Chapter 2.17 City Attorney

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2.17.010 Qualifications for City Attorney

The City Attorney must be licensed to practice law as an attorney in the State of Montana. The City Attorney must be a graduate of an accredited law school with four years experience practicing civil or criminal law and practice in the area of municipal law. The City Attorney must have a working knowledge of the law related to municipalities and local government, and significant experience with client contact. Experience in review, negotiation, and drafting of contracts or other primary responsibilities for participation in transactional work is required. Experience in primary responsibilities for civil litigation, pleading and motion practice is also required.

Enc Ord 367 March 18, 1993, Amended Ord 411 October 5, 2005, Amended Ord 456 February 7, 2018

2.17.020 Appointment - Term of Office

1. The City Attorney must be appointed by the Mayor, subject to the approval by the City Council.
2. The City Attorney holds office for two (2) years unless suspended or removed as provided by law.

Enc Ord 367 March 18, 1993, Amended Ord 411 October 5, 2005, Amended Ord 456 February 7, 2018

2.17.030 Appointment of Deputy City Attorney

Enc Ord 367 March 18, 1993, Amended Ord 411 October 5, 2005, Amended Ord 420 November 5, 2008, Repealed Ord 456 February 7, 2018

2.17.040 Removal or Suspension

The City Attorney may be suspended or removed from office by the Mayor with consent of a majority of the City Council for the neglect, violation, or disregard of the duties required by law or the ordinances of the City.

Enc Ord 367 March 18, 1993, Amended Ord 411 October 5, 2005, Amended Ord 456 February 7, 2018

2.17.050 Special Status of City Attorney

Major projects including ordinances and resolutions must be completed under City Council approval.

Enc Ord 367 March 18, 1993, Amended Ord 411 October 5, 2005, Amended Ord 456 February 7, 2018

2.17.060 Duties

It is the duty of the City Attorney to attend before the City Court and other courts of the City and the District Court and prosecute on behalf of the City. When required, the Attorney draws contracts, resolutions, and ordinances for government of the City for the City Council. When required the Attorney gives to the Mayor or City Council written opinions on questions pertaining to duties and rights, liabilities, and powers of the corporation. The Attorney performs such other duties as pertain to functions of the City Council or as the City Council may prescribe by resolution.

Enc Ord 367 March 18, 1993, Amended Ord 411 October 5, 2005, Amended Ord 456 February 7, 2018

2.17.070 Employment of Special or Additional Counsel

This section should not be taken or construed as preventing the City Council from employing in special cases on a contract basis:

1. the City Attorney to perform services not specifically provided for under 2.17.060; or
2. additional or other counsel.

Enc Ord 367 March 18, 1993, Amended Ord 411 October 5, 2005, Amended Ord 456 February 7, 2018

2.17.075 Appointment of Deputy City Attorney

The Deputy City Attorney is appointed by the Mayor, with concurrence of the City Attorney. The appointment must be approved by a majority of the City Council.

Encoded Ord 456 February 7, 2018

2.17.080 Reports

The City Attorney provides detailed reports of the attorney department activities to the City Council, no less frequently than monthly.

Enc Ord 367 March 18, 1993, Amended Ord 411 October 5, 2005, Amended Ord 456 February 7, 2018

2.17. 090 Indemnification

As a City officer, the City Attorney is provided immunization, defense, and indemnification for civil suits or claims against the City Attorney for actions taken within the scope and course of their employment as provided in MCA § 2-9-305 and related sections.

Enc Ord 367 March 18, 1993, Amended Ord 411 October 5, 2005, Amended Ord 456 February 7, 2018

2.17.100 Delivery of Papers to Successor

Upon expiration of their term of office, resignation thereof, or removal therefrom, the City Attorney must forthwith, on demand, deliver to the successor in office all papers in his/her hands belonging to the City and all papers in actions prosecuted or defended, then pending or undetermined.

Enc Ord 367 March 18, 1993, Amended Ord 411 October 5, 2005, Amended Ord 456 February 7, 2018

2.17.110 Records and Files

Records and files produced by the City Attorney or the Attorney’s office belong to and remain the property of the City. At the end of the tenure in office of the City Attorney, the attorney is not entitled to keep or reproduce records related in any manner to City Attorney activities or office unless the City specifically allows portions of the records to be copied or retained by the Attorney.

Enc Ord 367 March 18, 1993, Amended Ord 411 October 5, 2005, Amended Ord 456 February 7, 2018

2.17.120 Compensation

1. City Attorney compensation for services rendered to the City is set annually during the budget preparation period by the City Council.
2. The City Attorney may be retained under contract between the City and the Attorney unless otherwise excluded by law. Compensation must be defined in a written contract between the City Attorney and the City of Dillon and approved by resolution of the City Council. The contract must be completed within one (1) month of appointment. This period may be extended by mutual consent of the Mayor and the City Council for up to three months.

Enc Ord 367 March 18, 1993, Amended Ord 411 October 5, 2005, Amended Ord 456 February 7, 2018

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