

AGENDA ITEM SUMMARY

City Council

July 8, 2014

STAFF

Darin Atteberry, City Manager

SUBJECT

Resolution 2014-057 Appointing an Interim City Attorney.

EXECUTIVE SUMMARY

The purpose of this item is to appoint an interim City Attorney.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

This Resolution appoints an interim City Attorney in light of the unexpected passing last week of Steve Roy, who has served as City Attorney for the City of Fort Collins since 1988.

Article VI of the City Charter provides that the City Council shall appoint a City Attorney who shall be licensed to practice law in the State of Colorado, and fix the compensation of a City Attorney. The City Attorney is authorized to appoint Assistant and Deputy City Attorneys, as determined by the Council, and to assign duties to those attorneys.

Under the City Charter, the City Attorney has multiple roles. The first is to advise the officers and employees of the City in matters relating to their official powers and duties. This occurs in a fast paced and rapidly changing environment and often entails researching and preparing memoranda to offer legal opinions and advice to the City Council and a variety of other constituents within the organization. The Charter also provides that the City Attorney is responsible for drafting all ordinances and other legal documents that the City needs in the course of its operations. The Charter also assigns the City Attorney responsibility for representing the City in all legal proceedings, including dozens of civil actions and handling the prosecution of cases in Municipal Court. Finally, the Charter provides that the City Attorney is responsible for attending all meetings of the City Council. In addition to Council meetings, the City Attorney oversees participation of legal staff in the meetings of a wide variety of Council committees and City boards and commissions. The quality and timeliness of the legal services provided by the City Attorney, directly and through the City Attorney's Office, are critical to ensuring that the objectives of the City Council and City staff are met.

The Resolution authorizes and requests that the Mayor and Mayor Pro Tem discuss and work with the appointed interim City Attorney to develop a proposal for compensation, benefits and other terms of appointment, in consultation with the Human Resources Director. The proposed terms of appointment will then be presented in Ordinance form for Council consideration on First Reading on July 15, 2014. The Resolution provides that the interim appointment continue in effect until such time as the Council officially appoints the new City Attorney, or such earlier time as the Council may, by resolution or motion, subsequently determine to be in the best interests of the City.

RESOLUTION 2014-057
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPOINTING AN INTERIM CITY ATTORNEY

WHEREAS, Stephen Roy, City Attorney of the City of Fort Collins since 1988, died suddenly on July 3, 2014; and

WHEREAS, the City Charter places the responsibility for appointing a City Attorney with the City Council; and

WHEREAS, the position of City Attorney will remain vacant until the Council has developed and completed a selection process and appointed a new City Attorney; and

WHEREAS, it is desirable to appoint an interim City Attorney, pending the completion of the foregoing selection process, to perform the duties of City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That _____ is hereby appointed by the Council as interim City Attorney to perform the duties of City Attorney, which appointment shall take effect immediately upon adoption of this Resolution.

Section 2. That the Mayor and Mayor Pro Tem are hereby authorized and requested to work with the appointed interim City Attorney in consultation with the Human Resources Director, to establish proposed compensation, benefits and other terms of the appointment, to be considered by the City Council on July 15, 2014.

Section 3. That the compensation, benefits and other terms of appointment for the interim City Attorney will be established by the Council by ordinance, with first reading no later than July 15, 2014, to be made effective retroactively to the date of the commencement of the interim City Attorney's duties.

Section 4. That this interim appointment will continue in effect until such time as the Council officially appoints the new City Attorney or such earlier time as the Council may, by resolution or motion, subsequently determine to be in the best interests of the City.

Passed and adopted at a special meeting of the Council of the City of Fort Collins this 8th day of July, A.D. 2014.

Mayor

ATTEST:

City Clerk