

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Policy Session Worksheet

Presentation Date: 12/6/23

Approx. Start Time: 11:00am

Approx. Length: 30 minutes

Presentation Title: County Counsel Position Profile and Adoption of Hiring Procedures

Department: Human Resources

Presenters: Jared Haddock, Recruitment Manager

Other Invitees: Steve Worthington, Senior Consultant with Prothman

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Staff is requested the board to approve:

- 1) The position profile for County Counsel recruitment.
- 2) The hiring procedures for County Counsel recruitment.

EXECUTIVE SUMMARY:

Prothman, the search firm selected to manage the County Counsel recruitment has gathered information about Clackamas County, the Office of County Counsel, the County Counsel position, applicable benefits, and attributes of the ideal candidate to create a position profile. The position profile will act as the job announcement used to attract and inform applicants of the opportunity of County Counsel at Clackamas County.

Under ORS 192.660, hiring procedures need to be adopted as one of the criteria necessary for executive sessions. The provided hiring procedures document was created using the approved scope of work which was part of the contract with Prothman. The hiring procedures will formally document the steps and processes that will be taken as part of the County Counsel recruitment.

This policy session is intended to satisfy the requirements under ORS 192.660(7)(C) to allow the Board of County Commissioners to hold executive sessions later in the process to consider the employment of the County Counsel. The executive session allows for candid discussions among the Board and others concerning the recruitment process, and the prospective candidates. Moreover, it allows for maintaining the confidentiality of the applicants to ensure the most competitive recruitment and screening process.

To satisfy the statute, at this policy session there will be an opportunity for public comment on the employment of the public official (or County Counsel) for this recruitment. The Board will take public comment after this presentation.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the cost? \$

Contract value not to exceed \$35,000.

What is the funding source?

General Funds

STRATEGIC PLAN ALIGNMENT:

- How does this item align with your Department’s Strategic Business Plan goals?
 - The County Counsel position is a key position within the Office of County Counsel and oversees and directs the activities within the office to help meet the objectives and goals of Clackamas County.

- How does this item align with the County’s Performance Clackamas goals?
 - The County Counsel position is a critical role for the County as it operates as the County’s Chief Legal Officer and oversees and directs the Office of County Counsel. The County Counsel helps to build public trust through government by advising the BCC, County officers, County Administrator, department directors, County employees and various boards and commissions on legal matters.

LEGAL/POLICY REQUIREMENTS:

Adoption of hiring procedures and allowing public comment.

PUBLIC/GOVERNMENTAL PARTICIPATION:

The public is given an opportunity to provide comment on the related topic.

OPTIONS:

Position Profile

- 1) BCC approve the position profile as presented.
- 2) BCC approve the position profile with recommended changes/edits.

Hiring Procedures

- 1) BCC approve the hiring procedures as presented.
- 2) BCC approve the hiring procedures with recommended changes.

RECOMMENDATION:

Position Profile:

Approve option #1

Hiring Procedures

Approve Option #1

ATTACHMENTS:

- 1) Position Profile
- 2) Hiring Procedures

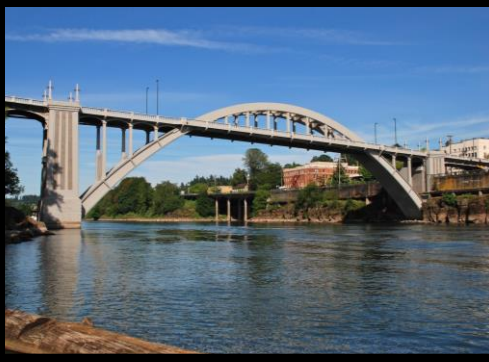
SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval Evelyn Minor-Lawrence, IPMA-CP
Digitally signed by Evelyn Minor-Lawrence, IPMA-CP
Date: 2023.11.30 08:56:46 -08'00'

County Administrator Approval

For information on this issue or copies of attachments, please contact _____ @ 503-_____



CLACKAMAS
C O U N T Y
Oregon

COUNTY COUNSEL

\$195,472 - \$263,842

Apply by:

