

Sec. 503. City Attorney: Election, Powers and Duties.

(a) Designation as Officer. The City Attorney shall be an officer of the City, in addition to any other officers designated pursuant to this Charter. Except as otherwise provided by this Charter, it is the intent of the voters that the City Attorney shall be sufficiently independent of the City Council and other city officials to advise the City while also acting in the best interests of the public.

(b) Powers and Duties of the City Attorney. The City Attorney shall:

(1) Represent and advise the City Council and all city officers in all matters of law pertaining to their offices and advise all boards, commissions, and other agencies of the City on legal matters referred to him or her, and render written legal opinions when the same are requested in writing by the Mayor or ~~a member of the City Council or the City Manager,~~ the City Clerk or any ~~other officer,~~ board or commission of the City;

(2) Represent and ~~appear defend for~~ the City, and any city officer or employee, or former City officer or employee ~~as may be required by law or in accordance with City policy,~~ in any or all legal actions and proceedings in which the City or any such officer or employee in or by reasons of his or her official capacity, is concerned or is a named party;

(3) Attend and advise at all regular meetings of the City Council and special meetings as necessary and appropriate; ~~and give his or her opinion in writing whenever requested to do so by the City Council or by any of the boards or officers of the City;~~

(4) ~~Approve the form of~~ Oversee the preparation of all contracts made by and all bonds given to the City, ~~endorsing approval thereon~~ and approve the form of same in writing.

(5) Oversee the preparation of ~~Prepare~~ any and all proposed ordinances or resolutions for the City, and approve the form of same in writing ~~amendments thereto;~~

(6) Prosecute, ~~if so directed by ordinance of the City Council, in his or her professional discretion,~~ all offenses against the ordinances of the City and ~~for~~ such offenses against the laws of the State as may be authorized or required by law; ~~and the City Attorney shall also~~ have concurrent jurisdiction with the District Attorney of the County of San Diego to prosecute persons charged with or guilty of the violation of the State laws occurring within the City limits of the City of Chula Vista for offenses constituting criminal misdemeanors;

(7) Whenever a civil cause of action exists in favor of the City ~~(a)~~ exercise discretion as to when to commence or maintain legal proceedings, subject to the approval or ratification by the City Council, when the basis for such action is within the knowledge of the City Attorney, or, ~~he or she shall (b)~~ commence or maintain legal proceedings as directed by the City Council; and

(8) Surrender to his or her successor all books, papers, files and documents pertaining to the City's affairs.

~~The Council may empower the~~ The City Attorney, ~~at his or her request, to~~ may employ special legal counsel, ~~and/or he or she shall have the power to appoint~~ appraisers, engineers ~~and or~~ other technical and expert services necessary for the handling of any pending or proposed litigation, proceeding or other legal matter as he or she deems necessary or appropriate, to assist with performance of the above-described duties, subject to available funds and City's procurement policies. Upon the City Attorney's recommendation and the approval of the Council, when ~~he or she~~ the City Attorney has a conflict of interest in litigation involving another officer or employee of the City ~~in acting in~~ his/her official capacity, such other officer/employee may be authorized to retain special legal counsel at City expense. Nothing in this Section 503 shall be construed to prevent the City Attorney from giving confidential advice to the City when otherwise allowed by law.

(c) Election; Compensation of City Attorney. The City Attorney shall be nominated and elected in the same manner and at the same election as the Mayor, except as otherwise provided in this section. The annual salary of the elected City Attorney shall be determined by the City Council and shall be no less than ~~equivalent to~~ the salary of a Judge of the Superior Court of the State of California. The City Attorney shall also receive reimbursement on the order of the Council for Council-authorized travel and other expenses when on official duty out of the City. The City Council may also provide, by resolution, for the payment of an allowance of a sum certain per month, as reimbursement for

additional demands and expenses made upon and incurred by the City Attorney. The City Attorney's salary may not be reduced during the City Attorney's term of office, except as part of a general reduction of salaries of all City officers and employees in the same amount or proportion. In addition, the City Attorney shall be entitled to such benefits as are granted to other management employees of the City, as established by the City Council from time to time. ~~The City Attorney shall be in the Unclassified Service.~~

(d) ~~Residency Requirements for the Qualifications of City Attorney. The residency requirements for the shall be the same as the residency requirements for the Mayor, as set forth in section 300.A.1. of this Charter. No person shall be eligible for or continue to hold the Office of City Attorney, either by election or appointment, unless he or she is a citizen of the United States, a qualified elector, and a California resident, licensed to practice law in all courts of the State of California and so licensed for at least seven years preceding his or her assumption of office following election under this charter.~~

(e) Qualification Requirements for the City Attorney. The City Attorney shall be licensed to practice law in all courts of the State of California, and so licensed for at least seven years preceding his or her assumption of office following election under this Charter.

