

Section 3.08. - City attorney.

- (a) The city council shall appoint the city attorney together with such assistant city attorneys or special city attorneys as may be deemed appropriate. The mayor, mayor pro tempore, or any councilmember may nominate such attorneys for appointment by the city council. The city council shall provide for the payment of such attorneys for services rendered to the city. The rates or salary paid to any city attorney or assistant city attorney shall be approved in advance by the city council. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the city council, mayor, other officers, and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of his or her position as city attorney. The city attorney shall review all contracts of the city but shall not have the power to bind the city unless authorized by resolution of the city council.
- (b) In a conflict between the mayor and the city council, the city attorney shall engage separate outside firms to represent the interest of the city council and the mayor, respectively. Notwithstanding any law or ordinance to the contrary, the city attorney shall not represent the interests of the city council or the mayor against the other. Unless the litigation allegations specify individual wrongdoing by an individual member of the city council or the mayor, the outside firm shall be able to represent the entity rather than the individual, and separate attorneys for the individuals of the city council shall not be necessary.

(S.B. 21, § 18, 4-1-2021)