

RESOLUTION 2011 - 12

A RESOLUTION CONCERNING THE USE OF OUTSIDE LEGAL COUNSEL

WHEREAS, The Common Council of the City of Rising Sun has in recent years sought to control spending and limit waste in the City Budget. While gaming money provides opportunities and advantages to Rising Sun, it also creates the potential of waste.

WHEREAS, Meetings were held last year to determine what areas might require reduction if the flow of funds from the gaming taxes were to be sharply curtailed. A strong effort was made to allow the City to live within its means. The Common Council has reduced funds for community events, worked hard to reduce costs, and limited employee wages in an effort to keep the City on track. Sacrifices were made and bold steps taken such as the Sewer Plant PILOT program and the Community Foundation endowment to help insure the future success of this city;


WHEREAS, The Common Council has a fiduciary duty to protect the public's monies and it is in the best interests of the Citizens of Rising Sun that they exercise that control;

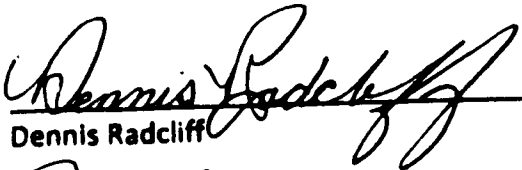
NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF RISING SUN, INDIANA THAT:

1. No outside legal counsel is to be employed without the approval of City Council and the City Attorney under IC 36-4-9-12. All such employment agreements are to be in writing and should detailed the specific purpose for the retention as well as the billing rates.
2. All outside counsel shall report directly to the City Attorney for review of their activities and billing statements prior to submission to the Clerk Treasurer's office for payment.
3. Under IC 36-4-9-11 (b) ... the city attorney is the head of the department of law and shall manage the legal affairs of the City under IC 36-4-9-12. Officers, departments, boards, commissions, and other agencies of the city may not employ attorneys without the authorization of the head of the department of law.
4. The Common Council under IC 36-4-6-24 shall continue to have the authority to employ its own legal counsel. Said representation is to be at the pleasure of Council and shall be reviewed on an annual basis.
5. The City clerk-treasurer may hire or contract with competent attorneys or legal research assistants on terms the clerk-treasurer considers appropriate. However, Employment of an attorney under this section does not supersede the Authority of the City Attorney and is limited to the amount of annual appropriation in the annual budget which is allocated to the clerk-treasurer for the payment of attorney's and legal research


assistant's salaries. IC 36-4-10-5.5


ADOPTED AND PASSED BY THE COMMON COUNCIL OF THE CITY OF RISING SUN,  
INDIANA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

  
\_\_\_\_\_  
Steve Slack

  
\_\_\_\_\_  
Dennis Radcliff

  
\_\_\_\_\_  
Mike Padgett

  
\_\_\_\_\_  
Roy Powell

  
\_\_\_\_\_  
Lynn Graves

Presented by me to the Mayor of the City of Rising Sun, Indiana, for his approval and signature  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Rae Baker Gipson, Clerk Treasurer

This Resolution duly approved and signed by me on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
William A. Marksberry, Mayor

\_\_\_\_\_  
Rae Baker Gipson, Clerk Treasurer