

Council Business Meeting

June 15, 2021

Agenda Item	Mayors Proposed Recruitment and Selection Process for City Attorney	
From	Adam Hanks Tina Gray	Interim City Manager Human Resource Director
Contact	Adam.hanks@ashland.or.us ; (541) 552-2046 Tina.gray@ashland.or.us ; (541) 552-2101	

SUMMARY

Staff is presenting a proposed recruitment process based on collaboration with Mayor Akins and is seeking concurrence from the City Council on how to proceed with the recruitment and selection of a successor City Attorney to fill the vacancy when Dave Lohman retires effective July 1, 2021.

POLICIES, PLANS & GOALS SUPPORTED

City Council 2009-2021 Biennial Goals:

A. Prioritize "Essential Services"

E. Analyze various departments/programs to gain efficiencies, reduce costs, and improve City services.

PREVIOUS COUNCIL ACTION

N/A

BACKGROUND AND ADDITIONAL INFORMATION

Based on discussions with the Mayor, staff has summarized a proposed recruitment and selection process below:

Internal Recruitment/Selection Process – To qualify for the position of City Attorney, Candidates must have passed the Oregon Bar, which significantly narrows our target audience and reduces the need for proactive outreach that an Executive Recruiter would provide.

- City Human Resources Staff will prepare a draft recruitment brochure for Council approval and advertise the position for four weeks in the following locations: Oregon State Bar, League of Oregon Cities, City of Ashland website, and other websites for municipal attorneys with a particular emphasis on attracting a diverse and experienced candidate pool. Staff will also acquire a mailing list of Oregon Attorneys and direct mail a job announcement and invitation to apply for the position of City Attorney,
- Once the applications are received, the Mayor will assemble a subcommittee of the Council to review applications and help narrow the search. Staff will work with the Mayor and subcommittee to create a written questionnaire to help screen down to a short list to invite to interview in Ashland for the position.
- Human Resource Staff will coordinate on-site interviews and work with the Council on interview questions for the Finalists.
- As the City Attorney is appointed by the Mayor with confirmation of the City Council, interviews will be conducted by the City Council. Human Resources will work with Council to schedule interviews in August, with an appointment occurring around September following an extensive background and check of professional references and qualifications.

Draft Recruitment Timeline:

Tentative Date	Recruitment Activity
6/15/2021	Council approves selection process; staff prepares Recruitment Brochure and identifies all advertising resources.
6/30/2021	Kick-off -Recruitment Brochure finalized and approved by Council. Human Resources concludes the advertising campaign and sends direct mailer to potential candidates,
7/1/2021	The position is open for applications.
7/30/2021	Initial application deadline. The Mayor reviews applications received by Human Resources and determine whether to extend the deadline for additional applications or convene the subcommittee to screen applications.
8/9/2021	Written Questionnaire/Writing Sample sent to shortlist for a response.
8/23/2021	Finalist Identified by Council Subcommittee.
Early September	Final Interviews to be scheduled on a date that works for the Council.
Mid-September	Conditional Job Offer extended to Finalist, and background check begins.

FISCAL IMPACTS

The proposed biennial budget includes an appropriation for a full-time City Attorney. Staff will work with the City Council to extend a conditional job offer to the successful candidate within budget according to Oregon Pay Equity Law based on qualifications and experience.

By conducting the recruitment process internally and not contracting with an external Recruitment Firm, staff will be able to accommodate the advertising and interview costs within the existing Human Resources budget.

STAFF RECOMMENDATION

Staff is prepared to support the process as presented.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

1. I move to approve the selection process as proposed by the Mayor.
2. I move to approve the selection process with the following modifications....

REFERENCES & ATTACHMENTS

- Attachment 1: Job Description for City Attorney
- Attachment 2: Draft Recruitment Brochure

JOB DESCRIPTION

OVERTIME: Exempt Non-Exempt

JOB TITLE:	City Attorney
JOB GROUP:	Executive Management
DEPARTMENT:	Administration
DATE:	June 2, 2021

PURPOSE:

Plans and performs a broad range of legal services for the City and serves as the chief advisor on all City legal matters; interprets codes and laws; represents the City in legal proceedings; prepares resolutions, ordinances and other legal documents for the City; provides legal support to the Mayor, City Council, Parks Commission, City Administrator and department heads; represents the City before individuals, groups and various agencies; supervises assigned personnel; and performs other work as assigned.

