

ARTICLE IX. LEGAL DEPARTMENT

PART 1. CITY ATTORNEY

Section 54 - Appointment; Section 55 - Duties

Section 56 - Suits; Section 57 - Special Counsel

DRAFT PROPOSALS FOR CHARTER AMENDMENTS

PART I. CITY ATTORNEY

Sec. 54. Appointment; EVALUATION.

A. The Council shall appoint a City Attorney who shall be the legal representative of the City and who shall advise the Council and City officials in matters relating to their official powers and duties. The City Attorney shall be an attorney at law **eligible to be** admitted to practice in Colorado and have a minimum of **two five** years ~~of legal experience~~ **experience in the active practice of law.** The Council may provide the City Attorney with such assistants as the Council may deem necessary. ~~All attorneys who reside or maintain offices in the City shall be given first consideration for appointment.~~ **Council shall establish compensation for the City Attorney. Compensation for assistants and special counsel shall be established through the annual budget process.**

~~The Council shall establish compensation for the City Attorney, his or her assistants and special counsel.~~

B. **The Council shall evaluate the City Attorney not less than annually and shall establish a policy that sets for the evaluation process.**

C. The City Attorney shall serve at the pleasure of the Council.

Reason for change: The City Attorney portion of the charter is out of date, this provides for evaluations, and a clearer outline of responsibilities and reflects how the city currently operates

Today, Colorado allows attorney's to be admitted by motion and the charter should reflect the current rules. The level of legal experience necessary to be a

city attorney is far more than two years. The experience needs to be real practice experience, someone who has been admitted but never practiced does not have the experience. The preference provision dates back to a time of contract assistants and is out of date. Finally, the changes to compensation reflect actual practice.

The changes to B are reflective of establishing transparency in the process

Sec. 55. Duties.

The City Attorney **and their assistants** shall:

A. Represent the City in all legal proceedings; and

B. Supervise the drafting of all ordinances and other legal documents.

C. Settle claims against the City **as authorized by the Council or pursuant to authority granted by the Council who** ~~and~~ may make appropriations therefor.

D. When directed by the Council, the City Attorney **and their assistant** shall institute or defend any suit, action or proceeding on behalf of the City or any of its agencies.

He or she shall attend all Council meetings and shall perform all services **incident to the position or as may be** required by the Council, this Charter or the ordinances of the City. ~~The Council may authorize the City Attorney to settle claims against the City and may make appropriations therefor.~~

Reason for Change: Put all duties in one section and move settlement language into one place

Sec. 56. ~~Suits Reserved.~~

~~When directed by the Council, the City Attorney shall institute or defend any suit, action or proceeding on behalf of the City or any of its agencies. (July 28, 1959; Amended, Election of 11-3-2015)~~

Sec. 57. Special Counsel.

Council may on its own motion or upon request of the City Attorney as determined to be appropriate employ special counsel to serve under the direction

of the City Attorney in special cases To take charge of any litigation or to assist the City Attorney. , the Council may also employ other counsel whose compensation shall be fixed by the Council at the time of employment.

Reason for Change: Reflect actual practice. Generally compensation is established in the budget process