

Note: Portions of this email have been removed as they pertain to a separate legal opinion unrelated to this inquiry.

Hi Sara,

As to the second question, the statutes do not require the existence of a job description. The Statute sets forth the statutory duties for City Attorney in Wis. Stat. 62.09 and other provisions. Absent a local requirement requiring a job description, I believe the City Manager can proceed with appointing a City Attorney and then promulgating a description. With that said, good practice suggests creating and having in place a position description before the hiring.

Kyle

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From: Sara Marquardt <smarquardt@whitewater-wi.gov>
Sent: Wednesday, October 30, 2024 11:47 AM
To: Kyle J. Gulya <kyle.gulya@vonbriesen.com>
Subject: [EXTERNAL] Opinions

Kyle,

John is seeking two opinions –

- 2) The question would be is there any liability for the city manager appointing the city attorney in accordance with the ordinance, absent a job description? If you go to Municode and search City attorney it's very apparent that the city manager appoints the city attorney. However, there's no job description so the city manager would just be appointing the attorney based on nothing.

Please let me know if you need further information or clarification.

Sara Marquardt
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