

ORDINANCE NO. 03-17-2011 M

**AN ORDINANCE REPEALING ORDINANCES NO. 4-16-98
AND NO. 07-01-2010B, AND ESTABLISHING THAT THE
OFFICE OF CITY ATTORNEY FOR THE CITY OF
ELKINS SHALL BE FILLED BY APPOINTMENT,
PRESCRIBING THE DUTIES THEREOF, AND OTHER
MATTERS RELATED THERETO.**

WHEREAS, ACA §14-43-319 provides that cities which have the Mayor/Council form of government and have less than 5000 residents may decide to appoint their city attorney rather than have the city attorney elected.

WHEREAS, it appears that continuity in the office of City Attorney will best promote familiarity with issues in the City as well as assure a good working relationship between legal counsel and the Administration and Council.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ELKINS, ARKANSAS, That:

Section 1 Appointment: The Mayor, with the advice and consent of the City Council, will appoint a licensed Arkansas attorney to fulfill the duties of the City Attorney for so long as the City qualifies to appoint a city attorney under ACA § 14-43-319.

Section 2 Term of Office: The term of office for the city attorney shall be two (2) years and shall begin/end as the terms of alderpersons in the City of Elkins. Nothing herein shall prohibit the Mayor, with consent of the Council, from terminating a city attorney and nothing herein shall prohibit a city attorney from resigning, however, in either event the giving of thirty days advance written notice shall be required.

Section 3 Contract for Services: The City attorney will perform such duties as are hereinafter described and delineated, and such other duties as, from time to time, may be assigned by the Mayor or the City Council; a Contract For Services prescribing the salary, other fees, expenses and non-statutory benefits to be paid such appointed City Attorney shall be entered into periodically.

Section 4 Duties: For the compensation, benefits and consideration set forth in the Contract For Services with the appointed City Attorney, he/she shall perform the following:


- a) attend City Council meetings and advise the City on municipal matters;
- b) communicate with and advise City officials and/or employees regarding municipal matters;
- c) prepare such ordinances and resolutions as are needed for normal operations of the City;
- d) prosecute City cases in the Elkins District Court; and,
- e) for compensation to be delineated in the Contract For Services, the City Attorney may be requested or assigned by the Mayor or the City Council to perform services or assume special responsibilities beyond those anticipated by the foregoing. Such projects may include, but are not necessarily limited to, criminal appeals, legal efforts/consultation and/or litigation of City matters not in the Elkins District Court; bond issues, legal efforts/consultation and/or litigation of matters related to Elkins Water and Sewer Department or Elkins Volunteer Fire Department, special meetings, reviewing/consultation involving financing issues, condemnation and right-of-way matters, tax ordinances, and the purchase, sale or lease of property. These services shall be compensated at an hourly rate as set forth in the Contract For Services and will be billed upon the conclusion of each matter or as the matter is handled in lengthy proceedings/matters. The City Attorney may recommend that additional legal counsel be hired by the City as the matter requires, however, the City Council shall make the final determination in every case and such other counsel shall be compensated as agreed.

Section 5 Special Conditions: Recognizing a city attorney should be a member of the Arkansas City Attorney's Association and attend continuing education classes for city


attorneys, the City agrees to pay a pro-rata share of such membership and education costs, as determined by the Contract For Services.

Section 6. Repealer: Ordinance No. 4-16-98 and Ordinance 07-01-2010 B in their entirety are hereby repealed, and any other provisions in the Elkins Municipal Code in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND APPROVED this 21st day of April, 2011.


L. BRUCE LEDFORD, Mayor

ATTEST:



JASON BATHON, City Clerk