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CHAPTER 31: CITY OFFICIALS

**ARTICLE I
GENERAL PROVISIONS**

31.01 Form Of Government

The form of government provided for this city is hereby known as the "Aldermanic form of government."

(Ord. No. 3651, §1, 11-10-92)

31.02 Removal From Office; Filling Vacancies

(A) *Elected officers.*

Elected officials of the City of Fayetteville may be removed from the office pursuant to A.C.A. §14-42-109 upon a finding by a Circuit Court that such official is guilty of nonfeasance in office.

(B) If any such official is removed for nonfeasance, the vacancy shall be filled in the manner provided by state law. When any official is removed under the provisions of subsection (A) of this section, the vacancy shall be filled in the manner provided by law.

(Code 1965, §§2-14, 2-15; Ord. No. 761, 9-4-33; Code 1991, §31.01)

State law reference(s)--Removal of elective or appointed officers, A.C.A. §14-42-109.

31.03-31.14 Reserved

**ARTICLE II
ELECTED OFFICIALS***

31.15 City Council; Mayor

(A) There shall be eight aldermen on the City Council, who shall be elected as set forth in §32.01.

(B) The Mayor shall perform such duties as are prescribed by law for mayors of cities of the first class having an aldermanic form of government.

State law reference(s)-- Officials in mayor-council cities of 50,000 or more, A.C.A. §14-43-303; Mayor generally, A.C.A. §14-43-401.

31.16 Aldermen, Compensation

Compensation for each alderman shall be in the amount of \$700.00 per month without regular city benefits.

(Ord. No. 3660, §§1, 2, 12-1-92; Ord. No. 4109, §1, 8-4-98)

State law reference(s)--Compensation of officials generally, A.C.A. §14-43-409.

31.17 Mayor's Compensation

Compensation for the mayor shall be as follows:

(A) The base salary shall be set at a level that is 5% greater than the average of the salaries of each chief and the department directors reporting to the Mayor.

(B) The salary shall be adjusted one time per year, as provided above, at the payroll period coincident with or first following January 1st.

(C) Termination and replacement of an employee in the positions designated above is not cause for a pay increase or decrease at the time of such action.

(D) A newly elected mayor shall make an irrevocable election in writing during his or her first two months in office whether or not to be paid an annual automobile allowance of \$5,000.00 in equal monthly installments during the mayor's term of office. If a mayor does not make such election in writing, the automobile allowance shall not be paid during the mayor's term of office.

(Ord. No. 3659, §§1, 2, 12-1-92; Ord. No. 3764, §1, 3-1-94; Code 1991, §31.17; Ord. No. 5214, 1-20-09)

State law reference(s)--Compensation of officials generally, A.C.A. §14-43-409.

31.18 District Judge Compensation

(A) The District Judge of Fayetteville's compensation shall fall within the current pay range determined by the most recent public sector survey conducted by the city, or independent survey contractor and any applicable state law.

(B) Annually at the first payroll period coincident with or first following January 1st, a pay adjustment will be made equal to the average percentage pay increase granted to regular full time non-civil service city employees during the previous

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calendar year.

- (C) Cumulative annual pay increases over time may not cause the salary level to exceed the salary range for the position without City Council approval.

(Ord. No. 4357, 12-18-01)

Cross reference(s)--District Judge, §38.02.

State law reference(s)-- Salaries of personnel and other requirements of various municipal courts, A.C.A. §16-17-108.

31.19-31.29 Reserved

31.30 Office Of City Clerk-Treasurer

- (A) *Created.* There is hereby created the office of the City Clerk, a department of the city. The City Clerk is hereby designated Clerk-Treasurer by the City Council and shall assume the duties of both clerk and treasurer. The office of City Clerk shall consist of the elected City Clerk, who shall be head of the office of City Clerk, together with Deputy City Clerks, Microfilm Clerks, Secretaries, Clerks, and such other employees as may from time to time be required by the office of the City Clerk. The number of employees in each of these categories and their respective salaries shall be fixed from time to time by the City Council through the city's budgetary processes.

- (B) *Hiring.* The elected City Clerk shall hire and supervise the employees of the office of the City Clerk following the city personnel policy.

- (C) *Duties.* The duties of the City Clerk with the assistance of the staff of the office of City Clerk shall be as follows:

- (1) The City Clerk shall perform such duties as are prescribed by law for City Clerks of cities of the first class having an aldermanic form of government and such duties as may be prescribed by the City Council.
- (2) The duties prescribed for the City Clerk shall be performed by the City Clerk, and in the absence of the City Clerk by a Deputy City Clerk appointed by the City Clerk.

- (D) *Full-time employment.* The City Clerk and his/her duly authorized deputies and/or assistants shall be full-time officers and employees of the City of Fayetteville and shall not engage in outside

employment without complying with the city's personnel policy.

- (E) *Salary.*

- (1) Salary for a newly elected or appointed City Clerk shall be \$45,000.00.
- (2) Upon re-election to the same position, the official shall retain their existing pay level.
- (3) Annually at the first payroll period coincident with or first following January 1st, a pay adjustment will be made equal to the average percentage pay increase granted to regular full-time non civil service city employees during the previous calendar year.
- (4) Cumulative annual pay increases over time may not cause the salary level to exceed the salary range for the position without City Council approval.

State law reference(s)--Duties of City Clerk, A.C.A. §14-43-506; Clerk-Treasurer in Mayor-Council cities, A.C.A. §14-43-405.

