

**ORDINANCE TO
AMEND SECTION 136-11 RESPONSIBILITIES OF THE CITY OF
WATERTOWN GENERAL ORDINANCES**

**SPONSOR: MAYOR MCFARLAND
FROM: FINANCE COMMITTEE**

THE COMMON COUNCIL OF THE CITY OF WATERTOWN DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 136-11 “Responsibilities” is hereby amended to read and include as follows:

A. The office of the City Attorney shall be under the supervision of the City Attorney. The City Attorney shall be responsible for the conduct of all legal services of the City and shall serve as legal advisor ~~of~~ to the Common Council, the Mayor and all departments and officers of the City. The City Attorney, however, shall not be responsible for matters covered by insurance company counsel, labor negotiations and related labor law matters or bonding matters. The City Attorney shall be in charge of the prosecution of all cases arising out of the violation of the provisions of the City ordinances. The City Attorney shall represent the City in matters in which the municipality is interested before any court or tribunal and shall perform such other duties as may be required by the Mayor or Common Council. It shall be the duty of the City Attorney to call to the attention of the Mayor and Common Council all matters of law affecting the City.

B. Informed Consent

(1) Pursuant to this section, the Common Council provides informed consent for the Office of the City Attorney to share information regarding the Office’s representation of the City, including the identity of the City as a client and information which may not be available to the public at the time of release, to the extent necessary for the purpose of consulting and collaborating with other municipal attorneys or legal counsel representing other governmental jurisdictions or other public or private organization or parties, for the benefit of the City. This informed consent includes but is not limited to participation with legal listservs, joint meetings or conferences with other attorneys, and individual consultations with other attorneys with expertise in the subject matter or legal interests similar to those of the City.

(2) This section shall not provide informed consent for the Office of the City Attorney to release confidential information relating to the representation of the City where communication of information would disadvantage the City’s legal position or where communication of the information is likely to result in that information being conveyed to a party that is adverse to the City in the particular matter related to the information or to that party’s legal counsel. In its sole discretion, the Common Council may establish additional restrictions or conditions related to its informed consent pursuant to this section.

(3) In specific instances where the Office of the City Attorney deems it necessary to seek more specific informed consent regarding communication of information due to the requirements of subsection (2) or due to other obligations of the City Attorney under

(Type meeting date of the FIRST meeting the ordinance will be considered) Ord. #24-XX

the rules of professional conduct for attorneys or to other factors or circumstances, the City Attorney may seek such informed consent from the Mayor and the Mayor may, in their sole judgment, determine whether such informed consent may be provided on behalf of the City.

- (4) The City Attorney shall include a written reminder of this section and the informed consent provided pursuant to it in the City Attorney's orientation of newly elected and appointed members of the Common Council.

C. Public Nuisance Authority.

- a. The City Attorney is authorized to commence and prosecute public nuisance actions on behalf of the City under Wis. Stat. ch. 823, if the following occurs:
 - i. The City Attorney provides written notice to the Mayor and Common Council of the intent to file a nuisance action. This written notice will include a description of the nuisance, why action is necessary, and a reminder of the fifteen (15) day time limit in this ordinance to request Common Council consideration of a resolution.
 - ii. If the Mayor or any member of the Common Council wishes to have the matter considered by resolution of the Common Council, they shall, within fifteen (15) days of receipt of the notice from the City Attorney, provide a written request for such a resolution to the City Attorney.
 - iii. If there is a request for a resolution, the City Attorney shall draft a resolution (sponsored by the person requesting the same) requesting authorization to commence the nuisance action. This resolution is to be considered immediately at the next scheduled Common Council Meeting.
 - iv. If the City Attorney does not receive a request for a resolution within fifteen (15) days of receipt of the City Attorney's notice, the City Attorney does not need to obtain a resolution and is authorized to commence and prosecute the nuisance action as authorized under Wis. Stat. ch. 823.

D. Additional Authority

- a. The City Attorney is authorized to take all necessary and appropriate actions with regard to the defense of claims and other matters against the City, including coordination with insurance defense counsel as required and the execution of settlement agreements that do not require the expenditure or receipt by the City of more than \$5,000.00, without specific or further authorization to do so. The City Attorney will report any settlement agreements to the finance committee within 30 days of entering into the agreement.
- b. The City Attorney, in their discretion, is authorized upon a request from another unit of government to render aid, assistance and advice to that unit of government provided doing so will not conflict with the City Attorney's duties and responsibilities to the City of Watertown.

SECTION 2. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

(Type meeting date of the FIRST meeting the ordinance will be considered) Ord. #24-XX

SECTION 3. This ordinance shall take effect and be in force the day after its passage and publication.

DATE:	<i>First meeting date</i>		<i>Second meeting date</i>	
READING:	1ST		2ND	
	YES	NO	YES	NO
DAVIS				
LAMPE				
BOARD				
BARTZ				
BLANKE				
SMITH				
SCHMID				
WETZEL				
MOLDENHAUER				
MAYOR MCFARLAND				
TOTAL				

ADOPTED Type second meeting date

CITY CLERK

APPROVED Type second meeting date

MAYOR

(Type meeting date of the FIRST meeting the ordinance will be considered) Ord. #24-XX