

Memorandum



CITY OF DALLAS

DATE September 27, 2019

TO Members of the Ad Hoc Administrative Committee

SUBJECT **City Attorney Position Profile**

As a follow up to the Ad Hoc Administrative Committee meeting that was held on September 23, 2019, please find attached the executive search position description for the 2016 City Attorney recruitment and the draft of the 2019 position profile.

The 2019 draft position profile has been highlighted in yellow to reflect all the additional information that has been either revised or added as compared to the 2016 position description.

Please review the current draft position profile and provide any feedback to me by Tuesday, October 1, 2019. The profile will be finalized with the search consultant by Friday, October 4, 2019 to begin the search process.

Should you have any questions or concerns, please contact me at 214.670.3302.

Sincerely,



Kimberly Bizer Tolbert

Chief of Staff to the City Manager

Honorable Mayor & Members of the Council
T.C. Broadnax, City Manager
Chris Caso, City Attorney (Interim)
Mark Swann, City Auditor
Billerae Johnson, City Secretary
Preston Robinson, Administrative Judge
Majed A. Al-Ghafry, Assistant City Manager
Jon Fortune, Assistant City Manager

Joey Zapata, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
Michael Mendoza, Chief of Economic Development and Neighborhood Services
M. Elizabeth Reich, Chief Financial Officer
Laila Alequresh, Chief Innovation Officer
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion
Directors and Assistant Directors

Position Description

February 2016

City of Dallas

1500 Marilla Street

Dallas, TX 75201

www.dallascityhall.com



City of Dallas

The City of Dallas has retained Major, Lindsey & Africa on an exclusive basis to conduct a search for a City Attorney. The City of Dallas is an equal opportunity employer. Interested candidates, please respond to the MLA search consultant who contacted you about this search or directly to dallascityatty@mlaglobal.com. Please do not contact the City directly; all resumes sent to the City will be routed to MLA for handling and will create delays.

CITY ATTORNEY

Overview: The City Attorney serves as the chief legal advisor to the City Council, the City Manager, and all departments, offices and agencies of the City of Dallas. The City Attorney also serves in a managerial and supervisory role to the City Attorney's Office, which is comprised of approximately 160 individuals and over 90 attorneys. Further, the City Attorney is tasked with representing the City and issuing legal advice on all matters concerning the City government as well as rendering advice on all proposed legislation affecting the City from municipal, state, and federal sources.

Overview of the City of Dallas: As the ninth largest U.S. city and part of the fourth largest metropolitan area in the nation, the City of Dallas covers roughly 343 square miles in North Texas. Centrally located within a four-hour flight from most North American destinations, Dallas has a Council/Manager form of government. The City Attorney's Office is made up of over 90 attorneys, including 2 managing Senior Executive City attorneys and 15 cross-functional practice groups.

Compensation: Competitive compensation package (including excellent benefits) commensurate with experience.

Experience: A minimum of 15 years of legal experience gained in private practice, corporate legal departments, and/or municipal or other government roles, including significant exposure to and knowledge of laws and regulations affecting municipalities as well as experience managing a professional legal staff.

Relocation: This is a national search and, as such, relocation benefits will be provided. If, at the time of appointment, the City Attorney resides outside the City of Dallas, then he or she will be required to move within the City limits within a time period required by the City Council.

Bar: Admission to the State Bar of Texas and, where applicable, in federal court.

ORGANIZATIONAL OVERVIEW:

Located in North Texas, the City of Dallas has a population of more than 1.2 million and covers an area of approximately 343 square miles. The seat of Dallas County, Dallas is the ninth largest city in the United States and part of the fourth largest metropolitan area in the nation. Dallas currently is governed by a Council/Manager form of government, with Mike Rawlings serving as Mayor and A.C. Gonzales serving as City Manager along with 14 Council Members representing the 14 Council Districts throughout the City.

SUMMARY OF POSITION DESCRIPTION

The City Attorney provides, monitors, and manages all legal advice and counsel for the City of Dallas on behalf of the City Manager, City Council, and all City departments and agencies, ensuring that the City's actions are consistent with applicable law, and manages and oversees the administration of the City Attorney's Office with a focus on efficient, proactive and effective support for the City.

