

**ORDINANCE NO. 519**

**AN ORDINANCE AMENDING SECTION 1-312 OF CHAPTER I OF THE CITY CODE TO ALLOW FOR THE ESTABLISHMENT OF THE OFFICE OF A CITY PROSECUTOR**

WHEREAS, it is the Governing Body's desire to establish the office of City Prosecutor in the City Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:**

**SECTION 1:** Section 1-312 of Article 3 of Chapter I of the City Code is amended to read as follows:

- 1-312. CITY ATTORNEY DUTIES. 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:
- (a) Attend meetings of the governing body when so directed to attend by the governing body;
  - (b) Advise the governing body and all officers of the city upon such legal questions affecting the city and its offices as may be submitted to him or her;
  - (c) When requested by the governing body, give opinions in writing upon any such questions;
  - (d) Draft such ordinances, contracts, leases, easements, conveyances and other instruments in writing as may be submitted to him or her in the regular transaction of affairs of the city;
  - (e) Approve all ordinances of the city as to form and legality;
  - (f) Attend planning commission and board of zoning appeals meetings when so directed by the boards;
  - (g) Appear and prosecute all violations of city ordinances in municipal court when his or her services shall be required in the absence of a regularly appointed city prosecutor,
  - (h) Perform such other duties as may be prescribed by the governing body and the Kansas statutes.
- (Code 1989)

**SECTION 2:** Add Section 1-312a of Article 3 of Chapter I of the City Code as follows:

1-312a CITY PROSECUTOR DUTIES. There is hereby established the office of city prosecutor. No person shall be eligible for the office of city prosecutor 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 the general direction and supervision of the municipal court of the city. The city prosecutor shall:

- (a) Represent the City in the prosecution of municipal ordinance violations in municipal court (K.S.A. 12-4110);
- (b) Appear and prosecute all violations of city ordinances in municipal court.

- (c) Act on behalf of the city and exercise discretion in accepting cases for prosecution and the way a case is handled;
- (d) Establish a plan of diversion to handle certain cases;
- (e) Develop complaint and notice to appear forms in accordance with K.S.A. 12-4202 and K.S.A. 12-4204;
- (f) Represent the City in appeals from Municipal Court to the District Court;
- (g) Advise the governing body and all officers of the city upon such legal questions affecting the city and its offices as may be submitted to him or her;
- (h) When requested by the governing body, give opinions in writing upon any such questions;
- (i) Perform such other duties as may be prescribed by the governing body and the Kansas statutes.

**SECTION 3. REPEALER.** Former Section 1-312 of Article 3 of Chapter I of the City Code is hereby repealed.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall take effect upon approval by the Mayor and publication in the official City newspaper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF BASEHOR, KANSAS ON THE 20<sup>th</sup> DAY OF AUGUST, 2007.

  
CHRIS GARCIA, Mayor



ATTEST:

  
MARY MOGLE, City Clerk

APPROVED AS TO FORM:

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PATRICK G. REAVEY, City Attorney