



Montana Association of Counties

Serving Montana Counties Since 1909

2715 SKYWAY DRIVE, SUITE A, HELENA, MT 59602

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www.mtcounties.org

POSITION DESCRIPTION

Position Title	Associate General Counsel/Land Use Attorney
Department/Division	MACo General Counsel
FTE Status	Full Time Permanent
FLSA Designation	Exempt
Reports to	MACo General Counsel
Supervision Exercised	N/A

POSITION SUMMARY

This position provides advice, consultation, and training to counties and special districts on a wide range of civil legal matters and land use issues, in an effort to reduce exposure to potential legal action. This position also provides general legal assistance for the Executive staff of MACo and the risk sharing pool trustees of the health care, property and liability, and workers compensation trusts. This position has extensive contacts with MACo and Trust members, MACo staff, County Attorneys, County Elected Officials, and state officials.

ESSENTIAL FUNCTIONS

These duties are the essential functions and are not all-inclusive of all duties that the incumbent performs.

- Serve as Associate General Counsel for the Montana Association of Counties, MACo Property Casualty Trust (PCT), MACo Workers' Compensation Trust (WCT) and MACo Health Care Trust (HCT).
- Review and forward inquiries from member counties to the MACo General Counsel on various issues;
- Provide advice and respond to questions posed by county elected officials on a wide range of civil legal matters;
- Provide advice and respond to questions posed by elected officials, planning board members, planners, sanitarians and county managers regarding a variety of land use issues;
- Review various land use regulations and policies for PCT insured counties;
- Provide legal advice and assistance to claims staff regarding questions of coverage;
- Provide consultation and assistance to in-house and outside counsel in relation to litigation management;
- Prepare legislative drafts and assistance in lobbying efforts in matters involving land use, county government and its operations;
- Monitor interim committees and legislative sessions regarding land use issues;
- Provide legal advice and opinions to MACo executive staff, risk sharing pool trustees, and member counties;
- Prepare position papers on various legal issues and interpretation of law;

- Plan, develop and present training to member counties, their officers, board members and employees, in a wide variety of legal areas concerning land use issues, including providing updates on legislative changes to land use;
- Respond to member questions, comments, and/or concerns in a courteous and timely manner;
- Communicate and coordinate regularly with others to maximize the efficiency and effectiveness of operations and activities;
- Keep immediate supervisor and designated others fully and accurately informed concerning work progress in prominent areas including present and potential work problems, and offer suggestions for new or improved ways of addressing such problems;
- Attend meetings, conferences, workshops, and training sessions;
- Provide needed information and demonstrations concerning how to perform certain work to employees as needed and appropriate;
- Review publications and educational materials in assigned area to remain current on the principles, practices, and new developments in all applicable areas;
- Perform other directly related duties consistent with the role and function of the classification.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES

- Knowledge of state and federal law, rules of court with a special emphasis on land use law, road law, civil rights, tort law, local jurisdictional law, contract law, open meeting and public participation, liability insurance, contracts and administrative law;
- Knowledge of all aspects of litigation in federal and state courts and administrative agencies, including preparation of pleadings, discovery, settlement negotiation and mediation, pre- and post-trial motions, trial practice, and appellate procedure; knowledge of trial tactics and rules of evidence;
- Knowledge of supervisory principles and practices;
- knowledge of current principles and practices associated with claims investigations, adjustment and related practices of property and casualty insurance and knowledge of workers compensation practices;
- Knowledge of current best practices and principles for legal research;
- Knowledge of current principles and practices associated with risk management insurance pools, and opinion writing;
- Knowledge of drafting legislation and legislative activity;
- Knowledge of current best practices of member services within a professional work environment;
- Knowledge of MACo activities and county government operations;
- Ability to review complex situations and interpret, apply, and explain applicable laws, policies and administrative rules;
- Ability to maintain confidentiality of sensitive documents and information that may be viewed and/or encountered in the normal course of work;
- Ability to establish and maintain effective working relationships with employees, department heads, elected officials, and the public;
- Ability to use good judgment and discretion when providing information and dealing with members, agents, staff, and the public;
- Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;

- Ability to handle stressful situations in a way that is beneficial to the Association and its members;
- Ability to effectively neutralize situations in which an individual may be displeased and reacting in a negative, confrontational, or potentially hostile manner;
- Ability to understand and follow oral and/or written instructions, policies, and procedures;
- Ability to apply integrity, ingenuity, inventiveness, and to use logical and creative thought processes to develop solutions to complex problems in the performance of assigned tasks;
- Ability to operate general office equipment, including a computer, using standard or customized applications to perform assigned tasks;
- Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
- Ability to prepare and present accurate and reliable reports containing findings and recommendations;
- Ability and willingness to learn quickly and put new skills and knowledge brought about by rapidly changing information and/or technology to use.

REQUIRED EDUCATION AND EXPERIENCE

- Law degree from an accredited law school; and
- Five years of experience in practicing civil law including land use issues for local governments; or.
- Any equivalent combination of experience and training which provides the knowledge, skills, and abilities necessary to perform the work.

REQUIRED SPECIAL QUALIFICATIONS

- Member in good standing of the State Bar of Montana
- Admitted to practice law in Montana and the Federal District Courts in Montana;
- Ongoing Continuing Legal Education (CLE);
- Valid Montana Driver's License;
- Ability to be insured and/or bonded if required.

PHYSICAL REQUIREMENTS AND WORKING CONDITIONS

MACo is an equal opportunity employer.

MACo shall, upon request, provide reasonable accommodations to otherwise qualified individuals with disabilities.

- May involve occasional travel to attend training, meetings, and conferences.

FLSA DESIGNATION STATEMENT

This position is exempt as it meets the duties tests to be considered exempt as a professional employee engaged in the practice of law.

This position description is intended to reflect core areas of responsibility and an incumbent employees' knowledge and skill set needed to complete those functions. This document is not intended to catalogue each individual duty. Employees are routinely called upon to address emerging member requirements in alignment with individual work units and assignments of positions. The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer change.