POSITION RESPONSIBILITIES

Essential Functions:

- Plans, organizes, and directs, through two managing Senior Executive Assistant City Attorneys, the operations of the City Attorney's Office, including prosecution of all cases brought before the Municipal Court, prosecution and defense of all cases involving the City of Dallas in state and federal courts, inspection and issuance of legal opinions on papers, documents, contracts, and other instruments, legal issues in which the City may be interested, and provision of legal advice to all official boards and commissions and all City officers and employees with respect to questions involving an official duty or other legal matter pertaining to the affairs of the City of Dallas.
- Represents the City in all litigation and controversies.

- Approves as to form, in writing, all proposed ordinances before they are adopted by the City Council.
- Drafts all proposed ordinances granting franchises.
- Inspects and passes upon all papers, documents, contracts, and other instruments in which the City may be interested.
- Provides legal advice to the City Manager and City Council with respect to questions involving an official duty or other legal matters.
- As directed by the City Council, institute suit against any offending party in the court having jurisdiction over the specific matter to obtain a judgment or forfeiture of the franchise or privilege.
- Advises the City Council, City Manager, and all departments of the City concerning new or proposed state or federal legislation and represents the City before all legislative bodies in matters affecting the City.
- Appears in any and all litigation affecting the City and represents the City in such manner as he or she deems to be in the best interest of the City, and institutes such legal proceedings as may be necessary or desirable on behalf of the City.
- When necessary, engages and monitors outside counsel.

QUALIFICATIONS & SKILLS

- **Required Knowledge, Skills & Abilities**
 - Thorough knowledge of federal and state laws and regulations concerning city government.
 - Thorough knowledge of principles of management techniques and municipal administration.
 - Extensive experience in litigation as well as litigation management.
 - Ability to communicate effectively orally and in writing.
 - Ability to manage and supervise subordinate staff.
 - Ability to work with a diversified group of individuals.
 - Ability to establish and maintain an effective working relationship with all levels of management, City officials, vendors, other government agencies, other employees, and the general public.
- **Special Requirements**
 - Bachelor's degree.
 - Juris Doctor Degree from an ABA-accredited law school.
 - Admission to the State Bar of Texas and, where applicable, in federal court.

- The City Attorney shall be a resident of the City of Dallas. If, at the time of appointment, the City Attorney resides outside the City of Dallas, then he or she shall move into the City within a time period required by the City Council.
- **Desired Traits**
 - Proficiency at developing, instituting, and maintaining performance matrixes and measurements to increase efficiency within a large legal team.
 - Demonstrated ability to serve as a solutions-orientated advisor who consistently offers problem-solving solutions in the course of representing a municipal organization, large corporation, or client base.
 - Exceptional management skills which encompass the ability to work across multiple levels of management while providing solid leadership, guidance, and mentorship.

PROCESS

Submit a resume in Microsoft Word format with a letter describing your interest and relevant skills addressed to:

Pete Boerner

Managing Partner - Texas

dallascityatty@mlaglobal.com

Ann-Margaret Dudley

Director, In-House Practice Group

dallascityatty@mlaglobal.com

No calls, please.

You may be required to complete additional documents to be considered for this position.

**CITY OF DALLAS, TX
CITY ATTORNEY**

THE COMMUNITY

The City of Dallas, Texas, is the third-largest city in the state of Texas and the ninth-largest in the United States. Almost twenty percent of the population of Texas lives in the Dallas-Fort Worth metroplex area, which is the largest metropolitan area in the South and the fourth-largest in the United States. Divided between Collin, Dallas, Denton, Kaufman, and Rockwall counties, the City has a population of approximately 1.34 million residents and a total metropolitan population of approximately 7.5 million in 2018.

Dallas was founded in 1841 and was formally incorporated as a city in February 1856. The City's economy is primarily based on banking, commerce, telecommunications, computer technology, energy, healthcare/medical research, transportation, and logistics. The City is home to the third-largest concentration of Fortune 500 companies in the nation.

