

**CHAPTER 10
LEGAL DEPARTMENT**

SECTION:

- 3-10-1: Establishment of Legal Department
- 3-10-2: Appointment of City Attorney; Management
- 3-10-3: Responsibilities of Legal Department
- 3-10-4: No Private Duty Established

3-10-1:ESTABLISHMENT OF LEGAL DEPARTMENT: The Legal Department is hereby established as an administrative department of the City. (Ord. 3003, 04-23-15; Ord. 3523, 07-13-23)

3-10-2:APPOINTMENT OF CITY ATTORNEY; MANAGEMENT: The Legal Department shall be managed by the City Attorney. The City Attorney shall be appointed by the Mayor, subject to confirmation by a vote of at least four (4) members of the Council. The City Attorney may be removed by the Mayor, with or without cause, subject to a confirming vote of at least four (4) members of the Council, or by the Council upon its own initiative upon a unanimous vote thereof. (Ord. 3523, 07-13-23)

3-10-3:RESPONSIBILITIES OF LEGAL DEPARTMENT: The Legal Department shall have the following responsibilities and authority:

- (A) Provision of independent legal advice to the City and representation of the City in all disputes, suits, or proceedings in which the City is involved;
- (B) Performance of duties as may be prescribed by the Idaho Code, Ordinances and Resolutions duly passed;
- (C) Prosecution of violations of City Ordinances, Idaho Code, traffic infractions, and Idaho Code misdemeanors committed within City limits by exercise of the same powers as the County prosecutor including, but not limited to, granting immunity to witnesses;
- (D) Provision of a wide range of independent legal-related advice, support, and information to the Mayor, City, the Council, City staff, City boards, committees, and commissions, the Idaho Falls Public Library, and others, in accordance with federal, State, and City legislation and Council direction;
- (E) Organization and oversight of work of outside legal counsel and determining the scope of outside legal services, as needed;
- (F) Participation in negotiation, mediation, and resolution of sensitive, significant, controversial, and/or complex legal matters;

- (G) Drafting and review of opinions, Resolutions, Ordinances, contracts, and other legal documents and instruments;
- (H) Oversight of the preparation of the City codification of general laws;
- (I) Preparation and presentation of the annual operating and capital budget of the Department;
- (J) Administration of the operating budget of the Department in accordance with the annual appropriation Ordinance adopted by the Council; and
- (K) Administration, management, and assumption of such other duties, programs, and policies as may be directed by the Mayor and Council.
(Ord. 3523, 07-13-23)

3-10-4:NO PRIVATE DUTY ESTABLISHED: Nothing in this Chapter shall create a private right, duty, or obligation of the City in favor of any person, or give rise to any private right of action, on account of any failure by the City or any employees of the Legal Department to perform the duties prescribed herein. (Ord. 2919, 06-13-13; Ord. 3003, 04-23-15; Ord. 3523, 07-13-23)