



GUIDE



Guide to Recruiting a City Attorney

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Table of Contents

Introduction.....	3
Acknowledgement.....	4
Disclaimer.....	4
Steps in the Selection Process of a Contract City Attorney.....	6
Steps in the Selection Process of an In-House City Attorney.....	12
Conclusion.....	17
Appendices	
Appendix A: Model Ordinance Establishing City Attorney Position.....	18
Appendix B-1: Resolution For Legal Services As Personal Services – City Manager.....	20
Appendix B-2: Resolution For Legal Services As Personal Services – City Council.....	26
Appendix C: Solicitation For City Attorney Services.....	31
Appendix D-1: Selection Process Checklist – Contract City Attorney (for council use).....	39
Appendix D-2: Selection Process Checklist – In-House City Attorney (for council use).....	40
Appendix E-1: Format for City Attorney Profile.....	41
Appendix E-2: Checklist for City Attorney Profile (for council use).....	42
Appendix E-3: Sample City Attorney Profile.....	43
Appendix F: Sample Applicant Acknowledgement Letter.....	48
Appendix G: Interview Guidelines.....	49
Appendix H-1: Suggested Interviewing Techniques.....	50
Appendix H-2: Sample Interview Questions.....	52
Appendix I: Sample Oral Interview Rating Form.....	54
Appendix J: Sample Press Release.....	56

Introduction

“Law provides the immediate framework within which public administration operates: defining its tasks, establishing its major structures, providing it with funds, and setting forth rules or procedures ... Legality therefore becomes a primary consideration of administrators, and legal advisers acquire an importance, which far outweighs their strictly administrative contribution.”¹

Leonard White
Historian of Public Administration

Leonard White wrote those words in 1926. The truth of his assertion is just as applicable, if not more so, in today’s modern world of local governance. If government fails to follow the law, it will fail to maintain the consent of those governed. Because city attorneys play an important role in helping councilors achieve the goals of their respective communities while ensuring adherence to the rule of law, selecting a qualified city attorney the council trusts and respects is critical.

Oregon cities have a strong history of acknowledging the importance of legal counsel. The League’s records indicate approximately 84 cities reference the appointment of a city attorney in their home rule charters. According to research conducted by the League, approximately 13 cities have codified the position of city attorney in their municipal codes. Some cities choose to retain private attorneys or private law firms to act as their city attorney, commonly known as a “contract attorney” or “outside counsel.” Other cities hire city attorneys as employees of the municipality, creating an “in-house” counsel position. Sometimes, a city will use a combination of the two, hiring an in-house counsel for general counsel responsibilities, and hiring outside counsel on an as-needed basis whenever the city has a need for an attorney with a particular specialty (such as labor negotiations).

As each city in Oregon is unique, so too is each city’s need for legal counsel. The decision to hire a contract attorney versus an in-house attorney, or use a combination of the two, is one that each city needs to decide for itself. The purpose of this guide is to aid a city council in making such a decision, and then going forward in the recruitment and selection of a city attorney.

As cities may not have a lot of experience in recruiting a city attorney, they can be uncertain about how best to proceed. This guide can help your council review recruitment technique alternatives, understand each of the required steps, devise a recruitment plan that meets your community’s needs, recruit a city attorney and execute a retainer/employment agreement. The options below will be discussed in greater detail, and tools will be provided to help the governing body carry out specific steps.

¹ [Leonard D. White and the Study of Public Administration](#). Public Administration Review 25:38–51, H. J. Storing 1965, citing Leonard White’s 2nd ed. of [Introduction to the Study of Public Administration](#) 11, 32 New York, NY: Macmillan.

Acknowledgement

The League wishes to recognize and thank Eugene Assistant City Attorney, Lauren Sommers, for her thoughtful and invaluable contributions to this guide. Ms. Sommers' municipal legal expertise is beyond reproach and her experience as both an in-house and contract municipal attorney proved invaluable in the development of this resource.

Disclaimer

The “Guide to Recruiting a City Attorney” is not a substitute for legal advice. It is meant to serve as a starting point for discussions about how the recruitment and selection process for a city attorney should be handled by each individual local unit of government.

Recruitment Techniques

Contracted City Attorney:

Generally, a city that is seeking a contract city attorney will prepare and issue a request for proposals. Please ensure that any request for proposals complies with either your locally-adopted public contracting rules or the Oregon Attorney General’s Model Public Contracting Rules.²

In-House City Attorney:

There are two basic alternatives available to a city that is seeking an in-house city attorney:

1. Hire a private recruiting firm to do all, or some, of the following:
 - a. Search for appropriate candidates;
 - b. Screen the candidates based upon city requirements;
 - c. Set up interview schedules and assist the council with interviews and selection; or
2. Perform all the steps with the aid of city staff (such as the human resources department).

Pros and Cons of the Two Techniques:

TECHNIQUE	PROS	CONS
1	Full service; relieves staff and council from recruiting/screening chores. Level of service depends on community’s specifications.	Can be expensive, depending on level of services purchased.
Private Executive Recruiting Firm	Actively solicits candidates.	
	May be able to dedicate more time to the project than the city is able.	
	Knows current availability of city attorneys, often throughout the United States, who are seeking a new community.	
	Have experience, can verify success record.	
	Acquainted with many city attorneys on regional or national basis.	

² Oregon Attorney General’s Model Public Contracting Rules: <https://www.doj.state.or.us/oregon-department-of-justice/client-resources/attorney-general-model-rules/>.

2	Least expensive.	Unfamiliar with process which may result in serious or costly mistakes.
Self-Administered Recruitment Process	Provides council with greatest involvement in process.	Of these alternatives, requires most time from council members.
	Works best when city has professional human resources staff.	Council does not normally solicit or know of potential candidates.

Steps in the Selection Process of a Contract City Attorney

The following explains the steps in a selection process that are applicable to the selection of a contract city attorney that will report to either the city manager or the city council. The city charter will oftentimes state whether the city attorney is to be selected by the city manager or city council. If the charter is silent, the council may create the position of city attorney by ordinance and indicate within that ordinance whether the city attorney reports to the council or city manager. A model ordinance establishing the position of city attorney can be found in Appendix A. Also, in some cities it may be possible for either the council or the city manager to hire a city attorney in the same manner they would any other employee or any other independent contractor.

Rough estimates of the time that each step may take are indicated. After reading this section, it may be useful for the city to use Appendix A-1 to develop a recruiting plan, complete with estimated time frames, for your community. Please keep in mind that at each step, the council or a subcommittee of council, must conduct its business in a meeting open to the public, unless the council has satisfied the requirements in Oregon Revised Statutes (ORS) § 192.660(2)(a) to conduct interviews or deliberate about candidates in executive session. City councils should also keep in mind that executive sessions are limited to deliberations, and councils may not make a final decision or take a final action in executive session.

Step 1. Define Position, Develop Profile and Establish Schedule

Time Required: up to two weeks.

- Councils should begin by reviewing any charter provisions or ordinances creating the city attorney position. Although the council cannot make changes to the city charter, it might desire to update any ordinance provision setting out the roles and responsibilities of the city attorney. Also, if the city attorney position is not set out in the city charter and/or reports to the city manager, the council will need to defer to the city manager in the method and process by which the city attorney is selected. The steps below should be followed by the city manager or the city council, depending on to whom the city attorney will report.
- Review and update the job description to ensure they continue to accurately reflect the city's expectations and job requirements.

- Prepare a profile of the skills, training and qualities of the “ideal” candidate. This is discussed more in Appendices B-1 and B-3. This step is critical to subsequent steps in the recruiting and screening process, particularly if the council desires to conduct any part of the recruitment in executive session.
- Establish a list of the types of services the city attorney is expected to provide.
- Review past expenditures for legal services, including retainers and hourly rates paid to prior legal counsel, to establish a baseline understanding of what rates and fees the council should reasonably expect to pay.
- Because the city will be soliciting proposals, the city should review its own contracting rules to ensure the process complies with those rules. City attorney services are generally considered personal services other than architectural, engineering, land surveying or related services (so called “non-A&E personal services”). Cities that have not adopted purchasing policies and therefore rely upon the attorney general’s model rules should be aware that the model rules do not provide a process for procurement of non-A&E personal services. Therefore, cities that rely upon the attorney general’s model rules must (1) designate the procurement of legal services as “personal services” and (2) establish a method for screening and awarding the contract for those services. In doing so, councils can designate the “goods and services” procurement process set out in the model rules as that method, or in the alternative, develop a separate process for screening and awarding the contract for those services. Because of the unique nature of legal services, the League recommends the city do the latter, and Appendices B-1 and B-2 provide sample resolutions for the council to use. (One sample is to be used when the city attorney reports to a city manager; the other sample is to be used when the city attorney reports to the city council.)
- Review recruiting steps and adopt a schedule.
- Determine the extent to which the recruitment process will be public.

Step 2. Determine the Procurement Process and Prepare the Solicitation Documents

Time Required: can be completed within time identified for Step 1.

- If the council designates the procurement of legal services as personal services, the city can decide between several methods of selecting legal services: request for qualifications, direct negotiation, informal selection, or formal request for proposals (see Appendix C). Regardless of the selection process used, the city will want to seek some form of solicitation from interested attorneys.
- Draft a request for proposal, request for qualifications, or informal selection document.
- At a minimum, the request for solicitation documents should include these items:

- Name of the local government;
 - Population of the local government;
 - Number of full-time employees;
 - Website of the local government;
 - Required and desirable experiences and qualifications;
 - Scope of services being sought:
 - Routine legal services; and
 - Non-routine legal services;
 - Types of proposals to be considered:
 - Retainer;
 - Hourly; and
 - Both retainer and hourly;
 - Form and content of proposal;
 - Evaluation and selection process; and
 - Deadline for submission.
- Appendix C contains a sample document that can be used to develop a request for qualifications and informal or formal requests for proposals.

