



# **City of Grand Island**

**Tuesday, December 21, 2010**

**Council Session**

## **Item I4**

**#2010-374 - Consideration of Approving Appointment of Interim  
City Attorney Jason Eley**

**Staff Contact: Mayor Vavricek**

# **Council Agenda Memo**

**From:** Mayor Jay Vavricek

**Meeting:** December 21, 2010

**Subject:** Interim City Attorney Mayoral Recommendation

**Item #'s:** I-4

**Presenter(s):** Mayor Jay Vavricek

## **Background**

State Statute and Grand Island City Code specifies the need to designate a City Attorney to carry out the duties and responsibilities of the legal department for the City of Grand Island. City Attorney Dale Shotkoski has accepted a position to serve as the future City Attorney of Fremont, Nebraska and has submitted his resignation to the City of Grand Island to be effective January 14, 2011. Therefore a need to designate an Interim City Attorney is necessary. Future recommendations will be tendered to the City Council as how to best address the effectiveness and responsibilities of the City's legal department going forward. Therefore a recommendation to serve in this capacity is in order to fill this interim time period effective January 17, 2010.

## **Discussion**

The recommendation to serve as Interim City Attorney has been determined to be Grand Island Assistant City Attorney Jason Eley. Mr. Eley graduated college from the University of Vermont at Burlington with a Bachelors of Science degree in Natural Resources and received his Juris Doctorate from Vermont Law School in South Royalton, Vermont.

Prior to his employment within the City of Grand Island, Mr. Eley worked as a prosecuting attorney for the State of New Mexico, worked as an Associate Attorney for the Law Offices of James R. McDonald in Gunnison, Colorado and has experience in civil and criminal case work and practiced Family and Construction law. He is a member in good standing of the bar in Colorado, New Mexico, Vermont and Nebraska.

While currently serving as Assistant City Attorney, Jason is best suited to continue to direct the needs of the legal department once Mr. Shotkoski's resignation is effective. He

will have the ability to better tend to the city's most urgent needs and carry out legal responsibilities as Interim City Attorney.

My recommendation for all concerned and recognizing the demands of the job while taking on increased responsibility should reflect compensation that creates an incentive for the highest measure of employee performance and recognizing the difficulty change creates. As an interim, a promotional compensation for Mr. Eley's salary will reflect an increase pursuant to the City Personnel Rules and Regulations. Mr. Eley will be placed in step one of the City Attorney pay scale. Mr. Eley is currently in step three of the Attorney pay scale which is \$63, 308.75. Step one of the City Attorney pay scale is \$77,438.40. While serving as Interim City Attorney Mr. Eley will wear both hats in the Legal Department as he continues to handle the daily prosecutorial duties and procurement, as well as the duties associated with the director's role. There is no negative impact on the budget during this interim period.

I am confident this recommendation is in the best interests of the effectiveness of the department; meet the qualifications necessary under State Statute and Grand Island City Code and as Interim City Attorney best serves the people of Grand Island.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**

City Administration recommends that the Council approve Jason Eley as Interim City Attorney.

### **Sample Motion**

Move to approve Jason Eley as interim City Attorney.

RESOLUTION 2010-373

WHEREAS, under Neb. Rev. Stat., §16-308, the office of City Attorney for the City of Grand Island, Nebraska, is an appointed position; and

WHEREAS, the Mayor, with the approval of the City Council, may appoint the position of City Attorney; and

WHEREAS, the position will become vacant and an interim appointment may be made; and

WHEREAS, the Mayor has recommended the appointment of Jason Eley as the Interim City Attorney effective January 17, 2010 until such time as another appointment is made: and

WHEREAS, Mr. Eley will be compensated at step one of the City Attorney pay scale during the interim in compliance with the City Personnel Rules.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Jason Eley is hereby duly appointed the Interim City Attorney for the City of Grand Island, Nebraska,

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Adopted by the City Council of the City of Grand Island, Nebraska, December 21, 2010.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk