

Faulkner County  
Quorum Court  
(501) 450-4900  
Conway, Arkansas 72034

**FAULKNER COUNTY QUORUM COURT**

**ORDINANCE 08-27**

**BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF FAULKNER, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: AN ORDINANCE CREATING THE OFFICE OF COUNTY CIVIL ATTORNEY AND FOR OTHER PURPOSES.**

WHEREAS, absent the creation and funding of the Office of the Faulkner County Civil Attorney, Faulkner County is left with the minimal level of services; and

WHEREAS, the creation of the Office of County Civil Attorney provides an avenue for commencement, prosecution, and defense of all civil actions in which the County is concerned, render opinions, as requested, to any township or county official on any question of civil law concerning the county which is pending before the official, and perform all civil duties the laws of the State of Arkansas mandates are to be performed by the prosecuting attorney.

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF FAULKNER COUNTY, ARKANSAS, THAT:**

Section 1: The office of the County Civil Attorney is hereby created pursuant to the authority granted by, and in accord with the provisions of A.C.A. § 16-21-114, which states:

- (a) A county civil attorney or county attorney may be selected pursuant to ordinance of the quorum court for each county in the state.
- (b) The county attorney shall commence and prosecute or defend all civil actions in which his county is concerned.
- (c) The county attorney shall give his opinion, without fee or reward, to any township or county official on any question of civil law concerning the county which is pending before the official.
- (d) All civil duties provided by the laws of the State of Arkansas or the ordinances of the several counties to be performed by the prosecuting attorney shall be performed by the county attorney in those counties which have established the office of civil attorney.
- (e) The office of county attorney shall be funded pursuant to ordinance of the quorum court of the county.
- (f) (1) In counties having a full-time office of county civil attorney or a contract county civil attorney, every municipality, school district, and other local taxing unit receiving ad valorem or other tax funds collected by county collectors shall reimburse the county for the taxing unit's pro rata share of the necessary legal costs incurred by the county in assessing property, collecting taxes, and receiving and disbursing revenues for the unit.
- (2) Such legal costs shall include:

(A) Reasonable expenses incurred by a county civil attorney and his staff while providing tax-related legal services for the unit; and

(B) A percentage of the salaries and fringe benefits of a full-time county civil attorney and his staff based on the ratio between time spent on tax-related legal services for the taxing unit and time spent on all legal services; and

(C) A reasonable fee charged by a contract county civil attorney for services rendered regarding the assessment, collection, receipt, or disbursement of taxes.

(3) The amount to be reimbursed annually by each taxing unit, as its pro rata share of the county's necessary legal costs, shall be based on the proportion that the total of taxes collected for the benefit of each taxing unit bears to the total of taxes collected for the benefit of all taxing units.

(4) To facilitate reimbursement, there is hereby created a county attorney's fund, which shall be administered in the same manner as the county assessor's fund established in § 14-15-204.

Section 2: The County Attorney shall attend the regular monthly Quorum Court meetings and all Special Quorum Court meetings and advise County Officials and represent the County in all civil law matters.

Section 3: The County Civil Attorney shall be compensated from the County General Fund.

Section 4: The County Civil Attorney shall be authorized to associate co-counsel, as needed, provided that the County shall not be obligated for compensation beyond the amounts duly appropriated for the provision of County Civil Attorney services.


Section 5: Severability – In the event any portion of this ordinance is declared or adjudged invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance and the remaining portions of the ordinance shall be executed fully and faithfully.

Section 6: An emergency is hereby declared to exist as this Ordinance is necessary for the proper and timely conduct of county operations and this Ordinance shall be in force and take effect upon passage and publication.

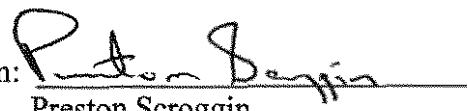
Dated: November 18, 2008

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Attest:

  
Jeff Johnston  
Quorum Court Secretariat  
Faulkner County, Arkansas

Affirm:

  
Preston Scroggin  
Faulkner County Judge  
Faulkner County Arkansas