

ORDINANCE NO. 52-96

AN ORDINANCE ESTABLISHING A CITY COURT, SETTING THE COMPENSATION FOR A CITY JUDGE AND COURT CLERK FOR THE CITY COURT OF THE TOWN OF OAK GROVE, ARKANSAS, PAYMENT OF EXPENSES, WAIVING BOND AND FOR OTHER CITY COURT RELATED MATTERS.

WHEREAS, for the enforcement of its ordinances, the Town of Oak Grove, Arkansas, is in need of a City Court as provided by Arkansas Code Anno. §14-45-106, and

WHEREAS, the current Mayor of the Town of Oak Grove, Arkansas, does not desire to sit as the Judge of the City Court of the Town of Oak Grove, Arkansas, and

WHEREAS, Ark. Code Anno. §14-45-106(b) provides that the Mayor may designate at such times as she shall choose to do so, any attorney regularly licensed to practice law and who is a resident of Carroll County to sit in the Mayor's stead as the Judge of the City Court,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF OAK GROVE, ARKANSAS:

Section 1: Any qualified attorney who is designated by the Mayor of the Town of Oak Grove, Arkansas, as the Judge of the City Court of the Town of Oak Grove, Arkansas, shall be paid from the general funds of this town for his or her services as Judge of said Court as set forth in Section 2 herein.

Section 2: The compensation to be paid the Judge of the City Court of the Town of Oak Grove, Arkansas, shall be

either \$200.00 per case or \$350.00 for a half-day in which more than one case is heard at the same sitting of the City Court.

Section 3: The Judge as designated by the Mayor shall have the right to designate and appoint a Clerk of the City Court. The Court Clerk shall be paid \$10.00 per hour for all time spent on matters of the Oak Grove City Court.

Section 4: The Town of Oak Grove shall supply and pay for reasonable postage expense and court and/or office supplies as may be needed for the administration of the City Court.

Section 5: The Judge of the City Court shall keep a docket and charge and collect the same fees as justices of the peace are allowed for similar services.

Section 6: It is determined that a bond is not necessary at this time and therefore the requirement of a bond is waived.

Section 7: The provisions of this Ordinance are hereby declared to be severable. If any provision shall be held to be invalid or to be inapplicable to any persons or circumstances, such invalidity or inapplicability shall not affect the remainder of the provisions of this Ordinance.

Section 8: All Ordinances and Resolutions and any parts thereof in conflict, in whole or in part, with any of

the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 9: The Council of the Town of Oak Grove, Arkansas, has determined that it is in immediate need of the enforcement of its ordinances and that the enforcement of its ordinances is found to be essential to the health, safety and welfare of the town. Therefore, an emergency is declared to exist, and this Ordinance being necessary in order that the Town of Oak Grove may enforce its ordinances and that this Ordinance being necessary for the preservation of the public peace, health and safety, it shall take effect and be in full force and effect from the date of its passage, approval and publication according to law.

PASSED AND APPROVED BY THE COUNCIL OF THE TOWN OF OAK GROVE, ARKANSAS, THIS 26th DAY OF February, 1996.

APPROVED:

BY: Jean L. Morgan
Jean L. Morgan, Mayor

ATTEST:

Betsy A. Carlton
Town Clerk

AGREEMENT

WHEREAS, for the enforcement of its ordinances, the Town of Oak Grove, Arkansas, is in need of a City Court as provided by Ark. Code Anno. §14-45-106, and

WHEREAS, the current Mayor of the Town of Oak Grove, Arkansas, does not desire to sit as the Judge of the City Court of the Town of Oak Grove, Arkansas, and

WHEREAS, Ark. Code Anno. §14-45-106(c) provides that the Mayor may designate at such times as she shall choose to do so, any attorney regularly licensed to practice law and who is a resident of the county in which the town of Oak Grove, Arkansas, is located, to sit in the Mayor's stead as judge of the City Court, and

WHEREAS, the Honorable Kent Coxsey, a duly licensed attorney at law in the State of Arkansas and a resident of the Eastern District of Carroll County, Arkansas, has agreed to serve as the Judge of the City Court of the Town of Oak Grove, Arkansas,

NOW, THEREFORE, the Mayor of the Town of Oak Grove, Arkansas; the Town of Oak Grove, Arkansas; and the Honorable Kent Coxsey agree as follows:

1. That the Honorable Kent Coxsey or his designee on exchange shall serve as the designated Judge of the City Court of the Town of Oak Grove, Arkansas.

2. That the Town of Oak Grove, Arkansas, shall be solely responsible for the payment of compensation for the services of the Judge and Court Clerk for any cases brought before the City Court of the Town of Oak Grove, Arkansas, which are heard by the designated Judge; that the compensation to be paid to the Judge of by the Town of Oak Grove shall be either \$200.00 per case or \$350.00 for a half-day in which more than one case is heard at the same sitting of the City Court. The Court Clerk shall be paid at the rate of \$10.00 per hour for all time spent on matters of the Oak Grove City Court.

3. That the Judge and Clerk shall be responsible for maintaining a docket and records of the Oak Grove City Court as may be required by law. The Clerk shall be responsible for the preparation and filing of reports as may be required by law. The Town of Oak Grove shall be responsible for the payment for postage expense and any and all court and/or office supplies as may be needed for the administration of the Town of Oak Grove City Court.

4. That the Honorable Kent Coxsey shall have the authority to appoint or designate a Court Clerk, which clerk shall be responsible for the maintenance of the court's dockets, for the preparation and filing of reports as may be prescribed by law, as well as for any other duties as determined by the Judge of the City Court.

5. This agreement may be terminated by either party, including the Honorable Kent Coxsey, upon thirty (30) days written notice to the other parties, including the Honorable Kent Coxsey.

6. That the Mayor of the Town of Oak Grove, by her signature to this agreement, hereby joins in this agreement and hereby appoints, designates and commissions the Honorable Kent Coxsey and/or his designee on exchange to

serve in her stead as Judge of the City Court of the Town of Oak Grove, Arkansas.

7. That the Honorable Kent Coxsey, by his signature to this agreement, agrees to accept the appointment and/or designation as the Judge of the City Court of the Town of Oak Grove, Arkansas, in accordance with this agreement.

This agreement entered into this ____ day of _____, 1996.

TOWN OF OAK GROVE, ARKANSAS

BY: Jean L. Morgan
Honorable Jean L.
Morgan, Mayor

Kent Coxsey
Honorable Kent Coxsey, Judge

Jean L. Morgan
Honorable Jean L. Morgan,
Mayor

ATTEST: Patricia A. Carlton
Town Clerk