISU Hazardous Waste & Materials Conference, 1994.

Member, West Virginia University College of Law Ethics Committee, 1986.

Member, Mountain, West Virginia University Senior and Graduate Student Honorary.

Recipient, United States Dept. of Agriculture Certificate of Merit, 1984 and 1985.

Guest Lecturer, Idaho State Library Conference, 1989.

President, Phi Delta Theta Fraternity, West Virginia University, 1976.

St. Maries Parent Education Task Force, 1997.

Curriculum Vitae Fonda L. Jovick, J.D. MFP



Summary/Overview:

Fonda L. Jovick is one of 5 partners with the law firm of Lake City Law Group, PLLC. Ms. Jovick has over 10 years of experience working in specific areas of the law to include commercial and complex civil litigation, real estate transactions and litigation, estate planning, probate and trusts as well as family law litigation and mediation.

Ms. Jovick has over 10 years of experience in providing a variety of expert opinions and testimony in highly contentious matters including but not limited to, probate and trust litigation, custody, guardianships, and conservatorships. Ms. Jovick also serves as a Supreme Court Certified Mediator in all facets of civil and family related cases.

In an effort to broaden her expertise and skill set in working with high conflict dynamics, Ms. Jovick also obtained her Masters Degree in Forensic Psychology from the Chicago School of Professional Psychology. Forensic Psychology is an intensive study of the intersection between psychology and law, specifically addressing human behavior during times of legal crises and involvement.

Education/Licensing:

- Juris Doctorate: Gonzaga University School of Law, *Cum Laude*, 2004
- Masters of Forensic Psychology, Chicago School of Professional Psychology, 2013
- Bachelor of Arts, Gonzaga University, *Magna Cum Laude*, 2001

- Attorney, Idaho State Bar Certified and Licensed, 2004 to present
- Admitted, U.S. District Court, District of Idaho, 2004 to present
- Admitted, U.S. Court of Appeals, Ninth Circuit, 2006 to present
- Attorney, Washington State Bar Certified and Licensed, 2009 to present
- Idaho Supreme Court Certified Civil Mediator, 2007 to present
- Idaho Supreme Court Certified Child Custody Mediator, 2007 to present

Professional Experience:

Lake City Law Group, PLLC

Coeur'd Alene, ID / Priest River, ID / Spokane, WA

Partner 2015 to present

January 1, 2015 Ms. Jovick along with six of her colleagues established Lake City Law Group, PLLC where she has taken a role in managing the day to day operations of the firm. She has continued to manage and provide all of the legal services in the Priest River office she established in 2007 while at the same time providing a leading management role in the Coeur d'Alene office and the newly acquired St. Maries office. During the transition, Ms. Jovick maintained her high level of client service and as a result still has a very high energy, active, thriving practice.

Lake City Law is comprised of 10 lawyers that practice in a variety of practice areas. Cumulatively, the attorneys at Lake City Law have over 130 years of legal expertise and it shows in the high quality legal services that are provided each day.

Paine Hamblen, LLP

Coeur d'Alene, ID

Associate 2004 to 2009

Partner 2009 to 2014

Paine Hamblen, LLP is a regional law firm with multiple locations. In 2007, Ms. Jovick spearheaded the establishment of a branch office of Paine Hamblen, LLP in the Priest River, Idaho area, which she continues to manage today.

Served on the Executive Board for the law firm from 2012-2014.

Legal Experience:

- Representation of a variety of governmental entities with special projects and general representation.
- Provide legal opinions regarding public policy.
- Lobby on behalf of a special interest group regarding change to legislation pertaining to annexation.
- Representation of clients in complex and commercial litigation, real estate transactions and litigation, dissolution and family law matters, as well as estate planning, probate litigation and establishment and litigation of trusts.
- Preparation of pre-trial documents including: complaints, petitions or motions to the court, response briefs, trial briefs, answers to complaints, objections, interrogatories, requests for production of documents, affidavits, notices of depositions, settlement agreements, stipulations, proposed orders, and correspondence to clients and opposing counsel.
- Attend and conduct depositions, attend and conduct settlement conferences, attend hearings to include pretrial conferences, hearings on motions, contempt proceedings and trial.
- In court trial activities to include: voir dire, opening statements, introduction of evidence, direct and cross-examination of witnesses, closing arguments.
- Provide testimony as an expert witness.
- Preparation of Investigative Reports and Brief Focused Assessments. And, preparation of Legal Opinions as a Parenting Time Coordinator.
- Court appointed Guardian ad Litem, Children's legal representative, Brief Focused Assessor and Parenting Time Coordinator in dissolution, custody and guardianship cases.
- Conduct Mediation for a variety of matters including many areas of the law.
- Facilitate Settlement Conferences.
- Act as a Special Master

Additional Experience:

Speaker/Presenter:

- Yellowstone Insurance Group Conference, 2006
- Spokane Association of Insurance Adjusters Annual Meeting, 2006
- Idaho Association of Legal Secretaries Annual Conference, 2006
- Coeur d'Alene Area Realtors and Lenders, 2006
- Casa Upbeat Breakfast 2007 and 2010
- Soundstart Presentations 2009, 2010, 2011, 2012
- Idaho State Bar Headline News CLE, 2012, 2013 and 2015.
- Trial Skills Academy – Attorney Mentor 2015
- Trial Skills Academy – Traveling Mentor 2017
- IRAD (Idaho Risk Assessment of Dangerousness) Instructor – 2013 to current.
- The Changing Face of Family Law Practice in Idaho – October 2013.

Current and Past Boards/Associations:

- Marketing/PR Editor, Across Borders International Law Journal, 2003-2004
- Articles Editor, Across Borders International Law Journal, 2002-2003
- Member, Board of Directors, Idaho Volunteer Lawyers
- District Chairperson, Partners Against Domestic Violence
- Board Member for Tesh, 2008-2011
- Member of Implementation and Oversight Team for Kootenai County Domestic Violence Court 2014 to Current.
- Alternative Dispute Resolution Committee
- Access to Justice Board Member 2014
- Idaho Law Foundation Board Member 2016 to current.

PETER C. ERBLAND

Partner

Work: 208-664-8115

Fax: 208-664-6338

Coeur d'Alene, ID

perbland@lclattorneys.com

Licensed to practice in Idaho



PRACTICE AREAS

Commercial & Complex Litigation

Insurance Law & Tort Claims

Mediation

PRACTICE SUMMARY

Civil litigation practice emphasizes the defense of individuals, business entities, insurance companies and governmental entities in state and federal courts, both at the trial and appellate levels, with focus on defense of employment and civil rights claims. Regularly serves as a mediator and arbitrator in all areas of civil disputes.

BAR ADMISSIONS

Idaho State Bar, 1979

U.S. District Court, District of Idaho, 1979

U.S. Court of Appeals, Ninth Circuit, 1991

U.S. Supreme Court, 1994

EDUCATION

Gonzaga University, J.D., *cum laude*, 1978

Saint Bonaventure University, B.A., *cum laude*, 1975

MEMBERSHIPS

Idaho State Bar Association

American College of Trial Lawyers

GOVERNMENT SERVICE

Formerly served as Chief of the Criminal Justice Division of the Office of the Idaho Attorney General; former Chief Deputy Prosecutor for Kootenai County, Idaho

HONORS & AWARDS

Martindale Hubbell rating of "AV"

Peer-selected for listing in "Best Lawyers in America" and "Mountain States Super Lawyers" from 2005 to present