

AN ORDINANCE ESTABLISHING THE QUALIFICATIONS, DUTIES, SALARY AND REMUNERATION OF THE CITY ATTORNEY OF THE CITY OF EUREKA SPRINGS, ARKANSAS, AND REPEALING ORDINANCE NO. 992 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES, RESOLUTIONS AND MINUTE ORDERS IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS:

SECTION 1. Definition.

The term, "City Attorney", as it appears in this Ordinance, applies only to the person elected to the Office of City Attorney of the City of Eureka Springs, Arkansas, by the qualified electors of the City of Eureka Springs, Arkansas, 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 of Eureka Springs, Arkansas, by the City Council or Mayor.

SECTION 2. Qualifications.

The City Attorney shall be a qualified elector and resident of the City of Eureka Springs, Arkansas, and a regularly licensed attorney in the State of Arkansas.

SECTION 3. Private Law Practice.

The City Attorney shall be permitted to engage in the full-time private practice of law simultaneously while discharging his public duties pursuant to this Ordinance.

SECTION 4. Duties of the City Attorney.

(a) The City Attorney shall attend all regular meetings of the City Council and, upon sufficient notice, shall attend special meetings of the City Council at the request of the Mayor, City Clerk-Treasurer or any Alderman of the City.

(b) The City Attorney shall be legal counsel to the Advertising and Promotion Commission, the Cemetery

Commission, the Hospital Commission, the Planning Commission, and the Board of Adjustment of the City of Eureka Springs, Arkansas, provided, that the City Attorney shall not be legal counsel to the Hospital Commission until January 1, 1979. The City Attorney shall attend meetings of the said Commissions and Board upon sufficient notice and at the specific requests of the respective Chairmen of the Commissions and Board or, in the case of the Hospital Commission, also at the specific request of the Hospital Administrator.

(c) The City Attorney shall represent the City of Eureka Springs, Arkansas, where the presence of legal counsel is required or desirable, in all judicial and administrative proceedings where the City, or any of its said Commissions or the Board of Adjustment, is a party.

(d) The City Attorney shall be legal counsel to all administrative department supervisors, including the Chief of the Eureka Springs Police Department, the Chief of the Eureka Springs Fire Department, the City Building Inspector, and the Enforcing Officers for local ordinances, with respect to matters pertaining to the execution by such supervisors of their respective duties and the administration of their respective departments.

(e) The City Attorney shall prepare, or supervise the preparation of, all ordinances, resolutions, judicial pleadings, contracts, deeds, leases, proclamations and other legal documents which shall be required for the benefit of the City of Eureka Springs, Arkansas, from time-to-time, and this paragraph shall be construed to include legal documents required with respect to any aspect of the affairs of the City, whether by virtue of its relationship to another elected public official, to the City Council, to an administrative department supervisor, or to any legally created City commission or board.

(f) The City Attorney, or his duly appointed and qualified Deputy, shall attend each public convening of the Municipal Court of Eureka Springs, Arkansas, for the purpose of representing the City of Eureka Springs, Arkansas, as the prosecutor of all defendants brought before said 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 of Eureka Springs, Arkansas. The City Attorney, or his duly appointed Deputy, shall also prosecute or defend, as the case may be, all appeals taken from said Municipal Court to the Circuit Court of the Western District of Carroll County, Arkansas, and all appeals taken from said Circuit Court to the Supreme Court of Arkansas, in which the City shall be a party. With respect to his prosecutorial duties, the City Attorney shall also prepare and file information with the Clerk of said Municipal Court, thereby causing warrants for arrest to be issued by said 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. The Deputy City Attorney, as referred to in this paragraph, shall be a regularly licensed attorney in the State of Arkansas, provided, the City Attorney shall be ultimately accountable for all official actions taken by his Deputy, and the Deputy shall be compensated for services rendered directly by the City Attorney with funds paid to the City Attorney for the performance of the duties to which this paragraph pertains.

SECTION 5. Salary and Fees.

