



Office of the City Manager

CONSENT CALENDAR
November 15, 2022

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Donald Ellison, Interim Director of Human Resources
Subject: Classification and Salary: Deputy City Attorney IV

RECOMMENDATION

Adopt a Resolution expanding the Deputy City Attorney series by establishing the Deputy City Attorney IV classification with a monthly stepped salary range of \$15,936.37 - \$19,593.60 effective November 15, 2022.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Creating an expanded City Attorney Series with a senior position will enable the department to attract, develop and retain the necessary talent to expand the City of Berkeley's City Attorney's office to meet the demands of the City.

The City Attorney's Office provides legal advice and support to the entire City, including the City Council, City Manager, all City Departments, as well as appointed City Boards and Commissions. Legal advice and support includes litigating on behalf of the City, drafting or reviewing contracts, leases, ordinances, and resolutions, advising on ballot measures, acting as the Risk Manager for the City, and providing legal advice to staff engaged in affordable housing, homelessness response work, pandemic response work, land-use and zoning, infrastructure projects, economic development efforts and major policy initiatives such as the Re-Imagining Public Safety Task Force and other multi departmental projects that may have legal implications.

The Human Resources Department contracted with Bryce Consulting to develop a base salary recommendation based on internal equity. Bryce Consulting is an agency that provides a variety of human resource services to non-profit and public-sector clients. After considering the internal relationships among classifications, staff is recommending a monthly salary range of \$15,936.37 - \$19,593.60.

BACKGROUND

The Personnel Board discussed and voted unanimously to send this classification to the City Council for approval at its September 6, 2022 meeting (Vote: Ayes: Bartlow, Dixon, Lacey, Wenk, Karpinski, Gilbert, Noes: None Abstains: None).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

It has been the policy of the City to create the necessary classification and salary schedule to accommodate new duties and responsibilities, reflect programmatic changes, maintain competitive salaries and, when applicable, comply with regulatory requirements.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Donald E. Ellison, Human Resources, Human Resources, (510) 981-6807.

Attachments:

1. Resolution
 Exhibit A: Classification Specification
2. Organizational Chart

RESOLUTION NO. -N.S.

CLASSIFICATION: DEPUTY CITY ATTORNEY IV UNREPRESENTED

WHEREAS, the Human Resources Department maintains the Classification and Compensation plan for the City of Berkeley; and

WHEREAS, the Human Resources Department has completed a classification review and recommended establishing the Deputy City Attorney IV.

WHEREAS, creating an expanded City Attorney Series with a senior position will enable the department to attract, develop and retain the necessary talent to expand the City of Berkeley's City Attorney's office to meet the demands of the City.

WHEREAS, the Personnel Board recommended on September 6, 2022 to establish the classification and salary range of Deputy City Attorney IV exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and Unrepresented, effective November 15, 2022

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Classification for Deputy City Attorney IV is established, with a salary range and classification specification as shown on Exhibit A, effective November 15, 2022.

Exhibit A: Deputy City Attorney IV, Classification Specification and Salary Schedule

DEPUTY CITY ATTORNEY IV

DEFINITION:

Under direction, performs the more complex, difficult and politically sensitive professional civil legal work within the City Attorney's Office. The Deputy City Attorney IV provides high level advice to City departments, boards and commissions on legal and policy matters; represents the City in a variety of litigation matters; and performs related duties.

CLASS CHARACTERISTICS:

The Deputy City Attorney IV is the highest level in the Deputy City Attorney class series. Positions at this level are distinguished from other classes within the series by the level of responsibility assumed, complexity of duties assigned, independence of action taken, by the amount of time spent performing the duties, and by the nature of the public contact made. Employees perform the most difficult and responsible types of duties assigned to classes within this series, including having responsibility for cases of long-term duration. Employees at this level are required to be fully trained in all procedures related to assigned areas of responsibility.

EXAMPLES OF DUTIES:

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s) and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification, or is similar or closely related to another duty statement.

