

**ORDINANCE NO. (O)13-15**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 3, ADMINISTRATION OF THE ORO VALLEY TOWN CODE, AT SECTION 3-2-5, TOWN ATTORNEY; AND REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; AND PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER**

**WHEREAS**, on September 27, 1989, the Mayor and Council approved Ordinance No. (O) 89-21, adopting that certain document entitled "Oro Valley Town Code, Chapter 3, Administration"; and

**WHEREAS**, from time to time it is necessary for the Town of Oro Valley to reorganize its departments to improve efficiency; and

**WHEREAS**, the Town Council wishes to re-allocate authority within the Legal Department to the new, Legal Services Director, and a contract Town Attorney.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and the Council of the Town of Oro Valley, Arizona that:

**SECTION 1.** Section 3-2-5 of the Oro Valley Town Code is hereby amended to read as follows, with additions being shown in ALL CAPS and deletions being shown in ~~striketrough text~~:  
3-2-5 Town Attorney

- A. The ~~Town Attorney~~ LEGAL SERVICES DIRECTOR shall act as the legal counselor and advisor of TO THE COUNCIL AND other Town officials and, as such, shall give an opinions in writing when requested; shall draft all deeds, contracts, conveyances, ordinances, resolutions and other legal instruments when required ~~by the Council~~; shall approve as to form, in writing, all drafts of contracts and all official or other bonds before final approval or acceptance thereof by the Council; shall return within fourteen (14) days all ordinances and resolutions submitted for consideration by the Council, with notes referencing approval or disapproval as to form, together with reasons therefore; shall supervise the prosecution and defense, or cause to be prosecuted and defended, all criminal and civil suits, actions or causes where the Town is a party and shall report to the Council, when required, the condition of any suit or action to which the Town is a party; and shall have the authority to settle all claims against the Town of Oro Valley valued at less than ten thousand dollars (\$10,000) in accordance with Section 3-7-1(A) of this code. NOT WITHSTANDING THIS SECTION, FOR THE PURPOSES OF THE TOWN CODE, ORO VALLEY ZONING CODE REVISED AND ALL OTHER TOWN POLICIES AND

PROCEDURES WHEREVER THE TERM TOWN ATTORNEY IS USED IT SHALL MEAN THE LEGAL SERVICES DIRECTOR.

The ~~Town Attorney~~ LEGAL SERVICES DIRECTOR is appointed and by the ~~may be terminated by the Council~~ TOWN MANAGER pursuant to ~~any employment agreement~~. An annual evaluation shall be conducted by the ~~Council in consultation with the~~ Town Manager.


- B. THE CONTRACT TOWN ATTORNEY SHALL ACT AS THE LEGAL COUNSELOR AND ADVISOR TO THE COUNCIL FOR ALL TOWN COUNCIL MEETINGS AND SPECIAL PROJECTS AS SET FORTH BY CONTRACT. THE CONTRACT TOWN ATTORNEY SHALL SERVE AT THE PLEASURE OF THE COUNCIL UNDER THE TERMS OF THE CONTRACT.

**SECTION 2.** All Oro Valley Ordinances, Resolutions, or Motions and parts of Ordinances, Resolutions or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Oro Valley, Arizona this 15<sup>th</sup> day of May, 2013.

**TOWN OF ORO VALLEY**

  
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Dr. Satish I. Hiremath. Mayor

**ATTEST:**

  
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Julie K. Bower, Town Clerk

Date: 5/17/13

**APPROVED AS TO FORM:**

  
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Tobin Sidles, Interim Town Attorney

Date: 5/15/13

PUBLISH: DAILY TERRITORIAL  
MAY 23, 24, 28, 29, 2013

POSTED: 5/23/13 - 6/23/13