Step 3. Decide Where to Publish the Solicitation

Time Required: four to six weeks.

- The most common publication in which Oregon cities advertise RFPs for city attorneys is the *Oregon State Bar Bulletin*. That publication will generally reach the vast majority of interested applicants who work for local units of government in Oregon.
- Some jurisdictions choose to include major regional newspapers, although they are more costly.
- The Oregon and Washington Leagues' websites are another effective resource for posting these RFPs.
- Cities can also forward their RFP to the League's general counsel, who can post the RFP on the Oregon City Attorneys Association listserv.

- Many cities publish the RFP on the city's website as well.

Step 4. Review the Proposals

Time Required: two weeks.

- Reviewing the proposals can begin following the closing date. Whether the city manager, a selection committee or the full council (or a subcommittee), the review should be conducted in accordance with the evaluation and selection process outlined in the RFP.
- If enough proposals are submitted, it is suggested that a minimum of three to five proposals are pulled for further review and consideration.
- Confidentiality is an important consideration in any recruitment. The confidentiality of resumes should be maintained and should be consistent with applicable state law.
- Regret letters explaining that the attorney is no longer being considered should be mailed at each step throughout the process.

Step 5. Reference Checks

Time Required: three to four weeks, depending on the number of candidates and who performs the checks.

- Reference checks are conducted with work-related contacts. Although some jurisdictions seek written references, phone calls are quicker and often more candid. Reference checking is a tedious, expensive and time-consuming process if done well. However, time and money spent during this step will save in the long run by avoiding travel costs for interviewing unqualified finalists. A minimum of three weeks is normally necessary to complete reference checks.
- The city may wish to contract for additional information from a reliable source on items such as degree verification, credit history, bar status and criminal history.
- Note: It is perfectly acceptable to conduct reference checks for only the finalist(s) the city is considering retaining.

Step 6. Interviews

Time required: three weeks; allow two weeks' notice to fit interviews into applicants' schedules.

- Prior to the interviews, the city manager/council may wish to send the proposer additional information about the city, such as the budget, audits, comprehensive plan, charter, municipal code, etc.
- Some city managers/councils choose to conduct telephone interviews to narrow the list of finalists prior to the in-person interviews.
- The city manager/entire council should interview the finalists. When it's the council making the selection, consensus is important in selecting a city attorney. Consensus is not likely to be achieved if only one or two people conduct the interviews and inform the rest of the council of the selected candidate.
- Interviews should be scheduled as close together as possible—preferably the same day—in order to assure equal treatment of all candidates. Job-related questions should be prepared in advance and asked of all candidates. The scope of services outlined in the RFP is useful in deciding which questions to ask and in evaluating the applicants' responses. See Appendices D through F for interviewing techniques, sample questions and an interview rating form.
- If the city manager/council is not able to select a new city attorney following the first set of interviews, a second interview with the top finalists may be necessary.

Step 7. Deliberations, Selection and Negotiation

- When the city selects its preferred candidate, there are still several decisions to be made. The city manager/council should also be prepared to discuss a retainer with the new city attorney or appoint one of its members to represent the council in those discussions and negotiations.
- Other finalists should not be rejected until the city has reached a final agreement with the successful candidate. Negotiations between the city and its top candidate occasionally break down, requiring the city to turn to another choice. Occasionally, there will only be one finalist who meets the city's needs. If that person refuses the appointment, the city must either turn to the next qualified bidder or begin the recruitment process again. Remember, this is an extremely important selection. A decision based on expediency may turn sour later. The council should not shy away from re-soliciting if they are not satisfied with applicants the first time around.
- The International Municipal Lawyers Association has created and published a Model City/County Attorney Retainer Agreement. Cities are encouraged to contact the association to request a copy of this model, and to use the model as a starting point in drafting their own retainer agreement.

Step 10. The New City Attorney Begins

- It is desirable to have an initial work session with the new city attorney to discuss and clarify initial expectations for both the council and new city attorney, to review goals and objectives, and to discuss ongoing legal issues the new city attorney has inherited.³ Even though some of these issues may have been raised during the interview process, communication from the outset can help ensure a smooth working relationship.
- Any information and introductions that the council can provide to the new city attorney will be most welcome and helpful for a smooth transition to the city.

³ Cities are reminded to be cognizant of Oregon's public meetings law and review it before holding an internal work session.

Steps in the Selection Process of an In-House City Attorney

The following explains the steps in a selection process that are applicable to the recruitment and selection of an in-house city attorney that will report to the city council. These steps may be taken with or without the assistance of a professional recruiter. In-house city attorneys that report to the city manager should be selected using the city's existing internal hiring procedures and processes, although the appendixes to this publication might prove useful to a city manager conducting a city attorney recruitment.

Each step includes a rough estimate of the time required. After reading this section, it may be useful for the city to use Appendix A-2 to develop a recruiting plan, complete with estimated time frames, for your community. Please keep in mind that at each step, the council or a subcommittee of council must conduct its business in a meeting open to the public, unless the council has satisfied the requirements in ORS § 192.660(2)(a) to conduct that step in executive session. City councils should also keep in mind that executive sessions are limited to deliberations, and councils may not make a final decision or take a final action in executive session.

Step 1. Define Position, Develop Profile and Establish Schedule

Time Required: up to two weeks.

- Review any charter provisions or ordinances creating the city attorney position and the job description to ensure they continue to accurately reflect the city's expectations and job requirements.
- Prepare a profile of the skills, training and qualities of the "ideal" candidate. This is discussed more in Appendices B-1 and B-3. This step is critical to subsequent steps in the recruiting and screening process.
- Establish a listing of the types of services the city attorney is expected to provide.
- Review the budgeted cost for the city attorney position to determine if the salary is still appropriate and competitive.
- Review recruiting steps and adopt a schedule.
- Determine the extent to which the recruitment process will be public, in conformance with public meetings law.

Step 2. Prepare Advertisement

Time Required: can be completed within time identified for Step 1.

- Draft a complete job announcement. A closing date should be specified and should be set a minimum of four weeks after publication of the first announcement.
- Remember, many national publications require four to six weeks' notice for publication.
- At a minimum, the advertisement should include these items:
 - Title of the vacant position;
 - Population of the local government;
 - Amounts of the operating and capital budgets;
 - Number of full-time employees;
 - Type of services provided;
 - Statement of starting salary or that the salary is open and commensurate with background and experience. A local government with a formal salary policy should openly declare it on the announcement;
 - A statement that qualifying veterans and disabled veterans will receive veteran's preference with instructions on how applicants should claim the preference if desired;
 - Filing deadline, including any special items of information desired such as salary history, writing sample and work-related references;
 - Brief description of key areas of expertise, and required and desirable experiences and qualifications;
 - Where and to whom to send resumes;
 - Website address of the local government; and
 - Contact person who can answer questions about the recruitment.

Step 3. Decide Where to Publish Job Announcement

Time Required: four to six weeks.

- The most common publication in which Oregon cities advertise job announcements for city attorneys is the Oregon State Bar Bulletin. That publication will generally reach the vast majority of interested applicants who work for units of government in Oregon.

- Some jurisdictions choose to include major regional newspapers, although they are more costly.
- The Oregon and Washington Leagues' websites are another effective resource for posting job announcements.
- Cities can also forward their job announcement to the League's general counsel, who can post the announcement on the Oregon City Attorneys Association listserv.
- Many cities publish the job announcement on the city's website as well.
- Additional online resources, in order to advertise nationally, include the following websites: www.governmentjobs.com; www.glassdoor.com; and www.lawcrossing.com.

Step 4. Send Acknowledgment Letters

- A letter thanking each candidate for his or her interest should be sent as soon as an application is received. This is a good opportunity to tell the candidate a little more about the city and the geographic area. Many cities insert a brochure describing the community.
- It is suggested that a minimum of three to five applicants be considered for further review.
- Details of the selection process should also be provided to avoid numerous phone calls and personal inquiries later.
- A sample letter is provided as Appendix C.

Step 5. Screen the Applicants

Time Required: two weeks.

- Screening can begin following the closing date. Whether the full council (or a subcommittee) or a private firm conducts the screening, the primary document used in the screening should be the profile developed earlier in the process by the council.
- Occasionally, a city prefers to further narrow applicants by asking for submissions of a writing sample or response to essay questions relative to the position. The council can use the response to evaluate applicant opinions, breadth of experience, and expertise. The written response is useful to evaluate timeliness, thoroughness, use of the English language, etc. If the city chooses to add this step, the written exercises should be sent to those who make the first cut after screening, and responses should be limited to five pages or less. From these responses, a smaller number are selected for background checks or interviews. If the quality of a writing sample or response to essay questions could result in disqualification of an applicant, veteran's preference

points must be applied to the writing samples or essays submitted by qualifying veterans. *Note: If this option is taken, generally allow three to four weeks' additional time.*

- Confidentiality is an important consideration in any recruitment. The confidentiality of resumes should be maintained and should be consistent with applicable state law.
- Regret letters explaining that the candidate is no longer being considered should be mailed at each step throughout the process.

Step 6. Application of Veteran's Preference and other Employment Laws

Public employers seeking to hire an in-house city attorney are required to provide qualifying veterans and disabled veterans with preference in employment in accordance with ORS §§ 408.225, 408.230 and 408.235. Local ordinances or policies might also require the council to give preference to other candidates. The veteran's preference laws and the interplay of those laws with other local preferences has been the subject of litigation and legislation. Consequently, the law in this area is constantly evolving and cities should be careful to ensure the city is complying with these laws.⁴

Step 7. Reference Checks

Time Required: three to four weeks, depending on the number of candidates and who performs the checks.

