

CRC Recommendation Regarding Article V, Section 6 (City Attorney)

Recommendation: City Manager appoints City Attorney, with confirmation by City Council

Proposed Charter Revision:

§ 6. - CITY ATTORNEY.

There shall be a department of law, the head of which shall be the city attorney, who shall be appointed by the city manager, subject to confirmation by the council. The city attorney shall be a competent attorney who shall have practiced law in the State of Texas for at least five years immediately preceding his or her appointment. The city attorney shall be the legal advisor of, and attorney for, all of the officers and departments of the city, and he or she shall represent the city in all litigation and legal proceedings. He or she shall draft, approve, or file his or her written legal objections to every ordinance before it is acted upon by the council, and he or she shall pass upon all documents, contracts and legal instruments in which the city may have an interest. The city attorney shall serve until removed from office by the joint action of the city manager and council

There shall be such assistant city attorneys as may be authorized by the council, who shall be authorized to act for and on behalf of the city attorney.

Policy Reasons:

The City of Austin is an outlier in terms of how its city attorney is appointed. According to the most recent Texas Municipal League survey in 2010, most Texas home-rule cities (73%) authorize their council to appoint the city attorney directly. The CRC is recommending this charter revision to ensure accountability of the city attorney's office to the city council.

Proposed Ballot Language:

[in progress]