



Council Meeting: April 3, 2012

SUBJECT: RECRUITMENT PROCESS FOR CITY ATTORNEY

BACKGROUND

This report outlines the general parameters for the recruitment and selection process for a new City Attorney. The City Council is asked to review and approve the established guidelines regarding the City Attorney selection process.

The current City Attorney, David Kahn, announced his resignation from employment with the City of Sunnyvale on Monday, March 19, 2012. In accordance with his employment contract, Mr. Kahn has provided sixty days advanced notice of his separation from employment. Accordingly, it is necessary to begin an aggressive recruitment plan to obtain qualified applicants for the City Attorney vacancy. The Human Resources Department has worked with the City Manager in developing a proposed recruitment plan for City Council consideration.

EXISTING POLICY

Section 900 of the Sunnyvale City Charter states, in part “the City Council shall appoint the City Attorney. To become eligible for appointment as City Attorney, the appointee shall have been admitted to practice as an attorney at law before the Supreme Court of the State of California, and shall have been engaged in the practice of law for at least seven years prior to his/her appointment.”

DISCUSSION

Identified below is a recruitment plan to assist the City Council in the recruitment and selection process for a new City Attorney. The outline was developed by City Manager and Human Resources Director with input from the Mayor.

Request for Quotations: The Request for Quotations was distributed to executive search firms the week of March 19, 2012 in order to have these available at the earliest possible opportunity. We provided an RFQ to five firms that were identified by the City Manager and the Director of Human Resources.

The deadline to receive the RFQ from the executive search firms is April 6, 2012.

Job Description: Attached to this RTC is the current job description for the City Attorney classification. It is recommended that we move forward with this job description to begin the recruitment process. The minimum qualifications are identified in the City Charter and include the following: *the appointee shall have been admitted to practice as an attorney at law before the Supreme Court of the State of California, and shall have been engaged in the practice of law for at least seven years prior to his/her appointment.*

Recruitment Brochure: The Human Resources Department will collaborate with the Executive Search Firm to develop the recruitment brochure and approve the advertisement plan.

Application Process: Applicants will provide a cover letter, resume and references directly to the Executive Search Firm for initial screening. The Executive Search firm will conduct the initial screening for minimum qualifications and best qualified, depending upon the total number of qualified applicants. Then based on the depth of the pool of candidates, one of two courses of action will occur. In one case, if the pool exceeds five to six candidates, the City Council will meet with the Executive Recruiter to determine which candidates will be referred to the panels for interviews. In the other case, if the pool is limited to six or fewer candidates, they will be directly referred to the panels.

Interview Process: The selected candidates would be invited to participate in an interview process. The process could consist of two panels.

Panel One: Will consist of a City Council subcommittee.

Panel Two: Will consist of subject matter experts. The subject matter experts will consist of local public sector attorneys in agencies. The panel will be assembled by the Human Resources staff under the direction of the City Manager.

The Department of Human Resources will work with the City Council subcommittee in developing interview questions for Panel One. The City Manager will work with the current City Attorney to develop questions for Panel Two. Final candidates from the oral examination process will move forward for an interview with the entire City Council.

Final Selection Interview: The City Council would convene a closed session meeting to interview the final candidates as determined by the interview process with the two panels. The City Council will have the opportunity to review all applications prior to this meeting.

Interim Staffing: The current City Attorney has made an outreach effort to the legal community to identify a potential interim City Attorney. After this effort,

there are two potential Interim City Attorneys that the City Council can select. One potential interim is an internal candidate and the second potential interim is an external candidate. It is recommended that the City Council subcommittee meet with these two individuals to determine the best choice for the interim assignment. Should neither candidate be selected for the interim assignment, further outreach will be done. Further, it is recommended that an interview take place quickly so that there is an overlap with the interim and current City Attorney.

FISCAL IMPACT

There is an increased fiscal impact associated with the recruitment and selection process for the new City Attorney. Sufficient funds have not been included in the Human Resources Department budget to hire an Executive Recruitment Firm. It is anticipated the process will cost \$35,000 to \$40,000. An additional appropriation is anticipated to fund this search.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Move forward with the recruitment and selection process for the City Attorney and the selection process of the interim City Attorney position as identified above.
2. Move forward with the recruitment and selection process with modifications as identified by the City Council.

