

ARTICLE 135
City Solicitor

135.01 Appointment, qualifications, duties and bond.

CROSS REFERENCES

Violation in office - see 3rd Class Charter Law §601 et seq. (53 P. S. 41601 et seq.)

Solicitor's duties - see 3rd Class §1603 (53 P. S. §36603)

Claims procedure - see 3rd Class §1606 et seq. (53 P. S. §36606 et seq.)

Assistant Solicitor - see 3rd Class §1609 (53 P. S. §36609)

135.01 APPOINTMENT, QUALIFICATIONS, DUTIES AND BOND.

(a) The City Solicitor shall be appointed by the Mayor with the advice and consent of Council. He shall be admitted to practice before the Supreme Court of Pennsylvania and the various courts of York County at the time of his appointment and shall maintain an office within the City during his tenure as City Solicitor. He shall serve at the pleasure of the Mayor and until his successor is appointed and qualifies. If at any time the office of City Solicitor becomes vacant, Council shall immediately be informed of same.

(b) The City Solicitor shall be the chief law officer of the City and shall have control over all City law matters. No City department or employee shall employ or retain any other counsel in any City matter; except that Council may, in its own discretion, employ counsel for its own assistance, or for the assistance of the Controller or Treasurer. The Mayor may appoint, with the advice and consent of Council, such assistant solicitors as he and the City Solicitor deem necessary. The Mayor, at the request of the City Solicitor and with the approval of Council, may also retain special counsel for a particular proceeding.

(c) The City Solicitor shall represent the City in all legal actions brought by or against the City, shall render legal opinions to Council, the Mayor, the department heads, the administrative boards and the City Controller and City Treasurer upon questions of law submitted by any of them in their official capacities, and shall maintain the City lien docket. It shall be the duty of any officer or agency of the City requiring legal advice to refer such matter to the City Solicitor, except as permitted in subsection (b) hereof.
(Ord. 23-1974 §1. Passed 10-30-74.)

(d) The City Solicitor shall be furnished by the heads of the various departments with statements of claims of the City which remain due and unpaid within thirty days from the date such claim became due and payable, and the City Solicitor shall enter such claim in the City lien docket. Upon payment of any claim so entered, the person receiving such payment shall forward to the City Solicitor a satisfaction piece. It shall be the duty of the City Solicitor to cause satisfaction to be entered upon the proper record.

(e) The City Solicitor shall, following the end of every month, make a return to the City Controller, under oath or affirmation, of each item of moneys received by or through him, or his assistants, by virtue of his office or on account of any matter connected therewith. Upon making such return, he shall pay over the amount in his hands to the City Treasurer. He shall, similarly, pay into the City treasury all fees received by him in his official capacity exclusive of any judgment fee or commission allowed him in his capacity of attorney.

(f) The City Solicitor shall give bond to the City, as required by general law, in a sum fixed by Council at the time he assumes office. (Ord. 2-1962 §332.)

(g) The Solicitor and/or Assistant Solicitors shall not be considered full-time employees for the purpose of vacation or leave time, except where the City Solicitor or any Assistant Solicitor has been appointed and approved as a full-time City employee. (Ord. 20-1983 §1. Passed 7-19-83.)