

ASSISTANT CITY ATTORNEY II

JOB DESCRIPTION

Classification Responsibilities: An Assistant City Attorney II performs professional civil municipal legal work involving a wide variety of legal issues, cases, and projects. Depending on assignment, an Assistant City Attorney II's practice area will be in Administrative and Land Use Municipal Law or Civil Defense Litigation. All assignments require excellent writing and legal research skills. All attorneys in this classification generally provide legal advice to clients on major departmental issues and projects. Assistant City Attorney IIs perform most work with independent judgment and discretion, while more complex or novel issues will be performed with the assistance of a more experienced attorney with progression to handling these duties independently. Some assignments may involve specialization or a primary focus (such as land-use planning, public safety, environmental law, public utilities, procurements, human resources, public records law, commercial real estate transactions, or the defense of federal claims); however, employees are expected to assist in a variety of areas as this class is responsible for performing related duties as required.

Administrative and Land Use Municipal Law Units: Administrative and Land Use unit attorneys must have knowledge about general municipal law impacting the City as they serve as legal counsel to the City Council, City management, and the numerous City departments, boards, and committees. Assigned attorneys are responsible for: providing advanced legal services to the City Council and City management; performing difficult professional and administrative legal work, including the drafting and negotiation of complex agreements, policies, ordinances, and resolutions; representing the City at administrative hearings; and attending meetings as counsel for the various advisory boards and committees. Administrative unit attorneys generally handle matters involving human resources, City-owned facilities, finance, purchasing, public service programs, and public safety. Attorneys assigned to the Land Use unit work primarily on issues related to the development and use of public and private land, including advising on the construction of buildings and infrastructure, and drafting of complex real estate or land use related legal documents. Two assignments of note within the Municipal Law units are the ***Utilities/Environmental Assignment*** and the ***Police Legal Advisor Assignment***. Responsibilities for the ***Utilities/Environmental Assignment*** attorneys include handling legal issues involving environmental and natural resource topics, such as water rights; negotiating water leases; liability for environmental contamination; and all legal issues related to water, sewer, gas, and electric utility services. Attorneys with the ***Police Legal Advisor Assignment*** work with the Mesa Police Department on criminal and civil law issues, such as advising on department policy, criminal investigations, and constitutional law matters; providing training to new recruits; the negotiation and drafting of contracts; and other public safety matters.

Civil Defense Litigation Unit: Attorneys assigned to the Civil Defense Litigation unit must have the ability to handle all aspects of a civil defense litigation practice including discovery, depositions, motion practice, and trials. Assigned attorneys prepare and try cases in state and federal court, often involving jury trials, as well as perform appellate work and the negotiation and drafting of complex settlement agreements (either with the assistance of a more experienced attorney or independently depending upon the case/issue type and level of complexity). This assignment requires an in-depth understanding of federal and state law defenses for federal and state claims; in-depth knowledge about federal and state rules of civil procedures; and the ability to prepare for and conduct jury trials and appeals in federal and state court.

Distinguishing Features: This classification has been designated as a non-classified, non-merit system, at-will position. This class is distinguished from the Assistant City Attorney III classification by the latter's responsibility for senior level legal decision-making; responsibility for more complex work, high profile/high exposure cases; specialization in a specific area of the law and the ability to independently perform these duties at the highest technical level of expertise; and working as the mentor or lead attorney with less experienced attorneys.

In addition, employees in this class may progress by noncompetitive promotion to Assistant City Attorney III upon meeting the specific criteria-based promotion requirements of experience and performance. Work requires considerable exercise of initiative and independent judgement, and general direction is received from a Deputy City Attorney who reviews work through reports and an evaluation of overall results achieved. An Assistant City Attorney II may also receive training or assistance in their job duties from an Assistant City Attorney III. This class is FLSA exempt-professional.

QUALIFICATIONS

Employee Values: All employees of the City of Mesa are expected to uphold and exhibit the City's shared employee values of Knowledge, Respect, and Integrity.

Minimum Qualifications Required. Graduation from a school of law, accredited by the American Bar Association, with a Juris Doctor Degree. At least two years of experience in the practice of law.

Special Requirement. Active membership in the Arizona State Bar Association at the time of hire.

Substance Abuse Testing. None.

Preferred/Desirable Qualifications. Experience in municipal or public law and a strong background in contract drafting is highly desirable and preferred. For the *Civil Litigation Defense Unit*, experience in municipal or public litigation defense work is preferred.

ESSENTIAL FUNCTIONS

One position may not include all of the essential functions, knowledge and abilities listed, nor do the listed examples include all the knowledge and abilities which may be found in positions of this classification.

Communication: Provides thorough and professional legal advice to the City Council, the City Manager, department managers, and other City officials on complex legal problems and questions. Advises and represents City officials, departments, boards, and commissions concerning applicable local, state, federal, and related laws which impact City functions and programs. Drafts and reviews complex contracts, deeds, leases, legal opinions, ordinances, resolutions, regulations, and statutes. Analyzes tort claims by or against the City. Prepares major civil court cases including the negotiation of settlements when appropriate. Presents professional and thorough presentations before the court; writing concise, accurate, and persuasive pleadings. Prepares and represents clients at depositions and at trial.

Manual/Physical: Represents the City's interests in court and before regulatory agencies. Uses demonstrative evidence in preparing and presenting legal issues. Observes data and conditions affecting the City's legal interests to determine compliance with the law and contracts. Meets scheduling and attendance requirements.

Mental: Organizes, interprets, and applies legal principles and knowledge to complex legal problems. Performs a variety of legal research projects for City departments, units, and programs. Investigates claims and complaints by or against the City. Conducts research of legal precedents, federal laws, state statutes, and City ordinances. Prepares civil court cases for trial. Comprehends and makes inferences from written material to provide legal representation and advice. Analyzes narrative and statistical data to make recommendations regarding legal issues affecting the City. Analyzes, appraises, and organizes facts, evidence, and precedents in considering the various aspects and alternatives associated with legal positions.

Knowledge and Abilities:

Knowledge of:

rules of civil procedure and rules of evidence;
rules of professional conduct;
City ordinances and state, federal, and general municipal laws, including accepted legal or court interpretations;
organization, functions, and legal limitations on the authority of the various City departments; and
principles of civil law and legal research methods.

Ability to:

analyze, appraise, and organize facts, evidence, and precedents and to present such materials in a clear and logical form, both orally and in writing;
negotiate contracts with third parties and produce complex documents and contracts;
present oral and written information in a clear and concise manner using proper sentence construction, grammar, and punctuation;
effectively present cases in court;
determine limits of actions available to opponents and the probable course of action in the court case;
attend various board, commission, and City Council meetings to advise on legal problems and questions;
perform a variety of research for City departments and programs;
negotiate settlements;
enforce City policies regarding land use, jurisdictional problems, and other City interests;
demonstrate sound judgment; and
establish and maintain an effective working relationship with other employees, the general public, City officials, and officials of legislative and other governmental bodies.

The duties listed above are intended only as general illustrations of the various types of work that may be performed. Specific statements of duties not included does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Job descriptions are subject to change by the City as the needs of the City and requirements of the job change.

Revised 5/25

JB/eb/sb

CS5609.DOCX

EEO-Prof

JOB FCTN-LEG

Non-DOT Safety and Security-N

CDL-N

RESP-N

PAY GRADE: 61

IND-8820

SWORN-No

Non-DOT Random-N

DOT-N

INCREMENTS 58-200