

RESOLUTION NO. 4383

A RESOLUTION ADOPTING A SPECIAL PROSECUTION POLICY FOR THE CITY OF MILES CITY, MONTANA.


WHEREAS, the City of Miles City is responsible for the prosecution of misdemeanor offenses occurring within the incorporated city limits of said city, as well as violation of city ordinances;

AND WHEREAS the City of Miles City wishes to engage the services of attorneys to work as special prosecutors to supplement and support the Deputy City Attorney who serves as the City Prosecutor, and to handle conflict cases;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

1. The Special Prosecution Policy attached hereto as Exhibit "A" is hereby approved and adopted by the Council.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 24TH DAY OF NOVEMBER, 2020.



John Hollowell, Mayor

ATTEST:



Lorrie Pearce, City Clerk

Lorrie Pearce, City Clerk

Exhibit "A"

SPECIAL PROSECUTION POLICY

It is the policy of the City of Miles City and the Office of the City Attorney that Special Prosecutors may be used to assist in prosecution of the caseload of the Deputy City Attorney (who is the City Prosecutor) on a supplemental basis.

The City Attorney may nominate individuals and recommend appointment of such individuals as Special Prosecutors to the Mayor, and the Mayor may appoint the same based on the City Attorney's nomination. Such individuals shall be admitted to practice law in the State of Montana and be in good standing.

Special Prosecutors shall be independent contractors and shall carry "errors and omissions" insurance in an amount not less than one million dollars per occurrence, and shall provide proof of the same upon appointment and before commencement of prosecution.

Special Prosecutors shall be subordinate to both the City Attorney and the Deputy City Attorney. Cases shall be offered to the Special Prosecutor by the Deputy City Attorney or staff, and the Special Prosecutor shall promptly indicate whether they are willing to prosecute the matter. In the event a Special Prosecutor routinely refuses to take cases offered by the Deputy City Attorney, or does not perform satisfactorily, the City Attorney may remove the contractor from the list of active Special Prosecutors in the City Attorney's sole discretion, and as evidenced in writing to the Special Prosecutor.

Special Prosecutors shall be compensated at the contract rate of \$100.00 per billable hour of legal work. Special Prosecutors shall bill to the nearest 1/10 of an hour, and shall generate a detailed invoice indicating the matter worked on, as well as each task performed. No compensation shall be paid for travel time, however, mileage shall be paid for necessary travel (as approved by the City Attorney or Deputy City Attorney) at the current Federal IRS rate. For appearances which may require travel, Judicial Vision Net shall be used whenever possible. Special Prosecutors shall be reimbursed for all necessary and properly tracked postage. Special Prosecutors shall be responsible for costs associated with office supplies (including envelopes) and photocopies as part of the hourly contract rate.

All invoices shall be submitted to the City Clerk, the City Attorney, and the Deputy City Attorney.

Special Prosecutors may not represent criminal defendants within Custer County, Montana, during an active appointment as a Special Prosecutor for the City of Miles City.

This policy shall become effective upon the approval of the City Council of the City of Miles City, Montana.