



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		10/8/12		
Department:		Legal		
Department Head		Diane Wetherbee		
Agenda Coordinator (include phone #): Betsy Allen # 7545				
CAPTION				
A Resolution of the City Council of the City of Plano, Texas, approving the use of contract and volunteer attorneys for prosecution services by and under the direction of the City Attorney; and providing an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2012-13	Prior Year (CIP Only)	Current Year	Future Years
				TOTALS
Budget		0	121,247	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	121,247	0
FUND(S): GENERAL FUND				
COMMENTS: Funds are included in the approved 2012-13 Budget. Any costs associated with this item are underterminable at this time. Once determined, all costs will be covered under Contract Labor in the Legal Department.				
STRATEGIC PLAN GOAL: Using contract and volunteer attorneys for prosecution services relates to the City's goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
The Code of Criminal Procedure requires that the prosecution of cases in Municipal Court be conducted by the City Attorney or Deputy City Attorney. In addition to the currently employed assistant attorneys, there has been a "loaner attorney program" where attorneys from a private law firm volunteer in order to gain trial experience. Their service is under the supervision of the City Attorney's Office. Contract attorneys are used intermittently when needed due to a vacancy in the City Attorney's Office. This Resolution recognizes that both volunteer and contract attorneys shall be deemed deputy attorneys for purposes of Article 45.201 of the Texas Code of Criminal Procedure.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

A Resolution of the City Council of the City of Plano, Texas, approving the use of contract and volunteer attorneys for prosecution services by and under the direction of the City Attorney; and providing an effective date.

WHEREAS, Section 4.05 of the City Charter of the City of Plano gives the City Attorney the authority to select attorneys, with the approval of the City Council, to represent the City in all litigation and to advise city departments and boards; and

WHEREAS, under the supervision of an assistant city attorney, volunteer attorneys from law firms have assisted the City in prosecution services to the mutual benefit and satisfaction of both the City and the law firms; and

WHEREAS, due to attrition or other circumstances, the City Attorney may also contract for prosecution services that are provided under her direction and control; and

WHEREAS, Article 45.201 of the Texas Code of Criminal Procedure requires that those who prosecute cases in a municipal court be a city attorney or deputy city attorney; and

WHEREAS, the Council finds that the use of volunteer and contract attorneys as described above serves the public welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The City Council approves of volunteer attorneys as part of a training program for prosecution services and contract attorneys to provide assistance, when needed, in municipal court as long as the attorneys serve under the control and direction of the City Attorney or her authorized designee. Attorneys who have served or will serve in either capacity shall be deemed to be acting as deputy attorneys in accordance with Article 45.201 of the Texas Code of Criminal Procedure, as the same may be amended.

Section II. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 8th day of October, 2012.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY