

ORDINANCE NO. 5278

AN ORDINANCE AMENDING SECTION 2-276 OF THE LINDSBORG MUNICIPAL CODE ESTABLISHING AND DEFINING THE POSITIONS AND RESPONSIBILITIES OF THE CITY ATTORNEY AND THE CITY PROSECUTOR AND AMENDING AND SECTION 2-108(a) ADDING THE CITY PROSECUTOR AS AN APPOINTED POSITION.

Section 1 Be It Ordained by the Governing Body of the City of Lindsborg, Kansas that Section 2-276 of the Lindsborg Municipal Code is hereby amended to read as follows:

Sec. 2-276. Office created; duties and responsibilities.

There is hereby established the office of city attorney. No person shall be eligible for the office of city attorney who is not an attorney at law admitted to practice in the Supreme Court of the State of Kansas. The city attorney shall be charged with the general direction and supervision of the legal affairs of the city. The city attorney shall:

- (1) Attend city council meetings when so directed to attend by the governing body;
- (2) Advise the governing body and all city officers upon such legal questions affecting the city and its offices as may be submitted to them;
- (3) When requested by the governing body, give opinions in writing upon any such questions;
- (4) Draft such ordinances, contracts, leases, easements, conveyances and other instruments in writing as may be submitted to them in the regular transaction of city affairs;
- (5) Approve all city ordinance as to form and legality;
- (6) Attend planning commission and board of zoning appeals meetings when so directed by the boards; and
- (7) Perform such other duties as may be prescribed by the governing body and state statute.

Section 2. Be it further ordained by the Governing Body of the City of Lindsborg, Kansas that Section 2-277 be added to the Lindsborg Municipal Code creating the office of city prosecutor to read as follows:

Sec. 2-277. Office created; duties and responsibilities.

There is hereby established the office of city prosecutor. No person shall be eligible for the office of city attorney who is not an attorney at law admitted to practice in the Supreme Court of the State of Kansas. The city prosecutor shall be charged with prosecution of violations of city ordinances of the city. The city prosecutor shall:

- (1) Appear and prosecute all citations and alleged violations of city ordinances in the municipal court when their services shall be required; and
- (2) Perform such other duties as may be prescribed by the governing body and state statute.

Section 3. Be it further ordained by the Governing Body of the City of Lindsborg, Kansas that Section 2-108(a) of the Lindsborg Municipal Code be amended to read as follows:

- (a) At the first regular meeting of the governing body in February of each, the mayor shall appoint, with the city council's consent, a city administrator, city treasurer, fire chief, chief of police, municipal judge, director of public safety, city clerk, city attorney, city prosecutor, public works director, parks and recreation director, and may appoint such other officers as may be deemed necessary. Officers so appointed and confirmed shall hold their office for a period of one year or until resignation, retirement, disqualification or removal for cause by two-thirds vote of council, whichever comes first.

Passed and adopted by the Governing Body on this 18th day of January 2021.

Becky Anderson, Mayor

ATTEST:

Roxie Sjogren
City Clerk

Approved as to form:

William E. Gusenius, City Attorney