

RESOLUTION NO. 4559

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


WHEREAS, the City Attorney's Department of the City of Miles City is responsible for providing civil legal advice to City Officials, and 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 and civil legal advisors to supplement and support the City Attorney and Deputy City Attorney, who serves as the City's legal advisor and prosecutor, and to handle conflict cases and opinions;

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

1. The "Special Deputy City Attorney 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 14th DAY OF May, 2024.



Dwayne Andrews, Mayor

ATTEST:



Mary Rowe, City Clerk

Mary Rowe, City Clerk

Exhibit "A"

SPECIAL DEPUTY CITY ATTORNEY POLICY

It is the policy of the City of Miles City, and the Office of the City Attorney, that Special Deputy City Attorneys ("Special Deputies") may be used to assist to provide supplemental and conflict civil legal advice and opinions, and supplemental and conflict prosecution services, upon request by the City Attorney.

The City Attorney may nominate individuals and recommend appointment of individuals as Special Deputies 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; and upon appointment, shall be administered an oath of office by an appropriate City official, to be filed with the City Clerk.

Special Deputies 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 Deputies shall be subordinate to the City Attorney in civil and criminal matters, and the Deputy City Attorney in criminal matters. Legal matters may be offered to the Special Deputy by the City Attorney or Deputy City Attorney or staff, and the Special Deputy shall promptly indicate whether they are willing to assist in the matter. In the event a Special Deputy routinely refuses to assist in matters offered by the City Attorney's office, or does not perform satisfactorily, the City Attorney may remove the contractor from the list of active Special Deputies.

Special Deputies shall be compensated at the contract rate of \$125.00 per billable hour of legal work. Special Deputies 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 or Zoom shall be used whenever possible. Special Deputies shall be reimbursed for all necessary and properly tracked postage. Special Deputies shall be responsible for costs associated with office supplies (including envelopes) and photocopies as part of the hourly contract rate. Special Deputies may not represent criminal defendants within Custer County, Montana, during an active appointment as a Special Deputy for the City of Miles City.

All invoices shall be submitted to the City Clerk, and the City Attorney. This policy shall become effective upon the approval of the City Council of the City of Miles City, Montana.