

THE CITY ATTORNEY

Part of Charter of the City of Columbus.

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THE CITY ATTORNEY

Cross References

Procedure on improvements claims - see CHTR. [Sec. 176](#)

Department of Law - see ADM. [Ch. 125](#)

Sec. 66. - Election and qualifications.

The city attorney shall be an elector of the city and shall, at all times during the term of office, maintain residence in the city of Columbus. The city attorney shall not hold any other public office except that of notary public, or member of the state militia or any reserve unit of the Armed Forces of the United States of America. If the city attorney shall cease to possess any of the qualifications herein required, the city attorney shall forthwith forfeit the office and the vacancy shall be filled as provided for herein. The city attorney shall be elected for a term of four years. The city attorney shall be an attorney-at-law, admitted to practice in the state of Ohio.

(Amended 11-3-98; Ord. No. 1749-2014, 7-21-2014)

Sec. 67. - Powers and duties.

The city attorney shall have such duties and responsibilities as are set forth in this charter or required of the city attorney by ordinance, including the following. The city attorney shall be the legal adviser of and attorney and counsel for the city, and for all officers and departments thereof in matters relating to their official duties. The city attorney shall prosecute or defend all suits for and in behalf of the city, and shall prepare all contracts, bonds and other instruments in writing in which the city is concerned and shall certify in writing approval of the form and correctness thereof. The city attorney may appoint a department deputy and such assistants, secretaries and clerks as council may authorize. Said deputy shall have the power to perform all the duties of the city attorney.

(Amended 11-3-98; Ord. No. 1749-2014, 7-21-2014)

Sec. 68. - [Prosecuting attorney.]

The city attorney shall be the prosecuting attorney of municipal court and may detail assistants as deemed proper to assist in such work. The city attorney shall prosecute all cases brought before such court and perform the same duties, so far as they are applicable thereto, as are required of the prosecuting attorney of the county.

(Amended 11-3-98.)

Sec. 69. - [Representing city.]

The city attorney shall prosecute or defend for and in behalf of the city, all complaints, suits and controversies in which the city is a party, and such other suits, matters and controversies relating to city affairs as the city attorney shall, by resolution or ordinance of council, be directed to prosecute or defend.

(Amended 11-3-98.)

Sec. 70. - [Rendering opinions.]

The council, the director of any department, or any officer, board, or commission not included within a department, may by request in writing, require the opinion of the city attorney upon any question of law involving their respective powers or duties.

Sec. 71. - Actions.

The city attorney shall apply, in the name of the city, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the city, or the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the city in contravention of law, or which was procured by fraud or corruption.

Sec. 72. - [Obtaining forfeitures or specific performance.]

When an obligation or contract made on behalf of the city granting a right or easement, or creating a public duty, is being evaded or violated, the city attorney shall likewise apply for the forfeiture or the specific performance thereof as the nature of the case requires.

Sec. 73. - [Mandamus.]

In case any officer, board, or commission fails to perform any duty required by law, the city attorney shall apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of such duty.

Sec. 74. - [Taxpayer's suit.]

In case the city attorney, upon written request of any taxpayer of the city, fails to make any application provided for in the preceding three sections, such taxpayer may institute suit or proceedings for such purpose in the taxpayer's own name on behalf of the city. No such suit or proceeding shall be entertained by any court until such request to the city attorney shall first have been made, nor until the taxpayer shall have given security for the costs of the proceeding.

(Amended 11-3-98.)

Sec. 75. - [Suit on bonds or notes.]

No such action to enjoin the performance of a contract entered into, or the payment of any bonds or notes issued by the city, shall be brought or maintained unless commenced within one year from the date of such contract bonds or notes.

Sec. 76. - [Action on taxpayer's suit.]

If the court hearing any such action be satisfied that the taxpayer had good cause to believe the allegations were well founded, or that they are sufficient in law, it shall make such order as the equity and justice of the case demand. In such case the taxpayer shall be allowed costs, and if judgment be finally entered favorably, the taxpayer may be allowed as part of the costs a reasonable compensation for attorney fees.

Sec. 77. - City attorney to act as city solicitor.

(Repealed 11-3-98.)

Sec. 78. - Temporary inability.

If the city attorney is unable to discharge the powers and duties of office, such inability being of temporary duration, the city attorney, or the city attorneys' agent, shall transmit to the deputy city attorney a signed, written declaration setting forth the reasons for such inability and the city clerk shall be notified of the same; provided that failure to do so shall not prevent the proper officer from performing the powers and duties of the office. During a period of temporary inability of the city attorney, the powers and duties of the office of city attorney shall devolve upon the deputy city attorney, who shall be the acting city attorney. Such declaration shall be in effect until such time as the declaration is rescinded in like manner, or six months have passed, or the office is vacated. For the purpose of this section, the city attorney shall file with the city clerk a notarized statement, on a form prescribed by the city clerk, setting forth the name of one or more persons designated as the city attorneys' agent(s). The filing shall be made by the second meeting of council each January and may be amended at any time.

(Ord. No. 1749-2014, 7-21-2014)

Editor's note— Ord. No. 1749-2014, adopted July 21, 2014, repealed and replaced § 78 in its entirety. Former § 78 pertained to successor to city attorney and was derived from Original Charter.

Sec. 78-1. - Permanent inability.

If the city attorney has been unable to discharge the powers and duties of office for ninety consecutive days, and no written declaration of temporary inability was in effect during such ninety consecutive days, such act shall work a forfeiture of office and the deputy city attorney shall request that the appropriate official commence in the appropriate court an action in quo warranto to vacate the office. If judgment be made that the office be vacated, a successor shall be named as provided for in this charter.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 78-2. - Successor to city attorney.

If the city attorney dies, resigns, is removed from office, ceases to hold any qualification for office, or the office is otherwise vacated during the term of office, the city attorney's successor in office shall be appointed by the council to serve until the first day of January following the next regular municipal election. If such election be the time for the regular election of a city attorney, a city attorney shall then be elected to serve for a term of four years, otherwise for the remainder of the unexpired term.

(Ord. No. 1749-2014, 7-21-2014)