(f) Term of Office of the City Attorney. The City Attorney shall be elected to a nominal term of four years, which term shall commence upon the taking of the oath of office and shall commence on the first Tuesday of December of the year of the election, and shall continue until a successor qualifies. The oath of office shall be administered at, or immediately prior to, the first City Council meeting held following the Friday after which the official election results are certified. No person shall be eligible to serve more than four consecutive four-year terms as City Attorney. The City Attorney shall be subject to the same limits on terms of service as are applicable to the Mayor and City Council under Section 300(C).

(fg) Vacancy, Filling of. Upon the declaration of vacancy in the Office of the City Attorney, the Office of the City Attorney shall be filled by appointment by the majority vote of the members of the Council; provided, that if the Council shall fail to fill a vacancy by appointment within sixty days after such office shall become vacant, or if the unexpired term of the City Attorney shall exceed 24 months at the time of the appointment, the City Council shall cause a special election to be held to fill such vacancy, as provided in Section 303.C.2. An appointee or the person elected to the Office of City Attorney for the balance of an unexpired term shall hold office until the next general election for the Office of the City Attorney.

(gh) Vacancy, What Constitutes. The Office of City Attorney shall be declared vacant by the Council when the person elected or appointed thereto fails to qualify within ten days after his or her term is to begin, dies, resigns, ceases to be a resident of the City or territory annexed to the City, State or absents himself or herself continuously from the State for a period of more than thirty days without permission from the Council, absents himself or herself from any seven consecutive regular meetings except on account of own illness or when absent from the City by permission of the Council, is convicted of a felony, is judicially determined to be an incompetent, is permanently so disabled as to be unable to perform the duties of his or her office, forfeits his or her office under any provision of this Charter, or is removed from office by judicial procedure. A finding of disability shall require the affirmative vote of at least two-thirds of the members of the Council after considering competent medical evidence bearing on the physical or mental capability of the City Attorney.

Sec. 503.1 Office of Legislative Counsel; Duties.

Notwithstanding any other provision of this Charter, the Council may establish by ordinance the office of Legislative Counsel, as described in this section.

(a) Legislative Counsel may be selected by the Council and serve at the pleasure of the Council, on terms and conditions prescribed by Council. Appointment or dismissal of the Legislative Counsel shall be approved by a majority vote of the Council.

(b) Legislative Counsel may advise the Council (a) on matters where the City Attorney has determined that he/she has a conflict of interest; (b) on matters relating to City Councilmember conflicts of interest; and/or (c) on ~~regarding its legislative duties. Legislative Counsel shall neither oppose nor urge enactment of any legislation.~~

~~(c) Legislative Counsel may also advise the Council regarding conflicts of interest involving the City Attorney, and whether the hiring of special counsel is therefore warranted~~ if both the City Attorney and Legislative Counsel have a conflict of interest. If the Council approves the hiring of such special counsel, Legislative Counsel may assist the Council in the selection and appointment of special counsel.

~~(d) Legislative Counsel may further advise the Council or the City's Board of Ethics concerning the City's Code of Ethics and alleged violations thereof and further may advise the City's Charter Review Commission. Legislative Counsel may also provide such other assistance to the Board of Ethics in investigating or assisting the Board in the conduct of hearings, including the hiring of special counsel to the Board.~~

~~(e)~~ (ec) The Council may further provide by ordinance that the advice of the Legislative Counsel on the matters set forth in this section 503.1 shall be in lieu of that of the City Attorney. The Counsel may additionally or alternatively provide by ordinance for the prevention or resolution of conflicts and/or disputes between the City Attorney and Legislative Counsel.