

ORDINANCE A2006-06

AN ORDINANCE TO AMEND ORDINANCE 2003-13, ESTABLISHING THE OFFICE OF THE CITY ATTORNEY FOR THE CITY OF CHEROKEE VILLAGE AS AN APPOINTED OFFICE, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, Section 14-43-319 of the Arkansas Code of 2005 Annotated, provides that cities of the first class with a population under 5,000 may by ordinance establish that the office of City Attorney will be appointed, and

WHEREAS, the City Council has determined that it is in the best interest of the City of Cherokee Village that the office of City Attorney be an appointed office;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE, THAT:

SECTION 1. Section 1 shall be changed to read, "The qualifications, election, and term of the office of City Attorney shall be as provided by state law, and effective immediately, the office of the City Attorney of the City of Cherokee Village, Arkansas, shall be an appointed office. The City Attorney shall be permitted to engage in the private practice of law during his term of office.

SECTION 2. Section 4 shall be deleted. ~~If not prohibited from doing so by any applicable rule or rules of professional conduct in effect during the term of office the City Attorney shall:~~

- 1) ~~Prosecute all violations of city ordinances in all courts;~~
- 2) Prosecute in the name- of the state in the district courts, circuit courts or the state

limits of the city.

SECTION 3. That the appointment of the City Attorney shall be made by the mayor with a majority vote of the members of the City Council. Said appointment will be on an annual basis starting in 2007, running January 1 through December 31.

SECTION 4. That the person so appointed shall have all the duties as prescribed by Arkansas law and such other duties as may be prescribed from time to time by proper Ordinance of the Council.

SECTION 5. The City Council recognizes its need for representation and advice regarding legal matters for the City of Cherokee Village, Arkansas, and finds that the appointment of a City Attorney will best insure the city a manner in which to provide for continuous and competent representation. The City Council finds that this ordinance is required to insure the health, safety and welfare of the citizens and government of the City of Cherokee Village, Arkansas. Therefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and posting, as required by law.

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

DATED: April 20, 2006

APPROVED: _____

Ray Maynard, Mayor

ATTEST: _____

Susan E. Maynard, Clerk /Treasurer