

Resolution ___-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS
CONCERNING THE RETENTION OF OUTSIDE LEGAL COUNSEL

WHEREAS, pursuant to section 13-80 of the City Charter of the City of Colorado Springs, the City Attorney has certain defined duties, including the duty to act as legal advisor to the Mayor, Council, and the Heads of Departments; and

WHEREAS, pursuant to section 13-90(b) of the City Charter of the City of Colorado Springs, City Council may employ other counsel to take charge of litigation or to assist the City Attorney; and

WHEREAS, pursuant to section 1.2.402 of the City Code, the City Attorney must comply with the Colorado Rules of Professional Conduct, including abiding by a clients' decisions concerning the objectives of representation, consulting with the client as to the means by which these objectives are to be pursued, and avoiding representation in the case of a conflict of interest, the latter to include where there exists a significant risk that the representation of one client within the City will be materially limited by the City Attorney's responsibility to another client within the City; and

WHEREAS, the City Council of the City of Colorado Springs desires to employ other outside counsel to assist the City Attorney with certain legal matters associated with the Council implementing an amendment to the budget and an ordinance amending the annual appropriation ordinance,

including issues related to the legislative authority of the City Council concerning the budget process.

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. The City Council is authorized to employ an outside attorney for purposes of “assisting the City Attorney” in the preparation of legal opinions upon those matters identified by City Council and relating to the authority of the City Council to act in a legislative role with respect to the *sua sponte* introduction and consideration of an ordinance to amend the budget and amend the annual appropriation ordinance during a current fiscal year, or such related legal questions as they may determine appropriate.

Section 2. The attorney retained shall perform such work on behalf of City Council and shall coordinate such work with the City Attorney in accordance with the City Charter, unless there shall arise a situation in the performance of the assigned legal tasks which necessitates that such outside counsel act independent of the office of the City Attorney in order to ensure continued compliance by the City Attorney with the Colorado Code of Professional Conduct.

Section 3. The reasonable attorney's fees charged by such outside counsel shall be paid out of the Colorado Springs City Auditor budget, in an amount not to exceed \$25,000.

Section 4. Copies of all draft and final legal opinions rendered by such outside counsel at the request of the City Council shall be timely provided to the

City Attorney and shall be kept confidential to the extent appropriate under the attorney/client privilege.

Section 5. Colorado Springs City Attorney is hereby directed to retain outside counsel on behalf of the City Council in accordance with such practices and procedures established within the City for the contracting of such services.

DATED at Colorado Springs, Colorado, this _____ day of _____ 2014.

Keith King, Council President
Colorado Springs

ATTEST

Sarah B. Johnson, City Clerk