DISTINGUISHING CHARACTERISTICS:

The City Attorney is a single position classification. The incumbent performs complex professional attorney duties, and is responsible for overall management of the Legal Department, including the supervision of subordinate attorney, technical and clerical staff.

SUPERVISION RECEIVED:

Receives policy direction from the City Council.

SUPERVISORY RESPONSIBILITIES:

The employee in this classification has direct supervisory responsibility over subordinate attorney staff as well as technical and clerical employees.

ESSENTIAL JOB FUNCTIONS:

The duties listed below are only intended as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the classification if the work is similar, related and/or a logical assignment to the classification.

Create, review, interpret and enforce contracts for the City on a wide variety of subjects, including real estate, development, intergovernmental, loan, personnel, and other agreements; conduct legal research in order to analyze and advise the City on various legal questions and recommend courses of action; prepare correspondence, memoranda and reports concerning legal questions, analyses, interpretations and opinions.

Research, review, interpret, and create City ordinances; prepare necessary reports for City staff, Mayor and City Council information and action; communicate with violators concerning compliance with various City codes.

Supervise employees in work activities within the legal function, including providing instruction, assigning and reviewing work, scheduling projects, evaluating performance, taking and/or effectively recommending necessary personnel actions, and resolving employee complaints.

Advise City managers on disciplinary actions and review grievances filed by employees and bargaining units; conduct necessary research to analyze and interpret various labor related questions and advise the City regarding best courses of action; respond to inquiries and resolve complaints regarding City activities in person, over the telephone and through written correspondence; attend various community group, professional and civic organization meetings to communicate City policies.

Serve as the prosecuting or defense attorney for the City in a variety of actions in judicial or administrative forums, including federal and state court proceedings; manage and assist outside legal counsel when needed.

Attend and provide support at City Council regular meetings, executive and study sessions, Planning Commission meetings and other advisory meetings as required; provide legal training for mayor, council appointed boards, appointed commissions and staff as needed.

Coordinate assigned activities with those of other departments, outside agencies and organizations.

Performs as a member of the team; acts ethically and responsibly; supports and demonstrates engagement in diversity, inclusion and equity and maintains effective working relationships with others; demonstrates professionalism and respect in all workplace interactions.

Arrives to work, meetings, and other work-related functions on time and maintains regular job attendance.

Follow all safety rules and procedures established for work areas.

AUXILIARY JOB FUNCTIONS:

Maintain proficiency by attending training conferences and meetings, reading materials, and meeting with others in areas of responsibility.

Perform other work as assigned.

MINIMUM QUALIFICATIONS:

EDUCATION, TRAINING AND EXPERIENCE

Education: Completion of an accredited school of law.

Experience: A minimum of five (5) years of professional experience as a practicing attorney in a public sector environment.

Substitution: Any satisfactory equivalent combination of education, training and experience that demonstrates the knowledge, skills and abilities to perform the duties of the job proficiently may substitute for the above requirements.

Desirable Qualifications: Experience in a municipal government that is similar to or larger than the City of Ashland is desirable.

SPECIAL REQUIREMENTS

License: Possession of, or the ability to obtain and retain, an Oregon driver license by the time of appointment.

Other: Current membership in good standing in the Oregon State Bar.

KNOWLEDGE, SKILLS AND ABILITIES

Knowledge of:

Modern and highly complex principles and practices of municipal law.

Principles and practices of modern public administration, including planning, organizing, directing, staffing and controlling.

Principles of personnel administration, supervision, and training, organization, duties, powers, limitation, and authority of city government and the City Attorney's Office.

Legal principles and practices including civil, criminal, constitutional, and administrative law and procedures.

Ordinances, statutes, and court decisions relating to municipal corporations.

Judicial procedures and rules of evidence, methods of legal research.

Established precedents and sources of legal reference applicable to municipal activities.



Principles and practices of business computer user applications.

Ability to:

Organize, interpret and apply legal principles and knowledge of complex legal problems; effectively apply legal knowledge and principles in court; present statements of law, facts and arguments clearly and logically.

Prepare and present difficult cases in court.

Conduct research on complex legal problems and prepare sound legal opinions.

Interpret and make decisions in accordance with laws, regulations, and policies.

Select, supervise, train, and evaluate professional, technical and clerical staff.

Develop and administer a department budget.

Exercise sound independent judgment within general policy guidelines.

Communicate with the public and staff, often in stressful situations.

