

CITY OF EL PASO, TEXAS

DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: City Attorney's Office

AGENDA DATE: October 23, 2007

CONTACT PERSON/PHONE: Charlie McNabb, City Attorney

DISTRICT(S) AFFECTED: All

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$amount if applicable.

APPROVE the appointment of Mark Shoemsmith as Assistant City Attorney effective December 3, 2007 at an annual salary of \$99,000.00 plus benefits.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when and how to enable Council to have reasonable complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action?

Mr. Shoemsmith is a graduate of Florida State University. He obtained his Doctorate of Jurisprudence from Texas Tech University School of Law in 1974. He is licensed to practice in Texas and New Mexico. He has been an Assistant City Attorney for the City of Albuquerque, New Mexico for the past 20 years. He will be assigned to handle transactional matters in the City Attorney's Office.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one? If so, when? No

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

This is a budgeted item.

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ FINANCE: (if required) _____
Charlie McNabb, City Attorney

OTHER:

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ DATE: _____

CITY CLERK DEPT.
07 OCT 17 AM 9:37

MOTION

October 23, 2007

Motion made, seconded and carried that **Mark Shoemith** be appointed by the Mayor with a majority vote of the entire Council as Assistant City Attorney effective December 3, 2007 at a salary of \$99,000.00 per annum plus benefits.

Richarda Duffy Momsen
City Clerk

CITY CLERK DEPT.
07 OCT 17 AM 9:37

**MARK SHOEMITH
RESUME**

CITY CLERK DEPT.
07 OCT 17 AM 9:37

Education

Public Schools: Alamogordo, New Mexico (1965)
Undergraduate: Florida State University (1969)
Law School: Texas Tech University (1974)

Licensed to Practice Law

New Mexico – 1975 to present
Texas – 1974 to present

Employment

New Mexico Attorney General's Office: Assistant Attorney General 1975

Private Practice:

Alamogordo, New Mexico 1976-1981

Albuquerque, New Mexico 1981-1983

New Mexico State Government: Attorney for the General Services Department
[Risk management, purchasing and property control] 1983-1987

City of Albuquerque: Assistant City Attorney 1987 to present

Areas of Practice representing government agencies:

Administrative law - attorney for various boards and commissions, including ethics, zoning, personnel and labor boards of the city, represented state agencies before the Legislative Finance Committee and State Board of Finance; serve on quasi-judicial board, drafted administrative procedures acts for city.

Arbitration - regularly serve as court appointed arbitrator and represent City in arbitration hearings.

Aviation - attorney for the Aviation Department from 1992 to 1998. Negotiated and drafted signatory airline agreement, all other aviation leases, operating agreements, retail store and restaurant leases and runway and terminal building construction contracts. Worked with FAA officials on security and operational compliance, funding and development planning. Negotiated and drafted agreements with USAF on joint use of runways.

Client relations - work directly with elected officials, chief administrative officer, department directors, administrators and staff in legislative and administrative branches and all department of the city, advising as to legal matters concerning potential and actual litigation, intergovernmental conflicts and legal considerations concerning policy decisions.

MARK SHOESMITH RESUME Page 2

Construction - contracting, management and litigation both at the State and City.
Contracting - negotiating, drafting and litigating complex contracts, joint powers agreements and intergovernmental agreements.

Ethics - attorney for the Board of Ethics and Campaign Practices since 1999. Receive and evaluate complaints, provide legal advice to the Board, its auditor and the staff of the Board. Make presentations to the Board for complaints and settlements. Develop and draft Board regulations and assist Board in conducting public comment hearings on regulations. Attorney for City Inspector General and Internal Auditor (oversees whistleblower ordinance and investigations of government malfeasance and misfeasance claims). Provide legal opinions on conflict of interest situations under HUD regulations.

Governmental relations - served as attorney for council of governments and represent city in matters with State Attorney General, Secretary of State, and other state departments as well as HUD, DOT and FAA.

Legal opinions - provide elected and appointed officials with legal opinions on a wide variety of subjects often involving extensive legal research.

Legislation - draft legislation for legislative and administrative branches; frequently testify on legislation before legislative committees of the state and city, provide legal research on proposed legislation.

Litigation - litigate various subjects, participated in claim reviews committee process, settlement process, trial and appellate practice state and federal courts; coordinate litigation with outside counsel.

Open government - open meetings, FOIA, FERPA and inspection of public records - litigation, regulation and management of City compliance

Real property - purchases/sales, leasing and management (State and City).

Regulations - draft rules and regulations governing procurement (State and City) construction, ethics, elections and zoning; serve as administrative hearing officer for hearings for rule making; provide legal opinions concerning federal regulations; draft executive orders and administrative instructions.

Training - train city staff and board and commission members on compliance with laws and policy requirements of the administration on a variety of subjects.

CITY CLERK DEPT.
07 OCT 17 AM 9:37