

JOB TITLE: Assistant City Attorney II

JOB NO: PM082212

JOB FAMILY: Professional/Managerial

FLSA: Exempt

SAFETY SENSITIVE: No

GENERAL SUMMARY

Performs professional legal work, assisting the City Attorney in providing a wide scope of legal services to the City of Mesquite, its City Council, City Staff, and various boards and commissions; conducts legal research and prepares court documents; provides legal advice and opinions, participates in litigation; responds to citizen inquiries relating to municipal court procedures and violations of City Ordinances, traffic laws and criminal statutes prosecuted in Municipal Court.

SUPERVISION

General supervision is provided by the City Attorney.

ESSENTIAL DUTIES AND RESPONSIBILITIES

1. All behaviors comply with the Code of Conduct and Rules of Behavior outlined in chapter 8 of the General Government Policies and Procedures Manual.
2. Adheres to assigned work schedule as outlined in city and department attendance policies and procedures.
3. Provide legal advice and opinions to various city departments in other aspects of municipal law including personnel and civil service matters, open meetings and other legislative regulations governing municipalities, general liability, and municipal policies and procedures.
4. Attend as legal advisor at various city boards, commission and staff meetings.
5. Perform complex legal research, analyze and prepare formal legal opinions in response to proposals, questions and issues presented to the City Attorney's office from the City Council, City Manager, boards, commissions and City departments.
6. Provide legal assistance and information to general public in response to inquiries regarding city ordinance violations, traffic, penal and other state laws prosecuted in municipal court.
7. Participate in interdepartmental meetings to draft new ordinances, amendments to existing ordinances, review contracts, and discuss and assist in resolution of various municipal problems.

When assigned to Civil Service

1. Effectively understand and interpret Texas Local Government Code, Chapter 143: Municipal Civil Service for Firefighters and Police Officers in order to represent the City in legal matters related to civil service.
2. Represent the City as the legal representative in all civil service commission meetings.

When assigned to Contracts and Open Records

1. Responsible for negotiating, drafting and reviewing construction contracts, service contracts, purchase agreements and various other contractual documents.
2. Advise various city staff and departments regarding development of contract provisions, specifications and contract administration.

3. Advise various city departments regarding bid solicitation, contract award and other aspects of competitive bidding and high technology procurement.
4. Respond to internal and external inquiries regarding open records, coordinate with other departments, prepare and follow up on requests for determinations to Attorney General of Texas regarding exceptions to open records requirements.
5. Provide representation in general civil litigation and dispute resolution; prepare pleadings, briefs, motions and other documents as required, and assist with outside law firms and attorneys representing the City in litigation and other matters.
6. Review and prepare leases, deeds, ordinances and other legal documents.
7. Stay abreast of employment law trends and precedents in order to effectively represent the City in legal matters related to employment.

When Assigned to Prosecution

1. Represent the City in all Municipal Court cases. Prosecute code enforcement, traffic, penal code, and comparable cases in Municipal Court. Manage cases until dismissed settled or decided in trial by judge or jury.
2. Provide legal interpretation of statutes, ordinances and codes to police and other enforcement personnel.
3. Prepare municipal court cases for trial; preparing complaints and pleadings, interviewing and preparing witnesses and reviewing cases set for pretrial.
4. Participate in interdepartmental meetings to draft or assist in drafting new ordinances and amendments to existing ordinances, Request for Proposal (RFP) documents, propose revisions and review subsequent contracts.
5. Respond to police and other enforcement personnel requests for information; advise police and other enforcement personnel on legal matters policies and procedures.
6. Council and advise code enforcement employees, police officers and citizen complainants on effective testimony and courtroom skills and procedures.
7. Respond to internal and external inquiries regarding open records, coordinate with other departments and determine whether there is an exception to open records requirements.

OTHER DUTIES AND RESPONSIBILITIES

1. Study legislation and case law directly or indirectly affecting all aspects of Municipal Law; keep abreast of court decisions and legislative changes.
2. Attend continuing legal education seminars.
3. Provide assistance to City Attorney; may be required to act in absence of City Attorney.
4. Assist in supervision and evaluation of support staff in the absence of the Legal Services Supervisor.
5. Perform related legal duties as assigned.

