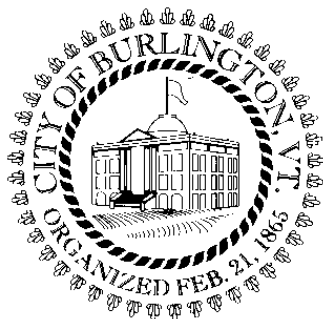


Office of
the Mayor
Burlington,
Vermont



**Miro Weinberger
Mayor**

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MEMORANDUM

TO: Members of the Burlington City Council
FROM: Mayor Miro Weinberger
DATE: April 15, 2012
RE: Appointment of City Attorney

I respectfully submit for your consideration and approval Ian P. Carleton, Esq. as the next City Attorney for the City of Burlington.

I intend to ask the Board of Finance and the Council to take action on this matter at the meetings on April 30, 2012, with an anticipated start date of May 14, 2012 (a phase-in period may begin sooner). Ian will be available throughout this week of April 16 to meet with Councilors, in groups or one-on-one, to answer all of your questions.

Ian is exceptionally qualified for the position of City Attorney. As a result of his education, prior public service in Burlington and career as a litigator, Ian has precisely the experience Burlington needs right now in the City Attorney's office at a time when the City faces numerous high stakes disputes and when City Hall must work to rebuild trust with the public.

This memo summarizes Ian's experience and details regarding this appointment. His full resume is attached.

Background in City Government

Ian is already known to many of you from his years of service to this City. Ian served as:

- A Planning Commissioner from 2001 to 2002.
- A three-term Burlington City Councilor from 2002 to 2007.
- Burlington City Council President during his final two years on the Council.

In his years on the Council, Ian focused on legislative and regulatory matters, serving on both the Ordinance and Community Development Committees. He was heavily involved in public debates concerning drug abuse prevention, the future of the Moran Plant, town-gown relations, noise issues in residential neighborhoods, quality of life issues on the

Church Street Marketplace, and the early stages of the rewrite of the City's Zoning Ordinance.

Education and Professional Background Summary

In addition to Ian's valuable experience as a Burlington public official, his education, training and experience make him exceptionally well qualified for the position of City Attorney:

- Ian is a 1993 graduate of Columbia College and a 1999 graduate of Yale Law School.
- After graduating from law school, Ian served for one year as law clerk to the Honorable William K. Sessions, III, Chief Judge of the United States District Court for the District of Vermont.
- Ian is currently a partner and shareholder at the Burlington law firm Sheehey Furlong & Behm, P.C. (SFB).

In his nearly ten years at SFB, Ian has represented a wide variety of clients, both in their personal and corporate capacities. His clients have faced a variety of legal challenges, including civil and criminal, litigation-based, and otherwise. The broad scope of his practice is precisely the type of background needed for our City Attorney at a time when Burlington is facing several highly significant and time sensitive state and federal civil actions that require diligent supervision.

Smooth transition of the City Attorney's Office to new leadership

Although the responsibilities of the City Attorney are vast and varied, I anticipate Ian's transition to the job will be smooth. As most of you know, our current City Attorney Ken Schatz has expressed his intent to move on to other endeavors, but is generously remaining flexible as to the timing of his departure. Ian already has met several times with Ken to understand the operations of the City Attorney's office, and further has worked with Assistant CAO Scott Schrader to better understand the nature, volume and cost of legal work being referred out by the City to private firms. Ian already knows most of the staff in the City Attorney's office from having worked with them when he was on the Council. He has preexisting professional relationships with most of the private attorneys providing legal services to the City. Ian also has long-standing and positive working relationships with both Attorney General Bill Sorrell and Vermont's United States Attorney Tris Coffin – both critical relationships to the City.

Details of the City Attorney Appointment

I will be asking the Council to approve this City Attorney appointment and take two further actions:

- I am proposing that Ian be appointed at Step 12 of the applicable salary Step Chart. According to Human Resources Director Susan Leonard and Ken Schatz, Ian qualifies for a minimum placement of Step 6 on the City Attorney Step Chart (\$104,736.18). This placement, however, does not account for several key aspects of Ian's professional development (high level education, successful private practice, litigation expertise, service to the City as an elected official). Accordingly, pursuant to my authority under

Section 5.4 of the City's Comprehensive Personnel Policy Manual, I will be requesting that Ian be placed at Step 12 (\$112,055.82). This step placement appropriately reflects the unique attributes of this particular candidate.

- I am requesting that Ian be granted a "Personal Hardship" exemption from the department head residency requirement. Ian lived in Burlington for a decade, and his career has been based in Burlington since 1999. He currently lives in Huntington with his wife Brooke and their three children – Lila (9), Liberty (6) and Birch (1). Lila and Liberty are in elementary school in Huntington, qualifying Ian for an exemption under Subsection (III)(A)(1) of the City Council Rules for Charter § 130(c).

In addition, I would like to note that separate from his role as City Attorney, Ian will maintain a very small amount of private litigation work as a sole practitioner (although both he and his firm wanted to maintain a formal connection, conflict of interest rules prevent this):

- This work will allow Ian to continue his career-long commitment to devote some of his professional time to the needs of the indigent. Ian serves on the federal Criminal Justice Act (CJA) panels for both Vermont and the Northern District of New York. Pursuant to these appointments, Ian accepts a few court appointed federal cases each year representing low (or no) income clients in situations where the federal public defender cannot provide representation. Ian's service on these panels is at the discretion of the federal courts, and is a much needed public service which benefits our community.
- This work will also allow Ian to keep his litigation skills sharp, which, as noted above, will serve the City particularly well at the present time. Ian's work in this regard will not impinge upon his ability to perform his City Attorney responsibilities. To the contrary, it likely will enhance it.
- It is not unusual for a City department head to maintain some connection to the private sector. Joe McNeil maintained his partnership at his law firm during his time as City Attorney, and other department heads over the past ten years have performed some amount of private sector consulting work while serving the City.

Thank you for reviewing this material and considering this appointment. I have known Ian as a friend and a public official and legal professional for nearly a decade. I believe the City will be exceptionally well-served by Ian and hope you will agree. As noted at the beginning, Ian will be available throughout this week of April 16 to meet with Councilors, in groups or one-on-one, to answer all of your questions. In addition, please do not hesitate to call me (802.598.6635) or Ian (802.734.0609) at your convenience to discuss this proposed appointment.

I plan to release this memo to the public at a press conference tomorrow (Monday).

Thank you again for your consideration.