



## Human Resources

2255 W. Berry Avenue  
Littleton, Colorado 80120  
Phone: 303-795-3857

Date: 9-27-2016

From: Erich WonSavage, HR Director

To: City Council

Cc: Mark Relph, Acting City Manager

Re: Staff Research & Recommendations for Filling the City Attorney Role

---

The following is information for Council's strategy and planning discussion for filling the City Attorney role, in both the interim and long-term.

### Background:

- I. Staff contacted eight firms in the Denver-Metro area with experience working in public-municipal settings. Three firms expressed interest and have some capacity.

1. **Corey Hoffman's firm.**

- a. **Availability:** Corey and his staff attorney would be available to cover meetings and part-time office hours (half days, four days per week). Availability is on a short-term basis (through January).
    - b. **Firm Attorneys:** Staff attorney is: Hilary Graham.
    - c. **October 18 meeting:** Corey was already planning to be in attendance at the October 18 meeting (due to urban renewal ordinances).

2. **Scott Krob-**Has some municipal experience working with smaller cities such as the City of Evans. Appears to have a focus on environmental law. Unknown attorney to us, although he has expressed interest. Unclear about his availability and capacity.

3. **Ken Fellman's Firm.**

- a. **Availability:** Ken and staff attorneys would be available to cover meetings and part-time office hours (approximately half days, three days per week).
    - b. **Firm Attorneys:** Staff attorneys are: Bo Riley, Jordan Lubek, Paul Godec, and Brandon Dittman.
    - c. **October 18 meeting:** Ken is not available for the October 18<sup>th</sup> Council meeting, although a staff member would attend in his stead.

- II. **Recruitment Options for Discussion:**

- 1.) Conduct another RFP process and select a firm to conduct the City Attorney recruitment.
  - 2.) Waters & Company would be willing to provide the City a discount if Council would like run a concurrent City Attorney Search. \$22,000 all-inclusive versus the \$24,500 search fee. Attached are City Attorney or Deputy City Attorney searches that Waters and Company have completed or are in progress.

Below is a list of related searches Waters and Company has conducted in the last several years:



## Human Resources

2255 W. Berry Avenue  
Littleton, Colorado 80120  
Phone: 303-795-3857

### List of Attorney Executive Recruitments: 2011 to Present

Year	Client	State	Recruitment	Population
2012	Orange County	VA	County Attorney	34,246
2012	Petersburg	VA	City Attorney	33,740
2012	Wilmington	NC	City Attorney	75,838
2013	Denison	TX	City Attorney	22,816
2015	Accomack County	VA	County Attorney	33,148
2015	San Antonio	TX	City Attorney	1,409,000
2016	Fairfax County	VA	County Attorney	1,131,000
2016	North Richland Hills	TX	City Attorney	67,317
In Progress	Dumfries	VA	Town Attorney	5,168

### Staff Recommendation:

- **Firm vs. Employee:** It is staff's recommendation that Council hire a City Attorney as a long-term strategy versus use a firm. Directly hiring is not only likely to cost less than contracting with a firm, having an exempt employee on staff provides greater access to staff as items arise on a day-to-day basis. Having worked under both models, staff has experienced that operations run smoother with a full-time, in-house attorney.
- **Interim Strategy: Two Part Recommendation**
  - **Firm:** Staff recommends that Council contract with a firm to provide legal services until a full-time City Attorney is hired. After discussion with interested firms and their availability, staff recommends that Council hire Ken Fellman's firm to provide these services. Of those firms/attorneys who expressed interest, Ken Fellman's firm has more experience working with staff and knowledge of the city's code and charter, which would mean fewer hours spent to get up to speed and familiar with the city.
  - **Coverage:** Attached is a proposed schedule (through January) showing an allocation of office hours and meeting coverage based on discussions with Ken Fellman.
  - **Assistant City Attorney:** Since no firm is able to provide full-time services, staff recommends expanding the Assistant City Attorney's hours from part-time to full-time during the interim period. The Assistant City Attorney has expressed interest in taking on these additional hours during this temporary period.
  - **Division of Meetings:** Staff recommends that Ken Fellman's firm cover regular City Council meetings and Planning Board meetings and that the Assistant City Attorney cover Licensing Authority, Board of Adjustment, and the Historic Preservation Board.
- **Recruitment:**
  - **Executive Search Firm:** Staff recommends Council hire Waters and Company to conduct the City Attorney search concurrent with the City Manager search. Conducting another



## Human Resources

2255 W. Berry Avenue  
Littleton, Colorado 80120  
Phone: 303-795-3857

RFP process could take upwards of two months to select a firm, including the possibility that, that firm would be Waters and Company. Waters is a reputable firm that has offered a discount, and using the same firm creates efficiencies as the profile language and graphics related to the city would be the same, and visits to develop the candidate profile for both the City Attorney and City Manager search could be done at the same time. This would result in fewer meetings for both staff and Council, ultimately savings everyone's time.

- **Licensed in Colorado:** Since it may take up to 8-9 months for an attorney's license to transfer from another state to Colorado, staff recommends that the search for a City Attorney only consider attorneys that are already licensed in the state of Colorado.
- **City Manager Involvement:** Considering the timing of the City Attorney vacancy, staff would recommend running a concurrent search for both City Manager and City Attorney. Since a good relationship between the City Manager and City Attorney is important for smooth operations, staff would request that council consider having their selected City Manager participate in the interviews for the city attorney.