RECOMMENDATION

Staff recommends adoption of Alternative #1 and that the recruitment and selection process for a new City Attorney take place as identified above.

Prepared by:

Teri Silva, Director, Human Resources

Approved by:

Gary M. Luebbers
City Manager

Attachment

- A. Current Job Description

CITY OF SUNNYVALE**CITY ATTORNEY****DEFINITION**

Under policy direction of the City Council, provides legal representation and legal counsel in all matters to the City Council, its committees, its boards and commissions, to the City Manager, and to the departments of the City of Sunnyvale.

DISTINGUISHING CHARACTERISTICS

This position serves as one of two Council-appointed officers and as a department head. The City Attorney plans, organizes, and directs activities of the City Attorney's Office and provides assistance and advice to City staff in accordance with policies of the City Council; and participates in the handling of litigation and other legal work. This position exercises direct supervision over professional, technical and support staff.

ESSENTIAL JOB FUNCTIONS:

(May include, but are not limited to, the following):

- Plans, organizes, coordinates, directs, and participates in the provision of legal services provided by the City Attorney's Office.
- Represents and advises the City Council, boards, commissions, and all City officers in all matters of law pertaining to their offices.
- Represents the City in all legal actions.
- Prepares or assists in the preparation of all City ordinances, resolutions, agreements and contracts, and approves the form of such instruments.
- Supervises and trains subordinate attorneys and executive clerical staff.
- Responds to requests for information or complaints from the general public on legal issues when not in conflict with the City Attorney's representation of the City.
- Attends all meetings of the City Council and gives advice or opinions in writing.
- Provides legal counsel and assistance in the field of employee relations, and provides representation for the City in Worker's Compensation cases.
- Works with individual Council members on application of conflict of interest and Brown Act procedures.
- Maintains a current and usable municipal code.
- Acts as legal counsel to water and sewer utilities.
- Assists the City Clerk in the conduct of elections and drafts ballot proposals.
- Develops new legislation to implement the policies of the City Council.
- Represents the City in the community and at professional meetings as required.
- Coordinates for defense and prosecution with outside counsel, as needed for effective representation of the City.

WORKING CONDITIONS

Position requires sitting, standing, walking, reaching, twisting, turning, kneeling, bending, squatting and stooping in the performance of daily activities. The position also requires grasping, repetitive hand movement and fine motor coordination when using a computer keyboard. Additionally, the position requires near and far vision when reading and using a computer. Acute hearing is required when providing phone and personal service. The need to lift, push and pull files, paper and documents weighing up to 25 pounds is also required. Some of these requirements may be accommodated for otherwise qualified individuals requiring and requesting such accommodations.

MINIMUM QUALIFICATIONS:

Education and Experience:

The minimum qualifications for education and experience can be met in the following way:

A Juris Doctor degree from an accredited law school, AND

Seven years of active practice, preferably in the field of municipal law, including two years of supervisory and/or management experience.

Thorough knowledge of:

- Ordinances, statutes, and court decisions related to municipal entities, particularly in the areas of community development, public works, public safety and finance.
- Organization, powers, and limitations of governmental functions and officials with particular emphasis on municipalities.
- Organization and operating procedures of a City Attorney's Office.
- City governmental structure and administration.
- Philosophies, techniques and principles of municipal law and the legal system.
- The rules of order governing the conduct of public meetings.

Ability to:

- Analyze legal problems, issues, questions and other situations requiring legal interpretation and provide recommended courses of action.
- Exercise initiative, creativity and sound judgment in solving difficult administrative, technical and personnel problems.
- Manage a department, including selecting, directing and evaluating departmental staff; and budget development.
- Communicate effectively orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.

- Coordinate legal programs and problems with Council, commissions, management and staff, and the community.
- Conduct legal research; review documents for legal sufficiency; determine legal issues, analyzing them and applying legal principles, facts, evidence and precedents.
- Maintain the level of knowledge required for satisfactory job performance.
- Assist City staff and officials in dealing with general operational issues.
- Utilize various specialized software applications.
- Prepare and present complex cases in court, including jury trials.
- Observe safety principles and work in a safe manner.

Licenses/Certificates:

Active membership in the State Bar of California, and 9th Circuit US District Court

Possession and continued maintenance of a valid class C California driver's license or the ability to provide alternate transportation as approved by the hiring authority and a safe driving record.