

RESOLUTION NO. 1997-06

A RESOLUTION TO APPOINT THE TOWN ATTORNEY, TO DEFINE THE SERVICES TO BE PROVIDED, TO ESTABLISH THE RATE OF PAY, AND TO ESTABLISH A UNIFORM POLICY CONCERNING THE EMPLOYMENT OF THE TOWN ATTORNEY.

WHEREAS, the Town Board of Trustees of the Town of Silverton, State of Colorado, a body politic and corporate, is authorized by Section 31-4-304 C.R.S. to appoint a Town Attorney;

WHEREAS, the Town Board is the governing body of the Town of Silverton and is authorized by Section 31-4-304 C.R.S. to prescribe the compensation and fees to be paid for the services of the Town Attorney;

WHEREAS, the Town Board appoints the Town Attorney for the primary purpose of acting as the legal advisor to the Board;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO:

1. The Town Board fully recognizes the need for expert legal counsel in the course and conduct of public affairs. To this end the Board appoints Margaret Miller, Attorney-at-Law, as the Town Attorney as prescribed by the provisions of Town Code. The Town Attorney is not an employee of the Town of Silverton, and the employment of the Town Attorney hereunder is considered to be a contract service.
2. The Town Attorney shall perform the following duties:
 - a. She shall act as legal advisor to, and be attorney and counsel for, the Mayor and Board of Trustees. The Town Attorney shall be responsible solely to the Board. She shall advise any officer or department head of the Town in matters relating to his official duties when so requested by the Board and shall file with the Town Administrator a copy of all written opinions given by her office.
 - b. She shall appear in behalf of the Town to prosecute ordinance violations and conduct all cases in municipal court. She shall also appear in all suits and proceedings in any court wherein the Town is a party thereto, and she shall file with the respective court(s) copies of all such records and files relating thereto.
 - c. She shall prepare or review all ordinances, contracts, bonds, and other written instruments which are submitted to her by the Board, and she shall promptly give her opinion as to the legal consequences thereof.
 - d. She shall call to the attention of the Board all matters of law, including changes or developments therein, affecting the Town.
 - e. The Town Attorney shall attend all regular meetings of the Town Board for which she is available and all regular and special meetings of the Town Board for which her attendance is requested by the Board or the Mayor.
 - f. She is authorized to make and execute for and in the name of the Town of Silverton any affidavit or bond that may be necessary in any suit or proceedings wherein the Town is a party.
 - g. She shall perform other duties assigned by the Board or as necessary for the proper conduct of the legal affairs of the Town.

3. The Town Board approves a contract hourly rate of \$80.00 per hour to be paid for the services of the Town Attorney as authorized below. The Town Attorney shall also be entitled to reimbursement of all reasonable and necessary expenses incidental to legal services provided to the Town: provided however, the Town Attorney shall not be entitled to reimbursement of expenses related to travel to or attendance at meetings and/or hearings held in the Town of Silverton. The Town Attorney shall not charge for attendance at regular meetings of the Town Board; however, the Town Attorney shall be entitled to be paid for actual services rendered at regular meetings of the Town Board.

4. The Town Board hereby declares that the Town Attorney is employed primarily as the legal advisor of the Board, and as such the Town Attorney shall not be allowed to recover any costs for services rendered to Town Officials or persons other than the Board of Trustees unless such other officials or persons are first authorized by the Town Board to employ or consult the Town Attorney.
 - a.. The Town Board hereby authorizes the Mayor and the individual members of the Board to employ and consult with the Town Attorney concerning legal affairs of the Town.

 - b.. The Town Board hereby authorizes the Town Administrator, the Town Clerk-Treasurer, the Public Works Director, and the San Juan County Sheriff to employ and consult with the Town Attorney concerning legal affairs of the Town.

 - c.. The Town Board hereby authorizes the Town Administrator, the Town Clerk-Treasurer, the Mayor, and/or any individual member of the Board of Trustees to authorize any employee of the Town to employ and consult with the Town Attorney concerning the legal affairs of the Town.

ADOPTED AND MADE EFFECTIVE this 11th day of August, 1997.

ATTEST: Marjorie L. Gregory
Marjorie L. Gregory
Town Clerk-Treasurer

Terrence M. Kerwin
Terrence M. Kerwin
Mayor