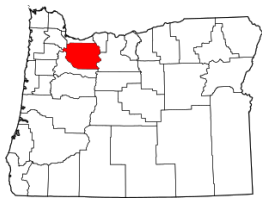
February 4, 2024

(First Review, Open Until Filled)

PROTHMAN



THE COMMUNITY



Located between the snow-packed peak of Mt. Hood and the depths of the Willamette River, Clackamas County is home to 430,421 people and 1,879 square miles of urban, suburban, rural, and wild natural beauty. The county includes the communities of Portland, Lake Oswego, the county seat Oregon City, Tualatin, West Linn, Wilsonville, Milwaukie, Happy Valley, Canby, Gladstone, and many more. Clackamas County offers a rich history, food straight from the farm, and abundant recreational possibilities where each day provides a new experience, whether you are indoors or outside. Clackamas County is also home to arts festivals, historical sites, museums, cultural centers, public art, and many stunning murals.

The region has the advantages of being close to a major metropolitan area, in addition to significant natural areas and outdoor activities. Mt. Hood's year-round snow allows residents and visitors alike to ski or snowboard in the morning and golf in the afternoon, or pitch a tent in one of many campgrounds and cast a fishing line in a nearby lake or river. White-water rafting, bird watching, hiking, canoeing, climbing, bicycling, the county fair, festivals, and rodeos are just a few of the adventures awaiting you and your family. Within a few hours' drive are many gorgeous regional areas, including the Pacific Ocean, Columbia River Gorge, the Cascade Range with its numerous snow-covered volcanoes, and the Central Oregon high desert.

To learn more about Clackamas County, please visit see the Clackamas County Quick Facts [here](#), and visit and www.mthoodterritory.com.



THE COUNTY & OFFICE OF COUNTY COUNSEL

Governed by a five-member Board of Commissioners elected to four-year staggered terms, Clackamas County has 12 departments, administered by a Board appointed County Administrator, and 8 special districts, operating on a countywide budget of \$1,795,511,240 with 2,394 regular status FTEs. Elected officials within the County include the Clackamas County Board of County Commissioners, Assessor, Clerk, District Attorney, Justice Court, Sheriff, and Treasurer.



Clackamas County's Office of County Counsel provides quality legal services and representation to all County departments, elected officials, service districts, and employees while being responsible stewards of taxpayer resources. The Office's staff provides a full range of legal services to the Board of County Commissioners, all elected County officials, all departments and divisions, and several special service districts.

The Office of County Counsel provides general counsel and advisory legal services countywide and represents the County and its agents and employees in Federal, State, and Tax Courts, labor arbitrations, land use and administrative hearings, and in small claims. The office operates on an annual budget of \$3,363,415 million with 13 full-time staff, including the County Counsel, nine Legal Counsel staff, two Paralegals, and one Executive Assistant. The Office also recruits volunteer law students and provides them with an introduction to public service and government law.



THE POSITION

Reporting to the Board of County Commissioners, the County Counsel oversees all legal matters of a civil nature involving the County and any of its special service districts. The roles and responsibilities of the County Counsel are set forth in Chapter 2.12 of the Clackamas County Code. Within a broad set of objectives established by the Board of County Commissioners, the County Counsel develops and implements goals, objectives, policies, and priorities for the Office and countywide. This position is responsible for providing legal advice and guidance to the Board of County Commissioners, other County elected officials, the nineteen County departments, and other work as directed by the Board.

Challenges the incoming County Counsel will face include contributing to the County's success in the challenging, competitive, and political environment of local government while being a non-political and consummate professional and leading an experienced legal team in a fast-moving environment with an ever-evolving set of legal issues, all while serving in a very public position.



