

I. Adoption

The City of Salida adopts this Scope of Work for the City Attorney to the extent it is consistent with Colorado law, the Salida Municipal Code and existing City policy and otherwise subject to the implementation of any associated and necessary legal needs identified by the Mayor and the City Council.

II. Purpose

The purpose of this Scope of Work is to detail the role, tasks and responsibilities of the City Attorney of Salida.

The City Attorney provides legal services to the City of Salida on a contract basis, subject to the direction and control of the Mayor and the City Council. (Salida Municipal Code § 2-3-20, § 2-3-60.)

III. Scope of Work

The Scope of Work for the City Attorney of Salida includes the following:

1. When required by the Mayor or the City Council, provide legal and related risk management advice and services to the City Council, elected officials, City Boards/Commissions, the City Administrator, Department Heads and any other officers or employees of the City. (Salida Municipal Code § 2-3-60(a), (b); RFP.)
2. When deemed necessary by the Mayor or the City Council, provide a written opinion regarding any legal or related risk management question coming before the City Council, the Mayor or any of the appointed officers of the City. (Salida Municipal Code § 2-3-60(a).)
3. Provide the City Council with an annual update regarding any legislative matters or changes in State law that could reasonably affect the City. (RFP.)
4. When requested by the City Administrator, the Mayor or the City Council, draft, review or present agreements, bonds, contracts, ordinances, resolutions, staff reports and other written instruments pertinent to City functions or that will be considered by City Council or the City Administrator and provide a legal and/or related risk management opinion as to the consequences of such documents. (RFP.)
5. When requested by the Mayor or the City Council, provide interpretation of and/or written and oral legal or related risk management opinions regarding the Salida Municipal Code and/or State statutes. (RFP.)
6. When requested by the City Administrator, the Mayor or the City Council, provide legal and related risk management guidance on personnel matters including employee disciplinary and grievance matters. (RFP.)

7. When requested by the City Administrator, the Mayor or the City Council, coordinate legal and related risk management support needs with the Colorado Intergovernmental Risk Sharing Agency (“CIRSA”). (RFP.)
8. When requested by the City Administrator, the Mayor or the City Council, provide legal and related risk management guidance on liquor and marijuana licensing issues. (RFP.)
9. When requested by the Mayor or the City Council, assist elected officials and City staff in maintaining awareness of legal and related ethical standards. (RFP.)
10. When requested by the Mayor or the City Council, provide training and advice to elected officials and City staff on roles, responsibilities and potential liability. (RFP.)
11. When requested by the Mayor or the City Council, review municipal policies with respect to legal compliance and related risk management considerations. (RFP.)
12. When requested by the City Administrator, the Mayor or the City Council, negotiate, draft, review and present legal agreements and documents relating to development and land use. (RFP.)
13. When requested by the City Administrator, the Mayor or the City Council, draft and interpret land use provisions in the Salida Municipal Code and advise City staff and the City Council concerning related policy, legal, risk management and enforcement considerations. (RFP.)
14. When requested by the City Administrator, the Mayor or the City Council, draft, review and present legal documents relating to acquisitions, easements, variances, annexations, subdivisions, zoning, rights-of-way and other land uses. (RFP.)
15. When requested by the City Administrator, the Mayor or the City Council, draft and review contracts and agreements relating to the purchase, sale, transfer or lease of land or improved property. (RFP.)
16. When requested by City Administrator, the Mayor or the City Council, assist in negotiations related to the purchase, sale, transfer or lease of land or improved property. (RFP.)
17. Approve the form of cost reimbursement agreement for land use and development applications. (Salida Municipal Code § 16-2-10(a).)
18. When requested by the Mayor or the City Council, prepare a tabulation of actual review costs and fees for professional services associated with review of a land use application. (Salida Municipal Code § 16-2-10(b).)
19. Approve the form of security necessary from a land use or development applicant to secure the applicant’s performance and completion of public or other required improvements included in a subdivision improvements agreement or development improvements agreement. (Salida Municipal Code § 16-2-60(1).)

