

**ORDINANCE NO. 1603**

**AN ORDINANCE DESIGNATING TERM OF OFFICE, COMPENSATION, QUALIFICATIONS, AND DUTIES OF THE CITY ATTORNEY OF THE CITY OF COLBY, KANSAS, AS AUTHORIZED BY K.S.A. 14-201 AND 14-205; REPEALING ORDINANCE NO. 1589 DATED DECEMBER 5, 2017.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COLBY, KANSAS:**

**SECTION 1. CITY ATTORNEY APPOINTMENT AND TERM OF OFFICE.**

The City Attorney shall be appointed by the Mayor, by and with the consent of the Council, for a term of one year, the term beginning each year on January 1, and until their successor appointed and qualified;

**SECTION 2. CITY ATTORNEY ELIGIBILITY.**

No person shall be eligible for the office of City Attorney who is not by profession an attorney-at-law admitted to practice in the Supreme Court of Kansas;

**SECTION 3. CITY ATTORNEY QUALIFICATIONS.**

The City Attorney shall be a qualified elector of Thomas County;

**SECTION 4. CITY ATTORNEY COMPENSATION.**

The Salary of the City Attorney for the 2019 term is \$235.00 per hour, paid membership for the Kansas City Attorneys' Association, and reimbursement for registration fee, mileage, and lodging to attend the Annual Meeting.

**SECTION 5. CITY ATTORNEY JOB DESCRIPTION.**

The duties and responsibilities of the City Attorney within the monthly salary shall be:

- I. The City Attorney shall represent the City of Colby and shall perform all duties required of city attorneys of a city of the second class within the State of Kansas as required by the laws of the State of Kansas; and, further, all duties as required by ordinances passed by the City of Colby, Kansas, provided, however, that the City Attorney position is not a full-time employee of the City of Colby and shall not be entitled to benefits accorded to the City employees. The City Attorney's duties shall include the following, to-wit:
  - (a) Enforce the City of Colby Municipal Code and prosecute related offenses as authorized by the City Manager.
  - (b) Prosecute violations of city ordinances and assist the City Prosecutor:
    - I. as deemed necessary by the City Prosecutor and Attorney,
    - ii. when the City Prosecutor has a conflict of interest,
    - iii. as requested by the City Manager

- (c) Give legal advice to city officials, Police and Fire Department employees, and other city employees as authorized by the City Manager.
  - (d) Prepare certain legal papers and documents as required which may include preparation of certain ordinances and resolutions.
  - (e) Attend all regular Council meetings as requested; and, upon request, special Council meetings or board meetings as advisor.
- II. Representation, not included in normal service as above described, shall be authorized by the governing body of the City of Colby, Kansas. This representation is not part of the City Attorney's normal duties, and shall be billed at an hourly rate approved by the Governing Body. Such representation may include bond issues, litigation, condemnation proceedings, jury trials above the Municipal Court level, and out-of-city legal services on behalf of the City of Colby.
- III. The City Attorney shall furnish a monthly accounting of the service provided under the monthly retainer and billed as additional representation.

Nothing herein shall prevent or limit the City Attorney from conducting his private practice or prevent the City of Colby from obtaining other counsel to represent it on specific matters or cases not included under the duties of the City Attorney.

**SECTION 6. REPEALER.** Ordinance No. 1589, dated December 5, 2017, is hereby repealed.

**SECTION 7.** This Ordinance shall be in full force and effect from and after its publication in the official city paper as provided by law.

**PASSED** by the Governing Body and approved by the Mayor this 20<sup>th</sup> day of November, 2018.

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Gary L. Adrian, Mayor

ATTEST:

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Joni L. Ketchum, City Clerk

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