

**CITY OF PROSPECT
ORDINANCE NO. 572, SERIES 2019**

**AN ORDINANCE AMENDING AND MODIFYING CHAPTER 31.38 OF THE CODE OF
ORDINANCES OF THE CITY OF PROSPECT REGARDING THE
RESPONSIBILITIES OF THE CITY ATTORNEY**

WHEREAS, the City Attorney serves the interests of the City of Prospect and not the individual interests of the City's elected officials or employees; and

WHEREAS, KRS 83A.065(8) makes the city attorney responsible for pursuing all violations of city ordinances for which civil penalties or forfeitures are imposed or involving injunctive relief or abatement; and

WHEREAS, the City Council wishes to amend Chapter 31.38, CITY ATTORNEY, of the Prospect Code of Ordinances to clarify the role and duties of the City Attorney.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1. Chapter 31.38 CITY ATTORNEY is hereby amended as hereinafter set forth with old language struck through and bracketed, changes and new language being underlined and reading as follows:

(A) *Establishment.* Pursuant to KRS 83A.080 and KRS 69.850, there is hereby created the position of City Attorney, ~~[whose term of office shall be coincident with that of the Mayor.]~~

(B) *Qualifications.* ~~To be eligible for appointment, a person must] [be a resident of the county; be at least 25 years of age; and]~~ The City Attorney shall [be a licensed practicing attorney in the Commonwealth of Kentucky for five years. ~~[No person shall be eligible for the position of City Attorney who is a stockholder, officer, agent, attorney, or employee of any corporation or person holding any franchise under or having a contract with the city.]~~

(C) *Oath of office.* The City Attorney shall, before entering upon the discharge of duties of his office, take the oath set forth in §31.01.

(D) *Bond.* The City Attorney is not required to be bonded.

(E) *Compensation.* The City Attorney shall be compensated in accordance with the terms of a contract to be approved by the Council and executed by the Mayor.

(F) The Mayor shall appoint the City Attorney ~~[with]~~ subject to approval of the City Council. ~~[The City Attorney may only be removed from office by the Mayor for cause, with the approval of the City Council, after a hearing.]~~

(G) *Duties.* The City Attorney shall faithfully execute the following duties:

(1) Attend meetings of the City Council when requested by the Mayor and Council.

(2) Represent the City's interests by serving [Serve] as legal advisor to the Mayor, Council and city officers [~~and employees~~] on matters pertaining to [~~their duties.~~] City business.

(3) Represent the city in [~~litigation~~] legal actions, when authorized to do so by the Mayor and Council.

(4) Draft and/or review contracts, ordinances, and other documents required by the city, when authorized by the Mayor and/or the Council.

(5) Pursue enforcement of violations of City Ordinances in accordance with KRS 83A.065.

(6) Render additional legal services as assigned by the Mayor and Council.

Section 2. This Ordinance shall take effect from and after its passage, signing, and publication as required by law.

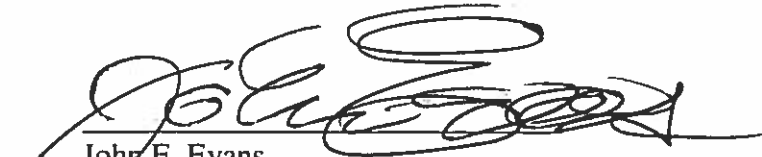
First Reading this 18th day of February 2019.

Second Reading this 18th day of March, 2019.

"Aye" votes: 6

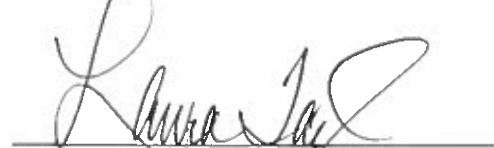
"Nay" votes: 0

APPROVED:



John E. Evans
Mayor, City of Prospect

ATTEST:



Laura Taylor
City Clerk