



AGENDA REPORT
April 10, 2018

SUBJECT:

Board Discussion Re: County Attorney Recruitment

DEPT/OFFICE:

Human Resources

REQUESTED ACTION:

The office of Human Resources is seeking Board direction on the final version of the County Attorney's job description before proceeding with recruitment for this position. Additional direction regarding the time frame for recruitment and advertising as well as direction on a starting salary or salary range subject to final Board approval upon successful negotiation of the County Attorney's employment contract is also requested.

SUMMARY EXPLANATION and BACKGROUND:

The Board of County Commissioners previously directed the Office of Human Resources to solicit from Commissioners their input for desired qualifications and experience to be included in the recruitment for the next County Attorney. Having received input from Commission Offices, Human Resources has drafted the attached County Attorney Job Class Description (Exhibit A: strike through version), the Board of County Commissioners input re: County Attorney Minimum Qualifications / Training and Experience (Exhibit B) and the Human Resources Overview of a proposed County Attorney Recruitment Process (Exhibit C) for the Board review and consideration.

Following discussion and direction from the Board on the suggested additions/changes to the current County Attorney job description, the Office of Human Resources will move forward with the advertisement and recruitment for this position per the Boards direction.

ATTACHMENTS:

Description

- ▢ **Exhibit A**
- ▢ **Exhibit B**
- ▢ **Exhibit C**

REVIEWERS:

Department	Reviewer
Human Resources	Visco, Gerard



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April 11, 2018

M E M O R A N D U M

TO: Frank Abbate, County Manager

RE: Item V.B., County Attorney Recruitment

The Board of County Commissioners, in regular session on April 10, 2018, appointed Eden Bentley as the County Attorney.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cmw

cc: Each Commissioner
Interim County Attorney

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

COUNTY ATTORNEY

SPECIAL REQUIREMENTS: Must be licensed to practice law by the State of Florida and be a member in Good Standing with the Florida Bar.

Must possess, or obtain prior to employment, a valid Florida Driver's operator's license and maintain said license during the term of prior to employment.

In the event of a hurricane, major storm, natural or man-made disaster that may threaten the area, the employee will be required to perform emergency duties as directed.

KNOWLEDGE, SKILL, AND ABILITIES: (Note: The knowledge, skills and abilities identified in this class specification represent those needed to perform the duties of this class. Additional knowledge, skills and abilities may be applicable for individual positions.)

Thorough knowledge of the statutory and constitutional laws of Florida affecting County government.
Thorough knowledge of judicial procedure and the method and practice of pleading and of effective techniques in the presentation of cases.

Thorough knowledge of modern principles of organization and management.

Thorough knowledge of principles, methods, and materials of legal research.

Ability to draft legal instruments, propose legislation, and related ordinances, resolutions, and policies.

Ability to analyze, appraise, and organize facts, evidence, and precedents.

Ability to communicate effectively, both verbally and in writing.

Ability to establish and maintain effective working relationships with County and Court officials, other employees and members of the public.

Ability to conduct research on legal problems and prepare sound legal opinions.

Ability to prepare and try complex law suits before Federal, State, and County Courts.

Ability to demonstrate strong critical thinking and strategic skills.

Ability to speak in public.

Ability to demonstrate strong negotiation skills.

Ability to identify and resolve complex and sensitive problems innovatively and with professional discretion.

Ability to continuously keep legal expertise up to date.

Ability to demonstrate exemplary personal and professional integrity and the highest of ethical standards.

Ability to develop a clear vision and strategy consistent with Brevard County's mission and best practices.

Ability to exercise strong leadership skills that result in the production of high-quality services and exceptional standards.

Ability to exercise strategic thinking with the capability of being a leader at the County administrative level.

Ability to direct and supervise the work of others. Supervisory ability.

PHYSICAL REQUIREMENTS: This is mainly sedentary work.

Revised- effective 04/10/2018/10/08/2009; supersedes CD# 0100; titled County Attorney, dated 10/08/200903/24/04.

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

COUNTY ATTORNEY

CHARACTERISTICS OF THE CLASS: Under the administrative direction of the Board of County Commissioners, performs skilled administrative work serving as the chief legal officer for the County Commissioners, County Management and County departments. The County Attorney supervises the staff of the Legal Department.

EXAMPLES OF DUTIES: (Note: The listed duties are illustrative only and are not intended to describe each and every function which may be performed in the job class. The omission of specific statements does not preclude management from assigning specific duties not listed herein if such duties are a logical assignment to the position.)

Plans, directs, and supervises the activities of the professional and clerical support staff of the Legal Department.

Represents the County Commission in legal matters including the bringing and defending of lawsuits and zoning matters.

Attends Board of County Commissioners' meetings and renders legal assistance, opinions, and advice as requested.

Supervises and participates in the conducting of legal affairs of the Board of County Commissioners, including contract negotiations and administrative review.

Prepares proposed legislation, contracts, and resolutions and makes recommendations with regard to amendment, revision, and repeal of existing laws.

Prepares or reviews documents of legal significance before submission to the Board of County Commissioners for Board action, including each agreement, contract, lease, deed, bond, ordinance, resolution, regulation, rule, or policy.

Provides written and oral legal opinions, interpretations, and advice to the Commissioners, administration, boards, and departments.