Typical duties of the County Counsel may include, but are not limited to the following:

- Provides legal counsel to the Board of County Commissioners, County officers, County Administrator, department directors, service districts, and various boards and commissions. Attends public meetings and work sessions. Approves legal form of all official ordinances, orders and actions of the Commissioners. Advises on legal rights and responsibilities and other legal issues.
- Provides or oversees legal representation in all civil matters on behalf of the County and its service districts. Prosecutes, defends and appeals legal actions, suits and other proceedings. Prepares and presents cases at trials or hearings. Evaluates and negotiates out of court settlements. Represents the County in state and federal courts and before administrative tribunals.
- Advises County departments on appropriate action for a variety of legal problems and issues, particularly those involving county-wide policies or politically sensitive issues. Interprets Federal, State and local legislation, statutes, rules and regulations; reviews and makes recommendations on proposed policy or procedural changes.
- Directs the research and preparation of legal opinions, memoranda, ordinances, resolutions, contracts, agreements, deeds and other legal documents. Reviews and analyzes court decisions and pending legislation.
- Develops and implements new and revised policies and procedures for the Office of County Counsel. Establishes goals, standards and objectives, establishes annual work plans, and coordinates services with other departments and government agencies.
- Develops annual and supplemental budgets for the Office of County Counsel. Presents budget proposals to the County budget committee and Board of County Commissioners, and monitors revenues and expenditures.
- Hires and directs professional and supervisory staff to provide quality service to County staff. Prepares performance evaluations, administers progressive discipline, conducts and/or facilitates staff training and development programs, and promotes cooperative team efforts among staff and with other County departments.

For the full classification description, please view the attachment found [here](#).

IDEAL CANDIDATE

Minimum Requirements:

The selected candidate must be an active member of the Oregon State Bar at the time of appointment, have admission to practice in the United States District Court, and admission to practice in the United States Court of Appeals for the Ninth Circuit. Candidates should have a minimum of seven (7) years of progressively responsible experience in a comparable legal environment proving a full range of legal options and advice which would provide the knowledge and skills to perform the responsibilities of this position. The incumbent must successfully pass a criminal history check and possess a valid driver's license, maintaining an acceptable record throughout employment.

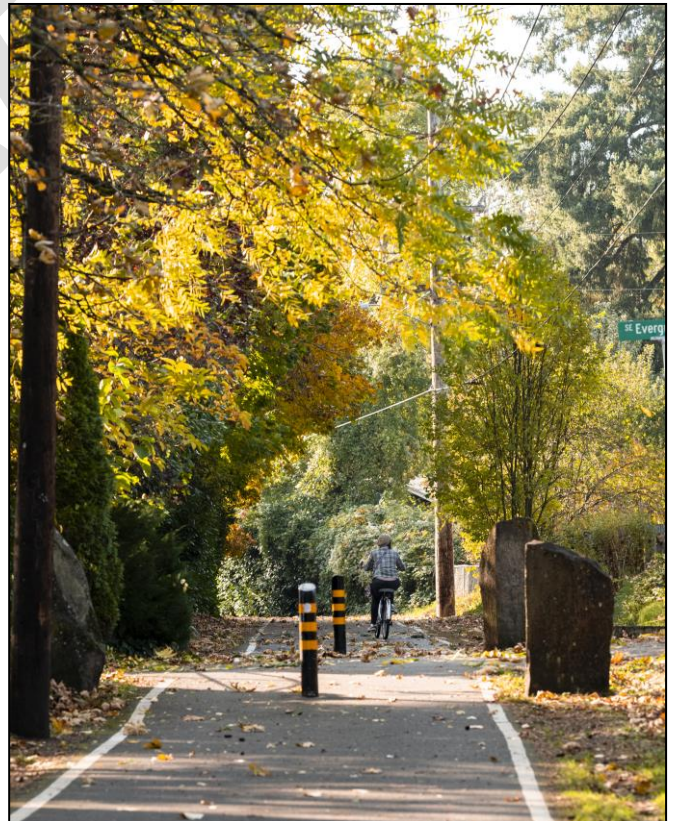


Necessary Knowledge, Skills, and Abilities:

- The ability to manage a 12-person professional law office, and the experience to build a cohesive team which demonstrates accessibility and responsiveness to its clients.
- The ideal candidate will be experienced and adept at the practice of local government law. Previous significant experience as a local government attorney or in a private practice specializing in local government law is necessary.
- While a history of Oregon legal experience is preferred, it is not required.
- As one of only two positions which report directly to the Board of County Commissioners, the incumbent must understand the autonomy of the position, while being an engaged member of county leadership, knowing when to "lean into the team" and when to "lean back."
- An ability to effectively communicate with elected officials, earning their respect, as well as their confidence.



