

**VAN BUREN COUNTY QUORUM COURT**

**ORDINANCE NO. 2018-\_\_\_\_\_**

**BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF VAN BUREN, STATE OF ARKANSAS, AN APPROPRIATION ORDINANCE TO BE ENTITLED:**

**AN APPROPRIATION ORDINANCE TO AMEND THE ORIGINAL APPROPRIATION ORDINANCE #2017-39, THE ANNUAL OPERATING BUDGET FOR 2018, TO INCREASE THE PROJECTED REVENUE AND APPROPRIATE \$40,000.00 INTO THE COUNTY ATTORNEY'S DEPARTMENT #1000-0430-3005 – SPECIAL LEGAL.**

**WHEREAS:** A line item for funding a County Attorney's Department was created by Ordinance No. 2018-06 to administer payment of legal costs incurred in pending civil litigation filed by SWN Production Company (Arkansas), LLC, Van Buren County Circuit Court Case No. 71CV-17-251, being; and

**WHEREAS:** Twenty thousand dollars (\$20,000.00) was appropriated into said line item pursuant to Ordinance No. 2018-07 to fund initial legal costs pending research of the statutory requirements for procuring county attorney legal services, specifically whether competitive bidding is required; and

**WHEREAS:** Personal services such as legal services are not "commodities" which are subject to competitive bidding as set forth in Ark. Code Ann. § 14-22-101 *et seq.* Further, Ark. Code Ann. § 19-11-802(c)(1) states that competitive bidding shall not be used for the procurement of legal services by the County; and

**WHEREAS:** The County has lawfully selected an attorney to provide representation in the above referenced lawsuit; and

**WHEREAS:** There is a need to appropriate an additional forty thousand dollars (\$40,000.00) into line item #1000-0430-3005 – Special Legal to provide funding for anticipated legal costs in 2018; and

**WHEREAS:** The above referenced matter concerns the assessment and collection of ad valorem taxes and all attorney's fees incurred therefore are subject to reimbursement by all municipalities, school districts and other local taxing units receiving ad valorem or other tax funds collected by the County Collector pursuant Arkansas Code Annotated § 16-21-114(f).

**NOW THEREFORE BE IT ORDAINED BY THE QUORUM COURT OF VAN BUREN COUNTY, ARKANSAS THAT: \$40,000.00 be appropriated into the County General #1000-430-3005 – Special Legal.**

Approved this 15<sup>th</sup> day of February, 2018

**APPROVED:** \_\_\_\_\_  
**Roger Hooper, County Judge**

**ATTEST:** \_\_\_\_\_  
**Pam Bradford, County Clerk**