



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	<p>Mayor appoints the City Attorney, per §2.2.6 of the Charter.</p> <p>Austin's CA is appointed by the City Manager to advocate & resolve disputes, review & develop contracts, & to render opinions & advice.</p>	<p>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.</p> <p>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.</p>	<p>Colorado Springs Charter §4-40(f)(2) of the provides that the City Attorney is appointed by Mayor and confirmed by City Council.</p> <p>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.</p>	<p>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.</p> <p>The mayor nominates, the Executive Committee then reviews the candidate and recommends approval, and then that candidate is appointed by City Council.</p>
Experience	Denver - Requires 5 years of experience	<p>Seattle - Required to have 4 years of experience prior to their election. Vacancy is filled by City Council.</p> <p>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.</p>	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	<p>Denver -</p> <p>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,</p>	<p>Seattle</p> <p>1876 - Law Dept est. - CA appointed by the City Council as advisor & prosecutor.</p> <p>1877 - Charter formally established the CA office.</p> <p>1883 - Charter amended to an elected CA as an independent legal advisor.</p> <p>1889 Statehood established.</p> <p>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.</p> <p>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.</p> <p>1977 – CC and CA merged making the CA the elected head of the Law Department, & chief prosecutor and legal advisor to the city.</p>		
Mission	<p>Denver</p> <p>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.</p>	<p>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."</p> <p>Oakland</p> <p>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.</p>		

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Other Information	<p>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.</p>	<p>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.</p> <p>Oakland - 42 attorneys divided into 4 departments: Advisory Division, Litigation Division, Affirmative Litigation, Innovation & Enforcement Division and the Labor & Employment Division.</p>		
Outside Sources that Discuss	<p>https://denverite.com/2017/12/11/stapleton-name-change-debate/</p> <p>In the Shadow of the Klan: When the KKK Ruled Denver, Phil Goodstein</p> <p>Hooded Empire – the Ku Klux Klan in Colorado, Robert Goldberg</p> <p>https://www.coloradopolitics.com/denver/former-denver-mayor-stapleton-and-his-involvement-with-the-klk/article_38d2e3b0-ad77-11e9-bce2-c7d8f1d24435.html</p>	<p>Analysis of a proposed Oakland Ballot Measure to change system from elected to City Council appointment.</p> <p>Austin Charter Review Committee analysis of elected vs. appointed.</p>		

- 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.