

Memorandum

REPORT TO: City Commission

FROM: Greg Sullivan, City Attorney

SUBJECT: Resolution Authorizing the City Attorney to Appoint Outside Counsel to Prosecute Misdemeanor Offenses Upon a Conflict

MEETING DATE: December 16, 2025

AGENDA ITEM TYPE: Resolution

RECOMMENDATION: Adopt the Resolution

STRATEGIC PLAN: 3.1 Public Safety: Support high quality public safety programs, emergency preparedness, facilities, and leadership.

BACKGROUND: [Montana law](#) provides the City Commission the authority to retain additional or other legal counsel. The City Attorney is the City’s legal officer pursuant to Sec. 4.03 of the Charter. By adopting this Resolution, the Commission will provide authority to the City Attorney to appoint additional or other counsel in the prosecution of misdemeanor offenses where the City Attorney determines a conflict of interest exists. This resolution is drafted to be a “standing” resolution; meaning, it will provide ongoing authority for the City Attorney to make such appointments and will be effective until repealed or superseded by the Commission.

UNRESOLVED ISSUES: None.

ALTERNATIVES: None identified.

FISCAL EFFECTS: In our experience, other prosecution agencies do not charge for this service as our office provides the same services to them without a fee. There may be circumstances where the City would reimburse another agency for expenses such as travel. In doing so, payment will come out of our existing contracted services budget.

Attachments:

[Standing Authority to Appoint Counsel 12 5 25 gs.docx](#)

Report compiled on: December 5, 2025