

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 provides mid-level legal services to the City Council and management; plans, investigates, and tries major cases and appeals; performs professional and administrative legal work including complex development agreements, environmental law, utilities law, major tort litigation, and commercial real estate transactions; prepares and tries cases involving jury trials, condemnation cases, sales and use tax cases, and appeals board hearings; and attends meetings of departmental officials, employees, and advisory boards to advise on legal questions. Employees in this class also provide legal advice to clients on departmental issues and projects to assist the decision makers with the legal implications of their decisions and to assist the departments in meeting their goals. Assistant City Attorney IIs perform work with independent judgment and discretion. Although some assignments may involve specialization or a primary focus such as: land-use planning, public utilities, right-of-way acquisitions, intergovernmental agreements, drafting leases, ordinances, and civil pleadings, employees are expected to assist in a variety of areas as supervision deems necessary. This class is also responsible for attending meetings with departmental officials and performing related duties as required.

Administrative Municipal Law Assignment: Attorneys assigned to Administrative Municipal Law must have knowledge about general municipal law bearing on City legal problems and must have the ability to draft ordinances, resolutions, and agreements; provide City departments and officials with legal advice; and attend meetings and provide legal advice to advisory boards. Attorneys in this assignment draft legal documents such as professional services contracts, development agreements, commercial real estate agreements, Requests for Proposals (RFPs), or telecommunications agreements. Some assignments may involve specialization or a primary focus such as: land-use and planning, public utilities, Title 34, telecommunications, human resources, economic development, or real estate transactional work.

Civil Litigation Defense Assignment: Attorneys assigned to Civil Litigation Defense must have the ability to handle all aspects of a civil defense litigation practice which include discovery, depositions, motion practice, and trials; an understanding of federal and state law defenses for federal and state claims; knowledge about federal and state rules of civil procedures; the ability to prepare for and conduct jury trials and appeals in federal and state court (initially with the assistance of an experienced attorney with progression to handle trials independently); and excellent writing and legal research skills.

Tax Assignment: Responsibilities for the Tax Assignment include working with the model City tax code and state tax code on issues involving the issuance and collection of transaction privilege (sales) and use taxes; reviewing legislation to the state and municipal tax codes; drafting pleadings and filing complaints for the collection of delinquent taxes; representing Mesa in bankruptcy and appellate court; and counseling City officials on legal issues involving tax audits, tax collections, and enforcement of state and municipal tax codes.

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 mentor or lead attorney over less experienced attorneys. Employees may progress to this class by noncompetitive promotion upon meeting the specific criteria-based promotion requirements of experience and performance.

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. 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 application.

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 Assignment*, 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 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 presentation 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 concise and thorough 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;
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.