

PURPOSE; QUALIFICATIONS:

The city attorney shall perform the following duties with integrity, openness and clarity of thinking. A qualified candidate for city attorney must be a member in good standing with the state bar of Nevada and licensed to practice law before all courts within the state. A city attorney candidate will demonstrate qualifications in connection with dealing with municipal legal problems and concerns. Qualifications, with emphasis on municipal and government legal practice, will include education, experience, continuing legal education programs attended, meetings or conferences attended, research work done, and willingness to continue to learn about municipal legal issues and problems. In view of the fact that municipal law issues are rapidly changing and require constant study, attorney's willingness to do research and the ability to continue to educate himself or herself on problems of municipal law will be considered.

APPOINTMENT:

This position is appointed by the mayor with the advice and consent of the city council.

LEGAL DEPARTMENT:

The city attorney shall be the head of the legal department of the city and shall answer directly to the mayor and city council. The city legal department shall be an administrative department of the city and shall consist of the city attorney and a legal assistant, who shall be hired and supervised by the city attorney. The number of employees of the legal department shall be fixed from time to time by resolution of the city council.

A. The city may split the duties of city attorney between civil work and prosecution at its sole option. In the event the city determines to divide the duties, the following subsection applies:

1. The civil function shall be performed by legal counsel called the Ely city attorney. The Ely city attorney will perform all civil functions at the pleasure of the mayor and city council.

a. The Ely city attorney will attend all city council meetings and such other meetings as assigned by the mayor. In addition, the Ely city attorney will perform all functions of general counsel.

2. The prosecution function shall be performed by legal counsel called the Ely city prosecutor. The Ely city prosecutor will perform all criminal prosecution functions at the pleasure of the mayor and city council.

DUTIES:

The city attorney works under the broad policy guidance of the mayor and city council and performs all duties required by Nevada law and as prescribed by city ordinance and resolution.

A. General Counsel:

1. The city attorney shall be the legal advisor of the city and shall render advice on all legal questions affecting the city, whenever requested to do so by any city official. Upon request by the mayor or by the council, he shall reduce any such opinion to writing.

2. In addition to acting as legal adviser to the mayor, city council and city administrative personnel, the city attorney shall provide like service to the Ely municipal

utilities board and the White Pine Historical Railroad Foundation, Inc., and any other political subdivision or advisory board of the city. The city attorney shall be a member of any negotiating team organized by the mayor, city council or other political subdivision or advisory board of the city.

B. Familiarity With State And Local Law: The city attorney shall familiarize himself or herself with state laws, federal laws, and constitutional provisions applicable to municipal government and services. The city attorney shall be familiar with state and federal regulations that pertain to personnel and employment law. The city attorney shall also be familiar with the city ordinances and make recommendations to the city council from time to time for changes and amendments consistent with current statutory and case law.

C. Resolution Of Civil Disputes:

1. The city attorney shall prosecute or defend, or aid in the prosecution or defense, of any and all civil suits or actions at law or equity to which the city may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the city on behalf of the city, or in any capacity of such person or officer of the city.

2. It is the policy of the city to explore the possibility, in the absence of unusual circumstances, of settling a matter without court action, or settling out of court a matter involved in court action. Matters that cannot be settled out of court will be vigorously prosecuted or defended by the city attorney.

3. It shall be the duty of the city attorney to see to the full enforcement of all judgments or decrees rendered or entered in favor of the city, and of all similar interlocutory orders.

D. Review And Approval Of Contracts, Leases, Documents Or Other Instruments: It shall be the duty of the city attorney to draft, supervise or approve the phraseology of any contract, lease or other documents or instruments, to which the city may be a party; and upon request of the council, to draft ordinances covering any subject within the legislative power of the city.

E. City Prosecutor:

1. The city attorney shall act as prosecutor in the Ely municipal court for charges involving alleged violations of city ordinances and/or state misdemeanors committed within the city. As prosecutor, the city attorney shall have authority to prosecute, plea bargain, dismiss or refuse to prosecute, using his or her best judgment.

2. It is the policy of the city to correct law violations by whatever lawful means may be the most effective way to ensure that an individual will not repeat an offense. The city attorney is authorized and directed to cooperate with programs that provide an alternative to fines and imprisonment. Alternative programs shall include community service, assisting and arranging for treatment of physical problems which appear to be related to law violations, arranging educational programs including formal and informal educational programs, and using programs providing alternative treatment for alcohol and drug related offenses. Nothing in this subsection shall be interpreted to prohibit the city attorney from proceeding with any prosecution even in cases where such alternative actions or treatments are either available or actually in use.

SPECIAL REQUIREMENTS:

- A. Must be bondable.
- B. A valid Nevada driver's license for equipment to be operated.

WORK EXPERIENCE:

A minimum of two (2) years of public law practice is required.

PHYSICAL REQUIREMENTS:

Strength, dexterity, coordination, and vision to use keyboard and video display terminal for prolonged periods. Dexterity and coordination to handle files and single pieces of paper; occasional lifting of items weighing up to twenty-five (25) pounds, files, stacks of paper, reference and other materials. Moving from place to place within the office; some reaching for items above and below desk level. Some independent travel by car.

WORK ENVIRONMENT:

A. The work environment characteristics described herein are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

B. The noise level in the work environment is usually moderately quiet.

C. Basically an indoor desk job. Environment is generally clean with limited exposure to conditions such as dust, fumes, odors, or excessive noise. Requires mobility to attend required meetings in behalf of the city.