



Council Study Session

May 25, 2023

Agenda Item	City Attorney Profile and Recruitment Process	
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Item Type	Requested by Council <input checked="" type="checkbox"/> Update <input type="checkbox"/> Request for Direction <input type="checkbox"/> Presentation <input checked="" type="checkbox"/>	

SUMMARY

Jensen Strategies is assisting the City of Ashland with recruiting the City's next City Attorney. The first step in the recruitment process is for Council to review the process and candidate profile to allow for the formal adoption of both during a Council meeting. Under Oregon law, for City Council to hold an executive session to consider the employment of an employee (ORS 192.660(2)(a) and ORS 192.660(7)(d)) Council must officially adopt a hiring process. Jensen Strategies also recommends the adoption of the attached position profile as an agreement on attributes the Council is seeking in the next City Attorney. This will aid in the development of recruitment materials and establishment of criteria for candidate evaluations.

BACKGROUND AND ADDITIONAL INFORMATION

Jensen Strategies has gathered input through one-one-one interviews with the Mayor, Council, City Management and Legal Department to inform the draft position profile as well as worked with Mayor, Council, and staff to establish a timeline for the recruitment.

FISCAL IMPACTS

The City Attorney position has been budgeted in the current budget as well as for the next BN.

DISCUSSION QUESTIONS

Does the Council have any questions regarding the proposed process or candidate profile?

SUGGESTED NEXT STEPS

Staff will bring back the final process and candidate profile to the June 6th Council meeting for formal adoption to allow the process to move forward.

REFERENCES & ATTACHMENTS

Attachment #1: Draft Profile and Hiring Process



ASHLAND CITY ATTORNEY RECRUITMENT 2023

Adoption of Official Position Documents

Official adoption of a hiring process (Appendix B) is required under Oregon law for a City Council to hold an executive session to consider the employment of an employee (per ORS 192.660(2)(a) and ORS 192.660(7)(d)).

In addition, the City of Ashland recruitment consultant, Jensen Strategies, LLC, is recommends the City Council adopt the attached position profile (Appendix A) as an agreement on the attributes the Council is seeking in the next City Attorney. This profile will also inform the development of recruitment materials and to establish criteria for candidate evaluations.

The consultant gathered input through one-on-one interviews with the Mayor, Council, City Management, and Legal Department staff to inform the draft position profile for the City's 2023 City Attorney Recruitment.

APPENDIX A
CITY OF ASHLAND
CITY ATTORNEY POSITION PROFILE

Required Minimum Education / Experience

The City Attorney position requires a law degree from an accredited school of law, current membership in good standing with the Oregon State Bar, a minimum of five years' experience as a practicing attorney with or on behalf of public sector organizations.

Preferred Education / Experience

The City prefers a candidate with at least three years' experience as a municipal attorney, either as an employee or a contractor, reporting to a city council/commission in Oregon. In addition, specific experience and expertise in land use, municipal finance, public contracting, employment/labor relations, telecommunications, municipal housing policy, and houselessness issues is preferred.

Desired Skills / Attributes

Municipal Law Expertise and Experience

The City Attorney will be expected to possess the necessary knowledge, expertise, and experience in municipal law issues to effectively provide sound and clear legal guidance to the City Council and staff. Familiarity with the legal issues relevant to services and functions provided by a full-service municipality is important. As such, the City Attorney is expected to apply their expertise toward proactively protecting the City from unnecessary and foreseeable legal challenges, while seeking collaborative and innovative solutions when feasible. The City Attorney must have the ability to provide support and guidance for City Council policy discussions and decision making including navigating parliamentary procedures and is expected to represent the City in judicial and administrative forums. The City Attorney will also be expected to advise the City Council and/or staff when outside counsel is recommended due to the need for specialized legal expertise or third-party legal opinions.

Council Relations and Support

As a direct report to the City Council, the City Attorney is expected to promote and maintain effective working relationships with the Mayor and all members of the Council. As such, the City Council expects the City Attorney to proactively engage and guide Council members on issues with legal parameters or consequences, while maintaining appropriate deference. Regular attendance, in an advisory capacity, is expected at City Council meetings including offering procedural guidance as needed. The City Attorney should exercise appropriate judgment to keep the Council informed of legal issues potentially or presently impacting the City in a timely manner. The City Attorney must be able to provide City Council with clear, concise, understandable, and accurate legal guidance regarding substantive and procedural actions.

Leadership and Management

The City Attorney should possess effective skills and experience to lead and manage all aspects of the City Attorney's Office including, but not limited to, personnel management, budget development and tracking, succession planning, and effective engagement with the City leadership team and department representatives. As such, an ability to provide clear direction to effectively manage Legal Department functions, balance priority initiatives, and foster an active and forward-thinking workplace is important. The City Attorney should possess management experience to provide effective staff oversight, support staff development and retention, and to facilitate workforce planning to meet current and anticipated staffing needs in a vibrant organizational and community environment. A leadership style that demonstrates confidence with humility and tact is important. A commitment to communication, collaboration, transparency, integrity, and empathy as well as an organized, personable, patient, inclusive, respectful, even-tempered, and professional personal demeanor is essential.