- Reference checks are conducted with work-related contacts. Although some jurisdictions seek written references, phone calls are quicker and often more candid. Reference checking is a tedious, expensive and time-consuming process if done well. However, time and money spent during this step will save in the long run by avoiding travel costs for interviewing unqualified finalists. A minimum of three weeks is normally necessary to complete reference checks. The city may wish to contract for additional information from a reliable source on items such as degree verification, credit history, bar status and criminal history.
- Note: It is perfectly acceptable to conduct reference checks for only the finalist(s) the city is actually considering appointing. Many applicants do not want to alarm their current employer with a possible resignation unless the appointing community is seriously considering a job offer.

⁴ See also LOC FAQ on Veterans Preference at <https://www.orcities.org/application/files/8415/6116/0018/FAQonVeteransPreference9-21-18.pdf>.

Step 8. Interviews

Time required: three weeks; allow two weeks' notice to fit interviews into applicants' schedules.

- Prior to the interviews, the council may wish to send the applicant additional information about the city, such as the budget, audits, comprehensive plan, charter, municipal code, etc. Occasionally applicants will request information about housing costs, spousal employment opportunities, schools, etc. The local chamber of commerce can provide helpful information to respond to these requests.
- Some councils choose to conduct telephone interviews to narrow the list of finalists prior to the in-person interviews. If the council adds this step, only appropriate questions may be asked. Prior to interviewing applicants, the council needs to decide whether to pay travel expenses, whether to pay for spouses' expenses, and whether to arrange tours, etc. It is common for a city to pay transportation costs, meals and lodging for interviewees. Many cities arrange tours of the community and facilities for candidates prior to the interview.
- The entire council should interview the finalists. Consensus is important in selecting a city attorney. Consensus is not likely to be achieved if only one or two people conduct the interviews and inform the rest of the council of the selected candidate.
- Interviews should be scheduled as close together as possible—preferably the same day—in order to assure equal treatment of all candidates. Job-related questions should be prepared in advance and asked of all candidates. The city attorney profile is useful in deciding which questions to ask and in evaluating the applicants' responses. See Appendices D through F for interviewing techniques, sample questions and an interview rating form.
- If the council is not able to select a new city attorney following the first set of interviews, a second interview with the top finalists may be necessary. At this stage, the city may want to pay expenses for the candidates' spouses to accompany them.

Step 9. Deliberations, Selection and Negotiation

- When the city selects its preferred candidate, there are still several decisions to be made. Additional details also need to be discussed and finalized, including salary, moving expenses, fringe benefits, etc.
- Other finalists should not be rejected until the city has reached a final agreement with the successful candidate. Negotiations between the city and its top candidate occasionally break down, requiring the city to turn to another choice. Occasionally, there will only be one finalist who meets the city's needs. If that person refuses the job, the city must either turn to the next qualified candidate or begin the recruitment process again. Remember, this is an extremely important selection. A decision based on expediency may turn sour later. The council should not shy away from re-advertising if they are not satisfied with applicants the first time around.

- Understand that most people will require a minimum of 30 days to give notice to current employers and relocate to a new community. Notice of 30 days is considered professional and should be honored. As soon as the new city attorney has advised their former community that they accepted a new position with your community, it is appropriate to issue a press release or public announcement. A sample announcement can be found in Appendix H.

Step 10. The New City Attorney Begins

- It is desirable to have an initial work session with the new city attorney to discuss and clarify initial expectations on both sides, review goals and objectives, and discuss ongoing legal issues the new city attorney is inheriting. Even though some of these issues may have been raised during the interview process, communication from the outset can help ensure a smooth working relationship.
- Any information and introductions that the council can provide to the new city attorney will be most welcome and helpful for a transition to the city.

Conclusion

Hiring a city attorney is making an investment in your community. Approach the task methodically, one step at a time. The time you spend now is likely to be reflected in the quality of the city attorney you eventually hire. Like anything else, you can reduce the risk of making a poor decision by doing a thorough job.

APPENDIX A: MODEL ORDINANCE ESTABLISHING CITY ATTORNEY POSITION

AN ORDINANCE OF THE CITY OF [NAME] ESTABLISHING THE POSITION OF CITY ATTORNEY

WHEREAS, the responsibility for ensuring good governance and effective administration of the city’s business rests with the city council; and

WHEREAS, the city council has determined that to ensure good governance and effective administration of the city’s business it is imperative that the position of city attorney be created; and

WHEREAS, the city council may, by ordinance, establish the position of city attorney, conferring to the position all the powers and duties necessary to successfully represent, advise and defend the interests of the city;

NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF [NAME] ORDAINS AS FOLLOWS:

Chapter [insert chapter number] is hereby added to the [insert name of city] municipal code as follows:

Section 1: POSITION OF CITY ATTORNEY CREATED

There is hereby created the position of city attorney. The city attorney shall be appointed by, be responsible to and be removable by [insert either city council or city manager]. The city attorney shall perform such duties as are imposed by law, by this code, by any other ordinance of the city, or by the [insert either city council or city manager].

Section 2: ASSISTANT(S), GENERALLY

The city attorney may have one or more assistants, appointed by the city attorney, who shall perform such duties of the city attorney as the latter may direct.

Section 3: STATE BAR MEMBERSHIP

The city attorney and any assistant city attorneys shall be members in good standing of the Oregon State Bar.

Section 4: DUTIES

The city attorney, or any of the assistant city attorneys so directed by the city attorney, shall have the following duties:

- A. Appear, commence, prosecute, or defend for the city all causes or proceedings in any court in which the city is a party or interest when, in the city’s attorney’s discretion, the same may be necessary or advisable, and shall, when requested by the city council, city manager, or any board or commission for the city by charter or ordinance having the power to direct the city attorney, appear, commence, prosecute, or defend any action, suit, matter, cause, or proceeding in any court or before any commission or officer in which the city is a party or has an interest.

- B. Act as forfeiture counsel and represent the city in any forfeiture of property seized by or through the assistance of the city's police department.
- C. When requested by the mayor, the city council, the city manager, the head of any department of the city's government, or by any board or commission of the city, give an opinion upon any question in which the city has an interest, and shall, when requested, give legal advice to the city council or any of such officers, boards, or commission.
- D. When requested by the city council, the city manager, or the head of any department of the city, and with the approval of the [insert city council or city manager], the city attorney may give legal advice to a committee established by the requestor. As used in this subsection, a committee is a standing or special committee advisory to the requestor and containing individuals other than members of the city council.
- E. When requested to do so by the city council, the city manager, or any board or commission, prepare contracts, bonds, forms, and other proceedings, which may be requested for the use of the city, or any department or office thereof.
- F. Prepare bills for ordinances, when requested by the city council or any member thereof or by the city manager.
- G. Attend city council meetings when requested to do so.

**APPENDIX B-1: RESOLUTION FOR LEGAL SERVICES AS
PERSONAL SERVICES – CITY MANAGER**

*SAMPLE Resolution to be used by a Council-Manager form of Government
where the City Attorney Reports to the City Manager*

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL ACTING AS THE LOCAL CONTRACT REVIEW BOARD DESIGNATING CONTRACTS FOR LEGAL SERVICES AS PERSONAL SERVICES AND SETTING FORTH THE PROCEDURES AND SCREENING CRITERIA FOR SELECTION OF CITY ATTORNEY SERVICES.

WHEREAS, it is the policy of the city of [insert name of city] (city) that a sound and responsive public contracting system should allow impartial, meaningful and open competition, preserving formal competitive selection as the standard for public contracts unless otherwise specifically exempted herein, by state law, or by subsequent ordinance or resolutions; and

WHEREAS, the city follows the Public Contracting Model Rules adopted by the Attorney General under ORS subchapters 279A, 279B and 279C set forth in Oregon Administrative Rules Chapter 137, Divisions 46, 47, 48 and 49 (the “Model Rules”), and the “Model Rules” do not identify a process or criteria to award personal services contracts; and

(or in the alternative)

WHEREAS, in [insert ordinance or resolution number], the city opted out of the Public Contracting Model Rules adopted by the Attorney General under ORS subchapters 279A, 279B and 279C set forth in Oregon Administrative Rules Chapter 137, Divisions 46, 47, 48 and 49 (the “Model Rules”) and adopted its own public contracting rules; and

WHEREAS, pursuant to ORS 279A.060, the city council is the Local Contract Review Board for the city and, as such, is authorized to act on all such matters on behalf of the city, adopt public contracting rules, and establish procedures for amendment of such rules; and

WHEREAS, the Local Contract Review Board may designate certain personal service contracts or classes of service contracts as personal service contracts, which are not subject to the procedural requirements of the Public Contracting Rules or the Model Rules;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF _____ AS
FOLLOWS:

Section 1. Declaration of Legal Service Contracts as Personal Services.

A. Personal services are services, other than professional services, that require specialized skill, knowledge and resources in the application of technical or scientific expertise or in the exercise of professional, artistic or management discretion or judgment. Qualifications and performance history, expertise, knowledge and creativity, and the ability to exercise sound professional judgment are typically the primary considerations when selecting a personal services contractor, with price being secondary.

B. Contracts for legal services are considered personal services and are not subject to the procedural requirements for the procurement of goods and services set out in the Public Contracting Rules or the Model Rules. Contracts for legal services shall be procured in accordance with one of the procedures set out herein.

Section 2. Requests for Qualifications.

A. At the [city manager's/administrator's/designated procurement officer's] discretion, a request for qualifications may be used to determine whether competition exists to perform legal services, to establish a non-binding list of qualified contractors for individual negotiation, informal written solicitations or requests for proposals.

B. A request for qualifications shall describe the scope of specific legal services that will be sought, the qualifications the contractor must have to be considered, and the evaluation factors and their relative importance.

