

ORANGEVILLE CITY RESOLUTION 2024-4

A RESOLUTION TO CLARIFY THE AUTHORITY OF CITY COUNCIL MEMBERS AND CITY OFFICIALS TO COMMUNICATE WITH THE CITY ATTORNEY

WHEREAS, Orangeville City Council (“**Council**”) is the governing body of Orangeville City (“**Orangeville**”) pursuant to Section 1-6-1 of the Orangeville City Code and composed of six members, one of whom is the mayor of Orangeville (“**Mayor**”) and the remaining five members shall be the council members; and

WHEREAS, Section 1-6-8 H of the Orangeville City Code states that as the governing body, “the city council may exercise all administrative powers by resolution, including, but not limited to: . . . (c) establishing personnel policies and guidelines;” and

WHEREAS, Section 1-7C-1 of the Orangeville City Code authorizes the Council to retain an attorney . . . “to serve as legal advisor to the city council and to city officers and employees on matters pertaining to their duties; to represent the city in litigation except where the city council directs otherwise; and to render such other legal services as may be required by the city council;” and

WHEREAS, Section 1-7C-3: LEGAL ADVISOR, of the Orangeville City Code provides the “city attorney shall render advice on all legal questions affecting the city whenever requested to do so by any city official. Upon request by the mayor or by any member of the city council, he [sic] shall reduce any such opinion to writing;” and

WHEREAS, the Council and Orangeville’s elected and appointed officials, including the City Recorder and City Treasurer, are authorized to communicate directly with the city attorney pursuant to Section 1-7C-3 to obtain advice on all legal questions affecting the city or to request a legal opinion in writing on a legal question; and

WHEREAS, the Mayor informed the city attorney on March 5, 2024, in writing (the “**Written Directive**”) that “there will be no contact from Orangeville City unless done so by myself directly, the Mayor of Orangeville City, or unless permission is given to staff or City Council to do so by myself. This was discussed with the Council and Staff and was decided this was the best course of action;” and

WHEREAS, this written directive places the city attorney in the untenable position of restrictions placed upon the city attorney’s mandate to render advice directly to the requestor on all legal questions whenever requested to do so; and

WHEREAS, the Mayor’s Written Directive requiring all communication with the city attorney be by and through the Mayor, attached as **Exhibit A**, does not comply with the Orangeville City Code; and

WHEREAS, the Council desires to clarify that any council member or city official may contact the city attorney directly as authorized in Section 1-7C-3 without the permission or oversight of the mayor; and

WHEREAS, the city attorney shall attend city council meetings and other meetings when requested to do so by the Mayor or by any member of the Council as provided in Section 1-7C-2 of the Orangeville City Code.

THEREFORE, BE IT RESOLVED BY THE ORANGEVILLE CITY COUNCIL:

1. To reaffirm and cause Orangeville to comply with the Orangeville City Code which permits direct communication between the city attorney, Mayor, Council, and city officials, including the Orangeville Recorder and Orangeville Treasurer, in order to effectively seek and obtain legal advice on all legal questions affecting Orangeville.
2. To reaffirm and cause Orangeville to comply with the Orangeville City Code authorizing the Council to request the city attorney attendance, when necessary, at Council and other Orangeville meetings and for the City Council to request a written opinion by the city attorney.
3. To resolve that the Written Directive, attached as Exhibit A, and any other verbal or written directives of the Mayor or others limiting attorney client communication, which do not comply with Orangeville City Code, are hereby declared to be void and of no effect.
4. This Resolution shall be immediately effective upon posting and publication.

ADOPTED AND APPROVED by the Orangeville City Council on this 20th day of March, 2024.

ORANGEVILLE CITY

By: David Robertson
David Robertson
Mayor

ATTEST:

By: Amanda Lake
Amanda Lake
Recorder

VOTING:

Council Member Addley A
Council Member Bell A
Council Member Stilson A
Council Member Jewkes A
Council Member Butler Absent



EXHIBIT A

March 5, 2024

Dear Lisa Watts Baskin,

I am writing to inform you that Orangeville City will not be attending the training Lisa Watts Baskin is offering on March 9, 2024 at Huntington City Hall. This was decided by myself, Mayor David Robertson, Orangeville City Council and Office Staff. After receiving an email from Lisa Watts Baskin regarding the training and what would be addressed in this training. The attachments she sent are trainings that we have to do every year through the State Auditors website and OPMA training that we have received recently through the county. I do not feel that the expense of \$800.00 for this training is worth paying for training that we have already had. Lisa Watts Baskin offered to let Orangeville City purchase a Notice Guide for \$100.00. We would still like this guide. I am also informing you that there will be no contact from Orangeville City unless done so by myself directly, the Mayor of Orangeville City or unless permission is given to staff or City Council to do so by myself. This was discussed with the Council and Staff and was decided this was the best course of action. The expenses the city has had to pay to SmithHartvigsen in the last few months for calls and emails, etc., have exceeded the city's budget. Other than what was agreed upon between the Mayor and Council in the last meeting that Lisa Watts Baskin was present at, the city will be in touch as needed and decided by the Mayor and City Council.

Sincerely,


Mayor David Robertson