

Resolution No. _____, 2015

Council Member _____ presented the following Resolution and moved its adoption.

WHEREAS, the resignation of City Attorney Brett Preston, effective December 4, 2015, has created a vacancy in the Office of the City Attorney; and

WHEREAS, the Mayor is desirous of appointing Michael J. Poulin, residing at 302 N. Main Street, Northville, New York, to the position of City Attorney for the period December 4, 2015 to December 31, 2017 at an annual salary of \$36,000.00; and

WHEREAS, this resolution shall also serve to clarify the powers and duties of the city attorney; and

WHEREAS, it is understood that Michael J. Poulin will not act as the prosecuting attorney in Johnstown City Court, which includes the prosecution of any and all vehicle and traffic infractions and/or any City of Johnstown code violations; and

WHEREAS, were a case to be brought before the Johnstown City Court which would require prosecution of any City infraction and/or violation and/or code infraction, the Mayor and Common Council shall seek independent outside counsel to prosecute such matters on behalf of the city without any city attorney involvement in said employment; and

WHEREAS, the City Attorney may appear in Johnstown City Court as defense counsel and/or as an assistant public defender; and

WHEREAS, it is recognized that Johnstown City Court is not an agency or department of the City of Johnstown but as an independent agency formed under and governed by the New York State Uniform City Court Act; and

WHEREAS, the City Attorney shall abide by the City of Johnstown Employee Handbook adopted, April 2005, specifically Section C-9.5, regarding prohibited interests and private employment and will not appear on behalf of private interests before any agency of the city, which includes but it is not limited to the Planning Board, Zoning Board of Appeals, and Water Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor’s appointment of Michael J. Poulin to the position of City Attorney for the City of Johnstown, effective December 4, 2015, be and the same, is hereby approved.

Seconded by Council Member _____

Adopted by the following vote:

Ayes:

Noes:

Abstains:

Absent: