From: Elisha Hodge, MTAS Legal Consultant
Re: Responsibility for selecting and hiring city attorney in manager commission chart type city
Date: September 1, 2022

Request from Municipality:

In your opinion under the manager commission form of government who has the responsibility of selecting and hiring the town attorney? Is that an elected official decision or is that a manager decision?

Response from MTAS:

Section 6-21-201 et seq. of the Town's charter, which is the section related to the town attorney, is silent on who appoints the attorney.

However, Section 6-21-102 of the Town's charter reads:

> 6-21-102. Subordinate officers and employees. (a) The city manager may appoint, promote, suspend, transfer, and remove any officer or employee of the city responsible to the city manager; or the city manager may, in the city manager's discretion, authorize the head of a department or office responsible to the city manager to take such actions regarding subordinates in such department or office. The city manager shall appoint such heads of administrative offices or organizational units as the city manager deems necessary. The city manager may combine, or personally hold, any such administrative offices established pursuant to this subsection (a) or otherwise established or may delegate parts of the duties of the city manager's office to designated subordinates.

Additionally, Sections 6-21-108(3) of the Town's charter reads:

6-21-108. Powers and duties of manager. The powers and duties of the city manager are to:

> (3) Supervise and control the work of the recorder, the chief of police, the city attorney, treasurer, and all other officers, and of all departments and divisions created by this charter or that hereafter may be created by the board of commissioners;

Because the town manager supervises and controls the work of the town attorney pursuant to the language in the charter, it appears that town manager is responsible for the appointment of the town attorney.

Please let me know if you have other questions or would like to discuss this issue.