

Discussion / Direction / Decision
on the recruitment process for a Municipal Attorney



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Assembly Members

From: Mayor Eisenbeisz

Date: 1/17/2024

Subject: Municipal Attorney Recruiting

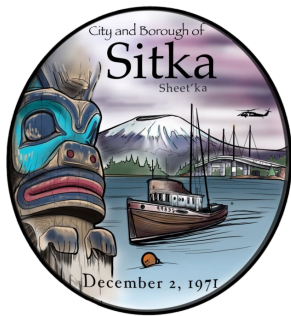
Over the last few weeks we have been compiling an updated job description and pay scale for the position of municipal attorney. Multiple people have worked together on our behalf to help the process along. These updates are attached in the packet information for your consideration. Below are some decision points the assembly will need to review and approve or change. None of this is final, however it is ready to go forward if we are satisfied with the documents as is.

The job description follows along with our previous version, removes some obsolete duties, and further clarifies some important roles of the municipal attorney. This new format also allows easier upload to NeoGov, our new recruiting software.

Pay scales have been researched in Alaska for comparable positions. This information is provided for consideration. When we add a pay scale to this job, I suggest the assembly consider the current labor market conditions and specialized focus of this position.

Finally, we need to determine the duration of advertising for the position. It has been recommended to leave it open for quite some time initially, and keep it open until filled. A first review of April 1 gives candidates time to prepare an application and hopefully reach a qualified audience. If no one is selected for further consideration during this review, we can keep the application process open and conduct reviews as needed.

Please ask questions of the process if you have them and edit the documents by motion as you see fit.




CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Assembly of the City and Borough of Sitka

From: John Leach, Municipal Administrator 

Date: January 10, 2024

Subject: Recruiting for the City and Borough of Sitka's (CBS) Municipal Attorney Position

Background

In accordance with The Home Rule Charter of the City and Borough of Sitka Section 2.13 (C), the Municipal Attorney is a required role appointed to serve at the pleasure of the Assembly. Mr. Hanson, the current Municipal Attorney, submitted his retirement notice on January 1, 2024, indicating his intention to retire on June 30, 2024. Following this announcement, the Assembly, in their meeting on January 9, 2024, unanimously accepted Mr. Hanson's retirement notice. The Assembly has also initiated the process to recruit a suitable successor for the Municipal Attorney position.

Analysis

The job description for the Municipal Attorney position, last updated in 2010, has undergone a necessary revision. Attached to this memo is the newly crafted job description for consideration. This updated version is designed to be more streamlined and modern, accurately reflecting the current responsibilities of the Municipal Attorney. This revision is the result of an internal desk audit of the position, ensuring that the description aligns with the actual duties and expectations in today's context. Furthermore, a compensation study has been conducted to ensure that the wage offered for this position is competitive and commensurate with market conditions in our region. The details and outcomes of this compensation study will be elaborated in the Fiscal Note section of this memo.

Fiscal Note

In the course of researching appropriate salary ranges for the Municipal Attorney position, a variety of sources were consulted. The current annual salary, based on the municipal budget stands at \$161,324.80 per year, derived from an hourly rate of \$77.56 for 2080 hours. For recruitment purposes, it is recommended to consider an annualized salary rather than an hourly rate.

Data from multiple websites for the years 2022-2023 suggests a broad range of salaries for positions comparable to the Municipal Attorney. These sources include PayScale, Gov Salaries, Public Legal Salaries (In-House Counsel), Comparability, and specific salaries from other Alaskan boroughs as listed in the AML survey. This research indicates that salaries for similar positions vary significantly based on experience, region, and specific job responsibilities.

PayScale: \$56,000 - \$170,000

Gov Salaries: \$105,951 - \$225,419 Avg. \$179,688

In-House Counsel				
	Experience	25th percentile	50th percentile	75th percentile
General Counsel, Chief Corporate Counsel		\$168,750	\$201,000	\$245,000
In-House Counsel/Assoc. GC	10+ years	\$145,750	\$167,500	\$200,000
In-House Counsel	4-9 years	\$98,250	\$135,250	\$163,000
In-House Counsel	0-3 years	\$84,000	\$108,750	\$130,500

Ketchikan Gateway Borough (AML): \$168,542.51 (1 position – Borough Attorney)

City and Borough of Juneau (AML): \$192,025.60 (1 position – City Attorney)

Kenai Peninsula Borough (AML): \$98,081.00 - \$148,049.00 (1 position – Borough Attorney)

Municipality of Anchorage (AML): \$72,001.14 - \$178,103.39 (23 total positions in department – Municipal Attorney I and II)

After considering all these data points, it is recommended that the Assembly set the salary range for the Municipal Attorney position between \$135,000 to \$170,000, depending on the candidate's experience. This range is competitive and aligns with market conditions, ensuring that we attract highly qualified candidates for this crucial role.

Recommendation

I recommend that the Assembly accept the draft job description for the Municipal Attorney position as final. In accordance with the compensation study and market research, I propose setting the salary range at \$135,000 to \$170,000, based on experience. Additionally, I advise that we proceed with public advertising under the recommended terms for the position to attract qualified candidates.

