



Councilwoman Candi CdeBaca - Options for City Attorney
Updated December 2019

	Current System	Elected	Council Confirmation	Executive Committee
Prominent Cities	Denver, Austin	Seattle & Oakland	Colorado Springs, Philadelphia	Minneapolis
Process	Mayor appoints the City Attorney, per §2.2.6 of the Charter. Austin's CA is appointed by the City Manager to advocate & resolve disputes, review & develop contracts, & to render opinions & advice.	Seattle One of the elective officers of Seattle (along with the City Council and the Mayor) per Art. XIX of the Seattle Charter. Serves a 4-year term. Oakland's Charter provides that the City Attorney is elected at the same election as Mayor and City Council to a 4-year term & can be re-elected once.	Colorado Springs Charter §4-40(f)(2) of the provides that the City Attorney is appointed by Mayor and confirmed by City Council. Philadelphia Charter §3-203 provides that the Mayor, with the advice and consent of a majority of all the members of the Council, shall appoint the City Solicitor.	Minneapolis employs an executive committee under §4.5 of their Charter. It provides that the Executive Committee consists of the Mayor (chair), Council president, and up to three members of Council. The mayor nominates, the Executive Committee then reviews the candidate and recommends approval, and then that candidate is appointed by City Council.
Experience	Denver - Requires 5 years of experience	Seattle - Required to have 4 years of experience prior to their election. Vacancy is filled by City Council. Oakland – Required to have 10 years of experience. Vacancy is filled by City Council. They have 60 days to fill, otherwise it goes to an election.	Philadelphia - requires 5 years of experience.	Minneapolis - City Council cannot appoint a candidate that the Executive Committee has not recommended.

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History	Denver - Benjamin Stapleton served as mayor of Denver from 1923 to 1931 and again from 1935 to 1947. Stapleton was not only a Klansman, but appointed Klansmen to several top posts including manager of safety, clerk and recorder, city attorney, parks manager and city accountant,	Seattle 1876 - Law Dept est. - CA appointed by the City Council as advisor & prosecutor. 1877 - Charter formally established the CA office. 1883 - Charter amended to an elected CA as an independent legal advisor. 1889 Statehood established. 1890 "Home Rule" charter established independent Law Department with an elected Corporation Counsel representing City in all court proceedings. Elected CA role reduced to criminal prosecutions. 1892 & 1893 City Charter amended to formalize CC as head of the Law Department, chief legal advisor & litigator. CC granted power to appoint the CA and assistant attorneys. 1977 – CC and CA merged making the CA the elected head of the Law Department, & chief prosecutor and legal advisor to the city.		
Mission	Denver The CAO serves as the legal adviser to the Mayor, City Council, City Auditor, City Clerk and Recorder and all City departments and agencies; represents and defends the City in legal matters; handles all suits initiated on behalf of the City and County of Denver and any of its departments and agencies; prosecutes violations of City ordinances; and provides counsel to elected officials and client agencies on charter interpretation and reform.	Seattle - CA is an advocate not just for city officials, but the public. When an attorney tries a case, he or she appears "for the City of Seattle." Oakland 1. Provide the highest quality legal services to the City of Oakland; 2. Promote open government and accountability to the residents of Oakland in accordance with the letter and spirit of the law, and; 3. Apply the law in an innovative and community-oriented manner to improve the quality of life in Oakland. As a team we are committed to providing professional legal services that are efficient and accessible to the residents of Oakland, to whom we are ultimately accountable.		

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Other Information	Denver - CA is the final decision maker on critical legal decisions facing the city and manages over 200 attorneys & staff. May appoint Special Counsel for employment lawsuits, class actions; admin appeals, defense of constitutional lawsuits associated with Safety Dept tort lawsuits; and other general litigation matters.	Seattle - CA is chief legal advisor, litigator and municipal prosecutor. Heads Law Dept with 180 attorneys & staff, 12,000 civil & criminal litigation cases annually. Four divisions: Civil, Criminal, Administration, and Precinct Liaison. Oakland - 42 attorneys divided into 4 departments: Advisory Division, Litigation Division, Affirmative Litigation, Innovation & Enforcement Division and the Labor & Employment Division.		
Outside Sources that Discuss	https://denverite.com/2017/12/11/stapleton-name-change-debate/ In the Shadow of the Klan: When the KKK Ruled Denver, Phil Goodstein Hooded Empire – the Ku Klux Klan in Colorado, Robert Goldberg https://www.coloradopolitics.com/denver/former-denver-mayor-stapleton-and-his-involvement-with-the-klk/article_38d2e3b0-ad77-11e9-bce2-c7d8f1d24435.html	Analysis of a proposed Oakland Ballot Measure to change system from elected to City Council appointment. Austin Charter Review Committee analysis of elected vs. appointed.		

- Alternative model: Nominating Commission – No other municipality has one for a City Attorney. See bill drafted by Denver Legislative Council (See attached).. Commonly done for judges.
 - See the Institute for the Advancement of the American Legal System and the website judicialselection.us (National Center for State Courts) for studies debating pros/cons regarding judges.