

COUNCIL POLICY 2-2 REQUESTS FOR LEGAL OPINIONS

DISTRIBUTION: Mayor and City Council
 All Departments

SUBJECT: Request for Legal Opinions

PURPOSE: To provide Legal Opinions to members of the City Council, the City Manager, and Departments of the City.

BACKGROUND: The City Attorney's Office receives numerous requests for legal opinions. Often the request is from an individual Council Member, the Mayor, or the Council as a whole. At other times, the request comes from the City Manager, or from a department of the City. If the request is made by a Council member or the Mayor, then normally the subject matter is of interest to the Council as a whole. In those cases, the City Attorney's Office will present the opinion to the Mayor and all Council Members. However, if the legal opinion is requested by a department, then the opinion will be sent to the requesting department, and the City Manager. The City Attorney's Office may also forward department requested opinions to the Mayor and Council if the City Attorney determines the subject matter necessitates it.

POLICY/PROCEDURES:

If the Mayor or a Council Member desires an opinion from the City Attorney's Office on an issue, the Mayor or Council Member may submit the question directly to the City Attorney who shall then cause a response to be prepared and presented in the manner above discussed. If the City Manager, or a department desires the City Attorney's Office respond to a question, the City Manager may submit the question directly to the City Attorney, or if directed by the City Manager, from the department so requesting. The City Attorney shall then cause a response to be prepared and presented in the manner above discussed. All questions submitted by a department to the City Attorney's Office shall be in writing, either by memorandum or e-mail, and shall contain a statement that the City Manager has approved the request. To help ensure understanding of the question, requests for an opinion are encouraged to be submitted in writing. If the question is submitted orally to the City Attorney, the question will be reviewed with the requestor prior to issuing a final opinion to ensure that the proper question is being responded to. Not all questions posed rise to the level requiring a formal legal opinion. The City Attorney shall determine whether the question raises an issue of general concern. If so, then a Memorandum Legal Opinion will be issued and shall henceforth become a permanent record of the City Attorney's Office. If a question does not rise to the level requiring a formal Memorandum Legal Opinion, then the response of the City Attorney's Office will be an informal memorandum which shall be distributed in the manner set forth above.

All legal opinions issued by the City Attorney's Office responses will be in written form. Should the requestor desire the response be provided in electronic format, the response will be an attachment to an e-mail. Only informal memoranda may be provided in this manner.

REFERENCES: None

EFFECTIVE DATE: This policy becomes effective February 23, 2009.

RESPONSIBLE DEPARTMENT: City Attorney

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE,
OKLAHOMA, THIS _____ DAY OF _____, 2009.

JOHN TYLER HAMMONS, MAYOR

ATTEST:

PAMELA S. BUSH, CITY CLERK
(seal)

Approved as to form and legality this _____ day of _____, 2009.

JOHN H. VINCENT, CITY ATTORNEY