The Role of the City Attorney

To act as the “chief legal officer …responsible to the mayor and city council for the proper administration of the legal affairs of the city.” ICC 2.03.106(1).

The Charge of the City Attorney

To “[p]erform all duties in a manner consistent with the Utah Rules of Professional Conduct, including but not limited to acting with loyalty, keeping information confidential, and exercising independent judgment.” ICC 2.03.106(13).

Specific Duties of the City Attorney

1

Supportive Duties

Arising in support of the services provided by city departments and/or staff members, as requested:

A. Provide language for contracts and ordinances.

B. Research and confirm compliance with governing laws and contractual obligations.

C. Mediate contract negotiations, complaints and claims.

Specific Duties of the City Attorney

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Responsible Reactive Duties

Arising because of specific legal duties:

A. Prosecute matters that have escalated beyond normal code enforcement resolution processes.

B. Oversee performance by outside counsel on litigation or specialized transactional matters.

Specific Duties of the City Attorney

3

Responsible Proactive Duties

Arising to help mitigate risk:

A. Research and monitor changing laws, especially Utah case law and legislative changes.

B. Analyze polices and procedures for risk management best practices.

C. Build templates and checklists for contracts and ordinances.

Specific Duties of the City Attorney

3

Responsible Proactive Duties

Arising to help mitigate risk:

D. Train staff on risk management best practices on specific topics (contracting, public records, open meetings, etc.).

E. Review past projects to determine if best practices were followed and train staff if they were not.

F. Analyze city code for internal inconsistencies.

Workflow Solution

On ***supportive*** projects, the responsible staff member (the "***project manager***") should involve me only when they and their supervisor(s) are uncertain about:

- governing legal principles;
- language needed in contracts or ordinances to secure what they need or want; or
- whether they've appropriately managed potential risks.

Workflow Solution

On ***supportive*** projects, the responsible staff member (the "***project manager***") should involve me only when they and their supervisor(s) are uncertain about:

- whether I have all relevant facts
- whether I have appropriately managed potential risks.

Assurance:

I will always review every contract and ordinance that comes forward to the city council and be prepared at city council meetings to render competent advice, regardless of whether the project manager has obtained my input prior to the city council meeting

Workflow Benefits

1. Preserves the attorney/client privilege and my representative role.
2. Enhances operations staff empowerment, expertise and authority.
3. Preserves the credibility of my advice as focused on the law/risk management and not policy direction.

Workflow Benefits

4. Leaves me available to handle more without hindering the efficient implementation of broader city operational policies.
5. Keeps me from burning out because I won't be constantly worrying about, or asked to give input on, the management/ implementation elements of the issues that constantly come to me from all city departments.

Workflow Pledge

On projects on which I engage, I will:

- Adhere to R.A.S.C.I. principles.
- Not attempt to unduly influence policy, but limit my input to legal advice so policy makers are fully informed as they set policy.
- Look for training opportunities on compliance issues so the next time staff can comply/enforce/ implement without needing to slow down to get my input.