C. The [city manager/administrator/designated procurement officer] may hold a mandatory qualifications pre-submission meeting for all interested contractors to discuss the proposed personal services. The request for qualifications shall include the date, time, and place of the meeting.

Section 3. Direct Negotiations.

A. At the [city manager's/administrator's/designated procurement officer's] discretion, a contract for legal services may be procured by direct negotiation.

B. Amendments. Personal services contracts procured by direct negotiation pursuant to this section may be amended, provided the amendment is within the scope of the original contract and the cumulative amount of the amendments does not increase the total contract price by more than twenty (20) percent over the original contract price; or the amendment is necessary to complete the work being performed and it would be unreasonable or impracticable to seek another provider within the time frames needed to complete the work.

C. Public Notice. No public notice of personal services contracts procured by direct negotiations is required.

Section 4. Informal Written Solicitations.

A. At the [city manager's/administrator's/designated procurement officer's] discretion, a contract for legal services may be procured by informal written solicitations.

B. An informal written solicitation shall solicit proposals from at least three qualified providers. If the [city manager/administrator/designated procurement officer] determines three qualified providers are not reasonably available, fewer will suffice, if the reasons three providers are not reasonably available are documented in the procurement file.

C. Amendments. Personal services contracts procured by informal written solicitations pursuant to this section may be amended, provided the amendment is within the scope of the original contract and the cumulative amount of the amendments does not increase the total contract price by more than twenty (20) percent over the original contract price; or the amendment is necessary to complete the work being performed and it would be unreasonable or impracticable to seek another provider within the time frames needed to complete the work.

D. Public Notice. No public notice of personal services contract procured by informal written solicitations pursuant to this section is required.

Section 5. Requests for Proposals.

A. At the [city manager's/administrator's/designated procurement officer's] discretion, a contract for legal services may be procured by using a formal competitive request for proposal process.

B. Request for Proposal. The request for proposal shall include:

1. Notice of any pre-offer conference, including: a) the time, date and location; b) whether attendance at the pre-offer conference is mandatory or voluntary; and c) a provision that statements made by representatives of the city at the pre-offer conference are not binding unless confirmed by written addendum;
2. The form and instructions for submission of proposals, including the location where proposals must be submitted, the date and time by which proposals must be received and any other special information, i.e., whether proposals may be submitted by electronic means;
3. The name and title of the person designated for the receipt of proposals and the person designated as the contact person for the procurement, if different;

4. A date, time and place that pre-qualification applications, if any, must be filed and the classes of work, if any, for which proposers must be pre-qualified;
5. A statement that the city may cancel the procurement or reject any or all proposals;
6. The date, time and place of opening;
7. The office where the request for proposals may be reviewed;
8. A description of the personal services to be procured;
9. The evaluation criteria;
10. The anticipated schedule, deadlines, evaluation process and protest process;
11. A description of the manner in which proposals will be evaluated, including the relative importance of price and other evaluation factors used to rate the proposals. If more than one tier of competitive evaluation will be used, a description of the process under which the proposals will be evaluated in the subsequent tiers;
12. If contracts will be awarded to more than one personal services contractor, an identification of the manner in which it will determine the number of contracts to be awarded, or that the manner will be left to the city's discretion at time of award;
13. If contracts will be awarded to more than one personal services contractor, the criteria to be used to choose from the multiple contracts when acquiring personal services shall be identified; and
14. All required contract terms and conditions, including the statutorily required provisions in ORS 279B.220, 279B.230 and 279B.235.

C. Public Notice. The [city manager/administrator/designated procurement officer] shall provide public notice of a request for proposals for personal services. Public notice shall be given not less than twenty-one (21) days prior to closing for the request for proposals, unless the [city manager/administrator/designated procurement officer] determines that a shorter interval is in the public's interest, or a shorter interval will not substantially affect competition. The [city manager/administrator/designated procurement officer] shall document the specific reasons for shorter public notice period in the procurement file.

D. Amendments. Personal services contracts procured by requests for proposals pursuant to this section may be amended, provided the amendment is within the scope of the original contract and the cumulative amount of the amendments does not increase the total contract price by more than twenty (20) percent over the original contract price; or the amendment is necessary

to complete the work being performed and it would be unreasonable or impracticable to seek another provider within the time frames needed to complete the work.

Section 6. Evaluation Criteria. Regardless of the method chosen to procure legal services, the [city manager/administrator/designated procurement officer] or a selection committee appointed by that person shall base the selection on the following criteria:

- A. Completeness of the submission documents in complying with the requested information.
- B. Familiarity with laws and regulations governing Oregon local governments and operating procedures relative to conduct of city business.
- C. Demonstrated expertise and experience in the following areas as it relates to municipalities: land use and zoning law; municipal court prosecution and operations; franchise and right of way law; utility services; public contracting and purchasing law; drafting or reviewing municipal ordinances and resolutions; public meetings; public records; administrative law; government ethics; employment law; water law; labor law; urban renewal law; real estate law; and environmental law.
- D. Range of services offered and available support staff.
- E. Demonstration of workload capacity commensurate with the level of service required by the city.
- F. Professional reputation for providing high-quality services, ability to work cooperatively with city council, city manager, department heads and media.
- G. Demonstration of sound judgment, integrity and reliability as determined by the references provided.
- H. Cost of providing services as per the submitted retainer or hourly rate schedule. Please note that while proposed fees are a significant factor in determining the successful proposer, they are balanced against criteria specified in this section.

Section 7. Selection and Award. At the [city manager's/administrator's/designated procurement officer's] discretion, a selection committee may be formed to review and select one or more finalists for interviews. The successful attorney(s) or firm(s) will be the one that in the judgment of the [city manager/administrator/designated procurement officer/evaluation committee] best demonstrates the ability to cover the broadest range of legal services in the most cost-effective manner. Upon completion of the evaluation process, the [city manager/administrator/designated procurement officer] will advise the proposers of the selection and negotiate the appropriate agreement(s). The agreement(s) will define the extent of services to be rendered, method and amount of compensation. The city reserves the right to negotiate a final contract that is in the best interest of the city. The proposal will become a part of the

agreement. The city attorney and city prosecutor serve at the pleasure of the city manager. The contract may be terminated at any time by the city manager. Once a tentative agreement is prepared, it will be presented to the city council to award the personal services contract.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS _____ DAY OF _____, 20__.

ATTEST

APPENDIX B-2: RESOLUTION FOR LEGAL SERVICES AS PERSONAL SERVICES – CITY COUNCIL

SAMPLE Resolution to be used by a Mayor-Council form of Government and/or when the City Attorney Reports to the City Council

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL ACTING AS THE LOCAL CONTRACT REVIEW BOARD DESIGNATING CONTRACTS FOR LEGAL SERVICES AS PERSONAL SERVICES AND SETTING FORTH THE PROCEDURES AND SCREENING CRITERIA FOR SELECTION OF CITY ATTORNEY SERVICES.

WHEREAS, it is the policy of the city of [insert name of city] (city) that a sound and responsive public contracting system should allow impartial, meaningful and open competition, preserving formal competitive selection as the standard for public contracts unless otherwise specifically exempted herein, by state law, or by subsequent ordinance or resolutions; and

WHEREAS, the city follows the Public Contracting Model Rules adopted by the Attorney General under ORS subchapters 279A, 279B and 279C set forth in Oregon Administrative Rules Chapter 137, Divisions 46, 47, 48 and 49 (the “Model Rules”), and the “Model Rules” do not identify a process or criteria to award personal services contracts; and

(or in the alternative)

WHEREAS, in [insert ordinance or resolution number], the city opted out of the Public Contracting Model Rules adopted by the Attorney General under ORS subchapters 279A, 279B and 279C set forth in Oregon Administrative Rules Chapter 137, Divisions 46, 47, 48 and 49 (the “Model Rules”) and adopted its own public contracting rules; and

WHEREAS, pursuant to ORS 279A.060, the city council is the Local Contract Review Board for the city and, as such, is authorized to act on all such matters on behalf of the city, adopt public contracting rules, and establish procedures for amendment of such rules; and

WHEREAS, the Local Contract Review Board may designate certain personal service contracts or classes of service contracts as personal service contracts, which are not subject to the procedural requirements of the Public Contracting Rules or the Model Rules;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF _____ AS FOLLOWS:

Section 1. Declaration of Legal Service Contracts as Personal Services.

A. Personal services are services, other than professional services, that require specialized skill, knowledge and resources in the application of technical or scientific expertise or in the exercise of professional, artistic or management discretion or judgment. Qualifications and performance history, expertise, knowledge and creativity, and the ability to exercise sound professional judgment are typically the primary considerations when selecting a personal services contractor, with price being secondary.

B. Contracts for legal services are considered personal services and are not subject to the procedural requirements for the procurement of goods and services set out in the Public Contracting Rules or the Model Rules. Contracts for legal services shall be procured in accordance with one of the procedures set out herein.

Section 2. Requests for Qualifications.

A. At the city council's discretion, a request for qualifications may be used to determine whether competition exists to perform legal services, to establish a non-binding list of qualified contractors for individual negotiation, informal written solicitations or requests for proposals.

B. A request for qualifications shall describe the scope of specific legal services that will be sought, the qualifications the contractor must have to be considered, and the evaluation factors and their relative importance.

C. The city council may hold a mandatory qualifications pre-submission meeting for all interested contractors to discuss the proposed personal services. The request for qualifications shall include the date, time and place of the meeting.

Section 3. Direct Negotiations.

A. At the city council's discretion, a contract for legal services may be procured by direct negotiation.

B. Amendments. Personal services contracts procured by direct negotiation pursuant to this section may be amended, provided the amendment is within the scope of the original contract and the cumulative amount of the amendment does not increase the total contract price by more than twenty (20) percent over the original contract price; or the amendment is necessary to complete the work being performed and it would be unreasonable or impracticable to seek another provider within the time frames needed to complete the work.

