

## CHAPTER 2 - ADMINISTRATION

### Sec. 2-76. City Attorney; powers and duties.

The office of the City Attorney is established. The office of the City Attorney shall consist of two divisions, civil and criminal. The City Attorney shall perform the following duties:

(a) Act as the legal counselor and advisor of the council and other city officials, as designated by the council, on all matters relating to their official powers, duties and functions.

(b) Prepare, review and approve all contracts, deeds, documents, and instruments prior to the execution thereof by or on behalf of the City, its departments and agencies. The City Attorney shall indicate in writing his/her disapproval as to form upon any document reviewed and disapproved.

(c) Render legal opinions upon any question of law submitted by the Mayor, City Council, City Manager or his/her deputies and assistants or the heads of all departments, agencies, boards and commissions. Keep a complete record of all written opinions issued by the City Attorney.

(d) Prepare all ordinances and resolutions as requested by the Council. The City Attorney shall advise the Council as to the form and sufficiency of all ordinances or resolutions having the effect of an ordinance prior to their adoption. Prior to action on an ordinance or a resolution having the effect of an ordinance, the City Attorney shall indicate in writing any ordinance that they have disapproved and the reasons therefor.

(e) There shall be within the office of the City Attorney, a Chief Assistant City Attorney and such other attorneys and staff appointed by the City Attorney and as contained in the position classification plan promulgated by the City Manager.

(f) Operate a deferred prosecution program for adult and juvenile offenders, providing that the city attorney may defer, prior to a guilty plea or a trial, the prosecution of a person committing a crime and provide in the deferred prosecution agreement certain terms required to be satisfied by the defendant prior to the dismissal of the action.

(1) The city attorney shall adopt written guidelines for the operation of the program.

(2) The program may include as an element the performance of community service on behalf of the city.

(3) The program may include as an element referral to appropriate community organizations to provide services to the individual, with costs for such referral to be paid by the individual.

(4) The city may charge a reasonable fee as approved by council for those individuals participating in the program.

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(5) The city attorney may extend a pre-filing diversion program to the parents and legal guardians of juvenile offenders under the jurisdiction of the municipal court. The program shall provide that the commencement of prosecution shall be suspended upon the completion of terms set forth in the pre-diversion agreement. The pre-diversion program may condition the suspension of prosecution upon satisfactory completion of counseling, education and any other requirements deemed appropriate and necessary by the city attorney.

(g) Prosecute in the name of the City of Peoria, Arizona or the State of Arizona, all violations of the City Charter, City Codes and statutes of the State of Arizona which are within the original or concurrent jurisdiction of the Municipal Court or have been referred to the Office of the City Attorney and any appeals from decisions therefrom.

(h) Cooperate with the Municipal Court to enforce the conditions of sentences and requirements of probation.

(i) Administer and operate a victim assistance program to protect the rights of persons defined as crime victims pursuant to Article 2.1 of the Arizona Constitution and Title 13, Chapter 40, Arizona Revised Statutes.

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

(Ord. No. 94-31, 7/5/94, Amended)

(Ord. No. 94-59, 8/2/94, Amended)

(Ord. No. 95-68, 8/29/95, Amended and adding subsection (g))

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