



MEMORANDUM

To: Mayor and City Council

From: Christopher Pike

Date: November 22, 2010

Subject: **Amendment of City Allocation and Position Chart Related to the City Attorney Position**

ITEM DESCRIPTION

To approve an update to the City Allocation and Position Chart and appoint Brian Anderson as employee in the position of City Attorney

BACKGROUND

Earlier in 2010, the Internal Revenue Service (IRS) evaluated the roles performed by the City Attorney and the specifics of Brian's agreement with the City. After considering those roles and specifics, the IRS ruled in September 2010 that the status of the City Attorney represented an employee-employer relationship. The IRS ruled the effective date of this relationship was January 1, 2010.

EVALUATION

Staff has worked closely with the City Attorney and Council to assemble information needed to make this change internally. A job description and offer letter has been presented by Council to Brian Anderson; which was accepted with an effective date in January 2011. For the current year, the salary will be adjusted internally to accurately reflect expenditures made.

FUNDING

For both years in question, the salary was calculated in a manner that reflected the total cost of employment with all benefits and taxes considered. Benefits will be equal to those offered other full-time employees. For 2010, the funding is revenue-neutral with no increase or decrease to the overall General Fund budget. For 2011, the salary proposed for the position is \$136,656 plus the standard benefits offered to other full-time positions. Because some of the City Attorney's expenses are in Court and some are in Legal, an internal reallocation will take place to move all expenses into the City Attorney's budget rather than splitting the salary across two departments. Again, the net effect will be no increase to the General Fund budget. A future budget amendment will capture this reallocation.

RECOMMENDED ACTION

It is respectfully requested that Council approve the Staff's recommendation to modify the current position allocation chart to include the City Attorney position and appoint Brian Anderson as City Attorney with a salary of \$136,656 beginning in January 2011.

TITLE: City Attorney
DEPARTMENT: Legal
FLSA STATUS: Exempt

JOB SUMMARY:

The position of City Attorney is responsible for the management of the City's legal department. The incumbent provides legal advice to City officials and departments, represents the City in all legal affairs, and prepares court and legal documents on behalf of, and in support of, the City. Other job duties include the preparation and/or review of contracts, ordinances, communication with citizens regarding legal inquiries, and attendance at meetings to provide legal opinions, discussion or comment.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

- Manages the City's legal department, including the oversight of all litigation and potential legal matters involving the City, City personnel or City services. Prepares and manages departmental budget, and issues reports pertaining to all completed legal work.
- Makes determination on the use of external legal counsel and liaises with external counsel to ensure that quality of service is maintained.
- As legal advisor to City officials and departments, evaluates the facts of specific cases or assignments, conducts legal research, and provides legal opinions both verbally and in writing. Interprets and applies statutes, case law and ordinances to arrive at legal opinion.
- Represents the City in litigation before Federal and State courts and administrative agencies; may represent the City in appeals before Federal and State Appellate Courts.
- Represents the City in all aspects of Municipal law including land use, planning, zoning and development, personnel/employment and policy issues, contracts, civil service, municipal liability, open government and all other legal matters facing the City.
- Reviews the legality, and/or sufficiency of contracts, bonds, bids, leases, insurance and claims. Represents the City's interest in various contract negotiations.
- Prepares and approves ordinances for consideration for the Mayor or City Council.
- Prepares court papers including pleadings, opinions and briefs after careful review of applicable statutes, ordinances and prior court decisions.
- Analyzes legislation, including proposed state and federal legislation, and determines if and how this legislation affects the City.
- Maintains knowledge of current laws, regulations, pending legislation and any trends affecting City operations.
- Responds to and resolves citizen inquiries and complaints. Investigates complaints and/or claims by or against the City.
- Attends meetings of the City Council and various committees and boards as required and renders legal advice on matters on the agenda.
- Will be required to perform other duties as requested, directed or assigned.
- Regular attendance and punctuality are essential requirements of the job.

ASSOCIATED DUTIES:

- Must attend Continuing Legal Education seminars and workshops to meet requirements for continuing licensure for law practice.

MINIMUM QUALIFICATIONS:

Education and/or Experience

- a) Graduation from a school of law accredited by the American Bar Association with a Juris Doctor degree.
- b) At least five (5) years of experience practicing law preferred, including trial experience, and some government agency and / or municipal law experience.
- c) Experience as a solicitor in municipal court.
- d) Must have membership in Georgia State Bar and must have the ability to maintain membership as a condition of continued employment.

Necessary Knowledge, Skills, and Abilities

- a) Knowledge of pertinent federal, state, county and municipal laws and regulations.
- b) Knowledge of the current principles and practices of public law.
- c) Knowledge of the organization, duties, powers, limitations and authority of municipal government and the City Attorney's Office.
- d) Knowledge of legal principles and practices including civil, criminal, constitutional, and administrative law and procedure.
- e) Skills in planning, developing, implementing and administering a legal services program dealing with various governmental functions.
- f) Skills in negotiating.
- g) Skills in oral and written communication sufficient to develop defenses of, and justification for, decisions reached.
- h) Skills in the methods and techniques of legal research.
- i) Skills in analyzing legal questions, applying the correct legal principles, determining the potential consequences of a proposed action and presenting facts and legal conclusions in a clear and logical form.
- j) Ability to establish and maintain effective working relationships at all levels.
- k) Ability to exercise independent judgment.
- l) Ability to analyze and prepare effective legal opinions, ordinances, contracts, agreements, leases, deeds, pleadings, briefs and other legal documents.

SPECIAL REQUIREMENTS:

- a) Ability to deal with the public directly under stressful circumstances.
- b) Ability to manage multiple projects and assignments simultaneously.
- c) Must maintain a satisfactory Motor Vehicle Record (MVR).
- d) Ability to be available to work hours as needed or necessary including, but not limited to, attending meetings outside normal business hours.

PHYSICAL DEMANDS:

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

- While performing the duties of this job, the employee is frequently required to sit; talk or hear; use hands to finger, handle, feel or operate objects, tools or controls; and reach with hands and arms.
- The employee is occasionally required to walk.
- Tasks may involve extended periods of time at a keyboard or workstation.
- The employee must occasionally lift and/or move up to 10 pounds.
- Specific vision abilities required by this job include close vision and the ability to adjust focus.
- While performing the duties of this job, the employee typically sits in an office.
- Some tasks require the employee to work in a court setting or in another administrative office setting.

CITY OF DUNWOODY, GEORGIA
FY 2010 Position Allocation Chart

Department/Title	Full Time	Part Time
General Government		
Mayor		1
City Council		6
Office of the City Manager		
City Manager	1	
Administrative Services		
City Clerk	1	
Legal		
City Attorney	1	
Financial Services Division		
Finance Director	1	
Public Safety		
Chief of Police	1	
Deputy Chief of Police	1	
Lieutenant	3	
Sergeant	6	
Police Officer	33	
Police Service Representative (non-sworn)	4	
Crime Scene Technician (non-sworn)	1	
Property & Evidence Technician (non-sworn)	1	
Executive Assistant (non-sworn)	1	
Terminal Agency Coordinator (non-sworn)	1	
Municipal		
Clerk of Court	1	
	57	7