C. Public Notice. No public notice of personal services contracts procured by direct negotiations is required.

Section 4. Informal Written Solicitations.

A. At the city council's discretion, a contract for legal services may be procured by informal written solicitations.

B. An informal written solicitation shall solicit proposals from at least three qualified providers. If the city council determines three qualified providers are not reasonably available, fewer will suffice.

C. Amendments. Personal services contracts procured by informal written solicitations pursuant to this section may be amended, provided the amendment is within the scope of the original contract and the cumulative amount of the amendment does not increase the total contract price by more than twenty (20) percent over the original contract price; or the amendment is necessary to complete the work being performed and it would be unreasonable or impracticable to seek another provider within the time frames needed to complete the work.

D. Public Notice. No public notice of personal services contracts procured by informal written solicitations pursuant to this section is required.

Section 5. Requests for Proposals.

A. At the city council's discretion, a contract for legal services may be procured by using a formal competitive request for proposal process.

B. Request for Proposal. The request for proposal shall include:

1. Notice of any pre-offer conference, including: a) the time, date and location; b) whether attendance at the pre-offer conference is mandatory or voluntary; and c) a provision that statements made by representatives of the city at the pre-offer conference are not binding unless confirmed by written addendum;
2. The form and instructions for submission of proposals, including the location where proposals must be submitted, the date and time by which proposals must be received, and any other special information, i.e., whether proposals may be submitted by electronic means;
3. The name and title of the person designated for the receipt of proposals and the person designated as the contact person for the procurement, if different;
4. A date, time and place that pre-qualification applications, if any, must be filed and the classes of work, if any, for which proposers must be pre-qualified;
5. A statement that the city may cancel the procurement or reject any or all proposals;
6. The date, time and place of opening;

7. The office where the request for proposals may be reviewed;
8. A description of the personal services to be procured;
9. The evaluation criteria;
10. The anticipated schedule, deadlines, evaluation process and protest process;
11. A description of the manner in which proposals will be evaluated, including the relative importance of price and other evaluation factors used to rate the proposals. If more than one tier of competitive evaluation will be used, a description of the process under which the proposals will be evaluated in the subsequent tiers;
12. If contracts will be awarded to more than one personal services contractor, an identification of the manner in which it will determine the number of contracts to be awarded, or that the manner will be left to the city's discretion at time of award;
13. If contracts will be awarded to more than one personal services contractor, the criteria to be used to choose from the multiple contracts when acquiring personal services shall be identified; and
14. All required contract terms and conditions, including the statutorily required provisions in ORS 279B.220, 279B.230 and 279B.235.

C. Public Notice. Public notice shall be given not less than 21 days prior to closing for the request for proposals.

D. Amendments. Personal services contracts procured by requests for proposals pursuant to this section may be amended, provided the amendment is within the scope of the original contract and the cumulative amount of the amendment does not increase the total contract price by more than twenty (20) percent over the original contract price; or the amendment is necessary to complete the work being performed and it would be unreasonable or impracticable to seek another provider within the time frames needed to complete the work.

Section 6. Evaluation Criteria. Regardless of the method chosen to procure legal services, the city council shall base the selection on the following criteria:

- A. Completeness of the submission documents in complying with the requested information.
- B. Familiarity with laws and regulations governing Oregon local governments and operating procedures relative to conduct of city business.

C. Demonstrated expertise and experience in the following areas as it relates to municipalities: land use and zoning law; municipal court prosecution and operations; franchise and right of way law; utility services; public contracting and purchasing law; drafting or reviewing municipal ordinances and resolutions; public meetings; public records; administrative law; government ethics; employment law; water law; labor law; urban renewal law; real estate law; and environmental law.

D. Range of services offered and available support staff.

E. Demonstration of workload capacity commensurate with the level of service required by the city.

F. Professional reputation for providing high-quality services, ability to work cooperatively with city council, city manager, department heads and media.

G. Demonstration of sound judgment, integrity and reliability as determined by the references provided.

H. Cost of providing services as per the submitted retainer or hourly rate schedule. Please note that while proposed fees are a significant factor in determining the successful proposer, they are balanced against criteria specified in this section.

Section 7. Selection and Award. The successful attorney(s) or firm(s) will be the one that in the judgment of the city council best demonstrates the ability to cover the broadest range of legal services in the most cost-effective manner. If the council has satisfied the prerequisites of ORS 192.660(2)(a), the council may conduct interviews with finalists in executive session pursuant to ORS 192.660(2)(a). No final decision will be made in executive session. Upon completion of the evaluation process, a member designated by the city council will advise the proposers of the selection and negotiate the appropriate agreement(s). The agreement(s) will define the extent of services to be rendered, method and amount of compensation. The city reserves the right to negotiate a final contract that is in the best interest of the city. The proposal will become a part of the agreement. The city attorney serves at the pleasure of the city council. The contract may be terminated at any time by the city council. Once a tentative agreement is prepared, it will be presented to the city council to award the personal services contract.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS _____ DAY OF _____, 20__.

ATTEST

APPENDIX C: SOLICITATION FOR CITY ATTORNEY SERVICES

This sample can be used to develop a request for qualifications, informal solicitation, or a formal request for proposal for city attorney services.

The city of [insert name of city] invites interested individual attorneys and law firms to submit written proposals to provide city attorney services to the city. city attorney services include the services as general legal counsel [and city prosecutor]. [The city will welcome proposals that will provide the full city attorney services (both general legal counsel and city prosecutor) or the services of either general legal counsel or city prosecutor.]

THE WORK OF THE CITY ATTORNEY

A. General Counsel

The city attorney currently provides all legal services needed by the city for the city council and administrative staff, except for occasional services that require unusual expertise not ordinarily within the scope of city attorney services, such as condemnation counsel in the acquisition of real property, labor negotiations, as bond counsel and areas of special expertise requiring outside counsel as the parties may mutually agree. Because the city is insured by the Citycounty Insurance Services (CIS) both for tort-type claims and for worker's compensation claims, the city attorney does not provide defense services in insured cases except for monitoring of significant cases and occasionally assisting lead CIS defense counsel in the assembly of city records. The city attorney reports directly to the city [manager/council].

As routine legal services the city attorney will:

- Advise city officials on matters relating to city business.
- Attend city council meetings.
- Prepare or review staff-developed ordinances, resolutions, contracts, agreements, leases, deeds and related documents.
- Review current state and federal legislation and/or litigation as such may relate to the city and advise city officials thereon.
- Provide legal opinions on matters relating to city activities.
- Participate in the development of staff recommendations for action by the city council.
- Advise and participate in code enforcement activities.
- Make recommendations for updating existing city codes, resolutions and other policies and practices.
- Represent the city in intergovernmental relations as appropriate.

- Maintain appropriate records and files.
- Assist in meeting election requirements.
- Perform related duties as necessary.

On occasion, the city attorney may represent the city in non-tort litigation and threatened litigation, proceedings before the state and federal courts, and administrative tribunals, and proceedings before state and federal administrative agencies.

B. City Prosecutor [if applicable]

The city attorney can also serve as the city prosecutor. The city prosecutor attends all sessions of municipal court, currently held every [insert relevant dates and times] and is responsible for prosecution of all municipal court traffic offenses and violations (including minor misdemeanors converted to violations) in which defendants have legal counsel, misdemeanor offenses and cases, including jury and non-jury trials, plea negotiations and diversion agreements. The city prosecutor evaluates all new criminal cases coming before the court, prior to initial arraignment, for the purpose of preparing and negotiating plea offers for presentation to defendants or their attorney either prior to or at arraignment. The city prosecutor assists the police department in preparation of search warrant requests and arrests.

PROPOSAL TYPES

The city is accepting [formal/informal proposals] [responses to this request for qualifications] to provide the services described above either on a monthly retainer or by set hourly rates. Proposals to provide complete city attorney services (both general legal counsel and city prosecutor services) are encouraged to also provide additional responses to provide only general legal counsel or city prosecutor services. The city reserves the right to select an individual or firm for general counsel and a separate individual or firm for city prosecution services based on evaluations of the proposals and what will be in the best interest of the city.

- A. Retainer Agreement with Additional Hourly Fee: The city desires proposals from individuals and/or firms to provide any of the following legal services on a set retainer, with additional services on an hourly fee:
- City attorney services (providing general legal counsel routine services and city prosecutor services as previously described.) Non-routine legal services would be provided on a contracted hourly basis beyond the established retainer fee. If you are proposing to provide services under a retainer, you will also need to provide the hourly rate for services outside the scope of the retainer services. Describe any areas of law listed above in which you would need to retain specialized counsel.

- General legal counsel services only as previously described. Non-routine legal services would be provided on a contracted hourly basis beyond the established retainer fee. If you are proposing to provide services under a retainer, you will also need to provide the hourly rate for services outside the scope of the retainer services. Describe any areas of law listed above in which you would need to retain specialized counsel.
- City prosecutor services only as previously described. Please provide the hourly rates or fees for any services provided as city prosecutor that would not be included in the monthly retainer, if any.

B. Hourly Rate for Services. Although not the preferred pricing structure, the city is prepared to receive and review proposals from individuals and/or firms to provide legal services at an established hourly rate based on the areas of services provided above; city attorney services (both general legal counsel and city prosecutor services); general legal counsel services only; or city prosecutor services only. If there are any areas of law listed above that you are unable to provide, and would require special counsel, please identify those areas.

PROPOSAL FORM AND CONTENT

Proposals shall be prepared simply and economically, providing a straightforward, concise description of the proposer's capabilities to satisfy the requirements of this Request for Proposal, and should be easily reproducible. Emphasis should be on completeness and clarity of content and cost effectiveness of the proposal.