1. Performs complex legal research and prepares opinions on various legal problems for the City Council, boards and commissions, and City departments; as assigned, may serve as principal legal staff to a City board or commission.
2. Provides legal support on highly complex matters involving planning, redevelopment/economic development, financing/service mechanisms and community service districts, environmental utilities and refuse issues such as rate-setting and taxing, joint power authorities and land acquisition/ eminent domain.
3. Oversees the work of specialized outside legal counsel regarding complex litigation matters.
4. Prepares and drafts ordinances, resolutions, contracts, deeds, leases and other legal documents and instruments; provides opinions as to the legal acceptability of agreements, contracts, covenants, and other binding documents presented to the City for consideration by outside parties or agencies.
5. Prepares, tries, and argues the more difficult civil and criminal cases in court proceedings; prosecutes misdemeanor violations of City ordinances; investigates claims and complaints by or against the City and recommends action to be taken.
6. Confers and advises City departments, boards, and commissions concerning their respective duties, powers, functions and obligations;
7. Researches complex legal problems and prepares opinions, ordinances, resolutions, contracts, leases, permits and other legal documents;

8. Represents the City in court cases encompassing a wide variety of subject matters, including all phases of pretrial, trial and appellate work;
9. Represents the City in administrative hearings before City boards and commissions, and state and federal agencies;
10. Reviews and analyzes court rulings and legislation relative to their effect on municipal government operations; recommends changes in policies and procedures in order to meet current legal requirements;
11. Represents the City at various City Council, board and commission meetings;
12. Assists other attorneys in all phases of legal work on more complex litigation;
13. Attends meetings of the City Council, boards, and commissions as requested by the City Attorney;
14. Responds to requests for information from the general public, City staff, outside agencies, and other interested parties; research requested information;
15. Performs related work as assigned.

KNOWLEDGE AND ABILITIES

Note: The level and scope of knowledges and skills listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Legal principles and practices, including civil, criminal, constitutional, and administrative law and procedures;
2. Judicial procedures and rules of evidence; methods of legal research and analysis;
3. Tort law and liability insurance litigation; statutes and court decisions relating to civil rights and public sector labor law;
4. Municipal government operations, including zoning, planning, real property, and civil and criminal procedures;
5. Ordinances, statutes and court decisions relating to municipal corporations;
6. Established precedents and sources of legal reference applicable to municipal activities;
7. Civil and administrative procedure;
8. Pleading and practices and effective techniques in the presentation of court cases;
9. Judicial procedures and rules of evidence;
10. Principles, methods and techniques of legal research and investigation;
11. Responsibilities and obligations of public officials and administrative agencies;
12. Statutes and court decisions relating to municipal government operations; Public Records Act; Brown Act and conflict of interest laws; tort law and liability insurance litigation;
13. Municipal government organization, structure and functional responsibilities;

Ability to:

1. Perform the more complex and difficult professional legal duties of the City Attorney's Office;
2. Represent the City in a wide variety of judicial and administrative proceedings; prepare and present cases;

3. Analyze a wide variety of legal issues; organize, interpret and apply legal principles and knowledge of legal problems; analyze and prepare a wide variety of legal documents;
4. Define issues, performing legal research, analyze problems, evaluate alternatives and make sound recommendations;
5. Present statements of fact, law and argument clearly and logically;
6. Apply legal knowledge and principles in court; conduct research on legal problems and prepare sound legal opinions;
7. Exercise sound, independent judgment within general policy guidelines and legal parameters;
8. Interpret state and federal laws and constitutional provisions affecting municipal operations;
9. Represent the City effectively in hearings, courts of law and meetings with others;
10. Apply level knowledge and principles in court; conduct research on legal problems and prepare sound legal opinions;
11. Prepare clear, concise and competent resolutions, ordinances, contracts, leases, permits, reports, correspondence and other written materials;
12. Communicate clearly and concisely, both orally and in writing;
13. Establish and maintain effective working relationships with those contacted in the course of work.

Minimum Qualifications

A TYPICAL WAY OF GAINING THE KNOWLEDGE AND SKILLS OUTLINED ABOVE IS:

A Juris Doctorate from an American Bar Association accredited law school and six (6) years of experience as an attorney engaged in the practice of civil law, preferably in a municipal setting.

OTHER REQUIREMENTS

Specified positions may require possession of a valid California driver's license and have a satisfactory driving record. Must be a current member of the California State Bar Association. Must be willing to attend evening meetings.



