

County/City Attorney Selection Assistance Service

Florida Association of County Attorneys
100 South Monroe Street
Tallahassee, Florida 32301

Introduction

The selection of a County and a City Attorney is one of the most crucial decisions a Board of County Commissioners or City Council makes for its community. The Florida Association of County Attorneys (FACA) by its very nature is uniquely qualified to lend its support to those counties and cities that desire assistance.

This guidebook provides a detailed, step by-step process on how FACA can assist counties and cities in finding a highly qualified County or City Attorney, including follow-up actions and services offered by FACA.

Work Plan and Approach

FACA's Attorney Selection Assistance Service is provided by way of the work of a Reviewer and a Support Group. The Reviewer leads the effort and the Support Group provides input, as further detailed below.

The selection process requires a thorough evaluation of applications submitted for the position, and a clear understanding of the qualities and experiences the elected body seeks in its next lead attorney. To that extent, it is critical that the Reviewer and Support Group maintain an organized approach to the process that builds from and remains consistent with the guidance provided by the local government, hereinafter referred to as "Client."

The Reviewer and Support Group's process begins with the initial correspondence between the Client and FACA regarding the services offered. FACA will send an engagement letter to the Client detailing the terms, conditions and each party's responsibilities. If approved by the Client, FACA will then designate the Reviewer and Support Group, which should be comprised to the greatest extent possible of current and/or recently retired County Attorneys with experience in the same area of the state as the Client.

After receiving applications for the position from the Client, the Reviewer and Support Group members conduct an individual assessment of each applicant based on the materials submitted,

reference checks, and other pertinent information. The Reviewer and Support Group then prepare analyses of the candidates to provide to the Client for further consideration.

To provide the greatest value to the Client, the Reviewer and Support Group offer assistance throughout the Client’s recruitment process. The Reviewer and Support Group assist with developing the position announcement. They also recommend publications in which to advertise the position in order to maximize the reach of the announcement and to produce the highest quality applicants. During the recruitment, the Reviewer and Support Group, if requested by the Client, attend a meeting of the Client to present an overview of the search process and to receive any specific direction or guidance the governing board of the Client wishes to provide. When delivering a final report to the Client, the Reviewer and Support Group provide best practices for the Client during the remainder of the hiring process.

Recruitment Timelin

Following is a template of the Reviewer and Support Group’s timeline from the issuance of an engagement letter to the delivery of a final report to the Client. The templatealso includes best practices for the Client for the remainder of the interview and hiring process. The involvement of the Reviewer and Support Group should take approximately 10 weeks, unless the Client extends the application window. The proposed timeline should be included as an attachment to the engagement letter.

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| Advertisement/Pre-Review Period (4-6 weeks) | <p>FACA provides the Client a proposal in the form of an engagement letter to assist in the recruitment process; Client approves and returns a signed copy to FACA</p> <p>FACA designates Reviewer and Support Group</p> <p>Reviewer provides initial guidance and suggestions to the Client</p> <p>Client posts County/City Attorney position announcement</p> <p>If requested, representatives from FACA attend a County/City Commission meeting to introduce Reviewer and Support Group members, receive any specific guidance from the governing board on the recruitment process, and answer any questions</p> |
| Applications compiled and forwarded to FACA Reviewer and Support Group (1 week) | Client’s Human Resources staff screens applications, compiles a list of candidates meeting the minimum qualifications and sends applications to FACA’s Reviewer and Support Group |
| FACA Reviewer and Support Group review and report (2-3 weeks) | Reviewer and Support Group reviews applications and Reviewer provides final report to Client of analysis of candidates |
| Interviews, selection of candidate and negotiation of contract (approx. 4 weeks) | Client selects finalists to be interviewed; interviews are conducted; Client makes its selection; and employment contract is negotiated and executed. |

[Engagement Letter]

DATE

_____, Chair / Mayor
_____, County Board of County Commissioners/City Council
Address
City, State, Zip

Re: Florida Association of County Attorneys Consulting

Dear Chair/Mayor:

Thank you for reaching out to the Florida Association of County Attorneys ("the Association") regarding your upcoming search for a new County/City Attorney. It is the Association's pleasure to propose to assist you in this effort.