Drafts and presents legislative bills to delegations for consideration.

Performs related work as required.

REQUIREMENTS:

EDUCATION AND EXPERIENCE: Graduation from an accredited law school with a Juris Doctorate (JD) ~~law degree;~~

PLUS

fifteen (15) years of experience in the practice of local government law and significant experience as lead counsel in all phases of litigation, including discovery, dispute resolution, trial, and appeals, as a practicing attorney in legal research and trial work.

Experience in the private practice of law ~~governmental agency~~ is preferred.

Human Resources Overview of the proposed County Attorney Recruitment Process

Advertisement/Pre-Review Period (4-6weeks)

- The Board provides initial guidance and suggestions to County Human Resources for the development of job requirements and qualifications to be advertised.
- Human Resources will provide the Board with a consolidation of Board input received and a draft Job Description, Advertisement and Recruitment Brochure for their review and approval.
- The Board designates members of the Selection Committee for the initial review of candidate applications.
- Human Resources posts County Attorney position announcement on-line and advertising in appropriate legal venues.
- Application window for County Attorney position closes.

Recruitment Week 1-2

- **DECISION POINT #1 : A)** County's Human Resources staff screens applications, compiles a list of candidates meeting the minimum qualifications, and sends applications to the Screening Committee or; **B)** Alternatively, all applications may be sent to the Screening Committee without pre-screening by Human Resources.
- **DECISION POINT #2 – Who is on the Screening Committee?:** Screening Committee to determine whether to move forward with initial applicant pool or recommend that County Human Resources re-advertise the position. If the committee determines that the applicant pool is insufficient to yield a strong short list, the committee could recommend the County extend its application window an additional 30 days.

Recruitment Weeks 3-6

- **DECISION POINT #3 - # Of Applicants to be short listed (3-5; 5-8)?:** Screening Committee reviews applications to develop a tentative short list of candidates
- County staff conducts background checks and reference checks on tentative short list
- Screening Committee delivers final report to BOCC including a short list of recommended candidates to interview.

Interview/Selection Period Recruitment Weeks 7-10

- BOCC selects finalists to be interviewed; County's Human Resources department notifies finalists that they have been selected for an interview.
- County's Human Resources staff confirms travel arrangements for finalist candidates and arranges for tours of the County with candidates.
- **DECISION POINT #4:** BOCC conducts candidate interviews (Individual interviews with Commissioners and/or Public interviews with the entire Board).
- **DECISION POINT #5 Finalist Selection Process:** BOCC selects its preferred candidate (All finalists ranked or only top finalists ranked (1-3 / 1-5 / ?)).
- Human Resources confirms preferred candidate's willingness to accept the position.
- **DECISION POINT #6:** BOCC selects a Board Member to negotiate County Attorney employment contract along with the Human Resources Director and County Manager.
- Human Resources sends employment contract to the preferred candidate.

Board of County Commissioners input Re: County Attorney Minimum Qualifications, Training & Experience

The following list of suggested qualifications and experience suggested for the next County Attorney Candidate were provided to Human Resources by Board members. This list combines the input received from Board members and consists of items not already included on the current job class description (CD) or items materially different from those listed on the current CD:

- Member in good standing with the Florida Bar
 - (Current CD requires membership in the Florida Bar without any reference to “Good Standing”) – **INCORPORATED ON THE REVISED CD ATTACHED**
- Significant experience as lead counsel in all phases of litigation including discovery, dispute resolution, trials and appeals.
 - (Current CD only requires the ability to prepare and try complex law suits...) – **INCORPORATED ON THE REVISED CD ATTACHED**
- Minimum of five years’ experience in private practice plus fifteen years of experience in the practice of local government law.
 - (Current CD only requires 5 years of experience as a practicing attorney in legal research and trial work) – **INCORPORATED ON THE REVISED CD ATTACHED**
- Some experience in the private practice of law
 - (Current CD does not reference private law practice experience) – **INCORPORATED ON THE REVISED CD ATTACHED**

The following skills are not currently included on the job description and would be listed in addition to those already included under the Knowledge, Skills and Abilities section of the CD:

- Strong critical thinking and strategic skills
- Aptitude for public-speaking
- Negotiation skills
- An ability to identify and resolve complex and sensitive problems innovatively and with professional discretion
- Record of continuously updated legal expertise
- Exemplary personal and professional integrity and the highest ethical standards
- Ability to develop a clear vision and strategy consistent with the County’s mission and best practices
- Demonstrated leadership skills that result in the production of high-quality services and exceptional standards
- Strategic thinking with the capability of being a leader at the County administrative level

There were no suggestions to remove any of the existing requirements or the Knowledge, Skills and Abilities listed on the current County Attorney CD. The items listed above are in addition to those currently included on the CD or a modification of a current requirement.

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

COUNTY ATTORNEY

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Ability to identify and resolve complex and sensitive problems innovatively and with professional discretion.

Ability to continuously keep legal expertise up to date.

Ability to demonstrate exemplary personal and professional integrity and the highest of ethical standards.

Ability to develop a clear vision and strategy consistent with Brevard County's mission and best practices.

Ability to exercise strong leadership skills that result in the production of high-quality services and exceptional standards.

Ability to exercise strategic thinking with the capability of being a leader at the County administrative level.

Ability to direct and supervise the work of others.

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