

AN ORDINANCE PERTAINING TO CITY ATTORNEY REVIEW

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 2 of the Code of Ordinances of the City of Lewiston, Maine, is hereby amended as follows:

CHAPTER 2

ADMINISTRATION

ARTICLE V. DEPARTMENTS

Division 7. Department of Law

Sec. 2-336. Powers and duties of city attorney.

The department of law shall be directed by the city attorney, who shall enforce all laws and act to protect the interests of the city and who shall:

- (1) Advise the council or its committees or any city officer in their official capacities, when thereto requested, upon all legal questions arising in the conduct of city business.
- (2) Prepare or revise ordinances when so requested by the council or any committee thereof.
- (3) Give his opinion upon any legal matter or question submitted to him by majority resolution of the council or any of its committees, or by any city officer. A copy of all opinions shall be filed with the city clerk within 72 hours of issuance.
- (4) Give his opinion upon legal matter or questions arising in the conduct of city business, submitted to him by a duly adopted resolution by any board or commission created pursuant to the provisions of the Charter.
- (5) Prepare for execution contracts and instruments to which the city is a party and shall approve, as to form, all bonds required to be submitted to the city.
- (6) In any prosecution for violation of any regulation adopted by any board or commission while acting in its official capacity or created under authority of the Charter, the city attorney shall act under the direction of such board or commission, subject to such paramount control as is given to the council by the Charter.
- (7) Have the power to adjust, settle, compromise or submit to arbitration any action, causes of action, accounts, debts, claims, demands, disputes and matters of favor of or against the city or in which the city is concerned as debtor or creditor now existing or which may arise, not

involving or requiring payment to exceed \$250.00, and with the permission of the administrator may do likewise in matters not involving or requiring payment to exceed \$1,000.00, provided the money to settle claims generally has been appropriated and is available therefor.

- (8) Make the following reports:
 - a. An immediate report of the outcome of any litigation in which the city has an interest, by issuing a copy of such report to the administrator and city clerk.
 - b. An annual report, to the administrator and council, as of December 31, of all pending litigation in which the city has an interest and the condition thereof.
- (9) Have charge of all legal services auxiliary to council action in connection with the appropriating of property to public use and in the levying of assessments.
- (10) Prepare and approve under direction and assistance of the appropriate department head all unemployment and worker's compensation litigation and shall investigate all cases in which unemployment or worker's compensation is involved and be responsible for the filing of all appropriate documents and papers required by the unemployment and worker's compensation acts of the state.
- (11) Keep the following records:
 - a. A complete record of all suits in which the city had or has an interest, giving the names of the parties, the court where brought, the nature of the action, the disposition of the case, or its condition if pending, and the briefs of counsel.
 - b. A complete record of all written opinions furnished by him and of all certificates or abstracts of titles furnished by him to the city, or any department or official thereof.
- (12) Deliver all records, documents and property of every description in his possession belonging to his office or to the city, to his successor in office.

Sec. 2-337. Review of city attorney appointment.

The council shall review the appointment of the city attorney at least once every ten years. In every calendar year ending in 1, the council will determine whether this requirement has been met and, if not, shall ensure that such review occurs prior to the next regular municipal election.

Secs. 2-338 ~~2-337~~ - 2-344. Reserved.

Deletions are ~~struck through~~; additions are underlined.