The selection of a local government's lead attorney is one of the most crucial decisions a Board of County Commissioners/City Council makes for its community. In recognition of the importance of this selection, the Association provides professional input and peer-review services to those Florida local governments that desire assistance. The Association proposes the following terms of engagement:

Florida Association of County Attorneys Responsibilities

If the County/City "Client" chooses to take the Association up on its offer, the Association will assist the Client with the following tasks:

- (1) Brief Client on the best practices for the recruitment process of a lead local government attorney;
- (2) Assist Client's staff by providing suggestions on the wording of the Client's recruitment profile and advertisement for the position and where to place advertisements to solicit qualified applicants;
- (3) Assist the Client and its staff in developing a list of identified characteristics and attributes of a successful candidate, the appropriate selection criteria, and a selection process and timeline based on best practices; and
- (4) Facilitate a volunteer Reviewer and Support Group of Florida County Attorneys and/or former County Attorneys to review the qualifications of the candidates identified by the Client and/or its staff for review, and to provide comments on the candidates to the Client and /or its staff, as directed.

Client Responsibilities

Client staff would be responsible for carrying out the suggestions provided in (1), (2), and (3) above, including but not limited to receiving the applications, screening the applicants, conducting the background checks of applicants, placing all advertisements soliciting applicants, scheduling and coordination of interviews, and other necessary or requested Client meetings related to the recruitment and selection process. The Client would also be wholly responsible for negotiating the terms of any employment offer and will provide the primary point of contact for all questions and inquiries relating to the recruitment process.

Compensation

The Association proposes a flat fee of Five Thousand Dollars (\$5,000). This fee will be used to cover direct and indirect costs associated with the services and any remaining funds will be retained for the Association's mission in support of educating County Attorneys throughout Florida.

The Association will not invoice the Client for the \$5,000 fee until the delivery of the candidate review report. Upon delivery of that report, no further services will be provided unless mutually agreed upon by the parties. In addition, if either the Association or the Client believes it is in its individual best interest to end this particular arrangement, either one can do so by providing written notice to the other (via U.S. Mail, facsimile or email). Once that notice is received, this arrangement will be at an end. The Client will have no financial obligation to the Association if termination by either party is sought before the delivery of the Florida County Attorney candidate review report.

Costs

The Client will solely bear the costs of its activities and responsibilities for the filling of the County/City Attorney position (including, by way of example only, the costs of advertising for the position, any reimbursements of travel and per diem for candidates, background checks, copying, overhead, and postage). Expenses incurred by the Association relating to this effort including conference calls, mileage, travel, copying, and other administrative costs are included within the fee. There will be no additional obligations on the part of the Client for the Association's costs.

It is anticipated that most of the work under this arrangement will be conducted by way of phone calls and e-mail. However, as part of the process, the Association is offering to include, upon request, one trip to the County/City to present an overview of the search process and to receive any specific direction or guidance the governing board wishes to provide. If there are additional trips that the Client requests of the Association, the Association and the Client will mutually agree on a rate of cost reimbursement for the Association from the Client.

Timeline

The Association understands the Client's need to move efficiently, quickly and deliberately. The Association believes that it can deliver the County/City Attorney candidate review report within 90 days of the County's/City's counter signature to this letter.

Association Point of Contact

The Association anticipates that _____, _____ County Attorney and President of the Florida Association of County Attorneys, will be the primary point of contact for the Association under this arrangement. The contact information for this Association representative is:

Client Point of Contact

The Client anticipates that _____, Title, will be the primary point of contact for Client under this agreement. The contact information for this Client representative is:

If this letter and its contents are agreeable to the Client, please sign and date at the bottom of this letter. Then, please return the counter signed letter to the attention of _____ at the Association.

We are excited about this collaboration and look forward to assisting the County/City in this crucial decision.

