

CHAPTER 9

ATTORNEY

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1-9-1: APPOINTMENT: The City Attorney shall be appointed by the Mayor, with the advice and consent of the Council. (1969 Code) *1

1-9-2: LEGAL ADVISER: The City Attorney shall be the legal adviser of the City; he shall, when required, advise the Council or any City officer in all matters of law in which the interests of the corporation are involved. He shall, when required by the Mayor, Council or any committee thereof, furnish legal opinions upon any subject submitted to him pertaining to the City or its interests. (R.O. 1911, Sec. 35)

1-9-3: DRAFTS OF ORDINANCES: The City Attorney shall draft such ordinances as may be required of him by the Council or by any committee thereof. (R.O. 1911, Sec. 36)

1-9-4: CONTRACTS, DEEDS: The City Attorney shall draw any deeds, leases, contracts, or other papers required by the business of the City, when requested so to do by the Mayor, the Council or any committee thereof. (R.O. 1922, Sec.37)

1-9-5: PAPERS: The City Attorney shall examine and pass upon the legality of any or all papers submitted to him pertaining to the City or its interests, when required by the Mayor, Council or any committee thereof. (R.O. 1911, Sec. 38)

1.S.H.A. Ch. 24, Sec. 3-7-1 and 3-7-3.

1-9-6: PROSECUTION AND DEFENSE OF SUITS: The City Attorney shall prosecute or defend, in behalf of the City, all cases in which the interests of the City are involved; and the Clerk shall furnish him certified copies of any ordinances, bonds, or other papers in his keeping, necessary to be filed or used in any suit or proceeding. (R.O. 1911, Sec. 39)

1-9-7: COLLECTION OF JUDGMENT: He shall cause executions to be issued upon all judgments recovered in favor of the City, and see to their prompt collection. He shall examine all fee bills of officers of courts, and to certify to the correctness of the same and the liability of the City thereof. (R.O. 1911, Sec. 40)

1-9-8: PROSECUTION FOR VIOLATION OF ORDINANCES: The City Attorney shall be charged with the prosecution of all actions for violation of the ordinances of the City, and with the conduct of all such proceedings before justices, or an appeal therefrom. He shall institute an action in every case where there has been a violation of any City ordinance, when instructed to do so by the Mayor, Council, or any committee thereof, or upon complaint of any other person, when, in his judgment, the public interest requires that the same shall be prosecuted. (R.O. 1911, Sec. 41)

1-9-9: POWER TO DISMISS AND COMPROMISE: The City Attorney may, when he becomes satisfied that a complaint was instituted maliciously or vexatiously and without probable cause, discontinue any action brought for the violation of any City ordinance upon such terms as to him may seem just and equitable. (R.O. 1911, Sec. 42)

1-9-10: APPEALS FROM JUSTICES: An appeal may be taken by the City Attorney from the judgment of any magistrate or justice of the peace to the County Court or Circuit Court of Fulton County, in any case when, in his opinion, the public interest shall require it; but no appeal or writ of error shall be taken by said Attorney in behalf of the City to any higher court, unless the same be authorized by the Mayor or directed by the Council. (R.O. 1911, Sec. 43)

1-9-11: DOCKET OF CASES: The City Attorney shall keep in proper books to be provided for that purpose a register of all actions in court prosecuted or defended by his office, to which the City may be party, and shall keep an accurate record of all proceedings had therein; such books shall at all times be open to the inspection of the Mayor or any member or committee of the Council. (R.O. 1911, Sec. 44)

1-9-12: WRITTEN OPINIONS: It shall be the duty of the City Attorney to keep, in a suitable book to be provided by the City for that purpose, a record of written opinions given or furnished by him to the City. (R.O. 1911, Sec. 45)

1-9-13: ANNUAL REPORT: The City Attorney shall, annually, on or before the first day of April of each year, report in writing to the Council all suits instituted and pending in the courts of record, wherein the City is plaintiff or defendant, together with the names of the parties to the suit, the date of their commencement, the nature thereof and the several steps taken by him to bring the same to a final issue. His report shall also give a list of all cases disposed of in said courts of record during his term of office and subsequent to his last report, with such explanatory

remarks as he may think proper to add thereto, to the end that the Council may be kept fully advised as to the legal affairs of the City. (R.O. 1911, Sec. 46)

1-9-14: DELIVERY OF PAPERS TO SUCCESSOR: Upon expiration of his term of office, or his resignation thereof, or removal therefrom, the City Attorney shall forthwith, on demand, deliver to his successor in office all books papers in his hands belonging to the City or delivered to him by any of its officers, and all papers and information in his possession in actions wherein the City is a party, and which are then pending and undetermined, together with his register thereof and of the proceedings therein. (R.O. 1911, Sec. 47)