

Regular City Council Meeting
December 8, 2025

ORDINANCE NO. 2025-25

**AN ORDINANCE OF THE
THE CITY OF FAIRFIELD BAY, ARKANSAS,
CONCERNING CITY ATTORNEY;
AND FOR OTHER PURPOSES**

WHEREAS, The City Council on or about December 5, 2024, passed a Resolution, signed by the Acting Mayor, approving continued appointment of the City Attorney for the 2025 fiscal year; and

WHEREAS, There has been a change in state statute, which will be effective for the next calendar year (A.C.A. § 14-42-112); and

WHEREAS, the City Council has approved the 2026 Budget (and Amended 2026 Budget), by Ordinance, which Budget provides for legal services with the Council's implicit approval of the continued employment of the current City Attorney; and

WHEREAS, the City Council, with the Mayor's approval, seeks the continued employment of the current City Attorney, in accordance with state statutes, for the next calendar year;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS:

1. NOT TO BE CODIFIED: That the City Council has reviewed the services provided by the City Attorney, during the course of its budget process, and, with approval of the CITY'S 2026 Budget, passed by the Council on November 24, 2025, with an amendment passed by the City Council later that day, the Council HEREBY APPROVES the continued contractual agreement with the current City Attorney for the next budget year, ending December 31, 2026, by written agreement, at the service level approved in the 2026 Budget (as amended).

2. CODIFICATION REQUIRED: That the Municipal Code be, and it is hereby, AMENDED, as follows, with new language additions in ***bold italics***, and deletions set forth in boldface text, interlineated like the word **deletions**. Municipal Code Section 2.40.01, be and it is hereby, amended to read:

2.40.01 Appointment Be it ordained by the city of Fairfield Bay, Arkansas, that a City Attorney ~~may~~ ***will*** be appointed by the Fairfield Bay City Council and will serve *for the statutory term of years, with performance reviews conducted by at the pleasure of* the Mayor and City Council. *A City Attorney shall be designated as a Department Head during the term of office. The City Council may, by Ordinance, authorize the Mayor to contract for legal representation by an attorney licensed in the state of Arkansas, as the City Attorney, on such additional terms and conditions to which the City Council may require.*

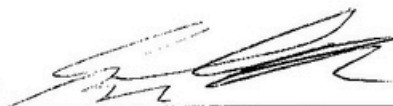
3. NOT TO BE CODIFIED: The City Council finds and concludes that a one-year agreement for legal representation is the most effective way of providing continued legal services for the City, for present purposes, while providing the City with maximum flexibility in obtaining representation, as currently allowed by the new state statute. Consequently, as a condition of the City's agreement for provision of legal services, the City Council, with the Mayor's concurrence, requires that any subsequent contract to provide legal services also include a clause requiring the City to provide no fewer than ninety (90) days written notice of any change in the contractual arrangement, and any diminution in the arrangement for compensation, or services, or either of these, or both of these; written notice shall be by certified mail, with a hard-copy return receipt requested. The City Council hereby AUTHORIZES, APPROVES, AND REQUESTS the Mayor to sign an appropriate agreement with the City Attorney for the 2026 calendar year, accordingly.
4. NOT TO BE CODIFIED: The City Council shall, and does hereby, approve the continued contractual agreement for provision of legal services upon the adoption of subsequent City Budget Ordinances, for the licensed attorney of this State who is contracted with the City at the time of adoption of the subsequent Budget Ordinance, unless otherwise specified by Ordinance.
5. NOT TO BE CODIFIED: **EMERGENCY CLAUSE:** Because of the potential danger to public peace, health, and safety, and in particular as a result of the need for implementation of changes to address changes to state law, AN EMERGENCY IS

HEREBY DECLARED TO EXIST, and this Ordinance being necessary for the peace, health, safety, and general welfare of the City and its Citizens, taxpayers, residents, visitors, tenants, and other occupants, IT SHALL BE IN FULL FORCE AND EFFECT at 12:01 am, on January 1, 2026, and thereafter. A written agreement executed before that date shall be, and it is hereby, RATIFIED, CONFIRMED, AND APPROVED, in accordance with the 2026 Budget Ordinance and 2026 Amended Budget Ordinance, to be effective for the Budget year ending on December 31, 2026.

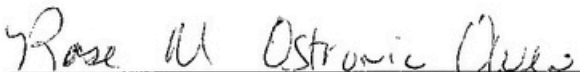
6. NOT TO BE CODIFIED: **SEVERABILITY CLAUSE:** If any provision of this Ordinance, or the application thereof, to any person or circumstance, is held invalid for any reason, such invalidity shall not affect other provisions or applications of this Ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this Ordinance, are declared severable.

SO BE IT ORDAINED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS on this 8th day of December, 2025, at a regular Meeting of the City Council.

APPROVED: _____


Honorable Seth J. Connell
Mayor
City of Fairfield Bay

ATTEST, a true copy:


Honorable Rose M. Ostronic Owen
Recorder-Treasurer

Prepared at the request of Council,
Mayor, and Budget Committee:
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Little Rock AR 72225-1570
Rev2: 12/7/25