The City's prominence arose from its historical importance as a center for the oil and cotton industries, and its position along numerous railroad lines. With the advent of the interstate highway system in the 1950s and 1960s, Dallas became an east/west and north/south focal point of the interstate system with the convergence of four major interstate highways in the city, along with a fifth interstate loop around the city. Dallas developed a strong industrial and financial sector and a major inland port, due largely to the presence of Dallas/Fort Worth International Airport (DFW)—one of the largest and busiest airports in the world. The City is also home to Dallas Love Field Airport, located just 6 miles northwest of downtown, and is the headquarters to Southwest Airlines.

The City of Dallas has more than 300 public and almost 90 private primary and secondary schools. Also, the region is home to more than 40 higher education institutions, including the University of Texas Southwestern Medical School, Southern Methodist University, the University of Texas at Dallas, the University of North Texas, Texas Christian University and the University of Texas at Arlington.

For the sports enthusiast, the region offers a wide variety of sporting events including the Dallas Cowboys (NFL); Texas Rangers (MLB); Dallas Mavericks (NBA); Dallas Wings (WNBA); Dallas Diamonds (IWFL); Dallas Stars (NHL); Dallas Vigilantes (AFL); FC Dallas (MLS); Dallas Rattlers (MLL); Mesquite Championship ProRodeo; NASCAR events at the Texas Motor Speedway; and a variety of collegiate sporting events.

The area also offers world-class entertainment, art, shopping, dining, cultural, and recreational opportunities. In 2018, Dallas was rated as a Beta+ world city by the Globalization and World Cities Study Group & Network. Dallas is the largest economic center of the 12-county Dallas – Fort Worth – Arlington metro area, which had a 2017 gross metropolitan product of \$535 billion. And, according to the Brookings Institution, Dallas-Fort Worth was one of the first three metropolitan areas to fully recover from the 2008 recession, surpassing previous levels of economic activity by the end of 2012.

THE ORGANIZATION

The City of Dallas has a Council-Manager form of government. Under this form of government, the elected City Council sets policies for the operations of the City. The City Council consists of the Mayor and 14 Council members serving as representatives to the 14 Council Districts. The administrative responsibility of the City rests with the City Manager, who has a Chief of Staff, four

Assistant City Managers; a Chief of Diversity and Inclusion, Chief Innovation Officer, Chief of Economic Development & Neighborhood Services. The Chief Financial Officer also reports directly to the City Manager.

Dallas is a full-service city comprised of more than two dozen departments, including Police, Fire-Rescue, and municipal court services. The City Manager oversees all departments and functions of the City except those of City Attorney, City Secretary, City Auditor, and Judiciary, each of whom reports directly to the City Council. In addition, the Parks Department does not report directly to the City Manager but has its own board that is appointed by the City Council.

Dallas has a total proposed FY 2019/2020 operating budget of \$2.9 billion and capital budget of \$872 million. The City currently employs a staff of over 12,000 full-time employees.

THE DEPARTMENT

The mission of the City Attorney's Office (CAO) is to provide the highest quality legal services to the City Council, City employees, and boards and commissions in the most ethical, timely, efficient, and cost-effective manner. The Office provides legal counsel to the City Council, city officials, departments and employees on all legal matters involving the City, legal opinions and representation for all matters concerning city government and advises the City Council of all proposed legislation affecting the City from municipal, state and federal sources.

The City Attorney's Office has approximately 164 staff and a \$18,483,486 annual operating budget. The Office's goals include:

- Respond to Council and department requests in a timely manner;
- Continue to actively pursue violations of state law and City ordinances that affect quality of life issues;
- Continue to cross-train lawyers to provide quicker responses to legal issues; and,
- Continue to minimize the impact on taxpayers by reducing the use of outside counsel and providing more legal services in-house.

The FY 2018-19 budget and FY 2019-20 planned budget for the CAO support the department's efforts to showcase Dallas as a world-class destination by focusing on reducing crime, creating a sustainable community, and improving the quality of life of residents. The CAO will continue to collect more than \$2.5 million in revenue, prosecute more than 200,000 cases through municipal and community prosecution programs, draft thousands of contracts, ordinances, and resolutions, provide thousands of legal opinions, handle hundreds of claims and lawsuits, and provide innovative programs through the Community Courts division.

The following are service areas within the City Attorney's Office:

Community Courts: Neighborhood-focused courts that address complex individual problems and build stronger communities. Allows the City to focus and leverage its resources in target areas to maximize program benefits and neighborhood impact.