Communication

It is imperative the City Attorney possess effective communication skills to effectively engage and inform multiple City audiences, including but not limited to the City Council, staff, legal professionals, local government officials, and community members. The City Attorney should practice and value a commitment to accessibility, transparency, inclusion, ethics, and timeliness when communicating with all individuals or groups. Further, a personal style that facilitates and encourages respectful two-way dialogues and an ability to communicate complex legal and policy issues in understandable terms is important. Communication, both verbally and written, should be offered with clarity, substance, and conciseness.

City Legal Authority

As a core responsibility, the City Attorney must be knowledgeable and experienced in writing, interpreting, and updating Home Rule authorities including the City Charter, Ashland Municipal Code, planning codes, and administrative policies. Ability to draft, review, and elucidate these legally binding documents, with direction received from the City Council, is integral to this position. The scope of this role includes analyzing and advising the City on various legal questions and recommend courses of action, preparing ordinances and resolutions, correspondence, memoranda, and reports concerning to address legal questions, in addition to analyses, interpretations, and opinions relative to City authority.

Municipal Finance

Municipal Finance is both a complex and an imperative area of the City Attorney’s practice and is a key area of expertise for the successful candidate. The City Attorney must have in-depth knowledge and experience in the laws, administrative rules, and legal precedent applicable to the City’s finances. Specific matters include local budget law, authorized expenditures, tax increment financing, bond issuance and proper allocation of tax revenues and other sources of income.

Public Contracting

The City Attorney is expected to provide legal guidance, interpretation, negotiation, and enforcement of City contracts involving a wide variety of subjects such as real estate, development, purchasing, intergovernmental, financial, personnel, and other agreements. In the course of this responsibility, the City Attorney is expected to practice transparency, inclusivity, equity, and to act collaboratively whenever possible.

Land Use and Development

Oregon has a unique system of land use laws and regulations. The City Attorney should have expertise in land use law, including Comprehensive Plan and Development Code content and application, urban growth boundary administration, and intergovernmental service agreements. Development applications, including those for housing and telecommunications uses, will require the City Attorney to advise the City’s Planning Department and appointed and elected officials on rapidly changing rules, and to provide legal analysis and opinions, to assist the proper handling of City hearings, and to represent the City in administrative proceedings.

Personnel and Labor Policies

The City Attorney is expected to provide legal advice and guidance on employee and labor relations issues including, but not limited to, City personnel policies, disciplinary actions, employee grievance complaints, collective bargaining agreements, and investigations. This responsibility includes researching, analyzing, and interpreting various labor-related questions and advising the City with tangible courses of action. In addition, this includes an ability to participate effectively in union negotiations with clear legal advice and a solution-oriented approach when possible. The City Attorney should respond to inquiries and resolve complaints in a timely manner. An ability to identify and act when third party investigations are required to resolve personnel issues is required.

Diversity, Equity, and Inclusion

The City Attorney should have a demonstrated understanding of the practices and principles of diversity, equity, and inclusion (DEI). Knowledge and experience of legal requirements and parameters for DEI-related matters is important. Further, the person in this position is expected to embrace and practice DEI principles as relevant to the policy development, personnel management, as well as the staffing and operations of the Legal Department.

Professional Certification and Growth

The City Attorney is expected to fulfill ongoing requirements to maintain an active and good standing with the Oregon State Bar. As such, participation in required Continuing Legal Education (CLE) courses, and other mandatory trainings is imperative. The City Attorney is expected to stay abreast of relevant legal decisions, best practices, and current trends to effectively serve as the City’s primary legal counsel. In addition, as the manager of the Legal Department, the City Attorney should require and ensure that any attorneys within the Department remain active and in good standing with the Oregon State Bar.

Understanding of City Government Roles

The City Attorney should have a thorough understanding of the Council-Manager form of government and the roles of the bodies and individuals within such governments. The City Attorney will be expected to help proactively advise and guide the City Council, staff, and advisory bodies to function effectively within their legally defined roles.

Current Policy Issues

The Attorney will be expected to provide legal counsel and assistance to the City Council and staff in finding legally sound, innovative, collaborative, inclusive, and solution-oriented paths for the following policy issues:

Housing & Houselessness

The City of Ashland, like many cities, has an insufficient supply of housing and limited available land to provide additional living options for local workers or residents. Further, the community is also experiencing continued and increasing houselessness resulting in competing interests seeking different solution approaches. The City has been working to address houselessness within legal parameters including opening an overnight campground for people experiencing houselessness to meet State law and to allow enforcement of a City ban of camping in public spaces. The complexity of houselessness issues and the associated legal parameters present continual challenges to navigating diverse interests to find solutions that address different types of houselessness, individual support services, affordable housing, public safety, and community livability. The City Attorney will be expected to provide legal advice on housing and houselessness policies as well as stay informed on laws and decisions that could impact City policies related to housing and houselessness issues.