- Political acumen to meet both the needs of the Board of County Commissioners and Clackamas County.
- A depth of skill in communicating with elected officials, including the ability to be clear in what has been asked for and what can be expected.
- An understanding of how to effectively support state policy changes that Clackamas County has established as state legislative priorities.
- The skill to say "No" when necessary while maintaining positive client relationships.



COMPENSATION & BENEFITS

- **\$195,472 - \$263,842 DOQ**
- County-paid contribution of 6.27% of base salary into 457b Deferred Compensation Plan (OPSRP).
- 16 hours of vacation accrual per month. Option at time of hire to have the first years' worth of vacation leave frontloaded into a vacation leave bank.
- 8 hours of sick leave accrual per month.
- 10 paid holidays and 1 personal day per year.
- Choice of medical plans that include chiropractic coverage, alternative care, vision, and prescription drug coverage, and choice of dental plans.
- Life and Disability Insurance.
- Membership in the Public Employees Retirement System (PERS)/Oregon Public Service Retirement Plan (OPSRP): Employer-paid 6% PERS retirement contribution (The county currently pays the employee's share of the retirement contribution.) OPSRP members get vested after five years of contributions or when they reach age 65.
- Other retirement Savings Options that allow for additional retirement funds savings, including an option to contribute a portion of employee earnings on a pre- or post-tax basis to a 457b Deferred Compensation Plan.
- Alternate workweek program, working 40 hours during a standard workweek of Monday through Thursday (Fridays off).
- Robust EAP and wellness programs, including gym discounts and wellness education classes.
- Longevity pay.
- Optional Flexible Spending Account, Long Term Care, Legal Insurance, HRA VEBA, and AFLAC.



To learn more about the benefits at Clackamas County, visit the [benefits page](#) or view the [non-represented Group 1 benefit summary](#).



To learn more about Clackamas County, please visit:
www.clackamas.us

Clackamas County is an Equal Opportunity Employer. All qualified candidates are strongly encouraged to apply by **February 4, 2024** (first review, open until filled). Applications, resumes, cover letters, and supplemental questions will only be accepted electronically. To **apply online**, go to www.prothman.com and click on "**Open Recruitments**", select "**Clackamas County, OR – County Counsel**", and click "**Apply Online**", or click [here](#). Resumes, cover letters and supplemental questions can be uploaded once you have logged in. If you are a veteran and wish to request veterans' preference credit, please indicate that in your cover letter, and complete and submit the veterans' preference form posted on the Prothman website as instructed on the form.



www.prothman.com

371 NE Gilman Blvd., Suite 310
 Issaquah, WA 98027
 206.368.0050



Hiring Procedures for County Counsel Recruitment

1. Develop a Tailored Recruitment Strategy

Project Review

The first step will be to:

- Review the scope of work and establish project schedule

Information Gathering and Research (Soliciting Input)

Prothman will travel to Clackamas County or meet via Zoom to learn information necessary to assist Prothman in preparing a recruitment strategy. The goal is to thoroughly understand the values and culture of Clackamas County, as well as the preferred qualifications County desires in the next Chief Legal Officer, referred to as the Clackamas County Counsel.

