

ORDINANCE 1898

**AN ORDINANCE TO ESTABLISH AND CLARIFY  
THE DUTIES AND REMUNERATION  
FOR THE CITY ATTORNEY  
FOR THE CITY OF EUREKA SPRINGS**

**WHEREAS**, in order to best serve the citizens of the City of Eureka Springs and maintain conformity with Arkansas Law, the duties and salary of the Office of City Attorney should be altered and clarified; and

**NOW THEREFORE**, be it hereby ordained, by the City Council of the City of Eureka Springs, Arkansas:

1. That the term city attorney applies only to the person elected to the office of city attorney by the qualified electors of the city at any general election or special election held for the purpose of electing public officials. The term shall not be construed to apply to any person employed or designated as the city attorney or as legal counsel to the city by the city council or the mayor.
2. That the city attorney shall be a qualified elector and resident of the city and a regularly licensed attorney in the state.
3. That the city attorney shall be permitted to engage in the private practice of law simultaneously while discharging his or her public duties.
4. That the city attorney or the duly appointed and qualified deputy city attorney shall attend each public convening of the district court of the city for the purpose of representing the city as the prosecutor of all defendants brought before the court upon citation, information, criminal summons or warrant for arrest, wherein such defendants have been charged with the commission of any violation or misdemeanor within the corporate limits of the city. The city attorney or the duly appointed deputy city attorney shall also prosecute or defend, as the case may be, all appeals taken from the municipal court to the circuit court of the Western District of the county.
5. That the city attorney shall also prepare and file informations with the clerk of the district court, thereby causing warrants for arrest to be issued by the clerk, upon findings by the city attorney that there is reasonable cause, in each such instance, to believe that the accused individual has committed a violation or misdemeanor, with respect to state and/or city law, within the corporate limits of the city.
6. That the deputy city attorney shall be a regularly licensed attorney in the state; provided, the city attorney shall be ultimately accountable for all official actions taken by the deputy city attorney, and the deputy city

attorney shall be compensated for services rendered directly by the city attorney with funds paid to the city attorney for the performance of the duties defined herein.

7. That the city attorney shall receive \$75.00 per hour of professional services rendered. The city attorney shall prepare a monthly itemized statement for such fees, and shall submit the same to the finance director not later than the 5th day of the month immediately following the month in which such fees were earned by the city attorney.
8. All Ordinances or Resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.
9. In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a Court of Law to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

PASSED AND APPROVED, this 19th day of August, 200<sup>2</sup>

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n, Mayor of the City of Eureka Springs

Mary Ann L.

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Mary Ann L, City Clerk of the City of Eureka Springs