Not all the requested information may be applicable if you or your firm is submitting a proposal for only general legal counsel or city prosecutor.

All pages of the proposal must be numbered consecutively. The proposal shall not exceed fifteen (15) pages in length. Resumes, licenses and work examples shall not count against this page limit.

The proposal must be organized in accordance with the list of proposal contents.

Proposals should include the following items herein described. All items must fall within the maximum page count. Proposal and cost schedule shall be valid and binding for sixty (60) days following the proposal due date and will become part of the contract that is negotiated with the city.

- A. Letter of Transmittal. All proposals must include a cover letter addressed to the [city manager/council] and signed by a duly constituted official legally authorized to bind the applicant to both its proposal and cost schedule. The cover letter must include

- name, address and telephone number of the proposer submitting the proposal, and name, title, address, telephone number, fax number and email address of the person, or persons, to contact who are authorized to represent the proposer and to whom correspondence should be directed.
- B. Table of Contents. Include a clear identification of the material by section and by page number.
 - C. Executive Summary. The proposal shall use this section to introduce the scope of the proposal; (i.e. full city attorney services; general counsel services only; or city prosecutor services only) and to summarize the key provisions of the proposal. Provide a statement describing why you or the firm is qualified to perform this work.
 - D. Proposal. A description of how you or your firm propose to provide legal services to the city. This should address whether you propose a contract based solely on billable hours, or whether you are proposing a retainer for basic services with an hourly rate for additional services. This should also address issues such as office location; accessibility to city council members and city staff; attendance at city council meetings and occasional other meetings; services, if any, that you would expect to receive from the city; and if a firm, how you propose to manage the firm’s provision of services to the city—for example, would there be a lead attorney and, if so, who would that attorney be and how would other attorneys be involved. Describe any work, whether by subject area or nature of work, which would not be covered by your compensation proposal.
 - E. Fee Schedule. The proposal must describe the fee arrangement and whether you or your firm charge a monthly retainer fee, and if so, the fee and what services that fee will include. The city prefers a retainer fee. The proposal should include whether there is an hourly fee for services outside the monthly retainer fee and what would they be. If the proposal is for an hourly rate, the proposal must provide a proposed hourly rate and fee schedule for all services and travel time. The proposal should address whether there are additional costs that will be billed separately and if so, at what rate. The proposal should indicate the frequency of billing.
 - F. Proposed Attorney(s), Paralegals and Qualifications. The proposal should:
 - a. Summarize your, or the firm’s, background and history; include number of years in business and scope of services you or your firm have provided.
 - b. Describe your municipal legal services, training, experience, and current government clients; include number of years.
 - c. Provide a statement describing the capability to respond to time-sensitive or short notice requests and/or complicated issues.

- d. Provide at least two (2) examples of complex issues you or your firm have successfully handled for municipal or other public agency clients.
- e. Provide the date you would be able to begin providing legal services to the city; including how you propose to familiarize yourself with the laws, rules, regulations, and operating procedures relative to the conduct of business for the city in order to efficiently and effectively assume responsibilities.
- f. Provide the name and summary of experience of those who will provide legal support.
- g. Also, include: a) address of your office where most services will be rendered; b) if you desire/require a city furnished office (describe appropriate space and furnishings/equipment needs) c) provide what days of the week and hours of the day you or your firm will be available for conversations.

G. Work Examples. The proposal should:

- a. Provide examples of two (2) or more memos and letters explaining, interpreting, or applying the law to a client (preferably municipal or public entity).
- b. Provide two (2) or more recent examples of filed legal briefs regarding a matter under litigation, preferably litigation involving a municipal or public entity.
- c. Provide two (2) or more recent examples of an ordinance, resolution or other public policy document or rule drafted by you or your firm.

H. References. Provide contact information for three municipal clients, current and/or prior, so reference checks can be conducted.

I. Additional Information. Any other information that the proposer feels applicable to the evaluation of the proposal or of their qualifications for accomplishing the legal services should be included in this section. You may use this section to address those aspects of your services that distinguish you or your firm from others.

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HOW TO APPLY/TIMELINE

Proposals may be mailed to:

City of [insert name of city],

Attention: City Attorney Proposal

[insert address]

[insert name of city], OR [insert zip code]

Alternatively, proposals may be delivered to the city hall, [insert address], [insert name of city], Oregon, in an envelope addressed to Attention: City Attorney Proposal.

As a further alternative, proposals may be emailed as an attachment, with the email subject “City Attorney Proposal” and with the email addressed to [insert email address].

The deadline for submission of proposals is 3:00 pm, Friday, [insert date].

Review and interviews, if any, will be held [insert starting date] through [insert ending date].

Selection and agreement negotiation is expected to occur from [insert starting date] through [insert ending date], with the city council award of personal services contract on [insert date of council meeting].

INFORMATIONAL

The city of [insert name of city] has a population of [insert city’s population data] with [insert number of city employees] employees.

The city will be able to provide office space to a contract city attorney who proposes to have some office hours at city hall.

The city council meets regularly on the [insert meeting dates and times]. Occasional work sessions, executive sessions, and special meetings may be held, based on need, and at the request of the mayor and city council. The city attorney will be required to attend city council meetings unless excused by the [insert position titles of who can advise attendance not required].

[insert name of city] Municipal Court is held [insert dates and times]. The court had [insert applicable number] criminal cases and [insert applicable number] violations filed in 2017 and [insert applicable number] criminal cases and [insert applicable number] violations filed in 2018.

Additional information, city charter, municipal code, development code, budgets and organizational information is available on the city’s website at: [insert web address].

///

EVALUATION/SELECTION OF PROPOSALS

Evaluation Criteria. The following information will be taken into consideration during the evaluation process.

- Qualifications identified in the proposals.
- Complete and clear responses to items in the Proposal Form and Content section.
- Familiarity with laws and regulations governing Oregon local governments and operating procedures relative to conduct of city business.
- Demonstrated expertise and experience in the following areas as it relates to municipalities: land use and zoning law; municipal court prosecution and operations; franchise and right of way law; utility services; public contracting and purchasing law; drafting or reviewing municipal ordinances and resolutions; public meetings; public records; administrative law; government ethics; employment law; water law; labor law; urban renewal law; real estate law; and environmental law.
- Range of services offered and available support staff.
- Demonstration of workload capacity commensurate with the level of service required by the city.
- Professional reputation for providing high-quality services, ability to work cooperatively with city council, city manager, department heads and media.
- Demonstration of sound judgment, integrity and reliability as determined by the references provided.
- Cost of providing services as per the submitted retainer or hourly rate schedule. Please note that while proposed fees are a significant factor in determining the successful proposer, they are balanced against criteria specified in this section.

Clarifications. The city reserves the right to seek clarification of each proposal submitted. The city also reserves the right to require other evidence of technical, managerial, financial, or other abilities prior to selection.

Selection Process:

{The following section is used when the city attorney reports to the city manager}

The city manager will [create an evaluation committee which shall] review all RFPs and may select one or more finalists for interviews. Additionally, the [city manager/evaluation committee] may require submission of supplemental materials. The successful attorney(s) or firm(s) will be the one that in the judgment of the [city manager/evaluation committee] best demonstrates the ability to cover the broadest range of legal services in the most cost-effective

manner. Upon completion of the evaluation process by the evaluation committee, the city manager will advise the proposers of the selection and negotiate the appropriate agreement(s). The agreement(s) will define the extent of services to be rendered, method and amount of compensation. The successful proposer agrees to enter into a contract with the city. The city reserves the right to negotiate a final contract that is in the best interest of the city. The proposal will become a part of the agreement. The city attorney and city prosecutor serve at the pleasure of the city manager. The contract may be terminated at any time by the city manager. Once a tentative agreement is prepared, it will be presented to the city council to award the personal services contract.

{The following section is used when the city attorney reports to the city council}

The successful attorney(s) or firm(s) will be the one that in the judgment of the city council best demonstrates the ability to cover the broadest range of legal services in the most cost-effective manner. If the council has satisfied the prerequisites of ORS 192.660(2)(a), the council may review proposals and conduct interviews with finalists in executive session pursuant to ORS 192.660(2)(a). No final decision will be made in executive session. Upon completion of the evaluation process, a member designated by the city council will advise the proposers of the selection and negotiate the appropriate agreement(s). The agreement(s) will define the extent of services to be rendered, method and amount of compensation. The city reserves the right to negotiate a final contract that is in the best interest of the city. The proposal will become a part of the agreement. The city attorney serves at the pleasure of the city council. The contract may be terminated at any time by the city council. Once a tentative agreement is prepared, it will be presented to the city council to award the personal services contract.

NOTICE/RESERVATION OF RIGHTS

In addition to all other rights granted to it under Oregon law, the city reserves the right to waive formalities in the proposal process; to accept or reject any or all proposals received as a result of this request; to request additional information concerning any proposal; to accept or negotiate modifications to any proposal; to negotiate with qualified attorneys; to interview any proposer; to cancel, in part or in its entirety, the request for proposals; or to waive any irregularities in any proposal following the proposal submission deadline date in order to serve the best interests of the city. The city also reserves the right to negotiate separately with any proposer whatsoever, in any manner necessary to serve the best interests of the city. This request for proposals does not commit the city to pay any costs incurred in the preparation of a proposal.

All inquiries regarding this Request for Proposals should be directed to: **[insert applicable position title or name]**.