Represent the City effectively in consults, counsel, business and professional groups.

Assist and support team performance and work cooperatively with other team members.

Provide positive support to internal and external customers.

Communicate effectively, both orally and in writing.

Establish and maintain effective working relationships with those contacted in the course of work.

PHYSICAL DEMANDS:

The physical and mental demands described here are representative of those that must be met by employees to successfully perform the essential functions of this classification. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

(1) Mobility: frequent sitting for long periods of time; occasional walking and standing. (2) Lifting: frequently up to 10 pounds; occasionally up to 25 pounds. (3) Vision: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. (4) Dexterity: frequent use of keyboard; frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. (5) Hearing/Talking: frequent hearing and talking, in person and on the phone. (6) Emotional/Psychological: frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone.

WORKING CONDITIONS:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this classification. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed in a typical office environment and is subject to moderate noise.

DEPARTMENT HEAD SIGNATURE _____

CITY MANAGER APPROVAL _____

DATE _____



Join our TEAM!

Job Qualifications

This position requires completion of an accredited school of law and a minimum of five (5) years experience as a practicing attorney in a public sector environment. Experience in a municipal government that is similar to or larger than Ashland is desirable.

Consideration will be given to candidates who have a combination of education, training, and experience that demonstrates the knowledge, skills, and abilities to perform the position's duties proficiently and may substitute for the experience requirement stated above.

Compensation & Benefits

The salary range for this position is \$113,902—\$152,821 annually plus an excellent benefits package which includes: PERS retirement (the City pays the employee's 6% contribution); paid leave; deferred compensation with a contribution from the City; medical, dental, and vision coverage with a minimal employee contribution, city-paid life, and additional wellness benefits.

The Selection Process

Following a review of the application materials, the most highly qualified candidates may be invited to proceed further in the selection process. **Those not selected for an interview will be notified.**

Ashland has a long-standing tradition of public participation, and there is community interest in all Executive-level hires. Applicants' names will be kept confidential until after the initial interviews to the extent permitted by Oregon Public Records Law. The City will conduct an intensive background investigation and contact professional references on the candidate selected for hire.

How to Apply

If you are interested in this outstanding career opportunity, please submit the following documents to the City's Human Resource Office no later than **5:00 PM on July 30, 2021** to receive consideration.

- A resume and cover letter detailing experience relevant to the position of City Attorney.

Submit Application Materials to:

CITY OF ASHLAND HUMAN RESOURCES

20 E Main Street
Ashland, OR 97520

The City of Ashland will make reasonable accommodations for the disabled. Individuals with disabilities requiring accommodation in the application or testing process should contact Human Resources to dis-



A special note of thanks to Bob Palermini, Jesse Smith and Jude Wand for the use of their photos.



SEARCH DETAILS:

APPLICATION DEADLINE

Interested candidates must submit a resume and cover letter to the City of Ashland Human Resource Department **prior to 5:00 PM on July 30, 2021** to receive consideration.

PRELIMINARY INTERVIEWS

Depending on the number of applications received, the City will contact finalists to arrange for an interview during the second or third week in August.

SALARY

The salary range for this position is **\$113,902—\$152,821 annually**. Appointment will be made within the salary range based on qualifications.

Join our TEAM!

THE CITY OF ASHLAND INVITES APPLICATIONS FOR CITY ATTORNEY

The City of Ashland is seeking a skilled Municipal Attorney to lead its busy Legal Department.

The ideal candidate will have experience in Oregon Municipal Law and quickly obtain specialized knowledge in several key areas including but not limited to: land use, elections, public records, litigation, public contracting, labor relations, Risk Management, and Oregon budget law.

The selected candidate will demonstrate technical legal knowledge on a wide range of issues. In addition, the appointed City Attorney will have excellent written, verbal, and presentation skills. Most importantly, the City Attorney will keep the good of the community in mind, anticipating issues and providing the highest quality legal advice to City staff, City Council, and the Ashland Parks and Recreation Commission.





The Community

Ashland is located in the picturesque Rogue Valley of southern Oregon, 15 miles north of the California border. It is one of America's most livable small towns, surrounded by the Cascade and Siskiyou Mountain ranges. Ashland's population is just over 21,000 and has grown at a rate of about 1.5% per year for the last ten years. Its economic base is primarily dependent on tourism and higher education, with a small manufacturing sector based on high technology. Ashland is widely known for the nine-month Oregon Shakespeare Festival, which attracts more than 100,000 visitors annually.

