

CHAPTER 2 - ADMINISTRATION

Sec. 2 77. City Attorney; claims management; litigation; special counsel.

The City Attorney shall:

(a) Be responsible for the administration and operation of the City 's Claims Management and Self Insured Retention Programs and to recommend to the City Manager and City Council the purchase of insurance to cover claims against the City.

(b) Have the power to adjust, settle, compromise or submit to arbitration or alternative dispute resolution any action, causes or action, accounts, debts, claims, demands, disputes and matters in favor of or against the City or in which the City is concerned as a debtor or creditor, now existing or which may hereafter arise, not involving or requiring payment to exceed Twenty Five Thousand Dollars (\$25,000.00) and with the approval of the City Manager may do likewise in matters not involving or requiring payment to exceed Fifty Thousand (\$50,000.00) Dollars, provided that the Council has appropriated money to settle such claims and the Chief Financial Officer of the City determines such funds are available.

(c) Have the power to use and implement binding or non-binding alternative dispute resolution methods involving any claims; the payment for insurance and the payment of claim costs and related costs, including but not limited to all claims arising out of the operation of the City's Worker's Compensation and Employee Benefit programs.

(d) Have the responsibility for management of all legal actions against the City and shall further have the responsibility for the determination of the legal liability of the City with respect to any claim, including but not limited to all claims arising out of the operation of the City's Worker's Compensation and Employee Benefit program.

(e) Prosecute, defend and provide legal representation in all civil suits, causes, actions and proceedings where the City or any officer or employee acting in his official capacity and within the scope of their employment is a party or may become interested. The City Attorney may with the consent of the City Manager and providing that the Council has appropriated sufficient funds employ outside counsel when in the City Attorney's discretion, the best interest of the City so require. Such outside council shall operate under the supervision of the City Attorney.

(f) Periodically report to the Council any decision or outcome of any litigation or proceeding in which the City has an interest. Such reports are deemed a public record exempt from public disclosure to preserve attorney-client privileges unless the Council has formally waived such privilege.

(g) Conduct and prosecute appeals from orders, decisions or judgments of the municipal and justice courts affecting any interest of the City as the City Attorney may, in the exercise of discretion determine to be necessary or desirable and/or upon direction by the

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Council, conduct, participate in and prosecute appeals from orders, decisions or judgments of any Court of Record in this State or any Court of the United States.

(Ord. No. 92-04, 2/11/92)

(Ord. No. 94-19, 4/19/94)

(Ord. No. 97-34, 7/15/97)

(Ord. No. 06-47, 12/11/06, Enacted) SUPP 2006-4

(Ord. No. 09-15, 06/02/09, Amended) SUPP 2009-2