ORDINANCE NO. 5282

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING SECTION 1-19-2 AND ADDING SECTION 1-19-3 TO THE MESA CITY CODE TO AUTHORIZE THE CITY ATTORNEY TO FILE, PURSUE, AND DEFEND CIVIL AND CRIMINAL MISDEMEANOR CASES AND APPEALS IN ANY COURT OR ADMINISTRATIVE TRIBUNAL.

WHEREAS, the City Attorney is the chief legal advisor to the Council, the City Manager, and all City Departments, officers, and agencies and is responsible for representing the City of Mesa in all legal proceedings; and

WHEREAS, the Mayor and Council are currently advised of legal proceedings that may affect or impact the City of Mesa; and

WHEREAS, time is of the essence in legal proceedings, and it is in the best interest of the City of Mesa that the City Attorney be able to make timely legal decisions to pursue civil and criminal misdemeanor cases and appeals in any court or administrative tribunal; and

WHEREAS, the Mayor and Council desire to explicitly delegate authority to the City Attorney to determine whether to pursue civil and criminal cases and appeals in any case or matter in any court or administrative tribunal.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Mesa, Arizona, as follows:

SECTION 1: That Section 1-19-2 of the Mesa City Code, entitled "Duties," is hereby amended as follows:

1-19-2: DUTIES:

The **CITY** Attorney shall serve as the chief legal advisor to the Council, the Manager, and all City departments, offices, and agencies. ~~He~~ **THE CITY ATTORNEY** shall represent the City in all legal proceedings, and shall perform any other duties prescribed by this Charter, law, or ordinance. The City Attorney shall serve at the pleasure of the Council.

SECTION 2: That a new Section 1-19-3 of the Mesa City Code, that shall be entitled "Additional Authority," is hereby added as follows:

1-19-3 ADDITIONAL AUTHORITY:

THE CITY ATTORNEY IS AUTHORIZED TO FILE, PURSUE, AND DEFEND CIVIL AND CRIMINAL MISDEMEANOR CASES AND APPEALS IN ANY COURT OR ADMINISTRATIVE TRIBUNAL ON BEHALF OF THE CITY. THE CITY ATTORNEY SHALL PROVIDE

ADVICE AND INFORMATION ABOUT CASES AND APPEALS TO COUNCIL AT THE REQUEST OF, OR WHEN NEEDED BY, THE COUNCIL.

SECTION 3: That Title 1, Chapter 19, of the Mesa City Code entitled "Attorney" shall be changed to "City Attorney".

SECTION 4: The recitals above are fully incorporated in this Ordinance by reference.

SECTION 5: In the sections of this Ordinance that are intended to amend the Mesa City Code, additions to the City Code are written in text that is in bold and all caps, and deletions to the City Code are written in strikethrough.

SECTION 6: That the terms and provisions of this Ordinance are severable and if any section, subsection, sentence, clause phrase or portion of this Ordinance, or any part of the Mesa City Code adopted herein, is for any reason held to be invalid, unenforceable or unconstitutional by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in effect.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 4th day of May, 2015.

APPROVED:

Mayor

CITY OF MESA CORPORATE SEAL MARICOPA COUNTY, AZ

ATTEST:

City Clerk