20. When required by the City Administrator, approve the form of security submitted by an applicant to guarantee the installation of any required landscaping as a condition for a development permit. (Salida Municipal Code § 16-8-90(e)(1).)
21. Approve any petition for annexation that differs from the City's standard form petition prior to processing by the City. (Salida Municipal Code § 16-9-40(4).)
22. Approve the form of applications for the designation of a common consumption area within an entertainment district. (Salida Municipal Code § 6-5-30(b).)
23. Approve the form of affidavit associated with any water and/or wastewater tap refund issued for abandonment. (Salida Municipal Code § 13-2-200.)
24. When deemed necessary by the City Council or the Mayor, attend meetings of the City Council or other meetings involving the City. (Salida Municipal Code § 2-3-60(a).)
25. When requested by the City Council or the Mayor, make a presentation and/or present information and evidence at any hearing held before the City Council on permit applications for regulated activities that may harm the City's waterworks or pollute the City's water supply. (Salida Municipal Code § 13-5-180.)
26. When requested by the City Council or the Mayor, prepare a tabulation of costs and fees associated with time spent for preparation and attendance at special meetings for interested parties. (Salida Municipal Code § 2-2-70).
27. If the Director of Finance and Administrative Services concludes that fraudulent activity has occurred, assist with any related legal decisions or final dispositions. (Fraud Detection & Prevention Policy.)
28. Direct a party reporting fraudulent activity to discuss the case, facts, suspicions or allegations if necessary. (Fraud Detection & Prevention Policy.)
29. Review prior to termination any investigative recommendation to terminate an individual for fraudulent activity. (Fraud Detection & Prevention Policy.)
30. When requested by the City Administrator, the Mayor, the City Council, the City Clerk, or the Deputy City Clerk, provide guidance with respect to whether a document is public or not for open records purposes. (Resolution No. 2010-72.)
31. When requested by the City Council or the Mayor, represent the City with respect to actual or anticipated suits or proceedings involving the City in any court. (Salida Municipal Code § 2-3-60(a).)
32. When requested by the Mayor or City Council, manage, conduct and/or oversee litigation involving or of interest to the City. (RFP.)

33. When requested by the Mayor or the City Council, commence an action for appropriate legal or equitable relief if any person violates the Municipal Code with respect to permits for regulated activities. (Salida Municipal Code § 13-5-210.)
34. When requested by the City Council or the Mayor, institute an appropriate legal action or pursue other legal remedies if any building or structure or land is or is proposed to be erected, constructed, altered, maintained, or used in violation of the Salida Municipal Code. (Salida Municipal Code § 16-2-100.)
35. When requested by the Mayor or the City Council in special or complex matters including but not limited to water matters, assist the City in obtaining services of outside counsel as necessary and manage, supervise and coordinate the work of such outside counsel. (RFP.)
36. When requested by the Mayor or the City Council in litigation, special or complex matters, act as liaison to City staff and/or elected officials with respect to such matters. (RFP.)
37. When requested by the City Administrator, deposit disputed property held by the City with the registry of the District Court in an interpleader action when there is more than one claimant in response to a notice of unclaimed property by the City. (Salida Municipal Code § 4-5-30(e).)
38. Act in accordance with the Constitutions and laws of the United States and the State of Colorado. (Salida Municipal Code § 2-3-30.)
39. Act in accordance with the Ordinances of the City. (Salida Municipal Code § 2-3-30.)
40. Perform any additional duties, legal services or tasks required by the City Council or the Mayor. (Salida Municipal Code § 2-3-20; RFP.)
41. Perform any other duties prescribed by State law or the Ordinances of the City. (Salida Municipal Code § 2-3-20.)
42. Post any bond required by law, ordinance or resolution of the City Council to secure the faithful performance of all City Attorney duties, the proper care of any money or property of the City, and a proper accounting for and delivery of same. (Salida Municipal Code § 2-3-30.)
43. Notify the City of any actual conflict between the City Attorney's representation of the City and any other party, or of any actual conflict between the City Attorney's representation of the City and the City Attorney's other business or personal interests. (Retention Agreement.)

IV. Modifications

This Scope of Work can be modified at any time by the City Council of Salida to the extent that doing so is consistent with Colorado law, the Salida Municipal Code and existing City policy and otherwise subject to the implementation of any associated and necessary legal needs identified by the Mayor and the City Council.