Although the weather is generally mild, the area enjoys four distinct seasons. Within an easy drive, recreational opportunities abound. The Mt. Ashland Ski Resort is operated by a community non-profit. Ashland features numerous top-quality restaurants, bed & breakfasts, small theaters and performing spaces, boutiques, mountain biking, and hiking trails. The community of Ashland has an active and involved citizenry with a unique blend of different viewpoints, passions, and interests. Yet, residents share a common bond – the joy of living in Ashland. Citizens' committees help guide local government, and City Council meetings are open to the public and broadcast live on a local cable channel.

Ashland Community Hospital is part of the regional Asante healthcare system and is one of Northwest's most respected and highly rated small hospitals. The Ashland Public School District is one of the top-rated districts in Oregon. A full range of educational opportunities is offered through both Rogue Community College and Southern Oregon University. SOU is southern Oregon's institution of higher education and Oregon's designated Center of Excellence in the Fine and Performing Arts.

The Organization

Incorporated in 1874, the City of Ashland operates under its Charter and applicable state laws. Ashland changed its form of government to the Council/City Manager form of government in January 2021 through a charter amendment. The Mayor is directly elected to a four-year term, and six City Councilors are elected at-large to four-year, overlapping terms. Other elected officials are the City Recorder, Municipal Judge, and the five-member Parks & Recreation Commission. Much of the City's business evolves through over 20 advisory boards and commissions that enhance public support and political stability. With approximately 250 FTE, the City of Ashland has a talented team of executive and support staff. The City Manager oversees all phases of city operations, including public works, community development, police, fire and rescue, electric utility, municipal court, and fiber-optic network, and centralized services consisting of information technology, finance, and human resources, and oversees the City's biennium budget of \$253M.

The Mayor, with confirmation by the City Council, appoints the City Manager and City Attorney. Director appointments are made by the City Manager and approved by the City Council. The City Attorney provides legal advice to all elected, appointed, and volunteer officials. In setting project priorities, the City Attorney works closely with the City Manager and the City Council.

The Legal department prepares ordinances and resolutions for adoption by the City Council and provides opinions regarding general municipal legal issues. The City Attorney represents the City in litigation and prosecutes misdemeanors and code violations in the Ashland Municipal Court.

The office also handles legal matters related to the implementation and application of land use regulations and provides services related to land sales, acquisitions, and leases. In addition, the office reviews numerous contracts and processes tort claims filed against the City. The City Attorney is supported by an Assistant City Attorney and a full-time paralegal.

The Position

The City Attorney performs a broad range of legal services as the chief advisor on all City legal matters. As the City's legal expert, the City Attorney is charged with interpreting codes and laws; representing the City in legal proceedings; preparing resolutions, ordinances, contracts, and other legal documents for the City; providing legal support to the City Council, Parks Commission, City Manager, and department heads; and representing the City before individuals, groups and various agencies.

The City Attorney has a unique role in the organization. While he/she reports to the City Council, he/she will also need to collaborate closely with the City Manager in setting work and project priorities. The City Attorney performs complex legal duties and is responsible for the overall management of the legal department, including the supervision of subordinate attorney, technical and clerical support staff.

The Ideal Candidate will:

- Possess the utmost integrity. Provide independent and objective recommendations and counsel. Tactfully advise of risks and implications of decisions by addressing issues head-on.
- Gain and maintain the confidence of the City Council, organization, and community and treat all Council members equally.
- Be politically astute and understand his/her role as separate from setting policy.
- Have a calm, self-confident, upbeat, and professional demeanor as well as a sense of humor.
- Understand the nature of active citizen participation within a community, and be comfortable operating in a transparent and high-profile environment and address or deflect challenges to legal advice and decisions.
- Provide ongoing education to decision-makers and the community as a whole, explaining complicated legal concepts in layman's terms, as necessary.
- Exhibit outstanding judgment and an ability to be thorough as well as concise. While timely counsel is desirable, ensure that advice is based on precedent, facts, and research. Use outside subject matter experts appropriately.
- Possess exceptional management and organizational abilities, operate efficiently and effectively, and respond to requests on time. Provide regular, frequent, and consistent information about the status of major projects to the Council and Management Team.
- Establish and maintain effective working relationships through collaboration.
- Be knowledgeable and effective at negotiation and mediation.

