

ORDINANCE NO. 2021-1

AN ORDINANCE ESTABLISHING THAT THE OFFICE OF CITY ATTORNEY FOR THE CITY OF HARDY SHALL BE FILLED BY APPOINTMENT, PRESCRIBING THE DUTIES THEREOF; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, A.C.A. §14-43-319 provides that cities which have the Mayor/Council form of government and have a population of fewer than 5000 residents may decide to appoint their city attorney rather than have the city attorney elected if no attorney residing in the city is elected or is willing to serve as city attorney then the City may contract with any licensed attorney of this State to serve as legal advisor, counselor or prosecutor until a qualified city attorney is elected or qualified; and

WHEREAS, A.C.A. §14-43-319 states that the duties of a nonresident attorney under contract shall be prescribed by ordinance; and

WHEREAS, there is no elected city attorney or an attorney residing in the City of Hardy who is willing to serve as city attorney for the City of Hardy.

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

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 Hardy. 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 (30) 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 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: attend City Council meetings and advise the City on municipal matters; communicate with and advise City officials and/or employees regarding municipal matters; prepare such ordinances and resolutions as are needed for normal operations of the City; and, 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, legal efforts/consultation and/or litigation of City matters not in the Hardy District Court; bond issues, legal

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efforts/consultation and/or litigation of matters related to Hardy Water and Sewer Department or Hardy 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. Emergency Clause: It is found and declared by the City Council of the City of Hardy, Arkansas, that this Ordinance is necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Hardy, and an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage, approval and publication.

Passed and approved this 6th day of April, 2021

APPROVED:


ERNIE ROSE, MAYOR

ATTEST:


GREG BESS, CITY RECORDER/TREASURER

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