

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 27 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H1/15/09

A Bill

HOUSE BILL 1023

5 By: Representatives Pennartz, Glidewell, S. Malone, Barnett, Breedlove, Slinkard
6 By: Senator Altes
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For An Act To Be Entitled

9
10 AN ACT *CONCERNING OFFICERS* IN A CITY
11 ADMINISTRATOR FORM OF GOVERNMENT; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14
15 *CONCERNING OFFICERS IN A CITY*
16 *ADMINISTRATOR FORM OF GOVERNMENT.*
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 14-48-110 is amended to read as follows:

22 14-48-110. Board of directors and mayor generally.

23 (a)(1) The seven (7) directors elected by a city reorganized under
24 this chapter shall be known and designated as the board of directors of the
25 city.

26 (2) The board of directors shall constitute the legislative and
27 executive body of the city, subject to the powers of the mayor in § 14-48-
28 111, and shall be vested with all powers and authority which, immediately
29 prior to the effective date of the reorganization, were vested under then-
30 existing laws, ordinances, and resolutions in the governing body of the city
31 and in its board of public affairs subject to the powers of the city
32 administrator in § 14-48-117.

33 (3) Except ~~where~~ when expressly permitted under this chapter,
34 the mayor or ~~board member~~ director may not serve the city in any other
35 capacity.



1 (b)(1) The positions upon the board of directors shall, for election
2 purposes, be permanently designated as positions, numbered respectively, one,
3 two, three, four, five, six, and seven.

4 (2)(A) Each candidate for election to membership on the board of
5 directors shall specify the position for which he or she is running.

6 (B) The electors shall vote separately on the candidates
7 for each position, and the position sought by each candidate shall be shown
8 on the ballot.

9 (c)(1) Except in the instances ~~where~~ in which the mayor and directors
10 are elected at special elections as provided in §§ 14-48-108 and 14-48-109,
11 the mayor and ~~members of the board~~ directors shall be elected at the general
12 elections held biennially for the election of state and county offices.

13 (2) Each such general election shall be utilized for the
14 election of successors to the mayor and to those directors whose terms expire
15 on December 31 following the election.

16 (d)(1) All primary, general, and special elections of the mayor and
17 directors shall be nonpartisan, and the ballots shall show no party
18 designation.

19 (2)(A) In all primary, general, and special elections, each
20 candidate for the office of mayor or director shall be elected by the
21 electors of the city as follows:

22 (i) The persons elected to fill director positions
23 one, two, three, and four, respectively, shall be qualified electors of the
24 respective wards and shall be elected by the qualified electors of the
25 ~~respective wards;~~ and

26 (ii) The persons elected to fill the position of
27 mayor and director positions five, six, and seven, respectively, shall be
28 qualified electors of the city and shall be elected by the qualified electors
29 of the entire city.

30 (B) Neither the mayor nor a director shall be prohibited
31 from holding successive terms of office.

32 (C)(i)(a) The persons elected to fill director positions
33 one, two, three, and four, respectively, shall continue to reside in the ward
34 from which he or she was elected for the term for which he or she was
35 elected.

36 (b) The persons elected to fill the position

1 of mayor and director positions five, six, and seven, respectively, shall
 2 continue to reside in the city from which he or she was elected for the term
 3 for which he or she was elected.

4 (ii) If a duly elected director shall cease to
 5 reside in the ward or the city from which he or she was elected, the director
 6 shall be disqualified to hold the office and a vacancy shall exist that shall
 7 be filled as prescribed by law.

8 (e)(1) The mayor and any director elected at a special election shall
 9 take office on the first Monday following the certification, as required in
 10 this chapter, of his or her election.

11 (2) The mayor and any director elected at a general election
 12 shall take office on January 1 following his or her election.

13 (f)(1) At any primary, general, or special election for the election
 14 of the mayor or any director, any adult person who has resided within the
 15 municipality for at least six (6) months and is qualified to vote at an
 16 election of county or state offices shall be deemed a qualified elector.

17 (2) Any person ~~more than~~ twenty-one (21) years of age or older
 18 possessing these same qualifications also shall be eligible to run for the
 19 office of mayor or director.

20 (g) When a city is reorganized under this chapter, the mayor and board
 21 of directors will be divided into two (2) classes, and the tenure of office
 22 of those in each class shall be as follows:

23 (1) Director positions one, two, three, and four shall be Class
 24 Number One. Class ~~1~~ Number One directors shall serve until and including
 25 December 31 following the first general election held after their term of
 26 office commences and until their successors have been elected and qualified.
 27 Thereafter, those in Class ~~1~~ Number One shall serve four-year terms~~;~~ and

28 (2) The mayor and director positions five, six, and seven shall
 29 be Class Number Two. Class ~~2~~ Number Two directors shall serve until and
 30 including December 31 following the second general election held after their
 31 term of office commences, and until their successors have been elected and
 32 qualified. Thereafter, those in Class ~~2~~ Number Two shall serve four-year
 33 terms.

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 35 *SECTION 2. Arkansas Code § 14-48-112 is amended to read as follows:*
 36 *14-48-112. Assistant mayor or vice mayor.*

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(a)(1) The board of directors shall elect from its membership an assistant mayor or vice mayor who shall serve in that capacity for two (2) years or until his or her tenure of office as a director expires, whichever ~~may be~~ is shorter.

(2) The assistant mayor or vice mayor shall not be prohibited from serving in that capacity for more than one (1) term.

(b)(1) The assistant mayor or vice mayor shall act as mayor during the absence or disability of the mayor.

(2)(A) If a vacancy in the office of mayor occurs, the assistant mayor or vice mayor shall perform the duties of mayor until a successor mayor is elected.

(B)(i) If the mayor ~~shall be~~ is continuously absent or disabled for more than six (6) months, his or her office will automatically become vacant, and a successor mayor shall be elected.

(ii)(a) A certificate of the city clerk or recorder recorded in the record of the proceedings of the board as to the absence or disability of the mayor or as to any vacancy in the office of mayor may be relied upon by all persons dealing with the municipality as conclusive evidence of the assistant mayor's or vice mayor's authority to assume the powers of the mayor.

(b)(1) Where any such certificate is so recorded, upon the termination of the absence or disability of the mayor and the resumption by him or her of his or her official duties ~~as such~~, the city clerk or recorder shall record in the records of the board a separate certificate attesting that fact.

(2) This separate certificate shall show the date of the termination of absence or disability and resumption of duties.

/s/ Pennartz

APPROVED: 2/4/2009