

ORDINANCE NO.: 2019 - _____

AN ORDINANCE DEFINING THE DUTIES AND RESPONSIBILITIES OF THE ELECTED CITY ATTORNEY FOR THE CITY OF BRYANT, ARKANSAS

WHEREAS, the City of Bryant has defined the duties of the Elected City Attorney via Ordinance No. 2005 – 33, duly adopted by the City Council and taking effect on January 1, 2006;

WHEREAS, the City of Bryant repealed Ordinance No. 2005 – 33 and replaced it with Ordinance No.: 2015 – 15 redefining the duties of the Elected City Attorney, being duly adopted by the City Council and taking effect on April 28, 2015;

WHEREAS, the City of Bryant wishes to repeal Ordinance No.: 2015 – 15 and replace it with the following list of duties and responsibilities for the Elected City Attorney for the City of Bryant, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, SALINE COUNTY, ARKANSAS:

Section 1: Ordinance 2015 – 15 is hereby repealed.

Section 2: Office of City Attorney. The City Attorney is the duly elected official, in accordance with Arkansas Statute, providing legal representation and overall professional supervision of the legal affairs of the City of Bryant.

Section 3: Duties of the City Attorney. In addition to the provisions in Arkansas Statute 14-43-313, it shall be the duty of the City Attorney to:

- A. Advise the Mayor, the City Council, members of city boards, commissions and other city officials in all legal matters pertaining to city operations and interests.
- B. Represents the City of Bryant in all legal matters that result in litigation before local, state and federal courts and administrative boards.
- C. Prepare ordinances and resolutions that come before the City Council for consideration.
- D. Attend city council, staff and other meetings.
- E. Draft and review contracts, agreements, leases and all other legal documents pertaining to city affairs.
- F. Respond to EEOC charges and requests for information.
- G. Respond to requests under the Arkansas Freedom of Information Act.

- H. Update policies and ordinances to maintain compliance with changes in state and federal law.
- I. Work with outside counsel retained by City for preparation of bonds and litigation.
- J. The City Attorney is responsible for the prosecution of all criminal and civil City of Bryant code violations occurring within the corporate limits of the City of Bryant, and shall prosecute all misdemeanor criminal violations occurring within the corporate limits of the City of Bryant unless the city is under contract with the Saline County Prosecuting Attorney or another qualified attorney to prosecute such criminal cases.

The City Attorney is permitted to maintain and participate in a private law practice that does not conflict with his duties assigned herein.

Section 4: Salary of the City Attorney. The City Attorney shall be paid in accordance with Ordinance 2009 – 24 and as amended by Ordinance 2011 – 27 for job duties A – I in Section 3 of this Ordinance.

If the City Attorney personally performs job duty J in Section 3 above and the city does not contract with another qualified attorney to prosecute crimes, then the City Attorney shall receive an additional \$25,000.00 (twenty-five thousand dollars) a year in compensation.

Section 5: If no one is elected as Bryant City Attorney. Pursuant to Arkansas Code Annotated § 14-43-315, if no attorney is residing in the city is elected as city attorney, the city council may select a resident attorney to fill the office for the remainder of the unfilled term.

If no resident attorney of the city is willing to serve as city attorney or if no attorney resides in the limits of the city, the mayor and the city council may contract with any licensed attorney of this state or the attorney’s firm to serve as legal advisor, counselor, or prosecutor until a qualified city attorney is elected or qualified. The duties of a nonresident attorney under such contract shall be prescribed by ordinance.

Section 6: Provisions Severable. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of the Ordinance are hereby declared to be severable.

Section 7: Repealer. All ordinances and resolutions and parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 8: Effective Date. This Ordinance shall be effective retroactive to January 1, 2019.

Section 9: Emergency Declared. This Ordinance is necessary to preserve the public peace, health, safety and welfare, an emergency is declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage.

**PASSED AND APPROVED THIS ____ DAY OF JANUARY, 2019, BY THE CITY
COUNCIL OF BRYANT, ARKANSAS.**

Allen Scott, Mayor

Attest:

Sue Ashcraft, City Clerk