Community Prosecution: Community Prosecutors use litigation and creative problem-solving strategies to address and abate code violations, improve the quality of life, increase public safety, and strengthen communities throughout the city. of Funds

DFW International Airport Legal Counsel: Provides services to the DFW Airport Board and staff

regarding federal regulatory matters, contracts with airlines, commercial real estate, labor and environmental law, contract compliance and procurement, and ground transportation regulations.

Environmental Enforcement, Compliance, and Support: Prosecutes stormwater and other environmental violations and litigation. Provides legal advice to City departments regarding stormwater and other environmental compliance.

General Counsel: Provides legal advice and counsel to the City Manager, the City Council, City boards and commissions, and all City departments. Responsible for drafting and reviewing contracts and ordinances of the City and providing legal advice on a wide variety of matters.

Litigation: Represents the City, its officers and employees in lawsuits, claims, and appeals involving civil rights, personal injuries, employment, collections, eminent domain, bankruptcy, City ordinances, Open Records Requests, zoning, land use, public utilities, and other issues.

Municipal Prosecution: Prosecutes class C misdemeanors and fine-only City ordinance violations, including animal cruelty, juvenile, dangerous dog appeals, demolition, environmental, family violence, and traffic violations.

Police Legal Liaison: Serves as general counsel to the Dallas Police Department, provides legal training and advice about subpoenas, public information requests, and expunctions, prepares opinions and bulletins, requests decisions from the Attorney General, and files answers in court.

THE POSITION

The City Attorney serves as the chief legal counsel for the City of Dallas and provides supervision to all attorneys and staff in the City Attorney's Office. Responsibilities of the City Attorney include, but are not limited to:

- Plans, organizes, and directs the operations of the City Attorney's Office through two managing Senior Executive Assistant City Attorneys including the administration of oaths and affidavits, prosecution of all cases brought before the Municipal Court, prosecution and defense of all cases involving the City of Dallas in state and federal courts, inspection and issuance of legal opinions on papers, documents, contracts and other instruments, legal issues in which the City may be interested, and provision of legal advice to all official boards and commissions and all City officers and employees with respect to questions involving an official duty or other legal matter pertaining to the affairs of the City of Dallas.
- Represents the city in all litigation and controversies.
- Administers oaths and affidavits.
- Approves as to form in writing all proposed ordinances before they are adopted or files with the city council, in writing, any objection to an ordinance.
- Drafts all proposed ordinances granting franchises.
- Inspects and passes upon all papers, documents, contracts, and other instruments in which the city may be interested.
- Provides legal advice to the City Manager and the City Council with respect to questions involving an official duty or other legal matters.
- As directed by City Council, institutes lawsuits against any offending party in the court having jurisdiction over the specific matter to obtain a judgment or forfeiture of the franchise or privilege.

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- Advises the City Council, City Manager, and all the departments of the city concerning new or proposed state or federal legislation and represents the city before all legislative bodies in matters affecting the city.
- Appears in any and all litigation affecting the city and represents the city in such a manner as he/she deems to be in the best interest of the city and institutes such legal proceedings as may be necessary or desirable on behalf of the city.
- The City Attorney works with the Risk Management department to manage Risk funds, and the City Attorney manages outside counsel expenditures.
- Hires or discharges such clerical personnel or other personnel as may be authorized for the city attorney's department by City Council.
- When deemed in the best interest for the city, advises or represents officers and employees of the city in litigation in matters arising out of the official conduct of their office or duties or in the course of their employment.
- Performs such other legal duties as directed or requested by the City Council or as required to resolve legal issues involving the City of Dallas.

ISSUES, CHALLENGES, AND OPPORTUNITIES

Critical to the success of the new City Attorney is establishing trust. The City of Dallas has a large and diverse Council with varying levels of experience as elected officials. The City Attorney must be able to establish trust with the Council and other stakeholders, while being mindful of the Council's role as policymakers and, as importantly, understanding their own role as legal advisor and the need to remain objective at all times.

A challenge for the City Attorney includes overseeing and effectively managing a large, complex, legal department which provides services to the Mayor, Council, the city's large number of Departments, Boards and Committees. Managing resources to meet the operational needs of the City Attorney's Office in a cost-effective and timely manner, along with establishing a culture of being supportive and responsive is crucial.