Charter and Ordinance Updates

In 2020, Ashland voters passed a Charter amendment to establish a Council-Manager form of government. Implemented in 2021, the transition to the new government structure has been on-going with the hire of a city manager who now oversees the operational side of the City and is the primary staff liaison to the City Council. Adjustments to this new form of government are continuing and will need legal counsel to advise on issues that arise. For example, a separately elected Parks Commission oversees the City Parks Department but ultimate budgetary authority for the Department resides with the City Council. Bringing greater clarity of roles and

authority will be needed to ensure effective delivery of parks services. In addition, the Ashland Municipal Code will need to be updated to be consistent with the Charter and current practices. The City Attorney will be expected to have an integral role in updating the City's ordinances.

Telecommunications

Like in many cities, telecommunications companies are working toward transitioning to a 5G wireless network requiring installation of facilities to support this updated system. This new network system has generated significant community and City Council discussion regarding these facilities from a safety and aesthetically acceptable perspective. With new FCC regulations prohibiting traditional land use processes based on the development code, a new ordinance is under consideration to set a framework for Small Wireless Facilities applications. The City Attorney is expected to advise on any City ordinances or policies related to this new issue, and to address specific site-related legal issues as they arise.

APPENDIX B
CITY OF ASHLAND
CITY ATTORNEY RECRUITMENT HIRING PROCEDURES

Upon City Council adoption, the following hiring procedures will be implemented to recruit the City of Ashland's next City Attorney.

Advertisement and Recruitment

Recruitment Brochure Development: Upon City Council formal adoption of the hiring process and candidate profile of the City Attorney, the consultant will develop a professional, comprehensive recruitment brochure designed to attract the highest quality applicants. Organization-specific information will be incorporated into the brochure, including an overview of department functions/services, staff size, budgetary information, and current challenges and policy priorities. Community information will be added, including a description of the environment with quality-of-life details, economic highlights such as important industries and major employers, and a listing of public agencies with overlapping jurisdiction. The brochure will include position compensation information, including salary and benefits package, as well as information on how to apply for the position and the recruitment timeline.

Position Advertisement: The consultant will execute a comprehensive position advertisement process designed to attract a variety of qualified and well-suited candidates. The approach will be multi-faceted and will include advertising the position on high-profile managerial and specialization-specific websites, within professional publications and periodicals, with venues that reach out to diverse candidate populations, and in other forums as appropriate. The consultant will also directly contact qualified candidates within their professional network to inform them of the openings.

Screening of Candidates

Initial Application Screening: Candidates will provide a resume, a cover letter, and a Jensen Strategies supplemental application form. The consultant, including a team of former public administrators, will review applications against the adopted City Attorney profile, remove all non-responsive applications, and determine which candidates best fit the City's needs.

Semi-Finalist Zoom Interviews: The consultant will conduct preliminary Zoom interviews with the candidates who best fit the candidate profile, as well as all veterans who meet the position's minimum qualifications (as required by Oregon law). In preparation for the interviews, the consultant will conduct an internet search regarding each candidate, to identify any high-profile work-related media.

Recommendation of Finalists: The consultant will attend an executive session of the City Council in-person to present the results of the initial review process and recommendations of up to four finalists for the City Attorney position. For transparency purposes, the consultant will provide briefing notebooks for the City Council with information on all the candidates interviewed. During the session the consultant will answer Council questions and assist in facilitating a discussion to help them reach consensus on up to four finalists. Subsequently, the Council will announce the finalists in a regular business meeting after the consultant notifies the selected finalists and receive permission for public disclosure of their candidacy.

Background Checks on Finalists: The consultant will engage a background check firm to perform comprehensive background checks on all finalists. Background checks will include:

- County criminal searches
- State criminal searches
- Federal criminal searches
- National criminal database searches
- Sex offender searches
- Motor vehicle searches
- Education/degree verification
- Employment verification
- Credit checks
- Civil litigation

Reference Checks on Finalists: The consultant will take the necessary time to vet the candidates with the references they provide, as well as other knowledgeable contacts the consultant may be aware of, asking incisive questions to gain a comprehensive understanding of their abilities as a City Attorney and potential to meet the attributes sought by the City.

Finalist Interviews: Finalists will be interviewed in-person by three panels consisting of (1) the City Council, (2) a panel of City Attorneys from other jurisdictions, and (3) a panel with City management and department heads. Panelists will receive an informational packet containing interview guidelines, questions, and comprehensive information on each finalist. After panel interviews have been completed, the consultant will summarize the findings and recommendations to be shared during Council deliberations and selection.

Council Deliberations and Selection: The Council will convene in executive session. At the session, the consultant will provide summary material on all input received during the finalist interview process, references, and background checks. The consultant will facilitate the Council's discussion in identifying their selected candidate.

Recruitment Schedule

Date	Actions
Week 1	Council official adoption of candidate profile/hiring process
Week 2	Recruitment brochure development
Weeks 3 - 7	Position advertisement
Week 8	Initial application screening
Week 9	Preliminary Zoom interviews
Week 10	Recommendation and selection of finalists
Weeks 11 - 13	Background/reference checks on finalists
Week 14	Finalist interviews and selection