

DIVISION 4

VILLAGE ATTORNEY

Section:

Village Attorney - Office Established	2-4-1
Appointment; Term - Vacancies	2-4-2
Duties	2-4-3
Compensation, Expenses	2-4-4
Separability	2-4-5
Ordinances Repealed	2-4-6
Effective Date	2-4-7

2-4-1: VILLAGE ATTORNEY - OFFICE ESTABLISHED:

There is hereby established the office of Village Attorney.

2-4-2: APPOINTMENT; TERM - VACANCIES:

The Village Attorney shall be appointed by the President, by and with the advice and consent of the Board of Trustees.

He shall serve until his successor has been chosen and has qualified; but his term shall not exceed that of the President.

A vacancy in the office of Village Attorney shall be filled in the same manner as hereinabove provided.

2-4-3: DUTIES:

The Village Attorney, through the express and implied powers of a Village Attorney, shall conduct all the law business in which the Village is interested, to the extent and through the means he deems necessary and appropriate, including, but not specifically limited to, the following:

A. He shall give written legal opinions when requested by Village officers.

B. He shall draft ordinances, bonds and such other instruments as may be required by Village officers.

C. He shall examine the tax and assess tax proceedings, and advise the proper Village officers in regard thereto.

D. He may appoint one or more attorneys to assist him, who shall have power to perform the duties of the Village Attorney and for whose acts the Village Attorney shall be responsible to the Village. Said assistants shall perform such tasks as may be assigned under the guidance, direction and supervision of the Village Attorney. Such assistant shall receive no compensation from the Village Board unless specifically authorized in advance by the Village Board.

E. He shall prosecute such violations of the Village Ordinances as are brought to his attention which he believes to merit prosecution and he shall have authority to dismiss with or without prejudice any ordinance prosecution which has been commenced which he does not believe to merit continued prosecution.

F. He shall collect all monies which he has reason to believe are lawfully owing to the Village in contract or tort when such outstanding debts or obligations are brought to his attention by appropriate Village officers.

G. He shall collect all taxes, assessments and special assessments which he has reason to believe are lawfully owing to the Village when such debts and obligations are brought to his attention by appropriate Village officers.

H. He may seek such injunctive and equitable relief which he has reason to believe is necessary to protect the best interest of the Village and shall enforce such and State laws, rules and regulations which the Village is empowered or obligated to enforce.

I. He shall defend the Village in all litigation against the Village seeking legal damages or equitable relief.

J. He shall perform such duties as are required by contractual arrangements with other units of government.

K. He shall defend Village officers or employees or members of any board or commission thereof in actions brought against them individually or jointly, in actions in law or equity, for any acts done in the course of their employment or out of any alleged breach of duty excepting actions brought to determine the right of such officer or employee or member to hold or retain their office or position, excepting actions against candidates for elected offices alleging a breach of election or campaign laws, and excepting actions brought by the Village against any officer or employee thereof.

(1) He may commence an action in law or equity or other legal process against a Village employee, officer or board or commission member only where the Village Attorney is so authorized by Ordinance or Resolution where the cause of action or complaint is alleged to have arisen out of the performance of the job or duties or neglect thereof of said employee, officer or board or commission member. This section shall not prohibit the Village Attorney from prosecuting, upon request of an appropriate Village officer, without Village Board approval, any such individual for any Ordinance violation.

(2) He may commence litigation against a labor union or the officers or members thereof in any labor matter only where so directed by Resolution of the Village Board. He shall handle grievances upon request by appropriate Village officers without the consent of Village Board.

(3) He shall represent the Village in all hearings and pre or post hearing proceedings before any Village State or Federal boards, commissions, committees or administrative agencies, whether legislative, judicial or quasi-judicial in nature, where requested by an appropriate Village officer.

(4) He shall be authorized in the name of the Village to settle or compromise any money claim the Village may have or allege to have against any person, party, partnership, trust, corporation or other legal entity where the total value claimed is not in excess of Five Hundred Dollars (\$500.00). Claims, settlements and compromises over Five Hundred Dollars (\$500.00) must be approved by the Finance Committee and the Village Board. The Attorney shall file one or more reports per annum with the Village Board listing and identifying all such settlements and compromises and listing the reasons therefor. The Village Attorney must seek the approval of the Finance Committee and Village Board to settle or compromise any suits or claims in any amount filed against the Village. The Village Attorney shall have authority to settle or compromise any workmen's compensation claim in any amount.

(5) He shall obey all lawful orders and directives of the Village Board.

(6) Notwithstanding the foregoing the Village President and the Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested.

2-4-4: COMPENSATION; EXPENSES:

The salary of the Village Attorney shall be in such amount as the Village and the Attorney shall determine it to be. This compensation shall be examined from time to time by the Village and the Attorney, and any changes deemed advisable shall be effected.

2-4-5: SEPARABILITY:

It is the intention of the Village Board that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Village Board that if any provision of this ordinance be declared invalid all other provisions thereof shall remain valid and enforceable.

2-4-6: ORDINANCES REPEALED:

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

2-4-7: EFFECTIVE DATE:

This ordinance shall take effect upon its passage and publication as provided by Statute.

(Ord. No. 0-12-77-10-17)