

RESOLUTION 92190
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ESTABLISHING A PROCESS FOR THE SELECTION
OF SPECIAL LEGAL COUNSEL FOR THE CITY
IN CASES OF CONFLICT OF INTEREST

WHEREAS, the legal interests of the City are generally represented by the City Attorney pursuant to the provisions of Article VI of the City Charter; and

WHEREAS, Section 3 of said Article VI authorizes the City Council, upon the request of the City Attorney in special cases, to employ special counsel if deemed necessary and advisable under the circumstances; and

WHEREAS, the City Council has previously adopted Resolution 89-183, which authorizes the City Attorney to utilize the services of certain specified law firms and, under extraordinary circumstances, to appoint other legal counsel as special counsel to the City when necessary; and

WHEREAS, the Council believes that the process established by Resolution 89-183 does not adequately address situations in which the City Attorney may have a conflict of interest which prevents him or her from representing the City in particular situations and which calls for the appointment of special legal counsel to temporarily replace rather than augment the services of the City Attorney; and

WHEREAS, the Council is desirous of establishing a supplemental procedure for the selection of special counsel in such conflict of interest situations.

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

Section 1. That the following procedures shall be utilized to select and appoint special legal counsel for the City in situations where the City Attorney must withdraw from representation of the City because of a conflict of interest:

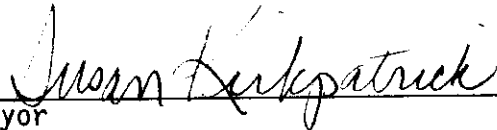
- a. First, the City Attorney shall consider utilizing the services of another municipal attorney pursuant to the terms and conditions of such intergovernmental agreements as may have been executed under the authority granted in Section 2 below; and
- b. If the City Attorney determines that the matter should not be handled by another municipal attorney, then the selection of special legal counsel shall be presented to the City Council at the next regular Council meeting, in which event the City Attorney shall provide the City Council with the names of no less than three (3) qualified attorneys, together with any background information which would assist the Council in making the selection.

Section 2. That the Mayor be, and hereby is, authorized to execute an intergovernmental agreement with such other Colorado municipalities as the Mayor and the City Attorney may, in their discretion, determine to be appropriate,

whereby the City and the other contracting municipalities shall agree to exchange the services of their respective municipal attorneys in cases of conflict of interest; provided, however, that such agreements shall, without limitation, include the following provisions:

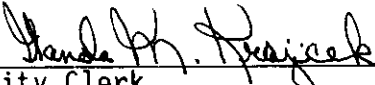
- a. that the City shall be reimbursed for all expenses incurred by the City Attorney in temporarily representing the interests of other municipalities, such as mileage, long distance telephone calls, etc.;
- b. that the City Attorney and the City shall be indemnified and held harmless from any claim of liability resulting from legal services rendered by the City Attorney on behalf of other municipalities; and
- c. that the City Attorney shall have the discretion to decline any request for legal representation of another municipality if the rendition of such services would interfere with the City Attorney's ability to perform his or her normal duties on behalf of the City.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins held this 15th day of December, A.D. 1992.



Mayor

ATTEST:



City Clerk