MINIMUM JOB REQUIREMENTS

EDUCATION

Juris Doctorate or equivalent degree from an accredited law school

EXPERIENCE

Four years of broad professional legal experience in municipal law including experience in legal research and recent trial practice.

Work related experience resulting in equivalent proficiency levels to the above minimum requirements will be considered as an acceptable substitute for the above requirements.

LICENSES AND CERTIFICATES

Membership in the State Bar of Texas.

Possession of or ability to obtain license for practice before U.S. District Court and U.S. Circuit Court of Appeals.

COMPETENCIES

An employee's performance will be evaluated based on five competencies.

1) Job knowledge; 2) Teamwork; 3) Customer Service; 4) Flexibility; 5) Work Ethic.

KNOWLEDGE SKILLS AND ABILITIES

Knowledge of:

Local, State and Federal laws, ordinances, statutes and court decisions relating to municipal operation.

Contract and bidding laws.

Texas Open Records Act, Open Meetings Acts and Conflict of Interest Statute.

Texas Torts Claim Act.

Texas Local Government Code, Chapter 143: Municipal Civil Service for Firefighters and Police Officers.

Methods and techniques of legal research.

State and Federal court decisions pertaining to civil rights and constitutional law.

Civil procedure; methods and practices of pleadings.

Organization function and authority of various city departments.

Principals and practices of criminal law.

Zoning and platting laws and procedures.

Municipal codes, ordinances, state traffic laws, and state law governing prosecution in municipal court.

Judicial procedures and rules of evidence.

Criminal law procedures and precedents.

Methods and practices of pleadings.

Skill in:

Analyzing legal questions, applying the correct legal principals, determining the potential consequences of a proposed action and presenting facts and legal conclusions in a clear and logical form.

Performing in depth legal research on a wide variety of legal matters.

Communicating legal advice and opinions to the City Council, boards and commissions, and city departments on a variety of legal issues.

Drafting contracts, complex legal opinions, ordinances, agreements, leases, deeds, pleadings, briefs and other legal documents.

Preparation and presentation of cases in court.

Oral and written communication.

Ability to:

Analyze, interpret and appraise facts, legislation and legal precedents.

Properly interpret Federal, State and local policies, procedures, laws, ordinances, rules and regulations.

Determine the potential consequences of a proposed action and present facts and legal conclusions in a clear and logical form.

Perform complex legal research on a wide variety of legal matters.

Analyze and prepare effective contracts, legal opinions, ordinances, agreements, leases, deeds, pleadings, briefs and other legal documents.

Communicate clearly and logically both orally and in writing.

Prepare sound legal opinions using independent judgment.

Establish and maintain cooperative, effective working relationships with those contacted in the course of work.

Represent the City in general civil matters and dispute resolution.

Analyze, interpret and appraise facts and evidence, and apply legal principals in court.

Prepare and present cases in court.

Present clear, competent and effective oral argument.

Effectively communicate both orally and in writing.

Draft effective ordinances, pleadings and other legal documents.

Assist in the supervision, training and evaluation of support staff.

Pass a medical physical exam and drug test.

PHYSICAL REQUIREMENTS/ WORK ENVIRONMENT

Maintain effective audio-visual discrimination and perception needed for:

- *Making observations*
- *Communicating with others*

Maintain physical condition appropriate to the performance of assigned duties and responsibilities which may include the following:

- *Walking, standing, or sitting for extended periods of time.*

DISCLAIMERS

The job description is:

- 1) Is intended to describe the general nature and level of work being performed by employees assigned to this job title. It is not intended to be construed as an exhaustive list of all responsibilities, duties, skills and behaviors of employees in this job.
- 2) Not an employment agreement or contract. The City of Mesquite has the exclusive right to alter this job description at any time without notice.
- 3) Intended to describe the essential functions of the position that a qualified individual must be able to perform, either with or without reasonable accommodation.

The City of Mesquite is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City of Mesquite will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

Director of Human Resources

Date

Department Director

Date

DATE ISSUED: February 2011

REVISION DATE: May 2011