


Kenai Peninsula Borough

Office of the Borough Mayor

MEMORANDUM

TO: Brent Hibbert, Assembly President
Members, Kenai Peninsula Assembly

FROM: Charlie Pierce, Mayor 

DATE: September 30, 2021

RE: Majority Consent for Appointment of Sean Kelley as Borough Attorney

Pursuant to Chapter 2.32 of the Kenai Peninsula Borough Code, Sean Kelley is hereby submitted for consideration and consent of the majority as the Borough Attorney.

KPB 2.32.010 states:

There is established a legal department in the executive branch of the Kenai Peninsula Borough. The principal executive officer of the department shall be the borough attorney who is appointed and dismissed by the mayor with the consent of the majority of the assembly.

Mr. Kelley's resumé and job description are attached. Based on his qualifications, past experience, accomplishments, and proven performance, I strongly recommend consent of the Assembly.



Position Description

Kenai Peninsula Borough

Borough Attorney

Service Type: Administrative Level 7

Definition: Under the supervision and direction of the borough mayor and/or his designee, the borough assembly and/or the school board, the borough attorney is responsible for the operation, management and administration of the legal department as set forth in KPB 2.32.

Minimum Qualifications: Admission to practice law in the State of Alaska, or ability to obtain reciprocity, and at least eight years of legal practice with experience in municipal or other administrative law, contract and property law, legal research and writing, and related areas. Must have a valid Alaska driver's license to perform all job functions.

Desirable Qualifications:

1. Substantial experience in the practice of law, including administrative and trial court litigation, and appellate experience in Alaska.
2. Several years of experience in the general practice of law in the State of Alaska with some experience in the fields of Alaska municipal law, real estate law, and tax law.
3. A thorough knowledge of, and skill in, the methods of legal research and draftsmanship, including electronic and traditional forms of legal research.
4. The ability to plan and supervise the work of professional assistants.
5. The ability to establish and maintain effective working relationships with subordinates, superiors, public officials, other department heads, and the general public.
6. Detailed knowledge of federal, state and Alaska municipal, civil law including the constitutional and statutory law pertaining to Alaska borough government law. Working knowledge of Alaska municipal criminal law.

7. Thorough knowledge of legal requirements relating to the authority and functions of borough and municipal departments and service areas.
8. Knowledge of judicial procedures, rules of evidence and court practice in the state and federal courts in Alaska.
9. Knowledge of established precedents and sources of legal reference applicable to borough legal activities.
10. Ability to organize, interpret, and apply legal principles and knowledge to complex legal problems, in drafting sound legal opinions, and in preparation of a wide variety of legal documents.
11. Ability to communicate clearly and concisely, orally and in writing.
12. Considerable progressive experience in the practice of municipal law.

Essential Functions:

1. Administers the legal department of the borough, including preparation of budget, monitoring expenditures, and overseeing maintenance of legal resources.
2. Responsible for the planning, staffing, and supervising an organization for meeting the legal service needs of the borough and school district.
3. Serves as the chief legal advisor to the borough, and is responsible for providing legal services for the mayor, borough assembly, all departments and service areas, officials of the borough, and the school board.
4. Represents the borough in all matters, civil and criminal, coming before any court or tribunal, as well as the school district upon request.
5. Drafts ordinances and resolutions including supporting analyses, policies and procedures requested by the mayor, assembly, school board, departments, boards and commissions.
6. Drafts and approves as to form and legal sufficiency all contracts, bonds and other similar documents to which the borough is a party, or supervises such drafting and approval by the deputy or assistant borough attorneys.

7. Furnishes necessary legal certificates required by state and federal agencies.
8. Supervises the work of outside counsel or law specialists retained by the borough.
9. Advises the mayor, assembly, school board, school district and other borough personnel.
10. Participates in a wide range of activities related to risk management of the borough.
11. Supervises and trains clerical and technical staff as needed.

Other Functions:

1. Performs such other duties as may be required by the mayor, assembly and borough departments.

Physical Demands: While performing the duties of this job, the employee is frequently required to communicate orally and to use hands and fingers dexterously to operate office equipment; regularly required to sit; and occasionally required to stand, walk, and reach with hands and arms. Very occasionally required to transport up to 50 pounds. Specific vision abilities required include close vision and the ability to adjust focus. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Position Description Record:

Date Updated: 11.20.2019

Reason for Update: Reformatted

Date Updated: 10.2017

Reason for Update: Revised (SSB)

Recent Work Experience

Kenai Peninsula Borough

Assistant Borough Attorney
Deputy Borough Attorney

Soldotna, AK

August 2017 – Aug. 2019
August 2019 – Present

- Staff attorney for the borough handling all aspects of in-house municipal law counsel representation for the municipal corporation, the administration, the assembly, departments, service areas, and adviser to various work groups, boards, commissions.
- Comprehensive and complex legal writing, research, and dispute resolution responsibilities.
- Experience advising municipal boards and working with both appointed and elected officials.
- Broad experience drafting legislation, contracts, and similar documents where the Borough is a party.

907 Legal

Attorney; Partner

Kenai, AK

Oct 2013 – August 2017

- Motion practice, discovery, court appearances, and client intake for wide range of civil and criminal actions at established law firm in Kenai.
- Responsible for case load of approximately 45-50 cases at any given time.
- Gained legal writing, legal research, courtroom and negotiation experience.

Rocky Mountain Hydrocarbon, LLC

Petroleum Landman

Denver, CO

Dec 2012 – Dec 2013

- Generated Lease Purchase Reports & Ownership Reports for unit areas of interest for 'Big Oil' client.

Education

University of Maryland

Bachelor of Arts, 3.7 GPA

College Park, MD

August 2004

New England School of Law

Juris Doctorate, Cum Laude, 3.872 GPA

Boston, MA

August 2006- May 2009

Miscellaneous

- Alaska Bar Association member, Admitted May 2014; Member (Inactive) California State Bar, 2010
- Other work experience includes: Commercial deckhand (Cook Inlet, Alaska); Public Interest Clinic SJC 3:93 Student Attorney (Boston, MA); Petroleum Landman work in Wyoming, New Mexico, and Texas including a 158 mile right-of-way project from west Texas to Del Rio; volunteer internships at the Office of the Public Defender (Kenai, AK) and the Office of the District Attorney (California).
- Proficient using Microsoft Office and other systems or software in use at the Borough.
- Soldotna High School Graduate, Class of 2001.