Prothman will:

- Meet with the Board of County Commissioners and the Clackamas County Administrator
- Meet with staff designees
- Meet with the current County Counsel;
- Meet with Legal Department Staff, as directed
- Meet with other stakeholders, as directed
- Review all documents related to the position

Position Profile Development (Identifying the Ideal Candidate)

Prothman will develop a profile of ideal candidate (the "Position Profile"). Once the Position Profile is written and approved by County, it will serve as the foundation for our determination of a candidate's "fit" within the organization and community. Profiles include the following:

- A description of the ideal candidate's qualifications
 - Including, but not limited to, years of related experience and ideal personality traits
- Organization-specific information
 - Description of the organization, position and key responsibilities
 - Priorities and challenges facing the organization
- Community-specific information
- Compensation package details
- Information on how to apply

2. Identify, Target, and Recruit Viable Candidates

Outreach and Advertising Strategy (Locating Qualified Candidates). Prothman will perform the following outreach and advertising work to locate and recruit qualified candidates:

- Print and Internet-based Ads placed nationally in professional publications, journals, and related websites.
- Targeted direct mail recruitment brochures sent directly to hundreds of county/city attorney professionals who are not actively searching for a new position.
- Focused candidate outreach via thousands of emails and personal networking from our database of city/county attorney professionals.

- Posting the Position Profile on Prothman's Facebook and LinkedIn pages, and on the Prothman website, which receives over five thousand visits per week from potential candidates.

3. Conduct Preliminary Screening

Candidate Screening (Narrowing the Field)

Once the application deadline has passed, Prothman will conduct an extensive candidate review designed to gather detailed information on the leading candidates. The screening process has 3 key steps:

- 1) **Application Review:** Using the Position Profile as a guide, Prothman will screen the candidates for qualifications based on the resumes, applications, and supplemental question responses (to determine a candidate's writing skills, analytical abilities, and communication style). After the initial screening, Prothman will take the yes's and maybe's and complete a second screening where they take a much deeper look into the training, work history and qualifications of each candidate.
- 2) **Internet Publication Background Search:** Prothman will conduct an internet publication search on all semifinalist candidates prior to their interviews. If anything is found out of the ordinary, Prothman will discuss this during the initial interview and bring this information to the County, which will decide, in its sole discretion, whether such information is relevant to the recruitment.
- 3) **Personal Interviews:** Prothman will conduct in-depth videoconference or in-person interviews with the top 4 to 12 candidates. During the interviews, Prothman will ask technical questions to gauge their competency, and design interviews to measure the candidate's fit within the County's organization.

Candidate Presentation (Choosing the Finalists)

Prothman will prepare and send to the County candidate packets which include each candidate's application materials and the results of the personal interviews and publication search.

Prothman will travel to Clackamas County or meet via Zoom and advise the County of the candidates meeting the qualifications, Prothman knowledge of them, and their strengths and weaknesses relative to fit within the County organization. Prothman will give Clackamas County recommendations and then work with the County to identify the top 3 to 6 candidates to invite to the final interviews.

Prothman will discuss the planning and design of the final interview process during this meeting.

4. Prepare Materials and Process for Final Interviews

Final Interview Process (Selecting the Right Candidate)

The design of the final interviews is an integral component towards making sure that all stakeholders have the opportunity to learn as much as possible about each candidate.

- Elements of the design process include:
 - Deciding on the structure of the interviews
 - Deciding on an evening reception
 - Deciding on candidate travel expenses
- Background Checks

Background checks include the following:

 - References
 - Education Verification, Criminal History, Driving Record and Sex Offender Check
- Candidate Travel Coordination

After Clackamas County has identified the travel expenses the county wishes to cover, Prothman will work with the candidates to organize the most cost-effective travel arrangements.

- **Final Interview Packets**
The Final Interview Packets include the candidates' application materials and sample interview questions and are the tool that keeps the final interview process organized.
- **Final Interviews with Candidates**
Prothman will travel to Clackamas County and facilitate the interviews. The interview process usually begins with a morning briefing where the schedule and process will be discussed with all those involved in the interviews. Each candidate will then go through a series of one-hour interview sessions, with an hour break for lunch.
- **Candidate Evaluation Session:** After the interviews are complete, Prothman will facilitate the evaluation process, help the decision makers come to consensus, discuss next steps, and organize any additional candidate referencing or interview sessions if needed.
- **Facilitate Employment Agreement:** Once the top candidate has been selected, Prothman will offer any assistance needed in developing a letter of offer and negotiating terms of the employment agreement.