



CITY OF HOUSTON

Administrative Procedure

Subject: **Guidelines For Requesting Work From The City Attorney's Office**

A.P. No:
6-1 Revised

Effective Date:
11/23/2010

1. AUTHORITY

1.1 Article VI, Section 7a, of the City Charter of the City of Houston.

2. PURPOSE/OBJECTIVE

2.1 To ensure that the City's overall legal interests are protected and to ensure consistent and efficient use of resources of the City Attorney's Office.

3. SCOPE

3.1 This administrative procedure applies to: 1) all matters for which legal services are necessary or appropriate and 2) requests for substantive legal services to be performed by the City Attorney's Office.

4. RESPONSIBILITY

4.1 It is the responsibility of the City Attorney's Office to provide legal advice in all matters affecting the City's interest, including the responsibility to represent the City in litigation, prepare legal documents such as ordinances and written opinions, and other documents of legal significance on behalf of the City of Houston, and to negotiate and prepare or review contracts, agreements and documents relating to real estate and commercial transactions (collectively, "legal advice").

5. PROCEDURE

5.1 When to make requests for legal advice or assistance

5.1.1 Departments are encouraged to seek legal advice from the City Attorney's office for both routine and non-routine matters in which the City's interests may be affected. In case of doubt, it is appropriate to request a determination from the City Attorney whether legal advice is necessary.

5.2 How to make requests for legal services

5.2.1 The City Attorney's Office will respond to questions and requests for legal advice in the order received, unless otherwise directed by the City Attorney. As a general rule, requests will be handled as follows:

Approved:

Date Approved:

11/23/2010

Page 1 of 3

- 5.2.1.1 Questions from an individual Council Member regarding gifts, conflicts of interest, and duties of office will be answered within one to two days, to the extent practicable.
- 5.2.1.2 Requests for routine contract review and drafting of routine transactional documents will generally require a five to ten business day turnaround time, not including any time required for certification by the Controller or for placement on the City Council agenda.
- 5.2.1.3 Complicated transactions, projects requiring extensive research or consideration of issues of first impression, or requests submitted during peak demand periods, such as the end of the fiscal year or during sessions of the Texas Legislature, will often take longer. Departments must make every effort to consult legal counsel as complex projects are initiated or before they are initiated; the early stage of negotiation is an optimal time to involve legal counsel.

5.3 When making requests, departments shall:

- 5.3.1 To the extent practicable, send the request to the City Attorney or appropriate First Assistant City Attorney, in writing, clearly stating the issue and explaining all relevant information. Email correspondence is acceptable for this purpose.
- 5.3.2 The requestor may contact an attorney in the City Attorney's Office directly if the attorney has handled similar matters for the requestor in the past.
- 5.3.3 If the requestor does not know who would handle the matter, the request should be submitted to the City Attorney or the appropriate First Assistant City Attorney.
- 5.3.4 It is not necessary for the requestor to send a signed Request for Council Action (RCA) to initiate the request for legal advice. Often, legal advice is necessary well before the RCA is finalized.
- 5.3.5 Departments must identify the department's point of contact(s) for each assignment.
- 5.3.6 Departments shall make every effort to avoid sending multiple requests for the same services, as doing so may lead to duplicate assignments and result in confusion and delay.
- 5.3.7 Departments shall provide the assigned attorney(s) with all details of the transaction, project, or issue, as the quality of the work performed by City Attorney's Office is directly related to the quality of the information received from the departments. To that end, departments should apprise the assigned attorney of all issues related to the transaction, project, or issue.

5.4 Who has authority to request legal advice or representation

- 5.4.1 The City Attorney's Office will provide legal services only if requested by one of more of the following individuals or entities:
 - 5.4.1.1 The Mayor or designee (i.e. Chief of Staff, etc.);
 - 5.4.1.2 A City department director or designee;
 - 5.4.1.3 The Chair of a City Council Committee;

- 5.4.1.4 An individual Council Member with a question relating to duties of office or directly related to the conduct of City of Houston business; or
- 5.4.1.5 Persons covered by Code of Ordinances section 2-303.

5.5 Limits on representation

- 5.5.1 The City Attorney's Office will not provide legal advice if requested by any of the following:
 - 5.5.1.1 Representatives of entities other than the City of Houston;
 - 5.5.1.2 Members of the public;
 - 5.5.1.3 Individual Council Members who have questions about issues that are not directly related to the conduct of City of Houston business; or
 - 5.5.1.4 City employees who have questions about personal legal matters.

6. CONFLICT AND REPEAL

- 6.1 Executive Order 1-18, dated March 2, 1999, is hereby rescinded and is no longer of any force or effect.