

RESOLUTION NO. 631

A RESOLUTION OF THE CITY OF TROY, MONTANA REQUESTING PROSECUTORIAL ASSISTANCE FOR PENDING CASES.

WHEREAS, the City of Troy has requested prosecutorial assistance in the cases pending before it, and

WHEREAS, the City of Troy does not presently have a city attorney, but they are in the process of hiring a city attorney, and there are pending cases that might be dismissed if not prosecuted, and

WHEREAS, it is desired and deemed appropriate that a special city attorney be appointed to assist in the prosecution of the aforementioned cases, and

WHEREAS, Mont. Code Ann. §44-4-111 authorizes and contemplates that the training coordinator for prosecutors and the bureau chief of Prosecution Services Bureau (together with the deputies within said bureau) act as special counsel on request of the City of Troy and upon the approval of the city council, and

WHEREAS, Mont. Code Ann. §2-15-501(6) authorizes the Attorney General to provide assistance to prosecutors in the discharge of his or her duties.

NOW, THEREFORE, it is hereby resolved that the attorneys assigned to the Prosecution Services Bureau of the Department of Justice are hereby appointed as special attorneys for the City of Troy for the purpose of assisting in the prosecution of the aforementioned cases and that any of said deputies can fulfill functions set out in Mont. Code Ann. §44-4-103.

THEREFORE, be it further resolved that under the terms of this agreement, no fee will be charged for attorney time provided by the Bureau based upon the fact that pursuant to the internal operational policies adopted by the Attorney General September, 1, 1999, assistance in such cases is provided without an hourly fee. Witness fees and expenses, jury costs, and other normal costs associated with trial will be the city's responsibility as with all other prosecutions.

Dated this 31 day of January, 2011.

Donald C. Banning, Mayor

Phillip Fisher, Council

Frances McCully, Council

Gary Rose, Council

ATTEST:

Sandra Johnson, City Clerk