

3.10.030 Duties and Responsibilities.

(Amended by Ordinance Nos. 156711, 165112 and 181483, effective January 18, 2008.)

The City Attorney shall have the following duties:

- A. Appear for, represent, and defend the City, and its boards, commissions, bureaus, officers, employees and persons entitled to representation under the Oregon Tort Claims Act in all appropriate legal forums and matters. However, other than as required by the Tort Claims Act and except as provided in 3.10.030 G.4, the City Attorney shall not represent individuals in their personal capacity and shall not represent individuals who, after investigation by the OMF Risk Management Division, are found by the Bureau to have acted outside the scope of their employment or duties or to have committed malfeasance in office or willful or wanton neglect of duty. If the City Charter specifically authorizes a commission to retain or employ its own special legal counsel, then the City Attorney shall not be responsible for representing such commission on matters assigned by the commission to its special legal counsel;
- B. Review and approve as to form all written contracts, bonds, or other legally binding instruments to which the City is a party. It shall be the responsibility of the City officials or employees who prepare such documents to submit the documents to the City Attorney for review;
- C. Give legal advice and opinions orally and in writing and prepare legal documents and ordinances for the Mayor, any Council member, the City Council, or any board, bureau, committee, commission, or agency of the City;
- D. Periodically submit to Council reports summarizing the amount, type, and cost of legal services required by the City in the ~~proceeding~~ preceding year and highlighting significant legal cases and trends involving the City;
- E. Seek to ensure that City employees comply with legal and ethical requirements of public employment by providing advice, direction and opinions;
- F. Seek to prevent legal problems for the City by training, directing and educating City employees about legal issues;
- G. Institute legal proceedings for the City in any court or tribunal on direction by resolution of the Council, except as otherwise provided herein. ~~that the City Attorney may upon approval of the Commissioner In Charge and for good cause shown seek enforcement of any regulation or license requirement including the payment of any fee, penalty, or interest, established by Charter, Code, ordinance, or statute, and collection of any account receivable and may assert a counterclaim, a cross-claim, or a third party claim.~~ The City Attorney may institute appeals on behalf of the City for enforcement of regulations or license requirements including such payments established by Charter, Code, ordinance, or statute, and for collection of any account receivable, and may appeal in any case in which the opposing side first has appealed, as the City Attorney deems advisable. The City

Exhibit A

Attorney shall ~~institute~~ prosecute other appeals on direction by resolution of the Council. The City Attorney may also upon approval of the Commissioner In Charge and for good cause shown:

1. Seek enforcement of any regulation or license requirement including the payment of any fee, penalty, or interest, established by Charter, Code, ordinance, or statute, and collection of any account receivable and may assert a counterclaim, a cross-claim, or a third-party claim;
2. Ffile in the appropriate forum a ~~purpose~~ the original or duplicate copies of a complaint for interpleader whenever the City shall come into possession of property in which it has no claim and on which multiple claims have been made by other parties;
3. File briefs and related motions as *amicus curiae* in any appeal or other proceeding where legal issues are of interest to the City;
4. Represent City employees in their personal capacity in legal proceedings that have a connection to their City employment and are related to their personal safety, including but not limited to initiating affirmative litigation on behalf of affected City employees when they petition courts for restraining orders, injunctions, and other protections and remedies;
5. File a notice of appeal to protect the City's legal right to appeal in situations where the City Attorney believes an appeal is advisable and it is not practicable to obtain a Council resolution in the time allowed to perfect an appeal. The City Attorney shall seek Council authorization by resolution to continue the appeal as soon as practicable and shall immediately dismiss any appeal which Council declines to authorize by resolution.