Sincerely,

President

Agreed to by _____ County, Florida

Mayor/Chair

Board of County Commissioners/City Council

This __ day of _____, 20__

Designation of the Reviewer and Support Group

Once the Client has executed and returned a copy of the engagement letter, FACA, through its President, will designate a Reviewer and two to four individuals who will comprise the Support Group. The Reviewer and Support Group should include, to the greatest extent possible, the following:

- A current member of FACA's Board of Directors (especially the Reviewer)
- A current County Attorney from an adjacent county
- A current or recently retired County Attorney from a nearby county

It is important to appoint a Reviewer and Support Group members who have experience working in or near the Client. These individuals will add value to the recruitment process by virtue of their experience working with similar issues facing the Client and by their ability to evaluate prospective candidates' work experience and accomplishments against the qualifications needed of the Client's next County/City Attorney.

Once appointed, the Reviewer and Support Group members should provide a brief bio and three to five bulleted statements summarizing their qualifications.

These qualifications and bios will be included in the final report that will be delivered to the Client, providing an overview of how the Reviewer and Support Group were selected and why they are uniquely qualified to assist in the recruitment of the Client's next County/City Attorney.

Guidance Provided to the Client

In accordance with the engagement letter executed by FACA and the Client, which specifies FACA's obligations in the recruitment process, the Reviewer and Support Group provides several forms of specific assistance to the Client, including:

- Briefing Client on the best practices for the recruitment process of a professional local government attorney.
- Assisting Client staff in the recruitment process by providing suggestions on where to place advertisements to solicit qualified applicants and suggestions on the wording of the Client's recruitment profile and advertisement for the position.
- Assisting the Client and its staff to develop a list of identified characteristics and attributes of a successful candidate.

FACA and Client Roles

FACA's role in the recruitment process is straightforward – FACA designates a Reviewer and Support Group to assist a Client through each phase of its effort to fill its vacant or soon to be

vacant Attorney position. To do so, the Reviewer and Support Group conducts the following tasks, generally delineated in the engagement letter:

- Briefing Client on the best practices for the recruitment process of a professional local government attorney;
- Assisting the Client, through the provision of recommendations on recruitment techniques, by providing suggestions on where to place advertisements to solicit qualified applicants and suggestions on the wording of the Client's recruitment profile and advertisement for the position;
- Assisting the Client and its staff to develop a list of identified characteristics and attributes of a successful candidate, the appropriate selection criteria, and a suggested selection process and timeline;
- Personally reaching out to colleagues who may be qualified for the position to encourage them to apply;
- Reviewing the qualifications of the candidates; and
Providing an analysis of candidates to the Client for further consideration.

Throughout the recruitment process, the Reviewer and Support Group acts in a support role to the client County in its hiring process. Accordingly, the Client is responsible for the following tasks:

- Developing and placing all advertisements for the position;
- Receiving and maintaining records of the applications;
- Screening the applicants and forwarding those applicants who meet the stated minimum qualifications to the Reviewer and Support Group;
- Conducting background checks of candidates selected as finalists by the Client;
- Scheduling and coordination of interviews and other necessary or requested Client meetings related to the recruitment and selection process; and
- Negotiating the terms of any employment offer.

Receiving Applications from the Client

Under the terms of the engagement letter, and as indicated previously in this guidebook, it is the Client's responsibility to advertise the Attorney position and to screen applications based on the governing board's stated minimum qualifications. At that point, the Client's Human Resources department will forward application materials submitted by qualified applicants to the Reviewer and Support Group. The Client's initial screening of applications enhances the overall recruitment process, because Reviewer and Support Group members only have to review applications from candidates deemed to be qualified for the position. This Client initial screening allows the Reviewer and Support Group the time needed to thoroughly review each qualified candidate. In certain circumstances, however, a Client may elect to send all applications received to the Reviewer and Support Group. If this occurs, the Reviewer and Support Group may contact the Client's outgoing Attorney to discuss the value added to the recruitment process by the Client's initial screening. Ultimately, the Reviewer and Support Group should honor the wishes of the Client.

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Initial Assessment of the Applicant Pool

Approximately one week after application materials are received by the Reviewer, he or she should determine whether the initial applicant pool is sufficient.

