

**AN ORDINANCE ESTABLISHING THE LEGAL DEPARTMENT
OFFICE OF THE VILLAGE ATTORNEY AND VILLAGE PROSECUTOR
AND THE DUTIES THEREOF**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF
INNSBROOK, AS FOLLOWS:**

Section One. Department Created.

There is hereby created the Legal Department which shall consist of the office of Village Attorney and the office of Village Prosecutor.

Section Two. Functions.

It shall be the function of the Legal Department to prosecute or defend any and all suits or actions at law or equity to which the Village may be a party or in which it may be interested, to provide legal advice and consultation to all elected and appointed Village Officials and to prosecute all alleged violations of the traffic ordinances of the Village and such other violations of the codes and ordinances of the Village as the Village Board of Trustees may authorize.

Section Three. Village Attorney and Village Prosecutor -- Appointment and Removal.

The offices of Village Attorney and Village Prosecutor shall be filled by appointment made by the Chairman with the advice and consent of the Board of Trustees, of persons competent to carry out the duties of said offices. These offices may be held by the same person. Such appointments shall be for an indefinite term. The Attorney and the Prosecutor may be removed from office by the Chairman with the advice and consent of the Board of Trustees. The Chairman, with the advice and consent of the Village Board of Trustees, may also retain special counsel to advise or represent the Village on special matters.

Section Four. Duties of Village Attorney.

The Village Attorney shall prosecute or defend any and all suits or actions at law or equity to which the Village may be a party or in which it may be interested, or which may be brought against or by any officer of the Village on behalf of the Village or in the case of such persons as an officer of the Village; provided, however, that the Prosecutor shall prosecute all violations of traffic ordinances of the Village and such other violations of Village ordinances as the Board of Trustees may provide; and further provided, nothing contained in this Section shall be deemed to preclude the defense of actions seeking to assess a monetary liability against the Village by counsel selected and retained by the insurance carrier of the Village or to request that the Village Attorney prosecute or defend any particular suit or action at law or in equity referred to in this Section.

- (A) Advice. The Village Attorney shall be the principal legal advisor of the Village and shall render advice on all legal questions affecting the Village whenever requested to do so by any Village officer. Upon request by the Chairman and Board of Trustees he shall reduce any such opinion to writing.
- (B) Judgments. It shall be the duty of the Village Attorney to see to the full enforcement of all judgments or decrees entered in favor of the Village and all similar interlocutory orders.
- (C) Special Assessments. It shall be the duty of the Village Attorney to see to the completion of all special assessment proceedings and condemnation proceedings.
- (D) Legal Questions Affecting the Village. It shall be the duty of the Village Attorney to render advice on legal questions affecting the Village and to prepare ordinances, resolutions, and prepare legal instruments whenever requested and to provide such other legal counsel and services as the Chairman or Board of Trustees may from time to time specify on request.
- (E) Approval of Legislation and Contracts as to Legal Form. The Village Attorney shall approve all Contracts, Ordinances and Resolutions as to legal form prior to their passage and approval.

Section Five. Duties of the Prosecutor.

It shall be the duty of the Prosecutor to prosecute all violations of the traffic ordinances of the Village and such other violations of the Codes and ordinances of the Village as the Board of Trustees may authorize or direct.

Section Six. Approval of Surety Bonds.

All bonds required by law or ordinance to be submitted to and approved by the Village Board of Trustees shall first be submitted to the Village Attorney who shall examine said bonds. If in his judgment the bonds are properly drawn and are legal and binding obligations, he shall endorse the same with his approval; if they are not, he shall endorse his disapproval thereon together with his reason therefor.

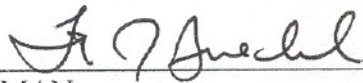
Section Seven. Compensation.

The Village Attorney and the Village Prosecutor shall be compensated either on an annual-retainer basis and/or on a per-hour-of-work basis, whichever is mutually agreed to by each Officer and the Village Board of Trustees.

Section Eight.

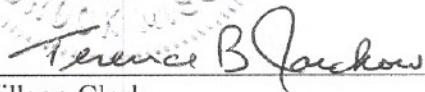
This Ordinance shall be in full force and effect from and after its passage and approval.

This Bill was passed and approved this 23 day of July, 1998, by the Board of Trustees of the Village of Innsbrook after having been read by title or in full two times prior to passage.



CHAIRMAN

ATTEST:



Village Clerk