As a large and dynamic city, Dallas has a very broad spectrum of legal issues and challenges. As such, the City Attorney's Office has a varied, ever-changing workload, and the City Attorney must be a strategic legal advisor to help navigate through highly complex legal issues in a manner that serves the best interest of the City.

The City Attorney position provides an interesting and dynamic opportunity to lead a substantial legal department in one of the most prestigious communities in the country. The City Attorney will be an integral part of executive leadership which supports Council in its efforts to improve quality of life and make a positive, long-term impact on the City of Dallas.

THE IDEAL CANDIDATE

The size and complexity of Dallas' city government requires a strong leader, skilled manager, and experienced administrator to serve as the new City Attorney. An innovative, creative and forthright individual is needed. Must have strong political and business acumen and perform with the highest degree of professionalism, honesty and integrity.

An open, approachable, and transparent communicator who can articulate information in a manner that can be easily understood is sought. The successful candidate will demonstrate a commitment to presenting the same complete, unbiased, balanced information to all members of the City Council in an apolitical manner and assist the Council as they reach consensus on complex and sensitive issues. The City Council is also seeking a candidate with the confidence,

diplomacy, and tact to communicate any foreseeable issues or challenges when the Council proposes action, as well as have a personal commitment to fully support Council's decisions. The City Attorney must provide sound advice and recommendations to the Council, as well as providing the Council with options and alternatives as needed, providing competent legal work based on the law and facts without political, partisan or personal considerations.

The ideal candidate will be trustworthy and garner credibility and respect among the City Council, City staff and committees, citizens, and the business community. The City Attorney will establish and maintain effective relationships, exercise good judgment and maintain confidentiality of critical or sensitive information. An individual committed to employee development, staff empowerment, and strong succession planning will be valued, as will one with a strategy for attracting and retaining great talent. The new City Attorney should also demonstrate an understanding of and embrace the value of organizational diversity and a balanced strategy for minority inclusion.

A transformative individual who can look at the City Attorney's Office with an analytical eye and approach issues with fresh and innovative ideas will be valued. A strategic, adaptable thinker will do well in this position. The City Attorney will be expected to evaluate current policies and procedures with a customer-focused goal and the aim of improving organizational effectiveness and efficiencies while balancing fiscal responsibilities.

A Bachelor's degree and graduation from an accredited college of law, plus a license to practice law in the State of Texas, is required. Candidates should have at least ten (10) years of senior legal administration experience. Experience in legal areas such as Appellate, Constitutional, Land Use/Zoning, Purchasing, Environmental, Open/Public Records, Contracts, and Labor/Employment Law, including litigation and transactional is beneficial. Texas municipal experience and knowledge of the City of Dallas organization is a plus. A strong candidate will have prior experience as a City Attorney or Assistant City Attorney in a large, complex organization or other significant and applicable public sector experience; or have significant experience managing a large private sector organization with a focus on municipal and civil law.

THE COMPENSATION

The salary for this position is competitive and open, depending upon qualifications. The City offers an excellent benefits package. For additional information on benefits, please visit: <https://dallascityhall.com/departments/humanresources/benefits/Pages/default.aspx>.

The City Attorney is required to be a resident of the City of Dallas. If at the time of appointment, the City Attorney resides outside of the city limits, then he/she will be required to relocate to within a time period determined by City Council.

TO APPLY

If interested in this outstanding opportunity, please visit our website at www.srnsearch.com and apply online. The position is open until filled.

Résumés will be screened according to the qualifications outlined above. Screening interviews with the most qualified applicants will be conducted by S. Renée Narloch & Associates to determine a select group of finalist candidates who will be asked to provide references. References will be contacted only following candidate consent. Final interviews will be held with

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the Mayor and City Council. Candidates will be advised of the status of the recruitment following the selection of the City Attorney.

Questions regarding this recruitment may be directed to Ms. S. Renée Narloch at info@srnsearch.com or 850.391.0000.

The City of Dallas is an equal opportunity employer.

PURSUANT TO TEXAS OPEN RECORDS LAW, APPLICATIONS AND RESUMES ARE SUBJECT TO DISCLOSURE.