

CITY OF APPLETON POLICY		TITLE: LEGAL BUSINESS OF THE CITY	
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I. PURPOSE

This policy is designed to outline the responsibilities of the City Attorney in conducting the legal business of the City of Appleton, as stated in §62.09(12)(a).

II. POLICY

The City Attorney shall be involved at all stages of any process which could result in a legal relationship between the City of Appleton and any other entity or entities.

III. DISCUSSION

Wisconsin Statutes Section 62.09(12)(a) provides, “The attorney shall conduct all the law business in which the city is interested.” Legal matters in which the City of Appleton engages shall be guided by the requirements of §62.09(12), Wis. Stats.

The full statute is as follows:

- (12) Attorney.
 - (a) The attorney shall conduct all the law business in which the city is interested.
 - (c) The attorney shall when requested by city officers give written legal opinions, which shall be filed with the clerk.
 - (d) The attorney shall draft ordinances, bonds and other instruments as may be required by city officers.
 - (e) The attorney shall examine the tax and assessment rolls and other tax proceedings, and advise the proper city officers in regard thereto.
 - (f) The attorney may appoint an assistant, who shall have power to perform the attorney's duties and for whose acts the attorney shall be responsible to the city. Such assistant shall receive no compensation from the city, unless previously provided by ordinance.
 - (g) The council may employ and compensate special counsel to assist in or take charge of any matter in which the city is interested.

The City of Appleton is a municipal corporation which routinely engages in legally binding

transactions with other municipalities, corporations and individuals. It is critical that the legal interests of the City of Appleton be a necessary component of discussions and negotiations with outside parties. Inclusion of the City Attorney at the outset and throughout is an essential component of keeping the legal interests of the City in such discussions and negotiations.

This policy shall be liberally construed to achieve its purpose of involving the City Attorney, to the fullest extent practical, in all legal matters of the City to ensure the City has proper legal representation in all law matters while also allowing for City business to be conducted in an efficient manner. This policy shall supersede any previous action of the Common Council to the extent the previous actions are inconsistent with this policy.

This policy is intended to outline the areas of responsibility for the City Attorney regarding the legal business of the City. Whenever in this policy there is a reference to City Attorney, that term shall be defined as the City Attorney's Office including any Assistant City Attorneys.

The City Attorney shall be responsible for, including, but not limited to, the following:

- Drafting ordinances as approved by the Common Council
- Drafting bonds and other instruments as may be requested by City officers
- Drafting legal opinions when requested by City officers
- Drafting construction contracts on behalf of the City for City projects
- Coordination with and monitoring of all efforts by, special counsel including hired or appointed outside counsel
- Preparation of all real estate documents necessary for all real estate transactions
- Representation of the City in all traffic, ordinance civil matters and appear in court on behalf of the City when required
- Preparation of labor contracts between the City and its employees
- Negotiation and drafting of terms for development agreements
- Providing legal advice, guidance and representation in other matters, issues and the like considered law business in which the City has an interest