

AN ORDINANCE AMENDING ORDINANCE NO. 906 OF THE CITY OF EUREKA SPRINGS, ARKANSAS, FOR THE PURPOSE OF BRINGING SAID ORDINANCE INTO CONFORMANCE WITH STATE LAW PERTAINING TO THE MUNICIPAL COURT OF EUREKA SPRINGS, ARKANSAS.

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

SECTION 1. Paragraph (a) of Section 4 of Ordinance No. 906 Amended.

Paragraph (a) of Section 4 of Ordinance No. 906 is amended to read, in its entirety, as follows:

(a) The Judge of the Municipal Court of Eureka Springs, Arkansas, who shall be deemed to be a municipal officer per Section 1, Article 7, the Constitution of the State of Arkansas (1874), shall be an attorney regularly licensed to practice law in the State of Arkansas, as provided by Act 51 of 1969 of the Acts of Arkansas, shall be a resident and qualified elector of the City of Eureka Springs, Arkansas, as required by Section 3, Article 19, the Constitution of the State of Arkansas (1874), and shall be of good moral character, at least twenty-five (25) years of age, and a resident of the State for at least two (2) years, all as provided by Act 60 of 1927 of the Acts of Arkansas, as amended, enacted pursuant to the authority of Sections 1 and 43, Article 7, the Constitution of the State of Arkansas (1874).

SECTION 2. Paragraph (b) of Section 4 of Ordinance No. 906 Amended.

Paragraph (b) of Section 4 of Ordinance No. 906 is amended by deleting the second sentence presently appearing therein.

SECTION 3. Section 4 of Ordinance No. 906 Amended by Adding Additional Paragraphs.

Section 4 of Ordinance No. 906 is hereby amended by adding the following new paragraphs, designated as paragraphs (c), (d) and (e) of said Section 4, immediately following paragraph (b) of said Section 4, as amended by Section 2 of this Ordinance, to-wit:

(c) Whenever the office of the Judge of the Municipal Court of Eureka Springs is vacant and before a successor has been selected and qualified, or when said Judge shall be disqualified from presiding at any trial pending in the court, the regular practicing attorneys in attendance on said Court may, on notice from the clerk of such court, elect a special judge to preside over the Court. Whenever said Judge is to be temporarily absent from said Court because of illness or for any other reason, said Judge may, by order of the Court entered prior to the temporary absence of said Judge, appoint a special judge to preside over the Court in his absence. A special judge selected by the practicing attorneys or appointed by the regular judge shall have the same power and authority in the Court as the regular judge would have if present and presiding, and shall have the same qualifications as is required by law for the Judge of the Municipal Court of Eureka Springs, Arkansas. The authority of a special municipal judge selected pursuant to the provisions of this Ordinance shall cease upon the qualification of a successor to the regular municipal judge in the case of a vacancy in the office, or upon termination of the case for which the regular judge was disqualified from presiding, or upon the return to the Court of the regular judge of the Court. A special judge appointed or selected under the provisions of this Ordinance shall be entitled to receive compensation for his service at the rate of Ten Dollars (\$10.00) per day for each day he holds the municipal court.

(d) When there is a vacancy in the office of Judge of the Municipal Court of Eureka Springs, Arkansas, by virtue of the failure of any qualified attorney to be elected to such office, the City Council of the City of Eureka Springs, Arkansas, may employ as Judge of said Court any attorney residing within the County of Carroll, Arkansas, who meets the qualifications therefor, other than the City residency and qualified elector of the City requirements, or may employ the municipal judge of another municipal court in the County of Carroll, Arkansas, to serve as Judge of said Court. If the City Council shall employ an attorney residing in the County of Carroll, Arkansas, or the judge of another municipal court in the County of Carroll, Arkansas,

to serve as judge of the Municipal Court of Eureka Springs, Arkansas, the person so employed shall be entitled to receive the salary provided by the General Assembly of Arkansas for the Judge of the Municipal Court of Eureka Springs, Arkansas, or to receive such compensation as may be prescribed or contracted for by the City Council.

(e) When there is a vacancy in the office of Judge of the Municipal Court of Eureka Springs, Arkansas, by reason of the absence of a qualified attorney residing within the County of Carroll, or by reason of the failure of any qualified attorney to be elected to such office, the City Council may employ or appoint as Judge of such Court, any qualified attorney residing in any Arkansas county adjoining the County of Carroll.

SECTION 4. Section 5 of Ordinance No. 906 Amended.

Section 5 of Ordinance No. 906 is hereby amended to read, in its entirety, as follows:

SECTION 5. Salary of the Judge.