Encl: Draft Municipal Attorney Job Description

CITY AND BOROUGH OF Sitka

A COAST GUARD CITY



JOB DESCRIPTION

GENERAL INFORMATION		
JOB TITLE	PAY GRADE	DEPARTMENT
Municipal Attorney		Law
CLASS CODE NUMBER	EFFECTIVE DATE	REPLACES JOB DESCRIPTION DATED
1040		September 2010
FLSA DESIGNATION, SELECT ONE		IF UNION-REPRESENTED, SELECT ONE
<input checked="" type="checkbox"/> EXEMPT <input type="checkbox"/> NONEXEMPT		<input type="checkbox"/> ASEA <input type="checkbox"/> PSEA <input type="checkbox"/> IBEW <input type="checkbox"/> IAFF
PRIMARY PURPOSE OF JOB		
<p>Serves as the City and Borough of Sitka's ("CBS") legal counsel and risk manager providing legal advice to the Assembly, Mayor, Administrator, and all departments on legal matters and performing the day-to-day legal work of CBS. The Municipal Attorney is hired by the Assembly. The work is performed under their general direction and supervision. The work is performed independently and based on technical expertise with discretion subject to compliance with the law. The Municipal Attorney directly supervises one administrative support employee in the Legal Department. In the absence of the Municipal Administrator, this position may be required to temporarily fill in and assume full responsibility for the duties of the Administrator.</p>		
ESSENTIAL DUTIES AND RESPONSIBILITIES		
<ul style="list-style-type: none">• Act as the Risk Manager, overseeing and mitigating legal risks to protect the interests of the City and Borough of Sitka• Plans, organizes, and directs the daily operations and strategic planning of the Legal Department; prepares the annual budget for the Legal Department; monitors and approves expenditures to maintain spending within allocated budget• Advises and confers with the Assembly, Mayor, Administrator and all departments on all legal matters and in regard to their official duties, responsibilities and legal services needs• Attends all Assembly meetings and work sessions of the Assembly as legal advisor• Prepares or supervises the preparation of legal documents including, but not limited to, ordinances, resolutions, contracts, leases, agreements, property documents, memorandums of understanding, franchises, court filings, or other legal documents as requested• Represents CBS in civil and criminal matters coming before any court or administrative agency• Acts as City Prosecutor prosecuting and defending all civil matters and violations of municipal ordinances not handled directly by the Police Department or the State of Alaska including some violations and minor offenses• Provides legal advice to Assembly when it is convened as quasi-judicial body such as board of equalization, board of adjustment, any other appeal process authorized under the Sitka General Code		

Municipal Attorney Job Description

Effective _____

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- Hires and supervises the work of outside counsel or legal consultants retained by CBS to represent CBS in various legal matters; works with insurance companies responsible for coverage for any claims or potential claims
- Prepares or supervises the preparation of formal and informal legal opinions upon request of the Assembly, Mayor, or Administrator
- Represents CBS when attending various meetings with different CBS stakeholders in which the legal matters of CBS are or may be implicated
- Maintains the confidentiality of privileged matters balanced by the public's rights regarding Open Meetings Act and Public Records Act
- Provides legal advice regarding proposed federal and state legislation or regulations affecting CBS
- Responds to inquiries of a legal nature by the public made to the Assembly, Administrator, departments, and boards/commissions/committees as requested; does not provide direct legal advice to the public

KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of:

- General legal principles, processes, and procedures
- Administrative agencies and judicial court practices and procedures, at all levels
- Federal, state, and local statutes, regulations, and procedures regarding municipalities and local governments
- Open Meetings Act and Public Records Act
- Civil and criminal law principles, processes, and procedures

Skills in:

- Legal research, including electronic research
- Drafting legal opinions and documents
- Use of typical administrative and law office software programs
- Trial/litigation/appellate and administrative law advocacy
- Organizational skills to manage many complex tasks simultaneously

Ability to:

- Communicate effectively and succinctly, both orally and in writing, when discussing or explaining complex legal matters in a manner meaningful to non-lawyers
- Perform a wide variety of duties and responsibilities with accuracy and speed under pressure of time sensitive deadlines and changing priorities
- Establish and maintain effective working relationships with Assembly, Mayor, Administration, departments, co-workers, representatives of other governmental agencies, and the public

MINIMUM QUALIFICATIONS

Graduation from an accredited law school and

Extensive experience in the practice of law required, both civil and criminal; experience in municipal or governmental law preferred

OTHER JOB REQUIREMENTS OR EXPECTATIONS

Must be a member in good standing of the Alaska Bar Association

If not licensed to practice law in Alaska, be eligible to become a member by reciprocity or within 3 months of beginning of employment

Maintain membership with the Alaska Municipal Attorneys Association

WORKING CONDITIONS AND PHYSICAL REQUIREMENTS

Working Conditions:

- General office environment

Specific Physical Requirements:

- Sitting or standing for long periods of time
- Working in front of computer screen for long periods of time
- Some walking, lifting, bending, and reaching during the work day

General Physical Requirements:

- Sufficient clarity of speech and hearing which permits the employee to communicate effectively
- Sufficient vision which permits the employee to review a wide variety of written correspondence, reports, and related material in both electronic and hardcopy form
- Sufficient manual dexterity which permits the employee to operate a keyboard and produce hand-written materials and notations
- Sufficient personal mobility which permits the employee to visit various and other work stations and attend a wide variant of meetings within CBS and out of area

JOB DESCRIPTION APPROVAL – CITY AND BOROUGH OF SITKA

This job description is approved, effective _____.

DEPARTMENT HEAD SIGNATURE: _____ DATE: _____

HUMAN RESOURCES SIGNATURE: _____ DATE: _____

MUNICIPAL ADMINISTRATOR SIGNATURE: _____ DATE: _____

JOB DESCRIPTION EMPLOYEE ACKNOWLEDGEMENT – FOR HUMAN RESOURCES USE ONLY

I have read and understand this job description, which describes the primary purpose, duties, responsibilities, working conditions, and physical requirements of this position.

EMPLOYEE SIGNATURE: _____ DATE: _____