

ORDINANCE NO. 89-54 AC CMS

AN ORDINANCE APPROVING A JOB DESCRIPTION FOR  
THE CITY SOLICITOR OF THE CITY OF OBERLIN, OHIO

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

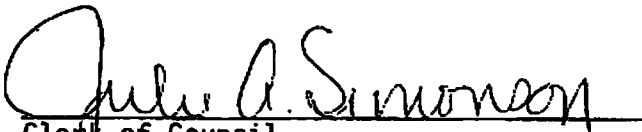
SECTION 1. That the attached description of job duties for the City Solicitor of the City of Oberlin, Ohio, is hereby approved.

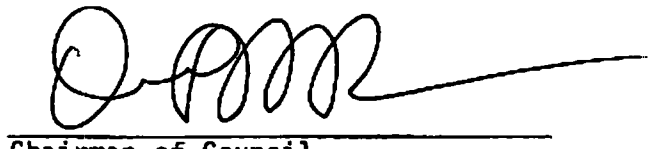
SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading- June 19, 1989  
2nd Reading- July 10, 1989 (Emergency)  
3rd Reading-

ATTEST:

  
Clerk of Council

  
Chairman of Council

POSTED: July 12, 1989

EFFECTIVE DATE: July 10, 1989

## CITY SOLICITOR

### CHARTER SECTION XVIII. SOLICITOR.

Council shall appoint a City Solicitor to serve at Council's pleasure who shall act as the legal adviser to and attorney for the Municipal Corporation, and for all officers, boards and commissions of the Municipal Corporation in matters relating to their official duties. He shall prepare all contracts, bonds and other instruments in writing in which the Municipal Corporation is concerned, and shall endorse on each his approval of the form and correctness thereof. No contract with the Municipal Corporation shall take effect until such approval of the Solicitor is endorsed thereon.

He or his assistants shall be the prosecutor in any police or municipal court of the City of Oberlin, and shall perform such other duties and have such assistants and clerks as are required or provided.

### GENERAL STATEMENT OF JOB DUTIES

The City Solicitor, when required to do so by resolution of the legislative authority of the City, shall prosecute or defend on behalf of the City, all complaints, suits and controversies in which the City is a party, and such other suits, matters, and controversies as he is, by resolution or ordinance, directed to prosecute.

When an officer of the City entertains doubts concerning the law in any matter before him in his official capacity, and desires the opinion of the City Solicitor, he shall clearly state to the Solicitor, in writing, the question upon which the opinion is desired; and thereupon the Solicitor shall, within a reasonable time, reply orally or in writing to such inquiry. The right conferred upon such officers extends to the legislative authority of such City, collectively, and to each board and commission.

The City Solicitor shall pay to the City Treasurer all monies which come into his hands belonging to the City all by way of fines, forfeitures, costs, or otherwise, and shall take the Treasurer's duplicate receipt therefore, one of which he shall file with the City Auditor.

The Solicitor shall apply, in the name of the municipal corporation, to a Court of competent jurisdiction for an order of injunction to restrain misapplication of funds of the municipal corporation, the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the municipal corporation in contravention of the laws or ordinances governing it, or which was procured by fraud or corruption.

When an obligation or contract made on behalf of the City, granting a right or easement or creating a public duty is being evaded or violated, the Solicitor shall apply for the forfeiture or the specific performance thereof as the nature of the case requires.

In case an officer or board of a municipal corporation fails to perform any duty expressly enjoined by law or ordinance, the Solicitor shall apply to a Court of competent jurisdiction for a writ of mandamus to compel the performance of such duty.

The City Solicitor shall make a report to the City Council at its first regular meeting in January of the business of his office, the monies collected by him during the year preceding, and such other matters as he deems proper to promote the good government and welfare of the City.

The City Solicitor is the parliamentarian of City Council.

Classification: \_\_\_\_\_