Appendix D-1: Selection Process Checklist – Contract City Attorney (for Council use)

Steps	Estimated Time Required	Assigned To	Targeted Completion Date
1. Define position and develop profile.			
2. Prepare the RFP.			
3. Decide where to publish the RFP.			
4. Review proposals.			
5. Conduct background and reference checks (if conducted before interviews).			
6. Select candidates and conduct preliminary phone interviews (if desired).			
7. Select candidates for interview.			
8. Select top candidate.			
9. Negotiate with top candidate.			
10. Make hiring decision.			
11. Advise any candidates still in the selection process that a new city attorney has been selected and has accepted.			
12. Welcome the new city attorney.			

Appendix D-2: Selection Process Checklist – In-House City Attorney (for Council use)

Steps	Estimated Time Required	Assigned To	Targeted Completion Date
1. Define position and develop profile.			
2. Prepare advertisement.			
3. Decide where to publish the RFP.			
4. Send acknowledgement letters.			
5. Screen the applicants and apply veteran's preference when applicable.			
6. Select candidates and conduct reference checks.			
7. Conduct interviews.			
8. Select top candidate.			
9. Negotiate with top candidate.			
10. Make hiring decision.			
11. Advise any candidates still in the selection process that a new city attorney has been selected and has accepted.			
12. Welcome the new city attorney.			

Appendix E-1: Format for City Attorney Profile

Suggested Areas for Skills and Experience

This form shows one possible format that the council can follow to develop a “city attorney profile.” In addition to assisting the council (and any recruiting service the council may hire) in the selection process, the profile can be an important community document. It allows the city to see the qualifications the council will seek in the next city attorney.

A blank copy of the profile form is found in Appendix E-2 for use by the council when developing a city attorney profile.

Profile Information

Education & License

Graduation with a juris doctor degree from an accredited law school. A valid certificate of membership in the Bar of the State of Oregon and admission to practice before State of Oregon and federal courts.

Experience

Most cities will seek someone with at least three to five years of legal experience, and most prefer an attorney with experience providing legal advice to governmental entities. Any special experience desired, such as experience with franchise agreements, is important to note in the profile. Some cities also require applicants to have management experience. In addition, most cities will require knowledge of:

- Principles and practices of civil and administrative law, as those relate to municipal law.
- Strategies and techniques in the presentation of court cases; judicial procedures and rules of evidence; methods and techniques of legal research; and effective drafting of legal documents.
- Legislative methods, techniques and procedures of city councils.
- Operating, financial and legal problems and trends among municipal corporations.
- Responsibilities and obligations of public officials and administrative agencies as set forth in Oregon state law.
- State laws and court cases applicable to the conduct of public meetings, maintenance of public records, and conduct of elections by municipalities.
- Principles and practices of budgeting, purchasing and contracting.
- Human resources policies and labor contract provisions.

Appendix E-2: Checklist for City Attorney Profile (for Council use)

Describe the background, skills and qualities you believe your city needs in a city attorney based on the suggested skills listed in Appendix E-1 and other attributes that are necessary for your community.

Skill/Experience	Notes/Comments	Importance (High, Medium Low)
Education		
License		
Experience		
Civil & Administrative Law		
Litigation Skills		
Legislative Skills		
Public Officials		
Public Meetings & Records		
Budgeting, Purchasing & Contracting		
Human Resources & Labor Relations		

Appendix E-3: Sample City Attorney Profile

CITY OF PORTLAND SPECIFICATIONS FOR CITY ATTORNEY

GENERAL PURPOSE

Under broad direction from the city council, serves as chief legal officer for the city; plans, organizes and directs the activities and staff of the city attorney's office; directs and performs a wide range of legal services of a complex nature in representing the city and providing advice and counsel to city officials and staff; exercises city charter authority to hire and fire deputies who serve at the pleasure of the city attorney; represents the city in litigation and on matters of significant visibility and public impact; and performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS

The city attorney is appointed by and serves at the will of the city council. The incumbent carries out city charter authority to hire and fire deputies who serve at will and manages, directs and integrates a wide range of complex, sensitive legal services, often involving issues of significant visibility and substantial consequences for the city. The city attorney is responsible both for providing legal advice and advocacy on highly complex and sensitive issues in diverse areas of law to the mayor, city council, bureau managers, other city employees, boards and commissions, and for ensuring that city officials and employees comply with the law and ethical standards set forth in law. The incumbent directs litigation in which the city is involved as plaintiff, defendant or other interested party and approves legally binding documents related to city interactions with private businesses, individuals and with other governments. The incumbent represents the city in relationships with the media on cases of great controversy and media interest.

Responsibilities of the city attorney are broad in scope, require a high degree of seasoned legal and administrative discretion, and are evaluated in terms of overall effectiveness. The city's governmental structure and the role of the city attorney require sophisticated interpersonal skills and seasoned political and legal acumen to ensure sensitivity to complex political realities while remaining strictly politically neutral. Because of the high visibility of many cases, the city attorney must be skillful in dealing with the media while protecting attorney-client privilege.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Any one position in this class may not perform all the duties listed below, nor do the listed examples of duties include all similar and related duties that may be assigned to this class.

- H.** Plans, organizes, controls, integrates and evaluates the work of the city attorney's office; with supervisors and staff, develops, implements and monitors work plans to achieve office mission, goals and performance measures; directs the development of

and monitors performance against the biennial office budget; manages and directs the development, implementation and evaluation of work programs, plans, processes, systems and procedures to achieve city and office goals, objectives and performance measures consistent with the city's quality and citizen service expectations.

- H.** Exercises city charter authority to hire and fire deputies, who are not subject to civil service, and other staff; plans, organizes, directs and evaluates the performance of assigned staff; establishes performance requirements and personal development targets; regularly monitors performance and provides coaching for performance improvement and development; provides compensation and other rewards to recognize performance; takes disciplinary action, up to and including termination, to address performance deficiencies, in accordance with city charter, code, human resources policies and labor contract agreements.

 - H.** Provides leadership and works with staff to develop and retain a high performance, service-oriented work environment that supports the city's and bureau's mission, objectives and service expectations; provides leadership and participates in programs and activities that promote workplace diversity and a positive employee relations environment.

 - H.** Attends meetings of and provides advice to the city council or its committees; represents the city in hearings before elected and administrative bodies and state and federal agencies; represents the city in negotiations to resolve issues involving litigation risk; serves as a spokesperson for the city on legal issues arising in the conduct of city business, including inquiries from legal counsel for other outside agencies, interested parties and the public.
5. Provides legal advice to the mayor and other city executives and managers on a wide range of law and regulations, including employment, environment, real estate, right of way, construction, tort liability and public agency powers, obligations and limitations; directs or conducts research and writes or reviews opinions regarding the duties, powers, functions and obligations of the city and its departments; ensures city compliance with all applicable legal and regulatory requirements; enforces city ordinances and regulations through hearings and court proceedings.

 6. Researches legal issues and statutory and case law; makes recommendations for charter and code changes, ordinances, resolutions or other legal documents; drafts and issues legal opinions; drafts and reviews ordinances, resolutions, contracts, leases, deeds and other legal documents and instruments; approves or directs the approval of ordinances, resolutions and contracts as to form and legality; prepares or revises ordinances or resolutions as requested by the city council; approves for filing all bonds and insurance policies submitted to the city.

7. Directs the work of staff representing the city in civil and criminal litigation, including all phases of pretrial, trial and appellate work; performs or directs the development of legal strategy; prepares or directs the preparation of briefs, pleadings, motions and arguments; performs or directs the conduct of discovery and depositions in preparation for litigation; represents or directs representation of the city in settlement negotiations or in court; reports on the outcome of litigation in which the city has interest to the council.
8. Ensures that city officials and employees comply with the legal and ethical requirements of city employment; takes action to resolve cases where city officials or employees did not comply, either intentionally or unintentionally.
9. Monitors and prepares comments on proposed federal and state legislation and regulation; recommends changes in city policies and practices in order to comply with legal requirements.

OTHER DUTIES

- H.** Determines the need for and oversees the work and work product of outside counsel.
- H.** Answers correspondence and public inquiries on legal matters related to city business.

DESIRED MINIMUM QUALIFICATIONS

Knowledge of:

- H.** Principles and practices of civil and administrative law, especially as they relate to municipal governments and state subdivisions.
 - H.** Effective strategies, practices and techniques in the presentation of court cases; judicial procedures and rules of evidence; principles, methods and techniques of legal research and investigation; effective practices in the drafting of pleadings and other legal documents.
 - H.** State and federal political systems and the legislative process; legislative methods, techniques and procedures of the city council and other political subdivisions.
 - H.** City charter and code provisions, ordinances, policies and city attorney opinions.
5. Operating, financial and legal problems and trends among large municipal agencies.

6. The organization of the city, including the functions and interrelationships of its bureaus and offices.
7. Responsibilities and obligations of public officials and administrative agencies as set forth in state law.
8. State laws and court cases applicable to the conduct of public meetings, maintenance of public records and conduct of elections by municipalities and public bodies.
9. Principles and practices of public administration, including budgeting, financial planning, purchasing, contracting and maintenance of records.
10. Principles, practices and procedures of law office administration.
11. Principles and practices of effective management and supervision.
12. City human resources policies and labor contract provisions.

Ability to:

- H.** Plan, organize and administer the activities of a municipal law office providing a wide range of legal and litigation services in diverse areas of the law.
 - H.** Define complex legal and organizational issues, perform legal research, analyze problems, evaluate alternatives and develop sound expert conclusions and recommendations.
 - H.** Present statements of fact, law and argument clearly, logically and persuasively in both writing and orally.
 - H.** Represent the city clearly, logically and persuasively in meetings, hearings and courts of law.
5. Interpret and explain city, state and federal policy, law, regulation and court decisions affecting city operations to diverse audiences.
 6. Analyze, interpret and explain proposed legislation and programs in terms of impact on city charter, code, organization, functions, operations, policies, programs and sources of revenue; provide effective alternatives and make sound recommendations on complex legislative issues.
 7. Represent the city effectively in negotiations and other dealings on behalf of the city and the city council.