If the Reviewer determines that the applicant pool is not sufficient, the Reviewer may recommend that the Client extend its application window an additional 30 days.

Once the applicant pool is complete, the Reviewer and the Support Group should proceed to individually analyze the applicants in greater detail. The Reviewer and Support Group will have approximately two weeks to review the applicants' qualifications, research their work history, and conduct reference checks. Reviewer and Support Group members should check the references listed in each applicant's resume and also contact colleagues with whom an applicant has previously worked.

Requesting Additional Information from Applicants

The value that FACA's participation adds to the client Client's recruitment process is derived from the unique perspectives and experiences of the Reviewer and Support Group members. The Reviewer and Support Group members have extensive experience in local government law in Florida. Generally, the Reviewer and Support Group members will also have more specific experience in a local government in the same geographic area of the state as the Client. As a result, the Reviewer and Support Group members are uniquely positioned to provide analysis of candidates from the applicant pool in a manner that is best suited to fulfill the needs of the Client based on their knowledge and experience with the issues the Client faces.

The Reviewer should contact each candidate via e-mail and ask them to respond to the questions listed below. Candidates should be given three business days to respond, and each candidate's responses should be included in the final report along with the Reviewer and Support Group's summary analysis and the candidate's résumé.

1. Can you provide an example of a problem you see in the field of local government law that you'd like to solve and why?
2. How do you find others in the field of local government law to connect with, and how often do you connect with others in the field outside your organization?
3. How do you stay up to date in the field?
4. At what point in your career were you most satisfied in your work? At what point were you the least satisfied?

The responses delivered to the Client will assist in determining not only which candidates are capable of fulfilling the roles and responsibilities of the position, but also which candidates

possess the intangible qualities that are more difficult to determine by only reviewing a résumé and cover letter.

Presentation of Candidate Analysis

The Reviewer and Support Group's final report will present the Reviewer and Support Group's analysis of candidates to the Client. This final report will include a summary analysis of each candidate's qualifications and experience. The summary analysis should include, at minimum, the following elements:

- The candidate's present position;
- A summary of the candidate's work history, with particular mention of total years of experience as a City or County Attorney and experience as an attorney in Florida;
- The candidate's education;
- Areas in which the Reviewer and Support Group feels that the candidate is strong, particularly with respect to the needs of the Client; and
- Areas in which the Reviewer and Support Group feels that the candidate may be weak and/or lacks experience.

Best Practices for the Remainder of the Recruitment

The Reviewer and Support Group's final report may also include best practices for the Client during the remainder of its hiring process. Including this information in the final report adds value to the services provided by the Reviewer and Support Group. The best practices provided in the final report could include:

- Suggestions for planning the interview process, including initial steps, preparation tips, and sample interview questions;
- Possible criteria for the selection of the Board's preferred candidate;
- Guidance in negotiating an employment contract, including a discussion of compensation and benefits and other common elements of a County/City Attorney's contract;
- Ways the Client can assist the new County/City Attorney in the transition process; and
- Developing initial evaluation criteria for the new County/City Attorney.

Delivering the Final Report

When the Reviewer and Support Group's final report is complete, it should be delivered as early as possible by the Reviewer to the Client's Chair or Mayor via email as a single PDF file. The report should also be printed, tabbed, and bound, with copies delivered by mail to the Client, together with a thank-you letter and invoice for services (discussed in the next section). One copy should be included for each governing board member, the Administrator/Manager, and the Attorney (if applicable). FACA should also retain two copies for its records. FACA can coordinate the printing of the final report.

Reviewer and Support Group Outreach to the New Attorney

As a final consideration, a month or so after the new attorney starts in his or her new position, members of the Reviewer and Support Group should follow up by reaching out to the new Attorney to offer any advice or guidance that may be helpful. The Reviewer and Support Group members can also offer to make introductions to key individuals in the community and other Florida City and County Attorneys to help build the new Attorney's network. Finally, if the new Attorney is not a member of FACA, this is a great opportunity to invite him or her to join.