The annual salary of the Judge of the Municipal Court of Eureka Springs, Arkansas, shall be the sum of Three Thousand Six Hundred and No/100 Dollars (\$3,600.00), as presently provided by Act 788 of 1977 of the Acts of Arkansas. In the event that the General Assembly of Arkansas hereafter shall, by legislative enactment, modify the salary of said Judge, such modification shall be effective by operation of law and without any necessity to amend this Ordinance. The salary of said Judge shall be paid one-half ($\frac{1}{2}$) by the City of Eureka Springs, Arkansas, and one-half ($\frac{1}{2}$) by the County of Carroll, Arkansas, and shall be made in equal monthly installments, all as presently provided by Act 788 of 1977 of the Acts of Arkansas.

SECTION 5. Section 6 of Ordinance No. 906 Amended.

Section 6 of Ordinance No. 906 is hereby amended to read, in its entirety, as follows:

SECTION 6. Appointment of Clerk, Duties and Salary.

(a) The Judge of the Municipal Court of Eureka Springs, Arkansas, may appoint a clerk of said Court

who shall be designated and known as the Municipal Court Clerk.

(b) The City Council may require that the duties of the Municipal Court Clerk be performed by any other officer of the City of Eureka Springs, Arkansas, provided that the duties of such office are not incompatible with the duties of Municipal Court Clerk, and further provided that the duties of the Municipal Court Clerk do not require a full-time employee.

(c) The City Council shall fix the salary of the Municipal Court Clerk at a reasonable sum, with the approval of the Quorum Court of the County of Carroll, Arkansas, such salary to be computed on an annual basis and payable in equal monthly installments, with one-half ($\frac{1}{2}$) being paid by the City of Eureka Springs, Arkansas, and one-half ($\frac{1}{2}$) being paid by the County of Carroll, Arkansas.

(d) The duties of the Municipal Court Clerk shall be as follows, to-wit:

(1) Keep a fair record of all the acts done and proceedings had in the Municipal Court of Eureka Springs, Arkansas;

(2) Enter all judgments of the Court, under the direction of the Judge;

(3) Administer oaths;

(4) Take affidavits required or permitted in the progress of an action;

(5) Approve bond in criminal cases in the absence of the Judge;

(6) Keep a complete docket of all proceedings to the extent and in the manner directed by the Judge;

(7) Seasonably record the judgment, rules, orders and other civil or criminal proceedings of the Court and keep an alphabetical index thereto.;

(8) Keep such other dockets, books and indexes as may be required by law or by the Judge;

(9) Issue and attest all process;

(10) Collect all fines, penalties, fees and costs taxed or assessed by the Judge and by operation of law, whether the

Statutes of the State of Arkansas, or the Ordinances of the City of Eureka Springs, Arkansas, and the County of Carroll, Arkansas;

(11) Render for each month, not later than the fifth day of the succeeding month, reports in triplicate of all civil and criminal cases tried, showing all fines, penalties, forfeitures, fees and costs taxed, assessed and collected during the month, and showing the nature of each case; forward or deliver one (1) copy of such report to the Mayor of the City of Eureka Springs, Arkansas, to the Clerk of the County Court of the County of Carroll, Arkansas, and to the Arkansas Judicial Department.

(e) The Municipal Court Clerk, before entering upon the duties hereinabove stated, shall make and file with the City Clerk-Treasurer of the City of Eureka Springs, Arkansas, a good and sufficient bond for the faithful performance of said duties in the sum of not less than Seven Thousand Five Hundred and No/100 Dollars (\$7,500.00), said bond to be approved by the City Council of the City of Eureka Springs, Arkansas.

SECTION 6. Section 7 of Ordinance No. 906 Amended.

Section 7 of Ordinance No. 906 is hereby amended to read, in its entirety, as follows:

SECTION 7. Expenses of the Court.

In addition to the salaries of the Judge and the Municipal Court Clerk, all other expenses incident to the proper functioning of the Court, including but not limited to the provision of suitable docket and record books, legal forms, stationery, ink, typewriting equipment and other necessary equipment and supplies, shall be paid for either by the City of Eureka Springs, Arkansas, from its Ordinary Fund, or by the County of Carroll, Arkansas, or by said City and said County in proportionate shares, depending in each instance upon the nature of such other expenses.

SECTION 7. Remainder of Ordinance No. 906 Confirmed and Ratified.

The remainder of Ordinance No. 906, which has not been expressly amended by this Ordinance, is hereby confirmed and ratified, and shall continue to be in full force and effect.

SECTION 8. 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 9. 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 22nd DAY OF April, 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. _____ take force and effect without delay. Therefore, an emergency is declared to exist, and Ordinance No. _____ 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 _____ DAY OF _____, 1978.

APPROVED:

Charles F. Robertson
CHARLES F. ROBERTSON, MAYOR

ATTEST:

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

(SEAL OF THE CITY)