

ORDINANCE NO. 1410

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE OFFICE OF THE CITY ATTORNEY; CLARIFYING CREATION OF THE OFFICE OF THE CITY ATTORNEY AND THE PROCEDURE FOR THE APPOINTMENT OF THE CITY ATTORNEY; ESTABLISHING THE DUTIES, MANNER OF COMPENSATION AND QUALIFICATIONS OF THE CITY ATTORNEY; AND SETTING AN EFFECTIVE DATE

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**WHEREAS**, the City Council desires to approve the selection of an individual or firm to act as legal counsel to the City of Gig Harbor, and to advise the Mayor, City Council, departments, employees, boards, committees and commissions; and

**WHEREAS**, in accordance with RCW 35A.12.020 the City Council desires to establish the authority, duties and qualifications of the City Attorney;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Chapter 2.18 – Revised. Chapter 2.18 of the Gig Harbor Municipal Code is hereby revised as follows:

**2.18.010 Office created; Appointment of city attorney/legal counsel.**

There is hereby created the office of the city attorney. The city council shall approve and the contract for the services of the city attorney/legal counsel. The contract shall be approved following a public hearing before the city council to consider all proposals. Appointment of a city attorney may be on a full-time basis or by any reasonable contractual arrangement for such professional services.

**2.18.020 Proposals for city attorney/legal counsel.**

The mayor, city administrator and/or city councilmembers may propose individuals and/or firms for the position of city attorney/legal counsel.

**2.18.030 Term of office.**

The city attorney/legal counsel shall serve at the will of the city council. All contracts shall contain a clause allowing for a 30-day termination for convenience. Any termination or removal from office requires a vote of a majority of the whole city council.

**2.18.040 Duties.**

The city attorney shall act as legal counsel for the city, the city council and mayor in all legal matters pertaining to the business of the city, including the following:

(a) Advise mayor, city council, and department heads in all legal matters pertaining to the business of the city; the City Attorney shall be made available to consult with councilmembers in a timely manner on matters related to the business of the City.

(b) Approve all ordinances as to form and content;

(c) Prosecute and/or defend, in courts of original jurisdiction, and on appeal, all civil actions brought by or against the city, or against officials, officers, and employees in their official capacity, including but not limited to condemnation proceedings, except where counsel is provided by insurance or a risk pool or similar source;

(d) Prosecute in Gig Harbor municipal court violations of city ordinances, provided the city council may by contract delegate this responsibility to another individual, law firm or governmental entity;

(e) Attend all regular and special city council meetings;

(f) Attend other city advisory board, commission and/or committee meetings as requested by the mayor or responsible department head;

(g) Draft all ordinances, leases and conveyances, and such other instruments as may be required by the business of the city, when requested to do so by the city council or the mayor;

(h) Provide legal advice or assistance on issues related to labor law and provide labor negotiations services when requested by the mayor and city council;

(i) Perform such other duties as the city council may direct by ordinance, resolution or contract.

(j) Be available to individual councilmembers to have City concerns addressed and answered in an appropriate amount of time.

#### **2.18.050 Compensation of city attorney.**

The city attorney shall be compensated either according to an employment contract, a consultant contract or as a salaried or hourly employee as the city council may, from time to time, establish by budget ordinance or contract.

#### **2.18.060 Qualifications.**

The city attorney shall be licensed to practice law in the state of Washington, in good standing with the Washington State Bar Association, admitted to practice before the United States District Court for the Western District of Washington, and must possess the qualifications deemed necessary by the mayor and city council as indicated in any job classification or solicitation for appointment.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

**PASSED** by the City Council and approved by the Mayor of the City of Gig Harbor this 25th day of February, 2019.

CITY OF GIG HARBOR

  
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Mayor Kit Kuhn

ATTEST/AUTHENTICATED:

  
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Molly M. Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

  
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FILED WITH THE CITY CLERK: 01/18/19  
PASSED BY THE CITY COUNCIL: 02/25/19  
PUBLISHED: 03/07/18  
EFFECTIVE DATE: 03/12/19  
ORDINANCE NO: 1410