(a) With the exception of the prosecutorial duties of the City Attorney set forth in paragraph (f) of Section 4 of this Ordinance, the City Attorney shall receive, as salary, the gross sum of Two Hundred Fifty and No/100 Dollars (\$250.00) each month, payable in regular monthly installments on the last day of each month, provided, that said salary shall increase to the gross sum of Three Hundred and No/100 Dollars (\$300.00) each month, payable as aforesaid, effective January 1, 1979. In the event that the City Attorney renders official legal services during any month wherein the same requires more than ten (10) hours during any such month prior to January 1, 1979, or more than twelve (12) hours during any such month after December 31, 1978, the City Attorney shall be entitled to receive additional compensation for such services rendered at the rate of Twenty-Five and No/100 Dollars (\$25.00) per hour of professional services rendered. With

respect to this provision, fractions of an hour shall be strictly treated as being directly proportionate to the amount of additional fees to which the City Attorney shall be entitled. The City Attorney shall prepare a monthly itemized statement for such additional fees, and shall submit the same to the Office of the City Clerk-Treasurer not later than the 5th day of the month immediately following the month in which such additional fees were earned by the City Attorney, provided, that where such additional fees have been earned by rendering services to the Advertising and Promotion Commission or the Cemetery Commission or the Hospital Commission, the City Attorney shall submit his statement for the proper portion of such fees directly to the appropriate commission as aforesaid. This paragraph applies only to the duties of the City Attorney provided by paragraphs (a), (b), (c), (d) and (e) of Section 4, but does not apply to the prosecutorial duties provided by paragraph (f) of Section 4.

(b) With respect to paragraph (f) of Section 4, the City Attorney, when he or his Deputy is present and prosecuting cases, shall be allowed the sum of Ten and No/100 Dollars (\$10.00) for each conviction on presentment, citation, information or citizen's complaint, for misdemeanor or breach of peace. Where the City Attorney or his Deputy files an information and is present in court to prosecute, the City Attorney is entitled to his fee, although the defendant pleads guilty. "Conviction", as referred to in this paragraph, means for each defendant, and the City Attorney shall be entitled to a fee for each defendant convicted, whether they be separately or jointly charged with a misdemeanor or breach of peace. The City Attorney may not receive in any case more than two (2) fees for conviction of one (1) defendant under one (1) presentment, citation, information or citizen's complaint, regardless of the number of counts therein. The Clerk of the Municipal Court of Eureka Springs shall collect the fee provided for by this paragraph from each convicted defendant and shall, on at least a regular monthly basis, deliver the same to the Office of the City Clerk-Treasurer, together with an accounting reflecting the total amount of such fees collected. The City Clerk-Treasurer shall thereupon promptly deposit the same in the City ordinary or general fund and then

prepare a check for payment of such fees so deposited to the City Attorney, without unnecessary delay.

SECTION 6. Severability.

The provisions of this Ordinance are hereby declared to be severable. In the event that any part of this Ordinance shall be held to be unenforceable or invalid by a Court of competent jurisdiction, such holding shall not render the remainder of this Ordinance to be unenforceable or invalid.

SECTION 7. Repeal.

All ordinances and parts of ordinances, resolutions and parts of resolutions and minute orders in conflict with this Ordinance are hereby repealed.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 11th DAY OF FEBRUARY, 1978.

APPROVED:

Charles F. Robertson
CHARLES F. ROBERTSON, MAYOR

ATTEST:

Jane I. Moncravie
JUNE I. MONCRAVIE, CITY CLERK-TREASURER

(SEAL OF THE CITY)

EMERGENCY DECLARED

The City Council of the City of Eureka Springs, Arkansas, has found it to be essential to the health, safety and welfare of the City that Ordinance No. 1032 take force and effect without delay. Therefore, an emergency is declared to exist, and Ordinance No. 1032 shall be in full force and effect upon its publication according to law.

PASSED AND DECLARED BY THE CITY COUNCIL OF THE CITY OF
EUREKA SPRINGS, ARKANSAS, ON THIS 11th DAY OF FEBRUARY, 1978.

APPROVED:

Charles F. Robertson

CHARLES F. ROBERTSON, MAYOR

ATTEST:

June I. Moncravie
JUNE I. MONCRAVIE, CITY CLERK-TREASURER

(SEAL OF THE CITY)