



TO: Common Council
FROM: Donald Merkes, Mayor
DATE: 30 April 2015

RE: Appointment of the City Attorney

At the last meeting the Common Council held the appointment of the City Attorney. It is of the utmost importance that the City has access to a legal opinion to minimize risk to our residents and taxpayers. Therefore, being that there was no definitive action regarding the appointment, in the interim, I have acted under the premise that the previous appointment continues until the Common Council acts on the new appointment.

The current job description for the City Attorney as in the ordinance is attached to this memo. The current salary range for the City Attorney is \$94,637-\$115,645.

The City Attorney is appointed by the Common Council and is a direct report to the Mayor, as per ordinance. The Mayor measures performance and directs workload for this position.

Our current City Attorney is a dedicated and valuable part of the team. Her duties include municipal court and working with the electric utility which are handled by additional attorneys or outsourced in other communities. In addition she reviews legal documents and provides legal advice for Menasha. I recommend her reappointment.

SEC. 2-3-4**CITY ATTORNEY.**

- (a) **PRIMARY FUNCTION.** The City Attorney shall be responsible for conducting all the law business of the City except as otherwise provided. He shall represent the Electric and Water utilities Commission. In the event of his illness, vacation or inability to attend to official matters, he may appoint an acting City Attorney without compensation unless otherwise provided by the Common Council. He shall examine the tax assessment rolls and other tax proceedings pursuant to law and advise the Assessor. He shall perform all of the duties pursuant to State Statute and particularly Chapter 62.09(12). Nothing in this Section shall prevent the City Attorney from representing clients so long as it does not interfere with his private duties or is in conflict with the Canons of Ethics of the American Bar Association and the Rules of the Supreme Court of the State of Wisconsin.
- (b) **MAJOR DUTIES AND RESPONSIBILITIES.** The City Attorney shall:
- (1) Draft ordinances and resolutions and review contracts, bond issues and all legal documents in which the City has an interest; he may include on such documents explanatory notes that explain or clarify legislative intent or legal issues;
 - (2) Prepare for court trials and attend jury trials;
 - (3) Be responsible for bringing traffic offenses under the State and City Traffic Code for enforcement;
 - (4) Advise the Mayor, Council and department heads on legal matters;
 - (5) Attend Council meetings and other meetings as needed;
 - (6) Issue legal opinions in writing when requested and file the same with the City Clerk pursuant to state Law;
 - (7) Examine the tax assessment rolls and other tax proceedings and advise the proper City officers thereof;
 - (8) Represent all Boards and all Commissions of the City; attend Board of Review and Board of Appeals hearings;
 - (9) Be on call at all times for the Chief of Police, the Captains of Menasha Police Department and the command officer of the Police department in the evening; conduct training sessions at the request of the Menasha Police Department or on his own in dealing with new areas of police activity;
 - (10) Represent the City before the Circuit Courts of Winnebago County on writs of certiorari;
 - (11) Act as both prosecutor for the City in violation of its ordinances, rules and regulations and as a defender of the City when legal actions are brought against it;
 - (12) Be the magistrate pursuant to law when motor vehicles are impounded and such hearing shall be held at the Menasha Police Station or the City Hall, at his discretion, within seventy-two (72) hours of said impoundment;
 - (13) Be considered a department head;
 - (14) Perform such duties and responsibilities as determined by the Common Council and as set forth in this Code of Ordinances not enumerated above.
 - (15) Supervisor the City Clerk and part-time support staff.
- (c) **POSITION REQUIREMENTS.** The City Attorney shall be appointed by the Common Council. He shall have a three (3) year term of office. The position of City Attorney requires five (5) to eight (8) years of experience in municipal law work and trial work and a J.D. degree in law, or an equivalent combination of experience and training which provides the following knowledge, abilities and skills:
- (1) Knowledge of municipal law;
 - (2) Ability to establish and maintain working relationships with other City employees, officials and the public;
 - (3) Ability and skill in research, preparation and trial presentation;
 - (4) Ability to organize efficient responses to various department demands;
 - (5) Knowledge of pertinent forms and procedures;
 - (6) Must be licensed to practice law in the State of Wisconsin.

State Law Reference: Section 62.09(12), Wis. Stats.

NOTE: Charter Ordinance.

Don Merkes

From: Peggy Steeno
Sent: Tuesday, March 17, 2015 5:54 PM
To: Don Merkes; Pamela Captain
Subject: Salary Split for the Attorney Position

Mayor/Pam,

The answer to the question posed by Alderman Taylor at last night's meeting is as follows:

<i>Percent</i>	<i>Project</i>	<i>Account</i>	<i>City Attorney</i>
57%	100-0201-512.10-02		
35%	100-0202-512.10-02		
8%	625-0201-512.10-02		

However, please note that since both divisions are in the general fund, moving the 35% back to the Attorney Budget will not affect the budget overall.

Please let me know if you would like me to follow up with Alderman Taylor, or if you just want to mention it at the meeting on 4/6.

Thanks

Peggy