8. Exercise sound, expert independent judgment.
9. Prepare clear, concise and competent resolutions, ordinances, contracts, leases, deeds, reports, correspondence and other written materials.
10. Remain neutral on issues where there are competing political agendas.
11. Exercise a high degree of tact, discretion and diplomacy in dealing with sensitive, complex and confidential issues and situations.
12. Establish and maintain highly effective working relationships with the mayor, city commissioners, all levels of city management, other governmental officials, business and community leaders, outside counsel and litigants, employees, the media, the public and others encountered in the course of work.

Training and Experience:

A typical way of obtaining the knowledge, skills and abilities outlined above is graduation from a four-year college or university; graduation with a juris doctor degree from an accredited law school; and at least ten years of progressively responsible experience in the practice of civil and/or criminal law; or an equivalent combination of training and experience. Management experience and experience in a governmental setting are preferred.

Licenses; Certificates; Special Requirements: A valid certificate of membership in the Bar of the State of Oregon and admission to practice before State of Oregon and federal courts.

PHYSICAL AND MENTAL DEMANDS

Persons with disabilities may be able to perform the essential duties of this class with reasonable accommodation. Reasonable accommodation will be evaluated on an individual basis and depend, in part, on the specific requirements for the job, the limitations related to the disability and the ability of the hiring bureau to accommodate the limitation.

Appendix F: Sample Applicant Acknowledgement Letter



(City letterhead)

(Date)

Dear _____:

Thank you for your interest in the position of City Attorney for the city of _____, Oregon. Here are some details about our selection process and an outline of our general time frame.

Applications will be reviewed based on a profile developed by the city council. Approximately 3-5 proposals will be presented to the council for further consideration. The council will review those proposals and by mid-June identify a smaller group on which to perform reference checks. We expect that the reference checks will be completed by late June. Shortly thereafter, a few individuals will be scheduled for interviews. The council hopes to make their final selection by late July.

We will try to keep you advised of your status as decisions in the selection process are made. Enclosed is some information about our community that you might find interesting and helpful.

Thank you for your interest in the great city of _____!

Sincerely,

Mayor

City of _____ Oregon

Appendix G: Interview Guidelines

Prior planning and organization are the key to ensuring a successful interview. The interview process should be well organized and the setting comfortable. All members of the council should participate, but one discussion leader should be designated. Only appropriate interview questions should be asked.

During both formal and informal meetings between the council and the finalist, discussions and questions should focus on the criterion for the position that were established at the outset of the recruiting process. The council may choose to supplement the usual discussion between council members and finalists by inviting staff, community leaders or technical experts to participate. For example, some cities choose to have a city attorney from a neighboring community participate in the interview process in order to provide the council with their technical experience and knowledge of municipal law.

The interview panel should plan on at least one hour for each candidate. It is difficult to pursue a range of questions in less time, and it is in your best interest to maximize the interview time with the candidate who may have traveled some distance for the meeting. Individual meetings will probably take less time.

A final guideline, regardless of which interview technique is used, is that the council should continue to avoid impulsive action and should take whatever time is necessary to arrive at a comfortable and well-reasoned decision. However, the interview process and related follow-up activities should move forward as promptly as possible so as not to lose momentum or cause desirable applicants to have second thoughts.

Just as with other steps in the hiring process, when the council or a subcommittee of council conducts the interviews, those interviews must occur in a meeting open to the public, unless the council or subcommittee has satisfied the requirements in ORS § 192.660(2)(a) to conduct interviews in executive session.

Appendix H-1: Suggested Interviewing Techniques

The following are some *do's* and *don'ts* when interviewing candidates. Remember, the law does not always prohibit employers from obtaining all the information about a candidate they deem important, as long as the questions are job-related and do not elicit information that could be used for discriminatory purposes.

Do ...

Create a comfortable atmosphere. Remember, you are trying to impress the candidate as well as the candidate attempting to impress you.

Let the applicant do most of the talking.

Question objectively. Questions should be job-related and consistent from one applicant to the next.

Ask questions that require more than a yes or no answer. Use general or open-ended questions.

Avoid unduly sympathetic or unsympathetic words, gestures or facial expressions which would make the candidate think you agree or disagree with his/her answers.

Avoid posing a problem or situational question combined with possible solutions. Let the candidate generate his/her own solution.

Develop questions based on earlier statements made by the candidate or information provided by the applicant in his/her resume, application or other source.

Ask questions designed to encourage the candidate to reveal his/her knowledge and opinions.

Avoid "trick" questions.

Avoid displaying your personal opinions or viewpoints through the questions you ask.

Listen attentively to every question asked and every answer given. Maintain eye contact with the candidate while he/she is speaking to show that you are listening.

Don't ...

Let early biases form. Finish the interview job before forming a final opinion of the candidate.

Ask unnecessarily long questions or do most of the talking. Remember, you want to learn about the candidate, not share your own views.

Let the candidate digress beyond the point of answering the question satisfactorily or showing that he/she is unable to answer the question.

Ask stress-producing questions which are not relevant or job-related. Delicate questions of this type should be pre-planned and should not be used to humiliate the candidate. Remember, if you like the candidate, you want to ask questions that would encourage him/her to accept the job.

Areas that cannot be inquired into with candidates during any part of the recruitment and hiring process are:

- Marital status;
- Age;
- Family composition/issues – such as children/daycare;
- Sexual orientation;
- Disability or illness or medical conditions or absences due to illness;
 - You may inquire if the person can perform specific duties, but you can't inquire of disability or at this stage probe beyond applicant's answers regarding ability to perform a duty;
- Financial such as home ownership, debts (a credit check in compliance with applicable laws should be conducted as part of the background and reference checking);⁵
- Political affiliation;
- Religion; and/or
- Race/national origin/ethnic.

⁵ By default, credit checks are prohibited unless an exception applies. The position of city attorney may qualify under the “substantially job-related exception.” See OAR 839-005-0080. Before obtaining credit history information, the city should determine whether the position qualifies under the exception and obtain appropriate authorization from the applicant.

Appendix H-2: Sample Interview Questions

The following lists some suggested interview questions. Of course, the questions you choose to ask should be custom-fit to your entity's particular needs and circumstances. Typically, fifteen to twenty-five (15 - 25) well-planned questions will create sufficient responses for an hour-long interview.

1. How would you characterize your style of practicing law and responding to inquiries from clients?
2. How responsive can you be to emergency situations as emergencies regularly arise for local units of government?
3. How do you relate to employees, department heads, advisory committees, the council, and the general public? How would they describe your ability to relate to them?
4. What do you perceive to be the city attorney's role in dealing with the council?
5. What do you do when an individual councilor's actions may be in violation of local, state or federal law?
6. Based on your education, experience and background, what do you consider to be your strengths in dealing with local government problems? What are your weaknesses?
7. What experience have you had in labor negotiations?
8. Describe any experiences you have had in actively negotiating a contract or any other issue at the bargaining table.
9. How have you dealt with mediation, fact finding or arbitration?
10. What approach have you used in dealing with personnel problems?
11. What involvement have you had in developing personnel rules, regulations and procedures?
12. What experience do you have in general employment law?
13. What experience do you have with public records and public meeting laws?
14. What experience do you have with litigation and appellate work?
15. Describe your experience, if any, in drafting legislation.
16. What is your municipal finance experience?
17. What role have you played in the preparation of a budget?
18. Describe any experiences you may have had in developing and recommending policies and or laws to the council relating to growth (e.g., annexation, expansion of utilities, subdivision standards, etc.).

19. What experience have you had in land use planning and zoning requirements? Have you argued cases before LUBA?
20. What other municipalities or local units of government have you worked for in the past?
21. What is your prior management experience?
22. Why do you want to act as our city attorney?
23. What conditions would you set up for being our city attorney if it were offered?
24. What will your first steps be upon assuming responsibility in this position?
25. What would you hope to accomplish in the first year?

Appendix I: Sample Oral Interview Rating Form

Applicant: _____ Date: _____

Category	Not Recommended	Somewhat Qualified	Qualified	Well Qualified	Superior
	1	2	3	4	5
Applicability of experience to the city’s challenges.					
Involvement in all phases of local government operations.					
Depth of experience.					
Level of education and bar status.					
Specialized training.					
Ability to respond to emergencies.					
Ability to transmit ideas clearly.					
Ability to organize legal opinions/advice, summarize and express them with confidence.					
Non-verbal communication skills (e.g., physical, eye contact).					
Ability to work with others.					
Experience with labor and employment issues.					
Experience with litigation, arbitration and mediation.					
Experience with appellate work.					
Understanding and experience with public records and public meetings laws.					
Ability to draft legislation.					

Category	Not Recommended	Somewhat Qualified	Qualified	Well Qualified	Superior
	1	2	3	4	5
Personality traits in relation to personality of city.					
Experience with human resources issues.					
Experience and abilities with financial issues.					
Formation of local improvement districts.					
Overall knowledge of community growth problems.					
Experience in downtown/urban development.					
Dealing with community development and/or urban renewal.					
Prior local government experience.					

COMMENTS: (Special observations/notes during interview)

Appendix J: Sample Press Release



(City letterhead)

(Date)

Contact Information:

The city of _____ announces that Jane Doe of _____ (former position or location) has been selected as the new city attorney for (city). Ms. Doe was selected from among five applicants interviewed by the city following a regional recruitment effort.

Ms. Doe brings to the city ten years of municipal law experience.

Mayor Mary Jones states, “We are really looking forward to Jane’s arrival. We believe she will provide the city with sound legal advice.”

Ms. Doe replaces Ralph Smith, who retired at the end of last year. Ms. Doe will begin her duties July 1, 2017.