31.31 Full Time Elected City Officials To Elect Whether To Be Treated As Normal City Employees For Vacation And Sick Leave Purposes

- (A) *Irrevocable Election During First Month Of Term Of Office*

- (1) During the first month of a newly elected mayor's, city clerk's or city attorney's term of office, said official shall make an irrevocable election in writing to the Human Resources Division whether to be treated as a normal, non-elected city employee for purposes of vacation and sick leave accumulation and use. If the newly elected official fails to make a specific election within the first month of his or her term of office, the official shall be deemed to have opted not to be treated as a normal city employee for vacation and sick leave purposes.

- (B) *City pay and benefits controlled by irrevocable election.*

- (1) Subject to federal employment law requirements, if the elected official opts to be treated as a normal city employee, then the salary and benefits of the elected official

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shall be controlled by the official's irrevocable election such that if such elected official takes more vacation or sick leave than such official has earned, the amount of vacation or sick leave above the accrued amount shall be unpaid leave.

(Ord. 5212, 1-20-09)

31.32-31.44 Reserved

31.45 City Attorney; Legal Department

(A) *Legal Department created.* There is hereby created the Legal Department, a department of the city. The legal department shall consist of the elected City Attorney, who shall be head of the legal department, together with Assistant City Attorneys, City Prosecutor, Assistant City Prosecutors, Legal Interns, Paralegals, Legal Secretaries, Clerks and such other employees as may from time to time be required by the legal department. The number of employees in each of these categories and their respective salaries shall be fixed from time to time by the City Council through the city's budgetary processes.

(B) *Hiring.* The elected City Attorney shall hire and supervise the employees of the city legal department following city personnel policy.

(C) *Duties.* The duties of the City Attorney with the assistance of the staff of the legal department shall be as follows:

- (1) To draft all ordinances, resolutions, contracts, leases, conveyances, bonds, and such other instruments of writing as may be required by the business of the city.
- (2) To furnish written opinions upon subjects of a legal nature relating to the affairs of the city government when requested to do so by the mayor, an administrative department head, a member of the City Council, or the chairperson of any administrative board, commission, or authority of the city.
- (3) To furnish legal advice regarding the activities of the city to the mayor, members of the City Council, and all other city officials and administrative department heads.
- (4) To attend meetings of the City Council, Planning Commission, Board of Adjustments, A & P Commission, and upon request by the chairperson thereof, to attend

any meeting of any other City Council Committee, administrative board, commission, or authority of the city.

(5) Represent the city as needed in civil litigation; file all cases and civil actions approved by the City Council required to protect the interests of the city.

(6) To prosecute all cases whether civil or criminal involving the violation or enforcement of city ordinances before the district court; to prosecute all cases whether civil or misdemeanor criminal cases involving violations of the state laws within the corporate limits of the city before the district, juvenile, or circuit courts and to prosecute or defend all appeals of any of such cases from the district court to the circuit court. The city attorney shall assign at least one full-time assistant city attorney as city prosecutor to carry out such duties.

(7) Perform such other duties as are prescribed by law for city attorneys of cities of the first class.

(D) *Full-time employment.* The City Attorney and his/her duly authorized assistants shall be full time officers and employees of the City of Fayetteville and shall not engage in outside employment, including the private practice of law, without complying with the city's personnel policy.

(E) *Authority to retain counsel other than City Attorney.* Should the City Council determine that it would be in the best interest of the city for an attorney other than the City Attorney to render legal services in connection with a legal matter or legal proceedings, the City Council may, by majority vote, retain a private attorney to render said services.

(F) *Restrictions.* The legal department of the city shall not be required to render legal services in connection with a legal matter or legal proceeding not otherwise provided for in subsection (A) above, including but not limited to, bond opinions, representation of any independent organizations, boards, councils or foundations and performing any duties for any improvement district.

(G) *Salary.*

- (1) Salary for a newly elected or appointed City Attorney is established at \$65,000.00.

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- (2) Upon re-election to the same position, the official shall retain their existing pay level.
- (3) Annually at the first payroll period coincident with or first following January 1st, a pay adjustment will be made equal to the average percentage pay increase granted to regular full-time non civil service city employees during the previous calendar year.
- (4) Cumulative annual pay increases over time may not cause the salary level to exceed the salary range for the position without City Council approval.

(Code 1965, §2-11; Ord. No. 1474, 12-6-69; Ord. No. 1865, 5-26-72; Ord. No. 1991, 3-5-74; Ord. No. 3744, §1, 12-7-93; Ord. No. 3765, §1, 3-1-94; Code 1991, § 31.45; Ord. 4440, 11-19-02)

State law reference(s)--City Attorney in Mayor-Council of 50,000 or more, A.C.A. §14-43-314; Compensation of City Attorneys, A.C.A. §14-43-410; Deputy City Attorneys, A.C.A. §14-43-407.

31.46 Freezing Elected City Officials' Compensation If In Excess Of \$80,000.00

Because of the difficult economic conditions, the compensation of any elected City Official earning in excess of \$80,000.00 shall be frozen and not increased pursuant to the formulas in §§ 31.17, 31.18, 31.30, and 31.45. The financial condition of the City and its projected revenue increase or decrease shall be evaluated by the City Council during budgetary discussions, and the City Council shall determine by December 10th of each year whether the City's financial condition justifies the continuance of this freezing of compensation for elected officials earning in excess of \$80,000.00.

(Ord. 5214, 1-20-09)